

CHAMBER HEARING

June 2018

MATTERS DEALT WITH ON PAPER

Before: The Hon. Mr. Mario Michel, Justice of Appeal

Case Name: [1] Gaston Browne
v
[1] Damani Tabor
[2] Observer Radio Limited

[ANUHC VAP2018/0004]
(Antigua and Barbuda)

Date: Tuesday, 19th June 2018

On paper: Applicant / Mr. Charlesworth C. M. Tabor
Intended
Appellant:

Issue: Application for leave to appeal

Result /Order: IT IS HEREBY ORDERED THAT:
1. The application for leave to appeal the judgment of Master Fidela Corbin-Lincoln dated 13th February 2018 is granted.
2. The notice of appeal shall be filed and served within 21 days of the date of this order, together with such other documents as are required to be filed in accordance with Rule 62.10 of the Civil Procedure Rules 2000.

Reason: The Court was of the opinion that the applicant had met the threshold requirements for the grant of leave to appeal.

Case Name:

**Michael Josiah
v
Andrea Joseph**

**[ANUHC VAP2015/0031]
(Antigua and Barbuda)**

Date: **Tuesday, 19th June 2018**

On paper:

**Applicant / Mr. Hugh C. Marshall (Marshall & Co.)
Appellant:
Respondent: Ms. Safiya Roberts (Roberts & Co.)**

Issue: **Application for stay of execution of terms of consent order**

**Result / IT IS HEREBY ORDERED THAT:
Order: 1. The application for stay of execution of the order of this
Court dated 8th November 2017 is refused.
2. The applicant shall pay costs to the respondent in the
sum of \$1,000.**

Reason: **The Court was of the opinion that the applicant/appellant
had not met the threshold requirements for the grant of a
stay of execution of an order of the court, in that he had not
shown that he will face financial ruin if a stay was not
granted or that he has any real prospect of success in
getting the High Court to set aside an order of the Court of
Appeal.**

Case Name:

**Wesson Charles
v
Ruthlyn Merrick**

**[ANUHC VAP2018/0012]
(Antigua and Barbuda)**

Date: Tuesday, 19th June 2018

On paper:

Applicant: Ms. Saskia Diamond (Saskia Diamond & Associates)

Respondent: Lake & Kentish

Issues: Application for extension of time to file notice of appeal –
Application for stay of execution

**Result /
Order:** IT HEREBY ORDERED THAT:

1. The application for an extension of time to appeal against the judgment of Henry J dated 7th February 2018 is denied.
2. The application for a stay of execution of the judgment pending appeal is accordingly denied.

Reason: The Court was of the opinion that the applicant had not met the conjunctive requirements for the grant of an extension of time to appeal, in particular, the applicant had not given a good explanation for his failure to file a notice of appeal within the time provided by rule 62.5(1) of the Civil Procedure Rules 2000.

Case Name: Yida Zhang
v
Lux Locations Ltd.
[ANUHCVP2018/0013]
(Antigua and Barbuda)

Date: Tuesday, 19th June 2018

On paper:

**Applicant
Intended
Appellant:** / Mr. Damien Benjamin

Respondent: Mr. Justin L. Simon, QC (in respect of the stay application)

Issues: Application for leave to appeal – Application for stay of proceedings

Result / Order: IT IS HEREBY ORDERED THAT:
The application for leave to appeal and stay of proceedings is adjourned for further consideration on 22nd June 2018.

Case Name: [1] Stanford International Bank Limited (In Liquidation)
(Acting by and through its Joint Liquidators, Marcus A. Wide and Hugh Dickson)
v
[1] Proskauer Rose LLP
[2] Thomas V. Sjoblom
[ANUHCVP2018/0011]
(Antigua and Barbuda)

Date: Tuesday, 19th June 2018

On paper:

Applicant / Appellant: Ms. Nicolette M. Doherty

Respondent / Applicant: Watt, Dorsett & Company

Issues: Application for extension of time to file skeleton arguments – Application for extension of time to file submissions in opposition to the counter notice of appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. An extension of time is granted to the first respondent until 19th July 2018 to file a skeleton argument in opposition to the notice of appeal and in support of the counter notice of appeal.

2. The skeleton argument filed by the first respondent on 25th May 2018 is deemed to have been properly filed.
3. An extension of time is granted to the appellant to file written submissions in opposition to the counter-notice of appeal on or before 19th July 2018.
4. The appeal shall proceed thereafter in accordance with Part 62 of the Civil Procedure Rules 2000.

Reason:

The Court was of the view that both sides have met the requirements for the grant of extensions of time to file skeleton arguments in support of their appeals and in opposition to the appeals of the other side

Case Name:

Dr. Jose Humphreys

v

The Medical Council

**[ANUHCVP2017/0002]
(Antigua and Barbuda)**

Date:

Tuesday, 19th June 2018

On paper:

Applicant: Watt, Dorsett & Co.

**Respondent / Henry & Burnette
Applicant:**

Issue:

Application to strike out notice of appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The appellant shall file and serve submissions in response on or before 9th July 2018.
2. The application to strike out the notice of appeal is adjourned for further consideration at the next chamber sitting of this Court on 31st July 2018.

Reason: The Court noted that the submissions in support of the application to strike out the notice of appeal were filed and served on 19th June 2018. As such, the time for filing submissions in response had not yet expired.

Case Name: Campbell Coates
v
Tarin Winter
[ANUHCVP2017/0027]
(Antigua and Barbuda)

Date: Tuesday, 19th June 2018

On paper:
Applicant / Ms. Michelle G. Sterling (Samuel Fields Chambers)
Appellant:
Respondent: Justice Chambers Inc.

Issue: Application for stay of proceedings

Result / IT IS HEREBY ORDERED THAT:
Order:
1. Leave is granted to the respondent to file and serve an affidavit in response to the application for a stay of proceedings and skeleton arguments in response to the skeleton submissions filed by the appellant on or before 13th July 2018.
2. Hearing of the application of the stay of proceedings is adjourned to the next chamber sitting of this Court scheduled for 31st July 2018.

Reason: The Court noted that the respondent was personally served on 6th June 2018 with the notice of appeal, skeleton arguments in support of the appeal, application for a stay and skeleton arguments in support of the application. The

Court further noted that the time for responding had not yet expired.

Case Name: [1] George Rick James
V
[1] The Honourable Gaston Browne
[2] Honourable Steadroy Benjamin
[ANUHCVP2016/0015]
(Antigua and Barbuda)

Date: Tuesday, 19th June 2018

On paper:

Appellant: St. Mary's Chambers

Respondent / Ms. Alicia Aska (Attorney General's Chambers)
Applicant:

Issues: Application seeking an adjournment of the hearing of appeal – Application for extension of time to file a response, submissions and relief from sanctions

Result / IT IS HEREBY ORDERED THAT:
Order: 1. The Attorney General's Chambers shall file and serve an affidavit in support of the application for an extension of time to respond to the appeal on or before 6th July 2018.
2. Leave is granted to the appellant, George Rick James, to file and serve an affidavit in reply within 14 days of being served with the affidavit by the Attorney General's Chambers.
3. Consideration of the application for extension of time is adjourned to the next chamber sitting of this Court on 31st July 2018.

Reason: The Court noted that there were no sanctions imposed from which relief was required. The Court further noted that there was no evidence or submissions in support of the application for an extension of time.

Case Name:

Earl Junior Emanuel

V

The Police

**[DOMMCRAP2017/0024]
(Commonwealth of Dominica)**

Date:

Tuesday, 19th June 2018

On paper:

**Applicant / In person
Intended
Appellant:**

Respondent: The Office of the Director of Public Prosecutions

Issue:

Application for to leave to appeal against sentence

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. Leave is granted to the applicant to appeal against the sentence of three years in prison imposed on him by the Magistrate on 4th December 2017.**
- 2. The notice of appeal filed by the applicant in the Registrar General's Office on 7th December 2017 is deemed to be the duly-filed notice of appeal in this matter.**
- 3. Leave is given to the applicant to file and serve written submissions in support of his appeal on or before 19th August 2018.**
- 4. The respondent shall file and serve written submissions in response to this appeal on or before 19th September 2018.**
- 5. Hearing of this appeal is fixed for the next sitting of the Court of Appeal in the Commonwealth of Dominica during the week commencing 1st October 2018.**

Reason:

The Court was of the opinion that the applicant/intended appellant satisfied the requirements for the grant of leave to

appeal against sentence.

Case Name:

Kish Elizee

v

The State

**[DOMHCRAP2016/0003]
(Commonwealth of Dominica)**

Date:

Tuesday, 19th June 2018

On paper:

Appellant:

Ms. Dawn Yearwood-Stewart

Respondent:

The Office of the Director of Public Prosecutions

Issue:

Application for bail pending appeal against conviction and sentence

Result

/

Order:

IT IS HEREBY ORDERED THAT:

The application for bail pending appeal is denied.

Reason:

The Court was of the opinion that the appellant, who has only served two years of a six year sentence, had not made out a good case for the grant of bail pending appeal.

Case Name:

Ohssel Tyson

v

The Chief of Police

**[DOMHCVAP2018/0003]
(Commonwealth of Dominica)**

Date:

Tuesday, 19th June 2018

On paper:

**Applicant
Intended
Appellant:** / **Dyer & Dyer**

Issue:

Application for leave to appeal

**Result
Order:** /

IT IS HEREBY ORDERED THAT:

- 1. The applicant is granted leave to appeal the judgment of Stephenson J dated 18th April 2018.**
- 2. The notice of appeal shall be filed by the applicant within 21 days of the date of this order, together with such other documents as are required to be filed in accordance with rule 62.10 of the Civil Procedure Rules 2000.**

Reason:

The Court considered that there is a realistic prospect of success of an appeal against the judgment of Stephenson J.

Case Name:

**[1] The Attorney General
[2] Prime Minister
[3] The Commissioner of Police
[4] The Police Service Commission
v
[1] Gildon Richards**

**[DOMHCVAP2018/0002]
(Commonwealth of Dominica)**

Date:

Tuesday, 19th June 2018

On paper:

**Applicant
Appellant:** / **Ms. JoAnne Xavier Cuffy (Attorney General's Chambers)**

Respondent: **Mr. Gildon Richards**

Issue: Application for stay of execution

Result /
Order: IT IS HEREBY ORDERED THAT:
1. The appellants shall file and serve written submissions in support of their application for a stay on or before 6th July 2018.
2. The respondent shall file and serve written submissions in response within 14 days of being served with the appellant's submissions.
3. Consideration of the application for the stay of execution is adjourned to the next chamber sitting of this Court on 31st July 2018.

Reason: The Court noted that there were no submissions filed by the parties in support of or in opposition to the application for a stay.

Case Name: Kendy O'Brien
v
The State

[DOMMCRAP2017/0022]
(Commonwealth of Dominica)

Date: Tuesday, 19th June 2018

On paper: Applicant / In person
Intended
Appellant:

Respondent: The Office of the Director of Public Prosecutions

Issue: Application for leave to appeal against sentence

Result /
Order: IT IS HEREBY ORDERED THAT:
1. The Registrar of the High Court is directed to furnish the Court with a minute of conviction and sentence of the

- applicant within 28 days of the date of this order or to show cause by evidence on affidavit as to why the minute of conviction and sentence of the applicant has not been furnished to the Court after four orders by this Court directing the Registrar to furnish it to the Court.
2. The Chief Registrar shall cause a copy of this order to be served on the Registrar of the High Court and the Director of Public Prosecutions forthwith.
 3. Consideration of the application for leave to appeal is adjourned to the next chamber sitting of this Court on 31st July 2018.

Reason:

The Court noted there had been continued non-compliance with the orders directing the Registrar of the High Court to provide the Court with a minute of conviction and sentence of the applicant and proof of service on the Director of Public Prosecutions of the notice of appeal and the minute of conviction and sentence.

Case Name:

[1] Brad Matthew
[2] Casworth Charles
v
The Police

[DOMMCRAP2018/0001]
(Commonwealth of Dominica)

Date: Tuesday, 19th June 2018

On paper:

Applicant / In person
Intended
Appellant:

Respondent: The Office of the Director of Public Prosecutions

Issue: Application for leave to appeal sentence

Result / **IT IS HEREBY ORDERED THAT:**

Order:

1. Leave is granted to the applicant to appeal against the sentence of three years in prison imposed on him by the Magistrate on 8th November 2017.
2. The notice of appeal filed by the applicant in the Registrar General's Office on 1st March 2018 is deemed to be the duly-filed notice of appeal in this matter.
3. Leave is given to the applicant to file and serve written submissions in support of his appeal on or before 19th August 2018.
4. The respondent shall file and serve written submissions in response to this appeal on or before 19th September 2018.
5. Hearing of the appeal is fixed for the next sitting of the Court of Appeal in the Commonwealth of Dominica during the week commencing 1st October 2018.

Reason:

The Court was satisfied that the applicant / intended appellant had satisfied the requirements for the grant of leave to appeal.

Case Name:

**Karmichael Peter
v
The Commissioner of Police

[DOMMCRAP2018/0002]
(Commonwealth of Dominica)**

Date:

Tuesday, 19th June 2018

On paper:

**Applicant / In person
Intended
Appellant:**

Respondent: The Office of the Director of Public Prosecutions

Issue:

Application for leave to appeal against sentence

Result /
Order:

IT IS HEREBY ORDERED THAT:

1. Leave is granted to the applicant to appeal against the sentence of 18 months in prison imposed on him by the Magistrate on 22nd January 2018.
2. The notice of appeal filed by the applicant on 1st March 2018 is deemed to be the duly-filed notice of appeal in this matter.
3. Leave is given to the applicant to file and serve written submissions in support of his appeal on or before 19th August 2018.
4. The respondent shall file and serve written submissions in response to the appeal on or before 19th September 2018.
5. Hearing of the appeal is fixed for the next sitting of the Court of Appeal in the Commonwealth of Dominica during the week commencing 1st October 2018.

Reason:

The Court was satisfied that the applicant / intended appellant had satisfied the requirements for the grant of leave to appeal.

Case Name:

Dickon Mitchell

v

Rita Joseph-Olivetti

**[GDAHCVAP2014/0026]
(Grenada)**

Date:

Tuesday, 19th June 2018

On paper:

**Applicant
Appellant:**

/ Mr. Alban M. John

Respondent:

Law Office of George E. D. Clyne

Issue:

Application for extension of time to file skeleton arguments and relief from sanctions

Result /
Order:

IT IS HEREBY ORDERED THAT:

- 1. An extension of time is granted to the appellant until 31st August 2018 to file and serve skeleton arguments in support of the appeal, together with the record of appeal if not previously filed.**
- 2. Within 28 days of being served with the appellant's skeleton argument, the respondent shall file and serve skeleton arguments in response.**
- 3. Leave is granted to the appellant to file and serve skeleton arguments in reply within 14 days of being served with the respondent's skeleton arguments.**
- 4. Hearing of the appeal shall be fixed for the next sitting of the Court of Appeal in Grenada during the week commencing 15th October 2018.**

Reason:

The Court was of the opinion that the applicant had met the requirements for the grant of an extension of time.

Case Name:

Toobooi Timothy Williams

v

The Queen

**[GDAHCRAP2018/0007]
(Grenada)**

Date:

Tuesday, 19th June 2018

On paper:

**Applicant
Intended
Appellant:**

/ In person

Respondent:

The Office of the Director of Public Prosecutions

Issue:

Application for leave to appeal against sentence

Result /
Order:

IT IS HEREBY ORDERED THAT:

The application for leave to appeal is adjourned for further

consideration on 22nd June 2018.

Case Name: **Toobooi Timothy Williams**
v
The Queen
[GDAHCRAP2018/0008]
(Grenada)

Date: **Tuesday, 19th June 2018**

On paper: **Applicant / In person**
Intended
Appellant:
Respondent: **The Office of the Director of Public Prosecutions**

Issue: **Application for leave to appeal against sentence**

Result / **IT IS HEREBY ORDERED THAT:**
Order: **The application for leave to appeal is adjourned for further**
consideration on 22nd June 2018.

Case Name: **Toobooi Timothy Williams**
v
The Queen
[GDAHCRAP2018/0009]
(Grenada)

Date: **Tuesday, 19th June 2018**

On paper: **Applicant / In person**

**Intended
Appellant:**

Respondent: The Office of the Director of Public Prosecutions

Issue: Application for leave to appeal against sentence

Result / Order: IT IS HEREBY ORDERED THAT:
The application for leave to appeal is adjourned for further consideration on 22nd June 2018.

Case Name: Toobooi Timothy Williams
v
The Queen
[GDAHCRAP2018/0010]
(Grenada)

Date: Tuesday, 19th June 2018

On paper: Applicant / In person
Intended
Appellant:

Respondent: The Office of the Director of Public Prosecutions

Issue: Application for leave to appeal against sentence

Result / Order: IT IS HEREBY ORDERED THAT:
The application for leave to appeal is adjourned for further consideration on 22nd June 2018.

Case Name: Native Hut Limited (trading as South City Plaza
Hotel)

V
Clico Investment Bank Limited (In Compulsory Liquidation)

[GDAHCVAP2018/0002]
(Grenada)

Date: **Tuesday, 19th June 2018**

On paper:

Applicant / Mr. George Finton De Bourg
Appellant:

Respondent: **Ms. Shireen J. Wilkinson (Wilkinson, Wilkinson & Wilkinson)**

Issue: **Application for stay of order pending the outcome of the appeal**

Result /
Order:

IT IS HEREBY ORDERED THAT:

- 1. The appellant shall serve the application filed on 19th June 2018 on the respondent and file an affidavit of service thereof on or before 6th July 2018.**
- 2. The respondent shall serve the affidavit in opposition to the stay filed on 15th June 2018 on the respondent and file an affidavit of service thereof on or before 6th July 2018.**
- 3. Consideration of the applications for the stay and for extension of time is adjourned to the next chamber sitting of this Court on 31st July 2018.**

Reason: **The Court noted that the affidavit in opposition to the application for stay filed on 15th June 2018 and the application for extension of time filed on 19th June 2018 had not been served on the opposing parties.**

Case Name:

Franklyn Perkins
V
The Queen

**[MNIHCRAP2017/0005]
(Montserrat)**

Date: Tuesday, 19th June 2018

On paper:

Applicant / Mr. David S. Brandt (Brandt & Associates)
Appellant:

Respondent: The Office of the Director of Public Prosecutions

Issues: Application to amend grounds of appeal – Application for stay of order

Result / IT IS HEREBY ORDERED THAT:
Order: The of motion and the application for a stay of the order of Morley J dated 12th March 2017 is adjourned for further consideration on 25th June 2018.

Case Name: [1] Montserrat Development Corporation
[2] Department for International Development
[3] Martin Dawson
V
[1] Sean Ross McLaughlin

**[MNIHCVAP2018/0005]
(Montserrat)**

Date: Tuesday, 19th June 2018

On paper:

Applicant / Attorney General's Chambers
Intended
Appellant:

Respondent: Ms. Sylvester Carrot (in respect of the stay application)

Issues: Application for leave to appeal — Application for stay of

proceedings

Result /
Order:

IT IS HEREBY ORDERED THAT:

- 1. The application for leave to appeal is adjourned for hearing by the Full Court at its next sitting in Montserrat during the week commencing 26th November 2018.**
- 2. The proceedings in the court below are stayed pending the hearing and determination of the application for leave to appeal.**

Reason:

The Court was minded to refuse leave to appeal, as such the Court had regard to rule 62.2(5) of the Civil Procedure Rules 2000. Further, the Court was of the view that without a stay of proceedings, an appeal would have been rendered nugatory.

Case Name:

**Priscilla Williams
v
Wendell Lee**

**[MNILTAP2015/0001]
(Montserrat)**

Date:

Tuesday, 19th June 2018

On paper:

Appellant: Mr. Sylvester Carrott

Respondent / Mr. Hogarth Sergeant
Applicant:

Issue:

Application for extension of time to file skeleton arguments and relief from sanctions

Result /
Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall serve the application for an extension of time and relief from sanctions on the appellant and shall furnish proof of service of the application on the**

- appellant on or before 6th July 2018.
2. The application is adjourned for further consideration at the next chamber sitting of this Court scheduled for 31st July 2018.

Reason: The Court noted that there was no evidence of service of the notice of application for an extension of time to file skeleton arguments and for relief from sanctions on the appellant.

Case Name: Catherine M. Tuitt
V
The Queen
[MNIMCRAP2018/0001]
(Montserrat)

Date: Tuesday, 19th June 2018

On paper:

Applicant / In person
Intended
Appellant:

Respondent: The Office of the Director of Public Prosecutions

Issue: Application to leave to appeal

Result /
Order: IT IS HEREBY ORDERED THAT:
1. An extension of time is granted to the applicant to file a notice of appeal against the decision of the Magistrate made on 22nd December 2017.
2. The notice of appeal shall be filed and served on or before 13th July 2018.

Reason: The Court noted that in accordance with section 243(3) of the Criminal Procedure Code, No. 9 of 2010 leave is not required to appeal against conviction and sentence in the Magistrate's Court. The applicant / intended appellant

would have then required an extension of time to file a notice of appeal against conviction and sentence. In that regard, the Court treated the application for leave to appeal as an application for extension of time within which to appeal. The Court was of the opinion that in all the circumstances the applicant satisfied the requirements for the grant of an extension of time to file a notice of appeal.

Case Name: [1] The Attorney General of Saint Lucia
[2] The Public Service Commission
V
[1] Darrel Montrope
[SLUHC VAP2018/0020]
(St. Lucia)

Date: Tuesday, 19th June 2018

On paper: Applicant / Mr. Mark D. Maragh
Intended
Appellant:

Issues: Application for leave to appeal order – Application for stay of execution of order and High Court proceedings

Result /
Order: IT IS HEREBY ORDERED THAT:
1. The applicant shall file and serve evidence and skeleton arguments in support of his application and a copy of the order of Smith J dated 4th May 2018 on or before 6th July 2018.
2. The application is adjourned for further consideration at the next chamber sitting of this Court scheduled for 31st July 2018.

Reason: The Court noted that there was no compliance with rule 3(a) of Practice Direction 62 B (No. 3 of 2008) which provides that an applicant in an interlocutory application shall file and serve along with his notice of application the evidence

in support on which he intends to rely, if any, and his skeleton arguments.

Case Name: **Paul Eloise**
V
1st National Bank St. Lucia Limited
[SLUHCVAP2018/0007]
(St. Lucia)

Date: **Tuesday, 19th June 2018**

On paper:
Applicant: **Mr. Rene Williams (Attorney General's Chambers)**

Issue: **Application for Attorney General to be allowed to appear amicus curiae in the proceedings**

Result /
Order: **IT IS HEREBY ORDERED THAT:**
1. Leave is given to the Attorney General to appear amicus curiae in the appeal proceedings.
2. The Attorney General's Chambers shall file skeleton arguments within 28 days of the date of this order.
3. The appeal shall thereafter be proceeded with in accordance with Part 62 of the Civil Procedure Rules 2000.

Case Name: **The Nevis Island Administration**
V
Ocean Reef Resorts Limited
[SKBHCVAP2018/0006]
(Saint Christopher and Nevis)

Date: Tuesday, 19th June 2018

On paper:

**Applicant
Intended
Appellant:** / Mr. Terrence V. Byron

Issue: Application for leave to appeal

**Result
Order:** / **IT IS HEREBY ORDERED THAT:**
The application for leave to appeal is adjourned to be heard by the Full Court at its next sitting in the Federation of Saint Christopher and Nevis during the week commencing 25th June 2018.

Reason: The Court was minded to refuse leave to appeal, accordingly it had regard to rule 62.2(5) of the Civil Procedure Rules 2000.

Case Name: Karin Colt
v
Gary Colt

[SKBHCVAP2017/0024]
(Saint Christopher and Nevis)

Date: Tuesday, 19th June 2018

On paper:

**Applicant
Appellant:** / Ms. Sherry-Ann Liburd-Charles

Respondent: Daniel Brantley & Associates

Issue: Application to remove legal practitioner from the record

Result / **IT IS HEREBY ORDERED THAT:**

Order:

1. The application by Ms Sherry-Ann Liburd-Charles to be removed from the record as the legal practitioner for the appellant is granted.
2. Ms. Liburd-Charles is directed to serve a copy of this order on the appellant and on counsel for the respondent on or before 6th July 2018.

Case Name:

**Ramsbury Properties Ltd.
v
Ocean View Construction Ltd.**

**[SKBHCVAP2011/0020]
(Saint Christopher and Nevis)**

Date:

Tuesday, 19th June 2018

On paper:

Applicant / Ms. Angela Cozier (Cozier & Associates)
Appellant:
Respondent: Walwyn Law

Issue:

Application for extension of time to file skeleton arguments in support of the appeal

Result /
Order:

IT IS HEREBY ORDERED THAT:
The notice of application for an extension of time to file skeleton arguments in support of the appeal is adjourned for further consideration on 26th June 2018.

Case Name:

**Elvis Butler
v
Paula Connor**

[SKBMCVAP2017/0009]

(Saint Christopher and Nevis)

Date: Tuesday, 19th June 2018

On paper:

Applicant / In person
Intended
Appellant:

Issue: Application for permission to file an appeal out of time

Result /
Order: **IT IS HEREBY ORDERED THAT:**
The notice of application for permission to file an appeal out of time against an order of the Magistrate for District “B” made on 29th August 2017 is dismissed.

Reason: The Court noted that the order sought to be appealed had not been filed.

Case Name: Simon Hoyte
v
The Queen

[SVGHCRA2016/0008]
(Saint Vincent and the Grenadines)

Date: Tuesday, 19th June 2018

On paper:

Appellant: In person
Respondent: The Office of the Director of Public Prosecutions

Issue: Application for bail pending appeal

Result /
Order: **IT IS HEREBY ORDERED THAT:**
1. The Registrar of the High Court shall serve a copy of the

notice of application for bail pending appeal on the Director of Public Prosecutions on or before 6th July 2018.

2. The Registrar of the High Court shall furnish this Court with proof of service of the application for bail pending appeal on the Director of Public Prosecutions on or before 13th July 2018.
3. The application is adjourned for further consideration at the next chamber sitting of this Court scheduled for 31st July 2018.

Reason:

The Court noted that there was no evidence of service of the application for bail pending appeal on the Director of Public Prosecutions.

Case Name:

Benjamin Harvey

v

The Queen

[SVGHCRA2018/0011]

(Saint Vincent and the Grenadines)

Date:

Tuesday, 19th June 2018

On paper:

Applicant / In person
Intended
Appellant:

Respondent: The Office of the Director of Public Prosecutions

Issue:

Application for leave to appeal against conviction or sentence

Result /
Order:

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall serve a copy of the notice of application for leave to appeal on the Director of Public Prosecutions on or before 6th July 2018.
2. The Registrar of the High Court shall furnish this Court

with proof of service of the application for leave to appeal on the Director of Public Prosecutions on or before 13th July 2018.

3. The application for leave to appeal is adjourned for further consideration to the next chamber sitting of this Court scheduled for 31st July 2018.

Reason:

The Court noted that there was no proof of service of the notice of application for leave to appeal on the Director of Public Prosecutions.

Case Name:

Roger Clarke

v

The Queen

[SVGHCRA2018/0012]

(Saint Vincent and the Grenadines)

Date:

Tuesday, 19th June 2018

On paper:

**Applicant
Intended
Appellant:**

/ In person

Respondent:

The Office of the Director of Public Prosecutions

Issue:

Application for leave to appeal against conviction or sentence

**Result
Order:**

/

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall serve a copy of the notice of application for leave to appeal on the Director of Public Prosecutions on or before 6th July 2018.
2. The Registrar of the High Court shall furnish this Court with proof of service of the application for leave to appeal on the Director of Public Prosecutions on or before 13th July 2018.
3. The application for leave to appeal is adjourned for

further consideration to the next chamber sitting of this Court scheduled for 31st July 2018.

Reason: The Court noted that there was no proof of service of the notice of application for leave to appeal on the Director of Public Prosecutions.

Case Name: Carlos Penniston
v
The Queen

[SVGHCRAP2018/0016]
(Saint Vincent and the Grenadines)

Date: Tuesday, 19th June 2018

On paper: Applicant / In person
Intended
Appellant:

Respondent: The Office of the Director of Public Prosecutions

Issue: Application for extension to time within which to appeal

Result /
Order: IT IS HEREBY ORDERED THAT:
1. The Registrar of the High Court shall serve a copy of the notice of application for extension of time within which to appeal on the Director of Public Prosecutions on or before 6th July 2018.
2. The Registrar of the High Court shall furnish this Court with proof of service of the application for extension of time within which to appeal on the Director of Public Prosecutions on or before 13th July 2018.
3. The application is adjourned for further consideration at the next chamber sitting of this Court scheduled for 31st July 2018.

Reason: The Court noted that there was no proof of service of the notice of application for extension of time within which to appeal on the Director of Public Prosecutions.

Case Name: Terrance Joseph
V
The Queen
[SVGHCRAP2018/0005]
(Saint Vincent and the Grenadines)

Date: Tuesday, 19th June 2018

On paper: Applicant / In person
Intended
Appellant:
Respondent: The Office of the Director of Public Prosecutions

Issue: Application for leave to appeal against sentence

Result /
Order: IT IS HEREBY ORDERED THAT:
1. The Registrar of the High Court shall serve a copy of the notice of application for leave to appeal on the Director of Public Prosecutions on or before 6th July 2018.
2. The Registrar of the High Court shall furnish this Court with proof of service of the application for leave to appeal on the Director of Public Prosecutions on or before 13th July 2018.
3. The application for leave to appeal is adjourned for consideration at the next chamber sitting of this Court scheduled for 31st July 2018.

Reason: The Court noted that there was no proof of service of the notice of application for leave to appeal on the Director of Public Prosecutions.

Case Name: **Kenneth Davis**
V
The Commissioner of Police
[SVGMCRAP2018/0015]
(Saint Vincent and the Grenadines)

Date: **Tuesday, 19th June 2018**

On paper:

Appellant:	In person
Respondent:	The Office of the Director of Public Prosecutions

Issue: **Application for bail pending appeal**

Result / **IT IS HEREBY ORDERED THAT:**
Order: **The application for bail is adjourned for further consideration on 25th June 2018.**

Case Name: **Jeffery Cuffy**
V
The Queen
[SVGHCRA2017/0015]
(Saint Vincent and the Grenadines)

Date: **Tuesday, 19th June 2018**

On paper:

Appellant:	In person
Respondent:	The Office of the Director of Public Prosecutions

Issue: **Application for bail pending appeal**

Result /
Order: **IT IS HEREBY ORDERED THAT:**
The application for bail pending appeal is denied.

Reason: **The Court noted that the appellant was convicted of manslaughter and has only spent 8 months of his 10 years sentence in prison and that no proper basis had been laid as to why bail should be granted to a person convicted of manslaughter after serving such a short period of his sentence in prison.**

Case Name: **[1] Koshigi Limited**
[2] Svoboda Corporation
v
Donna Union Foundation
[BVIHCMAP2018/0043]

Date: **Tuesday, 19th June 2018**

On paper:
Applicant / Forbes Hare
Appellant:

Respondent: **Appleby**

Issues: **Application for stay of execution of order dated 9th May 2018**
– Application for stay of obligation to give disclosure

Result /
Order: **IT IS HEREBY ORDERED THAT:**
1. The orders made by Adderley J (Ag.) on 9th May 2018 appointing receivers over the first and the second appellants and ordering disclosure by the appellants to the receiver of full details of their assets are stayed pending the hearing and determination of the appeal.
2. Costs of the application to be costs in the appeal.

Reason: **The Court was satisfied that the appellants had met the requirements for the grant of a stay of execution of the receivership and disclosure orders made by Adderley J.**

Case Name:

**Yida Zhang
v
Lux Locations Ltd.**

**[ANUHC VAP2018/0013]
(Antigua and Barbuda)**

Date:

Friday, 22nd June 2018

On paper:

**Applicant /
Intended
Appellant::**

Mr. Damien Benjamin

Respondent:

Mr. Justin L. Simon, QC (in respect of the stay application)

Issues:

Application for leave to appeal – Application for stay of proceedings

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The respondent shall serve the affidavit and submissions filed on 18th June 2018 on the applicant within 7 days of the date of this order and shall file an affidavit of service thereof.**
- 2. Leave is given to the applicant to file and serve an affidavit and / or submissions in reply within 7 days of being served with the respondent's affidavit and submissions.**
- 3. The application for leave to appeal and stay of proceedings is adjourned for further consideration at the next chamber sitting of this Court on 31st July 2018.**

Reason:

The Court noted that there was no proof of service of the respondent's affidavit and submissions on the applicant and that the applicant would in any event have had no opportunity to have replied to the respondent's affidavit and submissions filed on 18th June 2018.

Case Name: **Toobooi Timothy Williams**
v
The Queen
[GDAHCRAP2018/0007]
(Grenada)

Date: **Friday, 22nd June 2018**

On paper:

Applicant / In person
Intended
Appellant:

Respondent: **The Office of the Director of Public Prosecutions**

Issue: **Application for leave to appeal against sentence**

Result /
Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant is granted leave to appeal the prison sentences of 6 years and 4 years imposed on him on 19th March 2018 for the offences of housebreaking and stealing.**
- 2. The applicant shall file a notice of appeal within 14 days of the date of this order.**
- 3. This appeal is consolidated with criminal appeals numbered 8 of 2018, 9 of 2018 and 10 of 2018.**

Reason: **The Court was satisfied that the applicant / intended appellant had met the requirements for the grant of leave to appeal.**

Case Name: **Toobooi Timothy Williams**
v
The Queen
[GDAHCRAP2018/0008]

(Grenada)

Date: Friday, 22nd June 2018

On paper:

**Applicant /
Intended
Appellant::**

In person

Respondent:

The Office of the Director of Public Prosecutions

Issue:

Application for leave to appeal against sentence

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The applicant is granted leave to appeal the sentence of 6 years imprisonment for each of 4 counts of kidnapping imposed on him on 19th March 2018.**
- 2. The applicant shall file the notice of appeal within 14 days of the date of this order.**
- 3. The appeal is consolidated with criminal appeals numbered 7 of 2018, 9 of 2018 and 10 of 2018.**

Reason:

The Court was satisfied that the applicant / intended appellant had met the requirements for the grant of leave to appeal.

Case Name:

Toobooi Timothy Williams

v

The Queen

[GDAHCRAP2018/0009]

(Grenada)

Date:

Friday, 22nd June 2018

On paper:

**Applicant / In person
Intended
Appellant:**

Respondent: The Office of the Director of Public Prosecutions

Issue: Application for leave to appeal against sentence

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The applicant is granted leave to appeal the sentence of 4 years imprisonment for each of 3 counts of robbery with violence imposed on him on 19th March 2018.**
- 2. The applicant shall file his notice of appeal within 14 days of the date of this order.**
- 3. The appeal is consolidated with criminal appeals numbered 7 of 2018, 8 of 2018 and 10 of 2018.**

Reason: The Court was satisfied that the applicant / intended appellant had met the requirements for the grant of leave to appeal.

Case Name:

**Toobooi Timothy Williams
v
The Queen**

**[GDAHCRAP2018/0010]
(Grenada)**

Date: Friday, 22nd June 2018

On paper:

**Applicant / In person
Intended
Appellant:**

Respondent: The Office of the Director of Public Prosecutions

Issue: Application for leave to appeal against sentence

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The applicant is granted leave to appeal the sentence of 12 months imprisonment imposed on him on 19th March 2018 upon conviction for the offence of taking away a vehicle without the consent of the owner.
2. The applicant shall file his notice of appeal within 14 days of the date of this order.
3. The appeal is consolidated with criminal appeals 7 of 2018, 8 of 2018 and 9 of 2018.

Reason:

The Court was satisfied that the applicant / intended appellant had met the requirements for the grant of leave to appeal.

Case Name:

Franklyn Perkins

v

The Queen

**[MNIHCRAP2017/0005]
(Montserrat)**

Date:

Monday, 25th June 2018

On paper:

**Applicant /
Appellant:**

Mr. David S. Brandt (Brandt & Associates)

Respondent:

The Office of the Director of Public Prosecutions

Issues:

Application to amend grounds of appeal – Application for stay of order

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The appellant shall serve the notice of motion filed on 11th April 2018 on the Director of Public Prosecutions and furnish proof of service to this Court within 14 days of the date of this order.

2. The notice of motion for an order that the grounds of appeal be amended is adjourned for further consideration at the next chamber sitting of this Court scheduled for 31st July 2018.
3. The application for a stay of the order of Morley J dated 12th March 2017, for payment of compensation of \$10,000 by the appellant to the respondent, in default of payment of which the appellant will serve a term of six months in prison, is granted.

Reason:

The Court noted that there was no evidence of service of the notice of motion for grounds to be amended on the Director of Public Prosecutions. Further, the Court was of the view that the appellant had met the requirements for the grant of a stay.

Case Name:

**Kenneth Davis
V
The Commissioner of Police**

**[SVGMCRAP2018/0015]
(Saint Vincent and the Grenadines)**

Date:

Monday, 25th June 2018

On paper:

Appellant: In person

Respondent: The Office of the Director of Public Prosecutions

Issue:

Application for bail pending appeal

**Result /
Order:**

**IT IS HEREBY ORDERED THAT:
The application for bail be remitted to the Magistrate's court for consideration.**

Reason:

The Court had regard to section 218 of the Criminal Procedure Code, Cap. 172, Revised Laws of Saint Vincent

and the Grenadines which provides that a judge or the magistrate's court may, if in the circumstances of the case he or it thinks fit, order that the appellant be released on bail, with or without sureties, pending the determination of the appeal, respectively. The Court was of the opinion that pursuant to this section, the Court of Appeal had no jurisdiction to determine the bail application of this appellant. Accordingly, the matter had to be remitted to the magistrate's court.

Case Name: **Ramsbury Properties Ltd.**
V
Ocean View Construction Ltd.
[SKBHCVAP2011/0020]
(Saint Christopher and Nevis)

Date: **Tuesday, 26th June 2018**

On paper:

Applicant / Appellant:	Ms. Angela Cozier (Cozier & Associates)
Respondent:	Walwyn Law

Issue: **Application for extension of time to file skeleton arguments in support of the appeal**

Result / Order: **IT IS HEREBY ORDERED THAT:**

- 1. The application for an extension of time to file skeleton submissions in support of the appeal is granted.**
- 2. The appellant shall file and serve skeleton submissions in support of the appeal within 14 days of the date of this order.**
- 3. The respondent shall file and serve skeleton submissions in response within 28 days of receipt of the appellant's skeleton submissions.**
- 4. Leave is granted to the appellant to reply if necessary within 14 days of being served with the respondent's skeleton submissions.**

5. The appeal shall be set down for hearing at the next sitting of the Court of Appeal in the Federation of St. Kitts and Nevis during the week commencing 18th September 2018.

Reason:

The Court was of the view that the appellant had met the requirements for an extension of time to file skeleton arguments in support of the appeal.