

CHAMBER HEARING

October 2017

MATTERS DEALT WITH ON PAPER

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

Case Name:

**1. Jenny Lindsay
2. Jenny Lindsay & Associates
v
Thomas Edward Carty
[AXAHCVAP2015/0007]
(Anguilla)**

Date: Thursday, 9th November 2017

On paper:

Applicants: Ms. Jenny Lindsay

Respondent: Ms. Yanique Stewart (J.A.G. Gumbs & Co)

Issues: Application for abridgment of time for filing and serving applicant's appeal submissions – Application for relief from sanction

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The application that the time for filing and serving the applicant's appeal submissions be abridged pursuant to rule 62.16(1)(c) CPR and relief from sanctions is granted.**
- 2. The appellant's submissions filed on 17th May 2017 is deemed properly filed.**

Case Name:

**Jenny Lindsay
v**

- 1. Webster Dyrud Mitchell**
- 2. John Dyrud**
- 3. Palmavon Jasmine Webster**

**[AXAHCVAP2017/0002]
(Anguilla)**

Date: Tuesday, 31st October 2017

On paper:

Applicant: Mr. John Fuller (Jenny Lindsay & Associates)

Respondents: Mr. John Carrington, QC and Ms. Rayana Dowden (Webster)

Issue: Application for extension of time – Application for relief from sanction

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The appellant shall file the record of appeal in this matter and skeleton arguments in support of her appeal within 42 days of the date of this order.**
- 2. If the appellant shall fail to file the record of appeal and/or the skeleton arguments within the time stipulated in paragraph 1 of this order, her appeal shall stand dismissed without further order of the court.**
- 3. If the appellant shall have filed the record of appeal and the skeleton arguments by the time stipulated, the respondents shall file and serve skeleton arguments in response within 28 days of receipt of the record of appeal and the appellant's skeleton arguments.**
- 4. Leave is given to the appellant to file a reply to the respondents' skeleton arguments within 14 days of receipt of same.**

Reasons:

The Court noted that the notice of appeal was filed on 3rd February 2017 and that nearly nine months later the appellant has filed neither the record of appeal nor skeleton arguments in support of her appeal and that the reasons given by the appellant for failing to file said

documents are personal issues involving the appellant's organisation and conduct of her affairs and do not constitute good reasons for her failure to file within the times stipulated in the CPR. The Court further noted that the appellant would be prejudiced by not being given an extension of time to file the record of appeal and the skeleton arguments in support of her appeal because she would not then be able to proceed with her appeal and that the interest of justice favors the grant of an extension of time to the appellant. The Court also noted that the respondents would be prejudiced by the prolongation of an appeal consequent on the appellant's failure to prosecute her appeal timeously.

Case Name: **Damian Wilson**
v
Her Honor The Magistrate (District "B") Ngaio Emmanuel

[ANUMCRAP2017/0003]
(Antigua and Barbuda)

Date: **Tuesday, 31st October 2017**

On paper:

Applicant:	Mr. Warren Cassell (Rika Bird & Associates)
Respondent:	Office of the Director of Public Prosecutions

Issues: **Application for stay of order of Chief Magistrate**

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

- 1. The order of the Chief Magistrate made on 24th May 2017 imposing a fine of \$14,000 on the appellant for possession of cannabis with intent to sell, to be paid on or before 14th June 2017, is stayed pending the hearing and determination of the appeal.**
- 2. The Chief Magistrate shall cause a transcript of the sentencing proceedings to be prepared and filed on**

or before 15th December 2017.

3. The appellant shall file and serve skeleton arguments in support of his appeal on or before 31st January 2018.
4. The respondent shall file and serve skeleton arguments in opposition within 28 days of being served with the appellant's skeleton arguments.
5. Leave is given to the appellant to reply to the respondent's skeleton arguments within 14 days of being served with them.
6. Hearing of the appeal is fixed for the sitting of the Court of Appeal in Antigua and Barbuda during the week commencing 11th June 2018.

Reason:

The Court noted the order made by Blenman JA on 31st July 2017 directing the filing and service of various documents by the parties as well as the order of Thom JA directing the appellant to comply with the order of Blenman JA, failing which the application will stand dismissed. The appellant has complied with the order of Blenman JA within the extended time directed by Thom JA, save for the fact that the order being appealed is not on the court's file. It appeared to the Court that unless the order being appealed is stayed pending the determination of the appeal against it, the appellant may well have served out any term of imprisonment in default of payment of the fine of \$14,000 ordered to be paid by 14th June 2017, thus rendering the appeal nugatory.

Case Name:

Trevor Boston

v

The Queen

**[ANUHCRA2017/0002]
(Antigua and Barbuda)**

Date:

Tuesday, 31st October 2017

On paper:

Applicant:

In person

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. Leave is granted to the applicant to appeal against the sentence of 20 years in prison imposed on him upon his conviction for murder.
2. The applicant shall file the notice of appeal by 15th December 2017, together with a minute of his conviction and sentence.

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

Case Name: Charles Khoury
v
Agnes Khoury
[ANUHCVP2017/0019]
(Antigua and Barbuda)

Date: Tuesday, 31st October 2017

On paper:

Applicant:	Mr. Justin L. Simon, QC and Fiona Murphy (Chancellor Chambers)
Respondent:	Ms. Sandy Ann Khouly

Issue: Leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. Leave is granted to the applicant to appeal against the decision of Master Yvette Wallace (Ag.) delivered on 12th September 2017.
2. The applicant has not discharged the burden on a party seeking a stay of execution of the judgment of a

court of satisfying the court to which application is made for a stay that he will be financially ruined without a stay.

3. The application for a stay is accordingly denied.
4. Costs on the stay application in the sum of \$1,500.00 to be paid by the applicant to the respondent within 21 days of the date of this order.

Reason:

The Court was satisfied that the applicant had met the threshold requirements for the grant of leave to appeal. The Court noted that there was no opposition to the application for leave to appeal.

In relation to the application for the stay, the court noted the notice of opposition filed by the respondent and was not of the view that the applicant had not met the requirements for the grant of a stay.

Case Name:

Patricia Bedminister

v

Marianna Cuffy

[DOMHCVAP2017/0008]

(Commonwealth of Dominica)

Date:

Friday, 3rd November 2017

On paper:

Applicant:

Ms. Cara Shillingford

Issue:

Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. Leave is granted to the applicant to appeal against the ruling of Stephenson J delivered on 15th August 2017.
2. The applicant shall file and serve her notice of appeal within 14 days of the date of this order, together with

all of the documents required to be filed with the notice of appeal in accordance with Rule 62.10 of the Civil Procedure Rules.

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

Case Name: The Attorney General of Grenada
His Honour, Jerry Seales
Magistrate Southern Magisterial District
v
Harold Miller
[GDAHCVAP2017/0015]
(Grenada)

Date: Thursday, 9th November 2017

On paper:

Applicant: Mr. Sasha Michael Courtney, Crown counsel

Respondent: Mr. Ruggles Ferguson (Ciboey Chambers)

Issue: Application for extension of time to apply for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application for extension of time to apply for leave to appeal and for leave to appeal is granted.
2. The notice of appeal shall be filed and served within 21 days of the date of this order.
3. Following the filing and service of the notice of appeal, the appeal shall proceed in accordance with rule 62.10 of the CPR.

Reason: The Court was of the view that the applicants had met the threshold requirements for the grant of extension of

time for leave to appeal and for leave to appeal, but that the appeal should be heard by the Full Court.

Case Name: **Troy Ross**
v
The Queen
[GDAHCRAP2017/0015]
(Grenada)

Date: **Thursday, 9th November 2017**

On paper:
Applicant: **In person**

Issue: **Application for leave to appeal**

Result / Order: **IT IS HEREBY ORDERED THAT:**
1. Leave is granted to the applicant to appeal against his sentence.
2. The applicant shall file and serve notice of appeal within 42 days of the date of this order, after which the appeal shall proceed in accordance with the rules.

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

Case Name: **Michael Hyacinth**
v
The Queen
[GDAHCRAP2017/0016]
(Grenada)

Date: **Thursday, 9th November 2017**

On paper:

Applicant:

In person

Issue:

Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. Leave is granted to the applicant to appeal against his sentence**
- 2. The applicant shall file and serve notice of appeal within 42 days of the date of this order, after which the appeal shall proceed in accordance with the rules.**

Reason:

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

Case Name:

Eurella Grant

v

Superintendent of Her Majesty's Prisons

**[MNILTAP2015/0002]
(Monsterrat)**

Date:

Tuesday, 31st October 2017

On paper:

**Applicant/
Respondent:**

Ms. Renee A.R.D. Morgan

**Respondent/
Appellant**

Mr. Sylvester Carrott

Issue:

Application to strike out case stated

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. No notice of appeal having been filed by the respondent in accordance with CPR 61.7(1), there is no valid appeal before the Court.**
- 2. The case stated filed on 18th November 2015 and**

assigned an appeal number MNILTAP2015/0002 is struck out.

Reason: The Court noted the order of Blenamn JA dated 25th February 2016 and the order of Webster JA (Ag.) dated 22nd March 2016 and that the respondent, Eurrella Grant, has not complied with the aforesaid orders. The respondent has never filed a notice of appeal against the decision sought to be appealed by way of case stated, which decision was rendered by the Labour Tribunal on 2nd October 2016

Case Name: Her Excellency The Governor of Monsterrat
V
Julian Wade
[MNIHCVAP2017/0004]
(Monsterrat)

Date: Tuesday, 31st October 2017

On paper: **Applicant:** Ms. Sheree Jemmotte-Rodney

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application for leave to appeal is set down for hearing by the Full Court at the next sitting of the Court of Appeal in the Territory of Montserrat during the week commencing 6th November 2017.
2. Leave is granted to the respondent to file and serve submissions in response to the applicant's submissions by 3 pm on Friday 3rd November 2017.

Reason: The Court had regard to rule 62.2(5) of the Civil Procedure Rules 2000.

Case Name:

Arthur Bradshaw

v

Jeremiah French

[SKBMCVAP2017/0005]

(Federation of Saint Christopher and Nevis)

Date:

Thursday, 9th November 2017

On paper:

Applicant:

Mr. John Cato

Issue:

Application for permission to file appeal out of time

Result / Order:

IT IS HEREBY ORDERED THAT:

The application for permission to file the appeal out of time is dismissed.

Reason:

The Court noted the order of Blenman JA dated 31st July 2017 and the order of Thom JA dated 26th September 2017. Paragraph 1 of the order of Blenman JA directed service of the application by 7th August 2017. Paragraph 1 of the order of Thom JA ordered that the application shall stand dismissed if there is no compliance with the order of Blenman JA by 18th October 2017. The Court noted that there was no compliance with the order of Blenman JA by 18th October 2017.

Case Name:

South Asia Energy Limited

v

Hycarbex-American Energy Inc.

[SKBHCVAP2017/0016]

(Federation of Saint Christopher and Nevis)

Date: Thursday, 9th November 2017

On paper:
Applicant: Ms. Dia Forrester and Mr. Brian Barnes (Daniel Brantley)

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicant is granted leave to appeal the decision of Williams J dated 28TH September 2017
2. The applicant is to file and serve notice of appeal within 21 days of the date of this order
3. Following the filing and service of the notice of appeal, the appeal shall proceed in accordance with rule 62.10 of the Civil Procedure Rules 2000.
4. Further proceedings in Claim No. NEVHCV2015/0121 are stayed until the determination of the appeal.

Reason: The Court was of the view that the applicant had satisfied the requirements for the grant of leave to appeal. The Court was also of the view that the appeal may be rendered nugatory if further proceedings are not stayed until the determination of the appeal.

Case Name: Elvis Butler
v
Paila Connor

[SKBMCVAP2016/0009]
(Federation of Saint Christopher and Nevis)

Date: Thursday, 9th November 2017

On paper:
Applicant: In person

Issue: Application for permission to file appeal out of time

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicant shall file a copy of the order being appealed within 14 days from the date of this order.
2. The application is adjourned to the next chamber sitting of the Court scheduled for Tuesday, 28th November 2017.

Reason: The Court noted that the order being appealed was not attached to the notice of application.

Case Name: SKN Choice Times Limited
Dwight Cozier
v
Josephine Huggins
[SKBHCVAP2017/0015]
(Federation of Saint Christopher and Nevis)

Date: Tuesday, 31st October 2017

On paper:

Applicants:	Ms. M. Angela Cozier
Respondent:	Mr. Anthony Gonsalves, QC and Ms. Liska Hutchinson (Gonsalves Parry)

Issue: Application for extension of time to file application for leave to appeal –Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. An extension of time is granted to the applicants to seek leave to appeal against the judgment of Master Actie delivered on 21st August 2017.
2. The notice of application for leave to appeal and for stay of proceedings and the affidavit and skeleton submissions in support of the application, all filed on

11th September 2017, are deemed to have been properly filed.

3. The application for leave to appeal and for stay of the proceedings pending appeal shall be fixed for hearing by the Full Court at the next sitting of the Court of Appeal in the Federation of Saint Christopher and Nevis during the week commencing 4th December 2017
4. Further proceedings in the court below are stayed until the hearing of the application during the week commencing 4th December 2017.

Reason:

The Court noted the respondent's concession that there are no live issues before the Court on the length or reason for the delay by the applicants in seeking leave to appeal and that the live issues relate to prejudice and chance of success.

The Court considered that the applicants, particularly the second applicant, would be prejudiced by the denial of the application for an extension of time to seek leave to appeal because the denial can effectively deprive the second applicant of the ability to defend a claim against him in circumstances in which he asserts that he has a valid defence which has not been filed because he was pursuing a pre-emptory attack on the claim.

The Court also considered that the very voluminous allegations and submissions made by both sides of this dispute shows that the applicants have at least a chance of success on appeal.

Case Name:

**Eugene Petty
Doreen Petty
v
Adison Markham
Sylvia Mills**

**[SKBHCVAP2017/0012]
(Federation of Saint Christopher and Nevis)**

Date: Thursday, 9th November 2017

On paper:

Applicants: Mr. Nassibou Butler

Respondents: Ms. Renal Edwards for the first respondent

Issue: Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. Leave is granted to the applicants to appeal the order of Master Fidela Corbin-Lincoln dated 19th July 2017 substituting Sylvia Mills, the Ancillary Defendant, as the Defendant in the claim.
2. The applicants are to file and serve notice of appeal within 21 days of the date of this order.
3. Following the filing and service of the notice of appeal, the appeal shall proceed in accordance with rule 62.10 of the Civil Procedure Rules 2000.

Reason:

The Court was of the view that the applicants had satisfied the requirements for the grant of leave to appeal.

Case Name:

1st National Bank St Lucia Limited

v

Michel Rocton

Gwendoline Rocton

[SLUHCVAP2016/0020]

(Saint Lucia)

Date: Tuesday, 31st October 2017

On paper:

Applicant: Ms. Daniela Chambers (Floissac Fleming & Associates)

Respondents: Mr. Colin Foster

Issues: Application for extension of time – Application for service by an alternative method pursuant to CPR 5.13

Result / Order: IT IS HEREBY ORDERED THAT:

1. The time for serving the notice of appeal filed on 24th August 2016 is extended to 56 days from the date of this order.
2. Service of the notice of appeal shall be effected by the publication of a notice thereof in two consecutive issues of the Official Gazette of Saint Lucia and two consecutive Saturday issues of a local newspaper in general circulation in Saint Lucia.

Case Name: Paul Hackshaw
v
Saint Lucia Air and Sea Ports Authority

[SLUHCVAP2017/0012]
(Saint Lucia)

Date: Tuesday, 31st October 2017

On paper:

Applicant/Respondent: Ms. Shervon Pierre (Amicus Legal)

Respondent/Appellant: Mr. Leslie Prospere (Gordon Gordon & Co.)

Issue: Application for extension of time to file notice of opposition and cross appeal – Application for relief from sanctions

Result / Order: IT IS HEREBY ORDERED THAT:

1. The respondent is granted an extension of time to file a notice of opposition to the appellant's appeal and a cross appeal against the decision of Smith J

delivered on 6th April 2017.

2. The notice of opposition and cross appeal shall be filed and served by the respondent within 14 days of being notified of this order.
3. The appellant shall file and serve skeleton arguments in support of his appeal within 14 days of being served with the respondent's notice of opposition and counter notice.
4. The respondent shall file and serve skeleton arguments in opposition to the appeal and in support of its cross appeal within 28 days of being served with the appellant's skeleton arguments.
5. The date for the hearing of the appeal and cross appeal shall be fixed by the Chief Registrar upon the filing and service of the documents ordered to be filed and served.

Reason:

The Court noted that the appellant filed his notice of appeal on 10th May 2017 but has not filed any skeleton arguments in accordance with Rule 62.9 of the Civil Procedure Rules 2000 or made any application for an extension of time to file his skeleton arguments. Further, it appeared that the appellant had not placed himself in a position to have his appeal heard at the next sitting of the Court in December 2017. The Court was satisfied that the respondent had met the requirements for the grant of an extension of time to file a notice of opposition and a cross appeal.

The Court also noted that there is no need for an order granting relief from sanctions and that directions are required in order to place this appeal on course for hearing.

Case Name:

**1. Ministry of the Public Service Information
and Broadcasting
2. Attorney General
v
Vincent Marcel**

[SLUHCVP2017/0006]

(Saint Lucia)

Date: Tuesday, 31st October 2017

On paper:

Applicants: Ms. Jan Drysdale

Respondent: Mr. Andie George

Issues: Application for stay of proceedings pending hearing and determination of appeal

Result / Order: IT IS HEREBY ORDERED THAT:
Further proceedings in claim number SLUHCV 2014/0850 in the court below are stayed pending the hearing of the appeal against the decision of the Master Agnes Actie dated 30th December 2016.

Reason: The Court noted that the hearing of the appeal is fixed for the next sitting of the Court of Appeal in Saint Lucia during the week commencing 11th December 2017. The Court was of the view that the applicant had satisfied the requirements for the grant of a stay of proceedings.

Case Name: Jonathan David Lesfloris
v
Glenda Dale Lesfloris
[SLUHCVAP2015/0018]
(Saint Lucia)

Date: Tuesday, 31st October 2017

On paper:

**Applicant/
Respondent:** Mr. Gerard Williams

**Respondent/
Appellant:** Mrs. Wauneen Louis-Harris

Issue: Application for leave to deem skeleton arguments filed by the respondent/applicant properly filed

Result / Order: IT IS HEREBY ORDERED THAT:
1. The skeleton arguments in opposition to the appeal filed by the respondent/applicant on 16th June 2017 are deemed to have been properly filed.
2. The appeal shall be fixed for hearing at the next sitting of the Court of Appeal in Saint Lucia during the week commencing 11th December 2017.

Case Name: Chaney Clerice
V
The Queen
[SLUHCRA2017/0009]
(Saint Lucia)

Date: Friday, 3rd November 2017

On paper: Applicant: Mr. Alberton Richelieu

Issues: Application for extension of time

Result / Order: IT IS HEREBY ORDERED THAT:
1. An extension of time is granted to the applicant to appeal against his conviction and sentence at the criminal assizes on 29th March and 31st May 2017.
2. The notice of appeal shall be filed and served by the applicant on or before 18th November 2017.

Reasons: The Court was satisfied that the applicant had met the requirements for the grant of an extension of time to appeal.

Case Name:

**1. Leona King
2. Christopher Elibox
3. Petrona Naitram
4. Rosaline Narcisse**

v

**3. Reginald Elibox represented by his executor
Rebecca Elibox
4. Rebecca Elibox**

**[SLUHCVAP2016/0003]
(Saint Lucia)**

Date:

Friday, 3rd November 2017

On paper:

**Applicants/
Respondents :**

Ms. Sylma Finisterre

**Respondents/
Appellants :**

Mr. Horace Fraser

Issue:

Application to strike out notice of appeal based on appellants' non-compliance with provisions of Part 62 of the CPR – Application by respondents/appellants for extension of time to file skeleton arguments

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The appellants' application for an extension of time to file their skeleton arguments is refused.**
- 2. The respondents' application to strike out the notice of appeal is adjourned to the chamber sitting of this Court on 19th December 2017.**
- 3. The respondents shall file and serve a written submission in support of their application to strike out the notice of appeal on or before 18th November 2017.**
- 4. The appellants shall file a written submission in opposition to the application to strike out the notice of appeal on or before 3rd December 2017.**

Reason:

The Court noted that the appellant filed a record of appeal on 12th June 2017 and has not filed skeleton arguments in support of the appeal. Rule 62.12 (3) of the Civil Procedure Rules 2000 requires the appellants to prepare and file with the court office 6 sets of the record of appeal within 42 days of receiving notice of the availability of the transcript of proceedings, so that the appellant was in fact 47 days late in filing the record. The Court further noted that CPR 62.11 (1) requires the appellants to file and serve a skeleton argument within 42 days of receiving notification of the availability of the transcript, so that by the time the appellants had made application for an extension of time to file their skeleton argument they were in fact already 166 days late in filing the skeleton argument.

Case Name:

1. Donald Scarborough
2. Betty Jane Scarborough
3. David Bray
4. Caroline Bray
5. Bruce Anthony Gill
6. Sandeep Bhatia
7. Alastair Quinn Taylor
8. Nichola Quinn Taylor
9. John Jackson Miller
10. Anne O'Malley
11. Andrea Smith
12. Christopher Smith
13. Tony King

v

1. Sunset Village Inc. (In Liquidation)
2. First Caribbean International Bank
(Barbados) Limited
3. Oliver Jordan (Liquidator)

**[SLUHCVP2017/0040]
(Saint Lucia)**

Date: Tuesday, 31st October 2017

On paper:

Applicants: Mr. Colin Foster

Respondents: Mr. Bota McNamara for the first and third respondents
Ms. Renee St. Rose for the second respondent

Issue: Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. Leave is granted to the applicants to appeal against the order of St. Rose-Albertini J dated 28th September 2017.
2. The notice of appeal shall be filed and served by the applicants within 14 days of the date of this order.

Reason:

The Court was satisfied that the applicants had met the requirements for the grant to them of leave to appeal

Case Name:

**Medical Associated Ltd
v
Royal Caribbean Cruises Ltd**

**[SLUHCCAP2017/0041]
(Saint Lucia)**

Date: Tuesday, 31st October 2017

On paper:

Applicant: Ms. Raquel DuBoulay- Chastanet (DuBoulay Anthony & Co.)

Issue: Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. Leave is granted to the applicant to appeal against the order of Master Agnes Actie dated 5th October

2017 and amended on 13th October 2017

2. The notice of appeal shall be filed by the applicant within 21 days of the date of this order.

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

Case Name: **Ulrick James**
v
The Queen

[SVGHCRA2017/0010]
(Saint Vincent and the Grenadines)

Date: Tuesday, 31st October 2017

On paper:

Applicant: In person

Respondent: Ms. D. Jimesha Prince

Issue: Application for extension of time

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

1. The Director of Public Prosecutions shall file and serve a copy of the minute of conviction and sentence of the applicant within 21 days of the date of this order.
2. Further hearing of the application is fixed for the next chamber sitting of the Court on 28th November 2017.

Reason: The Court noted that the application for the extension of time states that the applicant was convicted for rape on 25th October 2014, whilst the respondent's response states that the applicant was convicted for the offences of rape, abduction and assault causing actual bodily harm on 25th November 2016.

Case Name:

Valran Jones

v

The Queen

[SVGHCRA2017/0030]

(Saint Vincent and the Grenadines)

Date:

Thursday, 2nd November 2017

On paper:

Applicant:

In person

Issue:

Application for extension of time

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Chief Registrar is directed to furnish the Court with a minute of conviction and sentence of the applicant prior to the next chamber sitting of the Court.**
- 2. Hearing of the application for extension of time to appeal is adjourned to the next chamber sitting of this Court on 28th November 2017.**

Reason:

The Court was unclear as to when the applicant was convicted and sentenced and what sentence was imposed on him.

Case Name:

Tedford Baptiste

v

The Queen

[SVGHCRA2017/0012]

(Saint Vincent and the Grenadines)

Date: Tuesday, 31st October 2017

On paper:

Applicant: In person

Issue: Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. Leave is granted to the applicant to appeal against his sentence of 20 years imprisonment on 3rd July 2017.
2. The applicant shall file his notice of appeal on or before 15th December 2017.

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

Case Name:

Noel Browne

v

The Queen

[SVGHCRA2017/0007]

(Saint Vincent and the Grenadines)

Date: Tuesday, 14th November 2017

On paper:

Applicant: In person

Issue: Application for leave to call a witness on appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

The application for leave to call a witness on appeal is adjourned for hearing at the court of appeal sitting in Saint Vincent and the Grenadines scheduled for the week commencing Monday 15th January 2018.

Case Name:

Symcy Williams

v

The Queen

[SVGHCRAP2017/0011]

(Saint Vincent and the Grenadines)

Date:

Tuesday, 31st October 2017

On paper:

Applicant:

In person

Issues:

Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Registrar of the High Court is directed to file a minute of conviction and sentence within 14 days of the date of this order.**

Reason:

The Court noted that the applicant's notice states that he desires to appeal against his sentence passed on 21st June 2017 and that the applicant requires an extension of time to apply for leave to appeal as well as leave to appeal against his sentence. The Court further noted that the notice states that the appellant was convicted of robbery on 30th September 2014 but was sentenced to 10 years imprisonment on 21st June 2017.

Case Name:

Ali Gibson

v

The Queen

[SVGHCVAP2017/0009]

(Saint Vincent and the Grenadines)

Date: Tuesday, 31st October 2017

On paper:

Applicant: In person

Issue: Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. An extension of time is granted to the applicant until 19th June 2017 to appeal against his conviction and sentence for the offence of murder.
2. The notice of appeal filed by the applicant on 19th June 2017 is deemed to have been properly filed.

Reason:

The Court noted that the applicant was convicted on 25th May 2017 and sentenced on 26th May 2017 and that his notice of appeal was filed on 19th June 2017. The Court further noted that the applicant requires an extension of time within which to appeal.

Case Name:

Keyon Scott

v

The Queen

[SVGHCRA2017/0032]

(Saint Vincent and the Grenadines)

Date: Tuesday, 31st October 2017

On paper:

Applicant: In person

Respondent: Ms. D. Jimesha Prince

Issue: Application for extension of time to appeal

Result / Order: **IT IS HEREBY ORDERED THAT:**
The application for an extension of time to appeal against the sentence of the Magistrate imposed over one year ago is denied.

Reason: The Court noted that the application for an extension of time was filed over 10 months after the imposition of the sentence and that no reason was given for the significant delay in filing an appeal.

Case Name: **Patrick Lovelace**
v
The Queen
[SVGHCRAP2009/0017]
(Saint Vincent and the Grenadines)

Date: **Tuesday, 31st October 2017**

On paper:
Applicant: **Simons Muirhead & Burton LLP**
Respondent: **Ms. D. Jimesha Prince**

Issue: **Application for extension of time to appeal**

Result / Order: **IT IS HEREBY ORDERED THAT:**
1. The application for extension of time within which to appeal shall be fixed for hearing by the Full Court at the next sitting of the Court in Saint Vincent and the Grenadines during the week commencing 15th January 2018.
2. Leave is given to the parties to file and serve written submissions in support of or in opposition to the application within one month of the date of this order.

Reason: The Court had regard to the antecedents of this

application arising from a conviction for murder in June 2009 and a sentence of death in February 2010.

Case Name: **Ennis Hector**
v
The Commissioner of Police
[SVGMCRAP2017/0026]
(Saint Vincent and the Grenadines)

Date: **Tuesday, 31st October 2017**

On paper:
Applicant: **In person**

Issue: **Application for extension of time**

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

- 1. Hearing of the application for extension of time to appeal is adjourned to the chamber sitting of this Court on 19th December 2017.**
- 2. The respondent shall file and serve his objection to the application on or before 15th November 2017.**
- 3. Leave is given to the applicant to file and serve submissions in support of his application on or before 30th November 2017.**
- 4. Leave is given to the respondent to file and serve submissions in opposition to the application on or before 15th December 2017.**

Reason: **The Court noted that the application for the extension of time was served on the office of the Director of Public Prosecutions on 5th October 2017. The Court also considered a memo from the office of the DPP dated 30th October 2017 informing the court office that the DPP intends to object to the application, but that the office of the DPP had not yet received the warrant of committal which it requires to adequately respond to the application. The DPP requested an adjournment of this**

matter to enable him to respond to the application.

Case Name:

Carlos Penniston

v

The Queen

[SVGHCRAP2016/0016]

(Saint Vincent and the Grenadines)

Date:

Tuesday, 31st October 2017

On paper:

Applicant:

In person

Issue:

Application to add additional grounds of appeal and for the provision of legal aid

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. Leave is given to the appellant to file fresh grounds of appeal containing all of the grounds on which he wishes to rely.**
- 2. Leave is given to the appellant to file an application for consideration by the Full Court at the next sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 15th January 2018 to be provided with legal aid to prosecute his appeal.**

Case Name:

Remona Grant

v

Roger Thomas

[SVGMCVAP2017/0002]

(Saint Vincent and the Grenadines)

Date: Thursday, 2nd November 2017

On paper:

Applicant: Ms. Samantha V. Robertson

Issue: Application for extension of time – Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The application for an extension of time to seek leave to appeal or for an extension of time to appeal is denied.

Reason: The Court noted that the applicant had provided no reason whatsoever in her application or affidavit in support as to why she did not seek leave prior to 28th July 2017 to appeal against the decision of the Magistrate made on 26th January 2017 after the Magistrate had declined to set it aside on 24th May 2017.

Case Name: Danrick Williams
v
Daron Andrews

[SVGHCVAP2017/0007]
(Saint Vincent and the Grenadines)

Date: Thursday, 2nd November 2017

On paper:

Applicant: Ms. Ashelle Morgan

Issue: Application for extension of time to serve notice of appeal – Application for service via a specified method pursuant to CPR 5.14(1)

Result / Order: IT IS HEREBY ORDERED THAT:
1. An extension of time is granted to the appellant to serve the notice of appeal on the respondent within 60 days of the date of this order.

2. Service of the notice of appeal shall be effected by the publication of notice of it in two consecutive weekend issues of a newspaper in wide and general circulation in Saint Vincent and the Grenadines.

Reason:

The Court was satisfied that the respondent is likely to be made aware of the filing of the notice of appeal if notice of its filing is published in a local newspaper in wide and general circulation.

Case Name:

**Everest Bynoe
v
Commissioner of Police**

**[SVGMCRAP2017/0042]
(Saint Vincent and the Grenadines)**

Date:

Tuesday, 31st October 2017

On paper:

Applicant:

In person

Issue:

Application for bail

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The Chief Registrar shall furnish the Court with any notice of appeal or other related document which has been filed in this matter.
2. The Director of Public Prosecutions shall file and serve a written response to the bail application within 21 days of the date of this order.
3. Further hearing of the application is adjourned to the next chamber sitting of the Court of Appeal on 28th November 2017.

Reason:

The Court noted that there was no notice of appeal before this Court or any other indication that there is a basis upon which this Court can consider an application

for bail by a convicted man serving a sentence. The Court also noted that the application was served on the office of the Director of Public Prosecutions on 19th October 2017 but the Court is without the benefit of a response by the Crown to the application.

Case Name:

Denzil Sam

v

The Queen

[SVGMCRAP2016/0028]

(Saint Vincent and the Grenadines)

Date:

Tuesday, 31st October 2017

On paper:

Applicant:

In person

Issue:

Application to restore appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The Chief Registrar shall cause to be placed on the Court's file prior to the next chamber sitting of this Court, copies of the notice of appeal and the record of appeal, if available, or in the absence of the record, a minute of the conviction and sentence of the applicant.

Reason:

The Court noted the digest of the sitting of the Court of Appeal in Saint Vincent and the Grenadines on 12th May 2017 showing that the applicant's appeal was dismissed for want of prosecution based on an indication by counsel for the respondent that the appellant was not minded to pursue the appeal. The Court also noted that there was no notice of appeal or any other pertinent documents on the Court's file to enable the Court to adjudicate on the application.

Case Name: **Mcarthur Leach**
v
Commissioner of Police
[SVGMCRAP2017/0039]
(Saint Vincent and the Grenadines)

Date: **Tuesday, 31st October 2017**

On paper:
Applicant: **In person**

Issue: **Application for extension of time to appeal**

Result / Order: **IT IS HEREBY ORDERED THAT:**
1. An extension of time is granted to the applicant to appeal against his conviction in the Magistrate's Court on 31st July 2017.
2. The applicant shall file his notice of appeal, together with a minute of his conviction and sentence, on or before 13th December 2017.

Reason: **The Court was satisfied that the applicant had met the requirements for the grant of an extension of time.**

Case Name: **Dexter Stowe**
v
The Commissioner of Police
[SVGMCRAP2017/0040]
(Saint Vincent and the Grenadines)

Date: **Tuesday, 31st October 2017**

On paper:
Applicant: **In person**

Issue: Application for extension of time to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant is granted an extension of time within which to appeal against his conviction and/or sentence by the Magistrate on 31st July 2017.
2. The applicant shall file a notice of appeal against the decision of the Magistrate on or before 15th December 2017.

Reason: The Court was satisfied that the applicant had met the requirements for the grant of an extension of time to appeal. The Court noted that the appellant was convicted and sentenced in the Magistrate's Court for a drug offence on 31st July 2017, that he is not represented by counsel on this application and that the delay in applying for extension of time to appeal is not inordinate.

Case Name: **Jaleel Smith**
v
The Commissioner of Police
[SVGHCRA2017/0041]
(Saint Vincent and the Grenadines)

Date: Tuesday, 31st November 2017

On paper:
Applicant: In person

Issue: Application for extension of time to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. An extension of time is granted to the applicant to appeal against his conviction and/or sentence on 25th August 2017.
2. The applicant shall file his notice of appeal on or

before 15th December 2017.

Reason: The Court was satisfied that the applicant had met the requirements for the grant of an extension of time. The Court noted that the applicant was convicted in the High Court for possession of a firearm on 25th August 2017, he is not represented by counsel in the making of his application and the delay in applying for an extension of time to appeal is not inordinate.

Case Name: KMG International NV
v
DP Holding SA (company incorporated under the laws of Switzerland)
[BVIHCMAP2017/0013]
(Territory of the Virgin Islands)

Date: Thursday, 2nd November 2017

On paper:

Applicant:	Ms. Tameka Davis (Conyers Dill and Pearman)
Respondent:	Mr. Shane Donovan (Mourant Ozannes)

Issue: Application to strike out respondent's cross appeal –
Application for extension of time to apply for leave to cross appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The counter notice of appeal filed by the respondent on 28th June 2017 is struck out as being a nullity, having been filed without leave when leave was required for its filing.
2. The application for an extension of time within which to apply for leave to counter appeal and for leave to file the counter notice of appeal is fixed for hearing by the Full Court at the next sitting of the Court for the

Territory of the Virgin Islands during the week commencing 20th November 2017, prior to the hearing of the substantive appeal.

Reason:

It appeared that the part of the judgment of Wallbank J [Ag.] which the respondent seeks to appeal is an interlocutory order for which leave to appeal is required. The Court had regard to the fact that the counter notice of appeal was filed without the leave of the Court. The Court also had regard to the fact that the substantive appeal is due to be heard at the next sitting of this Court of Appeal for the Territory of the Virgin Islands during the week commencing 20th November 2017.

Case Name:

**Global Ocean Transport Inc.
v
Dwite Flax for Ebony and Ivory Construction
[BVIHCVAP2017/0006]
(Territory of the Virgin Islands)**

Date:

Thursday, 2nd November 2017

On paper:

Applicant: Mr. E. Leroy Jones (Alliance Law Partnership Ltd)
Respondent: Ms. Allana-J Joseph (Sabals Law)

Issue:

**Application for extension of time to file notice of appeal
– Application for adjournment of hearing of stay application**

Result / Order:

IT IS HEREBY ORDERED THAT:
1. The applicant shall file and serve the notice of appeal within 14 days of the date of this order.
2. The applicant shall file and serve submissions in support of its application for a stay of execution within 14 days of the date of this order.
3. The respondent shall file and serve submissions in

opposition to the stay application within 21 days of the date of this order.

4. The application for a stay of execution of the order of the Master is adjourned to the next chamber sitting of this Court on 28th November 2017.

Reason: The Court was satisfied that the applicant had met the requirements for the extension of time sought

Case Name: Millicom (Tanzania) N.V.
v
1. Golden Globe International Services Limited
2. Yusuf Manji

[BVIHCMAP2016/0036]
(Territory of the Virgin Islands)

Date: Thursday, 2nd November 2017

On paper:

Applicant:	Mr. Simon Hall (Maples and Calder)
Respondents:	Ms. Tameka Davis (Conyers Dill & Pearman) for the first respondent Walkers for the second respondent

Issue: Application for extension of time to prepare and certify record of appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The appellant is granted an extension of time until 30th November 2017 to take the necessary steps for the purposes of procuring the preparation of the record of appeal and the certification of the record by the Registrar of the Court of Appeal.

