

COURT OF APPEAL SITTING

**SAINT LUCIA
26th to 30th June 2017**

		<u>JUDGMENTS</u>
Case Name:		[1] J.F. Ming Inc. [2] Ming Shui Sum, Lawrence v [1] Ming Siu Hung, Ronald [2] Shaw Siu Kuen, Barbara [3] Ming Shiu Tong [BVIHCMAP2016/0039]
Date:		Friday, 30 th June 2017
Coram:		The Hon. Mde. Louise Esther Blenman, Justice of Appeal The Hon. Mr. Paul Webster, Justice of Appeal [Ag.] The Hon. Mr. Justice Anthony Gonsalves, QC, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Mr. Paul Chaisty, QC, and with him, Mr. Richard Evans and Mr. Adam Hinks
	Respondent:	Mr. Christopher Parker, QC and Mr. Stuart Cullen
Issues:		Commercial appeal - Unfair prejudice – s. 184I of the BVI Business Companies Act, 2004 (as amended) - Financial statements not provided to members of company contrary to Article 120 of company's Articles of Association –Article 120 amended by second appellant as majority shareholder to waive requirement for production of financial statements –Whether conduct of second appellant capable of amounting in law to unfair prejudice – Whether court ordered buy-out appropriate form of

		relief – Exercise of discretion of learned judge
Result and Reason:		This is an appeal against the decision of the learned judge in an unfair prejudice claim in the court below, which had been brought against the second appellant (“Lawrence”) by the three respondents (“Ronald”, “Bertha” and “Tong”). The judge having found that Ronald, Bertha and Tong had made out the unfair prejudice claim, ordered that Lawrence, who was the majority shareholder of the first appellant company, J F Ming Inc. (“the Company”), buy-out the shares of Ronald, Bertha and Tong, the minority shareholders in the Company. Although Lawrence, Ronald, Bertha and Tong are siblings, Lawrence did not have the best of relationships with the other three; this had been the case for quite some time. Lawrence became the sole director of the Company around May 2006. However, since that time, he had failed to provide his siblings with annual financial statements of the Company, as was required by Article 120 of its Articles of Association. Ronald, Bertha and Tong asserted that Lawrence had access to the financial statements in relation to the Company but chose not to provide them. Concerning this, there were ongoing disputes between the parties with varying unsuccessful efforts to resolve them. Eventually, in late 2013, a discussion between Lawrence and Bertha in relation to him purchasing her shares led to Bertha requesting the audited accounts of the Company in order to ascertain the value of her shares. These were not forthcoming. Bertha subsequently caused her lawyer to write to Lawrence, requesting the financial statements. Lawrence refused to provide any, on the basis that Bertha was not entitled to them as a minority shareholder. Eventually, Ronald and Tong joined Bertha in requesting the financial information from Lawrence but this was to no avail. In April 2014, Lawrence used his majority shareholding to amend Article 120 by way of resolutions in order to prospectively and retrospectively waive the requirement for the production of the financial statements. In May 2014,

		Ronald, Bertha and Tong issued proceedings for an order requiring that the Articles of Association be amended so that they would be returned to their state before the resolutions were passed by Lawrence. By an amendment to their claim, Ronald, Bertha and Tong alleged a series of breaches and wrongdoings on the part of Lawrence as majority shareholder, and extended the relief claimed so as to include an order that Lawrence purchase their minority shareholdings due to his unfair and prejudicial dealings with the Company. The learned judge found that Lawrence had committed acts of oppression, unfair discrimination and unfair prejudice within the meaning of section 184I of the BVI Business Companies Act, 2004¹ so as to give rise to an entitlement to relief against him as the majority shareholder. Accordingly, the judge held that the appropriate order that should be made was that of a court ordered buy-out. He also made a number of orders compelling the provision of the financial statements and the alteration of the Articles of Association. Lawrence appealed the learned judge's decision. The issues raised on appeal were whether the judge was correct to rule that Lawrence's non-provision of the financial statements and alteration of Article 120 amounted in law to unfair prejudice, and if he was correct, whether the judge exercised his discretion properly in ordering the buy-out as the main remedy. Held: dismissing Lawrence's appeal against the learned judge's finding of unfair prejudice; allowing Lawrence's appeal against the relief ordered by the judge to the extent that the order below is varied and substituted with an order setting aside the Resolutions as of the dates on which they were passed, that is, 17th April 2014 and 22nd April 2014, and declaring the Resolutions to be null and void and of no effect; directing that Lawrence, in accordance with Article 120 of the Company's Articles of Association, provide to Ronald, Bertha and Tong, for the year 2006 and each year thereafter through to 2015, and thereafter, for 2016, a profit and loss account and a balance sheet as at the date to which
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		the profit and loss account is made up, within 28 days of this order;; and directing the parties to provide written submissions on the issue of costs in the court below and on this appeal within 28 days of the date of this order, that: 1. Notwithstanding that Lawrence had a duty to provide financial statements to the members of the Company pursuant to Article 120 of the Company's Articles of Association, and that this duty was breached as a result of him not doing so, a claim in unfair prejudice could not have been properly founded before Ronald, Bertha and Tong had specifically requested that he provide them with this information. Accordingly, once Bertha had done this in 2013 and because Lawrence refused to comply with her request, even after the Ronald, Bertha and Tong had filed the claim against him in 2014, a claim in unfair prejudice was properly brought against him. Lawrence's refusal to provide the financial information was both unfair and prejudicial to the interests of the minority shareholders. Furthermore, unfair prejudice also arose from Lawrence using the rules to alter Article 120 in a manner which equity would regard as contrary to good faith, namely, to waive the obligation to provide the financial information. O'Neill and Another v Phillips and Others [1999] 1 WLR 1092 applied; Re Phoenix Office Supplies Ltd. [2002] EWCA Civ 1740 applied. 2. Ronald, Bertha and Tong failed to seek redress in the court during the period 2006-2013, when they were entitled to be provided with the financial information on the Company. The trial judge ought to have treated this delay as a material factor in his determination of the appropriate remedy. However, he failed to take this factor (among others) into account and seemed to have improperly minimised Ronald, Bertha and Tong's contribution to the state of affairs. They are also blameworthy in relation to the Company's present state of affairs, though to a lesser degree and these factors are to be
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		taken into account in the court's determination of the appropriate remedy. 3. The justice of the case did not warrant that the judge make a buy-out order. That remedy was draconian and disproportionate to the breaches that were committed. Taking the totality of circumstances into account, including the conduct of Ronald, Bertha and Tong and juxtaposing that with the conduct of Lawrence, the judge did not exercise his discretion properly in ordering the buy-out. Grace v Biagioli [2006] 2 BCLC 70 distinguished; In re H. R. Harmer Ltd. [1959] 1 WLR 62 applied; Re Metropolis Motorcycles Ltd [2007] 1 BCLC 520 applied. 4. Insofar as the learned judge exercised his discretion improperly in making the buy-out order, he committed an error of principle. It therefore falls to this Court to exercise its discretion afresh. Exercising the discretion afresh and taking into account the totality of circumstances, the appropriate order would be to direct Lawrence to provide the financial information of the Company from 2006 to the present date to Ronald, Bertha and Tong. It would also be just and equitable that Lawrence be ordered to amend the Articles of Association to their pre-resolution state.
		<u>APPLICATIONS AND APPEALS</u>
Case Name:		Harlequin Property (SVG) Limited v Gabriella Klien as Representative Petitioner [SVGHCVAP2017/0008]
Date:		Monday, 26th June 2017
Coram:		The Hon. Dame Janice M. Pereira, DBE, Chief Justice

		The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]
Appearances:		
	Applicant:	No appearance
	Respondent:	Ms. Heidi Badenock holding papers for Mr. Joseph Delves for Financial Services Commission
Issue:		Civil appeal - Without notice motion for leave to appeal
Type of Oral Result / Order Delivered:		Oral Judgment or Decision
Result / Order:		[Oral Delivery] 1. Matter stood down.
Reason:		The court office indicated that the matter will be heard at 1:30 p.m. as such the Court will stand the matter down.
Case Name:		Michael Charles v Nancy Francis-Charles [SLUHCVP2015/0030]
Date:		Monday, 26th June 2017
Coram:		The Hon. Dame Janice M. Pereira, DBE, Chief Justice The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Mr. Horace Fraser

	Respondent:	Mr. Leslie Prospere with him, Mr. Vilan Edward
Issues:		Civil appeal – Application to admit fresh evidence
Type of Oral Result / Order Delivered:		Oral Judgment or Decision
Result / Order:		[Oral delivery] 1. The application to adduce fresh evidence is refused.
Reason:		The test for whether a court should admit fresh evidence on appeal has been set out in <i>Ladd v Marshall</i> [1954] EWCA Civ 1. As Lord Denning indicated: 1. It must be shown that the evidence could not have been obtained with reasonable due diligence at trial; 2. The evidence must be such that, if given, it would probably have an important influence on the result of the case, though it need not be decisive; and 3. The evidence must be apparently credible, though it need not be incontrovertible. The application to admit mortgage and other documents as fresh evidence, purportedly of the respondent's true financial position, does not meet the fresh evidence test as laid down in <i>Ladd v Marshall</i>. The Court was not of the opinion that the documents by themselves would have lead the court to a conclusion contrary to the one reached by the learned trial judge. The documents, by themselves, only invited an investigation to elicit further evidence from which the

		Court would then be able to conclude that the financial position of the respondent is different from what she has disclosed. Further, the circumstances are such that cross-examination may be necessary. The Court was not of the view that the documents would have had an important influence on the result of the appeal; further, to accept the arguments of the appellant would be to engage in speculation on an issue that requires more investigation. For these reasons, the application failed on ground 2 of the Ladd v Marshall test.
Case Name:		Harlequin Property SVG Limited v Gabriella Klien as Representative [SVGHCVAP2017/0008]
Date:		Monday, 26th June 2017
Coram:		The Hon. Dame Janice M. Pereira, DBE, Chief Justice The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Mr. Anwar Brice holding papers for Mr. Bota McNamara
	Respondents:	Ms. Heidi Badenock holding papers for Mr. Joseph Delves on behalf of the Financial Services Commission and Gabriella Klien Mr. Garth Patterson, QC, for the Liquidator, Mr. Brian Glasgow
Issues:		Without notice motion for leave
Type of Oral Result / Order		Oral Judgment or Decision

Delivered:		
Result / Order:		[Oral delivery] 1. Matter adjourned to Wednesday, 28th June 2017 at 2:00 p.m. via Skype.
Reason:		Counsel for the appellant made an oral application for an adjournment on the basis that counsel who has conduct of the matter, Mr. Bota McNamara, is currently out of country.
		<u>HIGH COURT CIVIL APPEALS</u>
Case Name:		Unicomer (Saint Lucia) Limited v Comptroller of Inland Revenue [SLUHCVP2016/0007]
Date:		Monday, 26th June 2017
Coram:		The Hon. Mr. Davidson K. Baptiste, Justice of Appeal The Hon. Mde. Louise Esther Blenman, Justice of Appeal The Hon. Mr. Godfrey Smith, SC, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Mr. Garth Patterson, QC, and with him, Mr. Anthony Bristol
	Respondent:	Mr. Seryzha Cenac, and with him, Mr. Rene Williams and Mr. Kurt Thomas
Issues:		Civil appeal – Judicial review - Assessment of income tax – Breach of fundamental rights in objection

		process – Whether appeal mechanism in Income Tax Act alternative process for purposes of judicial review
Type of Oral Result / Order Delivered:		N/A
Result and Reason:		[Oral Delivery] 1. Judgment is reserved. 2. The appellant is to file and serve submissions on costs within 21 days of the date of this order. 3. The respondent is to file and serve submissions on costs 21 days thereafter.
Case Name:		Good Goal Limited v Oliver C. Jordan [SLUHCVP2016/0026]
Date:		Monday, 26th June 2017
Coram:		The Hon. Mr. Davidson K. Baptiste, Justice of Appeal The Hon. Mde. Louise E. Blenman, Justice of Appeal The Hon. Mr. Godfrey Smith SC, Justice of Appeal[Ag.]
Appearances:		
	Appellant:	Mr. Leslie Prospere
	Respondent:	Mr. Anwar Brice holding for Mr. Bota McNamara
Issues:		Civil appeal – Oral application for adjournment
Type of Oral Result / Order Delivered:		Oral Judgment or Decision

Result/Order:		[Oral Delivery] 1. The appeal is adjourned to Thursday, 28th May 2017 at 9:00 a.m.
Reason:		Counsel for the respondent requested an adjournment due to Mr. McNamara's unavailability. There was no objection to the application by the appellant.
Case Name:		Michael Charles v Nancy Francis-Charles [SLUHCVAP2015/0030]
Date:		Monday, 26th June 2017
Coram:		The Hon. Dame Janice M. Pereira, DBE, Chief Justice The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Mr. Horace Fraser
	Respondent:	Mr. Leslie Prospere, and with him, Mr. Vilan Edward
Issues:		Civil appeal – Interpretation of sections 22, 25 and 45 of the Divorce Act – Whether learned judge erred in making section 45 order
Type of Oral Result / Order Delivered:		Oral Judgment or Decision
Result / Order:		[Oral Delivery] 1. The matter is referred to mediation for the

		purpose of resolving the question of what would amount under section 25 of the Divorce Act to being the reasonable requirements having regard to all the factors of fairness in all the circumstances of this case which ought to be taken into account. 2. The mediation of that issue is scheduled to take place on Wednesday, 28th June 2017 at 10 a.m. 3. The parties agree on the mediator to be Mr. Francis Compton. 4. The Registrar will inform counsel for the parties tomorrow as to the location of the mediation. 5. The parties are to report through their counsel by Friday, 30th June at 9 a.m. on the result of the mediation. 6. Counsel for the appellant will provide the mediator with sections 22 and 25 of the Divorce Act, the pleadings and the judgment. 7. Matter is adjourned until Friday morning for report.
Reason:		The Court was of the view that the issues in the appeal could be settled by mediation.
		<u>MAGISTERIAL CRIMINAL APPEALS</u> <u>AGAINST CONVICTION</u>
Case Name:		Barthelmy Fedee v PC 436 Charlery (The Police) [SLUMCRAP2016/0001]
Date:		Tuesday, 27 th June 2017
Coram:		The Hon. Dame Janice M. Pereira, DBE, Chief Justice The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:		
	Appellant:	No appearance
	Respondent:	Nardia Morgan, Crown Counsel
Issues:		Criminal appeal against conviction – Unlawful assault
Type of Oral Result / Order Delivered:		Directions
Result / Order:		[Oral delivery] 1. The Registrar shall cause to be served on the appellant, personally, a notice to appear before the Court sitting at Nyerah Court on Friday, 30th June 2017 at 9:00 a.m.
Reason:		The appellant was absent.
Case Name:		Merlisha Walters v WPC 210 Jayhan Emmanuel [SLUMCRAP2016/0004]
Date:		Tuesday, 27th June 2017
Coram:		The Hon. Dame Janice M. Pereira, DBE, Chief Justice The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Mr. Robert Innocent
	Respondent:	Mr. Leon France, Crown Counsel
Issues:		Criminal appeal against conviction – Possession of a controlled drug – Possession of cannabis with intent

		to supply – Bringing a prohibited item into Bordelais Correctional Facility
Type of Oral Result / Order Delivered:		Oral Judgment or Decision
Result / Order:		[Oral delivery] 1. This appeal is adjourned to the next sitting of the Court in the State of Saint Lucia during the week commencing Monday, 11th December 2017.
Reason:		Counsel for the appellant indicated that he was served with the record of appeal on the morning of the appeal. As such, he made an oral application for an adjournment of the matter.
Case Name:		Tony Perineau v The Police (Nysa Augustin WPC 239) [SLUMCRAP2016/0002]
Date:		Tuesday, 27 th June 2017
Coram:		The Hon. Dame Janice M. Pereira, DBE, Chief Justice The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Mr. Alberton Richelieu Appellant absent
	Respondent:	Ms. Janine Samuel-Kissner
Issues:		Criminal appeal against conviction – Indecent assault

Type of Oral Result / Order Delivered:		Oral Judgment or Decision
Result / Order:		[Oral delivery] 1. The appellant not having appeared for today's hearing, it is hereby directed that the Registrar shall cause to be served, personally, on the appellant, a notice to appear before the Court on Friday, 30th June 2017 at Nyerah Court at 9:00 a.m. when this appeal will be further considered.
Reason:		The record of appeal was served on the appellant on last Friday. However, counsel for the appellant has yet to receive same. Further, the appellant's counsel has no instructions from the appellant on which to proceed with the appeal.
Case Name:		Vynette Frederick v The Commissioner of Police [SVGMCRAP2014/0009]
Date:		Tuesday, 27th June 2017
Coram:		The Hon. Dame Janice M. Pereira, DBE, Chief Justice The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Mr. Keith Scotland, and with him, Mr. Andrew Pilgrim instructed by Mr. Leslie Prospere Mr. Pilgrim not present

	Respondent:	Mr. Karim Nelson, Crown Counsel
Issues:		Criminal appeal against conviction – Magistrate refusing application that Crown was abusing process of court – Whether allowing matter to proceed would amount to an abuse of the process of the court – Whether two viable matters can subsist in the same court – Whether re-laying of nine charges while appealing the previous dismissal of six charges amounts to an abuse of process –
Type of Oral Result / Order Delivered:		Oral Judgment or Decision
Result / Order:		[Oral delivery] 1. The appeal is allowed. 2. Written reasons to follow at a later date. 3. The respondent shall pay costs to the appellant to be assessed unless agreed within 30 days.
		<u>STATUS HEARING</u>
Case Name:		Christine George v Patrick Daniel Jn Baptiste [SLUHCVP2005/0046]
Date:		Tuesday, 27th June 2017
Before:		The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
Appearances:		
	Appellant:	Ms. Rene St. Rose

	Respondent:	No appearance
Issue:		Status of the matter
Type of Oral Result / Order Delivered:		Oral Judgment or Decision
Result / Order & Reason:		[Oral Delivery] 1. The notice of withdrawal of the appeal having been filed by the appellant on 18 th October 2016, the appeal is accordingly dismissed.
Case Name:		Davidson Ferguson et al v Carol Gideon Clovis [SLUHCVAP2015/0001]
Date:		Tuesday, 27th June 2017
Before:		The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
Appearances:		
	Appellant:	Mr. Ferguson John
	Respondent:	In person
Issue:		Status of the matter
Type of Oral Result / Order Delivered (if applicable):		Directions
Result / Order:		[Oral delivery]

		1. The matter is adjourned to the next status hearing in Saint Lucia in December 2017 scheduled for the week of 11 th to 15 th December 2017.
Reason:		Counsel for the appellant indicated he is awaiting the master's notes on the decision which are not ready.
Case Name:		Joan Marquis et al v The Hon. Attorney General of Saint Lucia [SLUHCVAP2015/0006]
Date:		Tuesday, 27 th June 2017
Before:		The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
Appearances:		
	Appellant:	Mr. Dexter Theodore, QC, and with him, Ms. Isabella Shillingford
	Respondent:	Ms. Jan Drysdale
Issue:		Status of the matter
Type of Oral Result / Order Delivered:		Directions
Result / Order & Reason:		[Oral Delivery] 1. The matter will proceed in accordance with the Civil Procedure Rules 2000 upon the Registrar of the High Court notifying the parties of the availability of the transcript.

Case Name:		Cynthia Paul v The New India Assurance Co. (Trinidad and Tobago) Ltd et al [SLUHCVAP2015/0007]
Date:		Tuesday, 27th June 2017
Before:		The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
Appearances:		
	Appellant:	Ms. Wauneen Louis- Harris Appellant present
	Respondent:	Mr. Dexter Theodore, QC, and with him, Ms. Isabella Shillingford
Issue:		Status of the matter
Type of Oral Result / Order Delivered:		Directions
Result / Order:		[Oral Delivery] 1. The matter is adjourned to the next status hearing in Saint Lucia during the sitting of the Court in Saint Lucia scheduled for the week of 11th to 15th December 2017.
Reason:		Counsel for the appellant indicated that the transcript is still not available. However, she was unable to indicate the stage of its preparation.

Case Name:		Elizabeth Monroe v Cohen Williams et al [SLUHCVAP2014/0004]
Date:		Tuesday, 27th June 2017
Before:		The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
Appearances:		
	Appellant:	Mr. Gerard Williams
	Respondent:	Ms. Renee St. Rose
Issue:		Status of the matter – Oral application to withdraw the appeal
Type of Oral Result / Order Delivered:		Oral Judgment or Decision
Result / Order:		[Oral delivery] 1. The appeal having been withdrawn is accordingly dismissed. 2. No order as to costs
Reason:		Counsel for the appellant wished to withdraw the appeal and made an oral application to that effect.
Case name:		Network Construction Maintenance & Rehabilitation Limited et al v Cable & Wireless (St. Lucia) Limited

		[SLUHCVAP2016/0001]
Date:		Tuesday, 27th June 2017
Before:		The Hon. Davidson K. Baptiste, Justice of Appeal
Appearances:		
	Appellant:	Mr. Dexter Theodore, QC, and with him, Ms. Isabella Shillingford
	Respondent:	Mr. Deale Lee
Issue:		Status of the matter
Type of Oral Result / Order Delivered:		Directions
Result / Order:		[Oral Delivery] 1. The matter is adjourned to the next status hearing during the sitting of the Court in Saint Lucia scheduled for the week commencing 11th to 15th December 2017.
Reason:		The transcript is not available. There are some technical difficulties with the preparation of the transcript. Counsel for the appellant, by letter dated 12th May 2017, informed the registrar that he wishes to engage the services of a private transcriptionist and still intends to do so.
Case name:		Keith Smith v Gertrude Thomas [SLUHCVAP2014/0020]

Date:		Tuesday, 27th June 2017
Before:		The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
Appearances:		
	Appellant:	Mr. Dexter Theodore, QC and with him, Ms. Isabella Shillingford
	Respondent:	No appearance
Issue:		Status of the matter
Type of Oral Result / Order Delivered:		Directions
Result / Order & Reason:		[Oral Delivery] 1. Notice of availability of transcript having been filed on 23rd June 2017, the matter is to proceed in accordance with the CPR 2000.
Case name:		Benjamin Drakes v Plantation Beach St. Lucia Ltd [SLUHCVAP2015/0017]
Date:		Tuesday, 27th June 2017
Before:		The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
Appearances:		
	Appellant:	Ms. Ester Greene-Ernest
	Respondent:	No appearance

Issue:		Status of the matter
Type of Oral Result / Order Delivered:		Directions
Result / Order:		[Oral Delivery] 1. The notice of availability of transcript having been filed, the matter is to proceed in accordance with the CPR 2000.
Reason:		Counsel for the appellant indicated that the transcript is now ready and that she was so informed on 14th June 2017.
Case Name:		Royal St. Lucia Police Band and Allied Services Cooperative Credit Union Ltd v Albert James [SLUHCVAP2015/0015]
Date:		Tuesday, 27th June 2017
Before:		The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
Appearances:		
	Appellant:	No appearance
	Respondent:	Mr. Horace Fraser
Issue:		Status of the matter
Type of Oral		Directions

Result / Order Delivered:		
Result / Order:		[Oral delivery] 1. The matter is adjourned to the next status hearing during the sitting of the Court in Saint Lucia scheduled for the week commencing 11 th to 15 th December 2017.
Reason:		Counsel for the respondent indicated that counsel for the appellant informed him of some difficulty in obtaining the transcript but was unsure as to the current position.
Case Name:		The Bagshaws of St. Lucia Limited V Pavlin Limited [SLUHCVAP2014/0023]
Date:		Tuesday, 27th June 2017
Before:		The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
Appearances:		
	Appellant:	Ms. Renee St. Rose
	Respondent:	Ms. Esther Greene- Ernest
Issue:		Status of the matter
Type of Oral Result / Order Delivered:		Directions
Result / Order:		[Oral Delivery] 1. By consent, the matter is adjourned to the next

		status hearing during the sitting of the Court in Saint Lucia scheduled for the week of the 11 th to 15 th December 2017 to facilitate settlement negotiations between the parties.
Reason:		The Court noted that the parties are presently engaged in discussions with the view to settlement and that the parties anticipate that they would come to an amicable settlement before the next sitting of the Court in Saint Lucia.
Case Name:		Evariste Ambrose v Antoine Baptiste [SLUHCVAP2015/0029]
Date:		Tuesday, 27th June 2017
Before:		The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
Appearances:		
	Appellant:	Ms. Wauneen Louis- Harris Appellant present
	Respondent:	Ms. Leandra Verneuil
Issue:		Status of the matter
Type of Oral Result / Order Delivered (if applicable):		Directions
Result / Order:		[Oral Delivery] 1. The transcripts of proceedings having been

		prepared, the matter is to proceed in accordance with CPR 2000.
Reason:		Counsel informed the Court that notice of availability of the transcript was only recently received.
Case Name:		Linus Felix v Hildree Edward [SLUCHCVAP2014/0006]
Date:		Tuesday, 27 th June 2017
Before:		The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
Appearances:		
	Appellant:	Ms. Wauneen Louis-Harris Appellant present
	Respondent:	Ms. Esther Greene- Ernest
Issue:		Status of the matter
Type of Oral Result / Order Delivered :		Directions
Result / Order:		[Oral Delivery] 1. The transcripts of proceedings having been prepared, the matter is to proceed in accordance with CPR 2000.
Reason:		Counsel for the appellant has received the notice of availability of transcript. Accordingly, the matter is

		ready to proceed.
Case Name:		Ruth Dubois et al v Francis Maurice [SLUHCVAP2013/0007]
Date:		Tuesday, 27th June 2017
Before:		The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
Appearances:		
	Appellant:	No appearance
	Respondent:	Mr. Alvin St. Clair Respondent present
Issue:		Status of the matter
Type of Oral Result / Order Delivered (if applicable):		Directions
Result / Order:		[Oral Delivery] 1. The matter adjourned to the next status hearing during the sitting of the Court in St. Lucia scheduled for the week of 11th to 15th December 2017.
Reason:		The transcript has not been prepared. The appeal was discontinued on January 12th 2017. However, the respondent intends to prosecute the cross appeal and requires time to retain another

		counsel other than counsel who presently represents him.
		The respondent also intends to apply for costs following the discontinuance.
Case Name:		Justin Augustin Livester Augustin v Joseph Oberius [SLUHCVAP1999/0002]
Date:		Tuesday, 27 th June 2017
Before:		The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
Appearances:		
	Appellants:	No appearance
	Respondent:	No appearance
Issue:		Status of the matter
Type of Oral Result / Order Delivered:		Directions
Result / Order:		[Oral Delivery] 1. The matter adjourned to the next status hearing during the sitting of the Court in St. Lucia scheduled for the week of 11th to 15th December 2017.
Reason:		Counsel for the appellant, via communication to the Court, requested an adjournment on the basis that she is unwell. A medical certificate evidencing illness was sent to the Court.

Case Name:		Wauneen Louis-Harris v Lazarus Paul [SLUCHVAP2015/0032]
Date:		Wednesday, 28th June 2017
Coram:		The Hon. Dame Janice Pereira, DBE, Chief Justice The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Mrs. Wauneen Louis-Harris In person
	Respondent:	Mr. Gerard Williams
Issue:		Civil appeal
Type of Oral Result / Order Delivered:		Oral Judgment or Decision
Result / Order:		[Oral Delivery] 1. Mediation of the issues raised in the appeal shall continue with a follow-up mediation session fixed for a date to commence by no later than Friday, 14th July 2017.
Reason:		Counsel for the respondent indicated that the intention was to conclude the mediation before the sitting of the Court. However, the mediation exercise has been frustrated. Both counsel indicated that the issues in the appeal can be successfully resolved by mediation.

Case Name:		1st National Bank St Lucia Limited v [1] Michel Rocton [2] Gwendoline Rocton [SLUHCVAP2016/0020]
Date:		Wednesday, 28th June 2017
Coram:		The Hon. Dame Janice Pereira, DBE, Chief Justice The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Mr. Geoffrey DuBoulay
	Respondents:	Mr. Colin Foster, Amicus Curiae
Issue:		Civil appeal – Service of appeal documents
Type of Oral Result / Order Delivered:		Oral Judgment or Decision
Result / Order:		[Oral Delivery] 1. The matter is removed from the active court listing. 2. Upon proof of service on the respondents, the matter shall be relisted.
Reason:		Although counsel appearing amicus curiae for the respondents accepted service of the appeal documents, he subsequently indicated to the Court that he has not been properly retained by the respondents and has had difficulty contacting them. Accordingly, he has no instructions to act on the appeal.

Case Name:		First Caribbean International Bank (Barbados) Limited v Sunset Village Inc. [SLUCHVAP2016/0027]
Date:		Wednesday, 28th June 2017
Coram:		The Hon. Dame Janice Pereira, DBE, Chief Justice The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Ms. Renee St. Rose
	Respondent:	Mr. Bota McNamara
	Interested Creditors:	Mr. Colin Foster
Issues:		Civil appeal – Application for filing directions
Type of Oral Result / Order Delivered:		Directions
Result / Order:		[Oral Delivery] 1. The appellant shall file and serve a complete bundle comprising the record of appeal by 21st July 2017. 2. The appellant shall file and serve skeleton arguments together with a bundle of any authorities relied on by 21st July 2017. 3. Counsel for the interested creditors shall file and serve skeleton arguments with bundles of authorities relied on by 11th August 2017. 4. Counsel for the Liquidator shall file and serve skeleton arguments with bundles of authorities relied on by 11th August 2017. 5. The hearing of this appeal is adjourned to the next sitting of the court in Saint Lucia during

		the week commencing 11 th December 2017.
Reason:		Counsel for the appellant indicated that the record of appeal was incomplete as there were further documents to be added and consolidated. Counsel requested three weeks within which to do so. All counsel requested time to file skeleton arguments.
Case Name:		Tara Ermine Leevy v Rosanna St. Martin [SLUHCVAP2015/0005]
Date:		Wednesday, 28 th June 2017
Coram:		The Hon. Dame Janice Pereira, DBE, Chief Justice The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Esther Green-Ernest
	Respondent:	In person
Issues:		Civil appeal
Type of Oral Result / Order Delivered:		Oral Judgment or Decision
Result / Order:		[Oral Delivery] 1. Matter adjourned and set down for report on Friday, 30 th June 2017.

Reason:		The respondent indicated that she does not have an attorney as she cannot afford to retain one. The Court indicated that the nature of the issues raised in the appeal would require the assistance of an attorney. Mr. Geoffrey DuBoulay indicated to the court that once he takes a look at the appeal documents, he may be able to assist the respondent in the appeal.
Case Name:		Patrick Morille v Hermia Roseline Morille [SLUHCVAP2010/0035]
Date:		Wednesday, 28th June 2017
Coram:		The Hon. Dame Janice Pereira, DBE, Chief Justice The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Horace Fraser
	Respondent:	Esther Greene-Ernest
Issues:		Civil appeal – Extension of time to comply with deadline for filing statutory appeal – Application to discharge order of single judge
Type of Oral Result / Order Delivered:		Oral Judgment or Decision
Result / Order:		[Oral Delivery] 1. The appeal to the Full Court is hereby dismissed. 2. The reasons given by the learned judge are affirmed as no basis has been shown for varying or setting aside the order of the single judge which this Court considers to be the

		correct approach. 3. Costs of the appeal to the respondent agreed in the sum of \$1000.00 to be paid by the appellant within 21 days.
Reason:		An application for extension of time to file a statutory appeal should only be granted in exceptional circumstances. The applicant must show that he or she was prevented in some way from making the appeal. There are no legislative provisions for extending time in this case. As such, any application for an extension must be considered on the basis of the court's inherent jurisdiction. If the inherent jurisdiction of the court is to be engaged, it must be so engaged in exceptional circumstances. In such an instance, the applicant must have done all that he could have done to present the appeal. The test that the court must apply is whether there are circumstances that prevented the appellant from taking the necessary steps to bring the appeal. On the facts of this case, the Court found that there were no exceptional circumstances present so as to grant the application for an extension of time. The application is therefore refused. Adesina and Baines v Nursing and Midwifery Council [2013] EWCA Civ 818 applied.
Case Name:		Jonathan David Lesfloris v Glenda Dale Lesfloris [SLUHCVAP2015/0018]
Date:		Wednesday, 28th June 2017
Coram:		The Hon. Dame Janice Pereira, DBE, Chief Justice The Hon. Mr. Mario Michel, Justice of Appeal

		The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Mr. Gerard Williams
	Respondent:	Mrs. Wauneen Harris-Louis
Issues:		Civil appeal
Type of Oral Result / Order Delivered:		Oral Judgment or Decision
Result / Order:		[Oral Delivery] 1. The hearing of the appeal is adjourned to the next sitting of the Court of Appeal in Saint Lucia during the week commencing 11th December 2017 to enable the parties to take the necessary steps enabling the appeal to proceed in accordance with the Rules of Court.
Reason:		The parties were not ready to proceed with the appeal.
Case Name:		Harlequin Property (SVG) Limited v Gabriella Klein as Representative Petitioner [SVGHCVAP2017/0008]
Date:		Wednesday, 28th June 2017
Coram:		The Hon. Dame Janice Pereira, DBE, Chief Justice The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]
Appearances:		

	Appellant:	Mr. Bota McNamara
	Respondents:	Mr. Garth Patterson, QC, with him, Ms. Lalita Vaswani for Mr. Brian Glasgow, Trustee in Bankruptcy Ms. Heidi Badenock holding for Mr. Joseph Delves for the Interested Party, the Financial Services Commission
Issues:		Civil appeal – Application for leave to appeal – Exercise of discretion – Whether learned judge erred in considering company’s viability by having regard to rehabilitation as opposed to liquidation – Criteria in sub-section 9 of the Bankruptcy Act
Type of Oral Result / Order Delivered:		Oral Judgment or Decision
Result / Order:		[Oral Delivery] 1. The application for leave to appeal is dismissed. 2. There will be no order as to costs in this application, save that the statutory right of the trustee to recover costs from the estate is not affected by this order.
Reason:		The Court found that there was material on which the judge could have acted in respect of all the criteria listed in subsection 9 of the Bankruptcy Act. Accordingly, there was no basis on which the Court could interfere with the manner in which the learned judge exercised his discretion.
Case Name:		[1] Ledwin Moise also known as Tiburce Victor Maxime Lidwine Moise v [1] Cletus Hippolyte [2] CSH Company Limited [SLUHCVAP2016/0024]

Date:		Wednesday, 28th June 2017
Coram:		The Hon. Mr. Davidson K. Baptiste, Justice of Appeal The Hon. Mde. Louise E. Blenman, Justice of Appeal The Hon. Mr. Godfrey Smith, SC, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Ms. Carol Gideon-Davis
	Respondent:	Mr. Dexter Theodore, QC, and with him, Ms. Isabella Shillingford Respondent present
Issues:		Civil appeal – Fixed date claim form – Whether appellant ought to have given respondent notice in order to regain possession of the property pursuant to Articles 1530(2) of the Civil Code of Saint Lucia – Whether the judge improperly relied on 1515 in stating that the lessee was a tenant at sufferance – Whether tenant at sufferance can come into existence when there is a lease in place – Whether lease remained in place until 2012 by tacit renewal
Type of Oral Result / Order Delivered:		Oral Judgment or Decision
Result and Reason:		The thrust of this appeal is whether or not notice was required to regain possession of property under a lease agreement. The appeal engages various provisions of the Civil Code and also includes the judge’s analysis of the lease between the parties. The appellant posited that no notice was required in order to gain possession of the premises and they found their argument on Article 1530(2) of the Civil Code. The Article says in part “the lessor has a right of action in the ordinary course of law or by summary proceedings, as prescribed in the Code of Civil Procedure”. Subparagraph 2 states “To recover possession of the premises leased in all cases where

		there is a cause for rescission, and where the lessee continues in possession, against the will of the lessor, more than three days after the expiration of the lease, or without paying the rent according to the stipulation of the lease if there be one or according to article 1515 where there is no lease.” The appellant argued that there was a breach of the obligation to pay rent on the part of the respondent and therefore by virtue of Article 1530(2) no notice was required. The respondent’s position is that Article 1516 is engaged in this matter. Article 1516 states “If the lessee remain in possession more than eight days after the expiration of the lease, without any opposition or notice on the part of the lessor, a tacit renewal of lease take place for another year, or on a term, or the term for which the lease was made, if less than a year, and the lessee cannot thereafter leave the premises, or be ejected from them, unless due notice has been given as required by law.” The respondent stated that the question is what is meant by due notice. The learned judge in his judgment had ruled that the lease was tacitly renewed between 2006 and February 2012. That tacit renewal in each case was for a further year since the term of the lease had been for a year. Once tacit renewal occurred, ejectment could only take place if due notice had been given as required by law. The respondent submits that there is no provision that requires a yearly tenancy to be determinable on one month’s notice. The question remains whether sufficient notice was required. The respondent contended that the Code does not stipulate what the proper notice should be for yearly tenancy of land so pursuant to 917(2) which imports the law of England into Contract it is permissible to consider the English position on leases. The appellant gave a different view as to the applicability of this position. The learned judge came to the conclusion after examining the lease and the law that a period of 3-month lease was applicable. The Court did not find any basis to depart from the judge’s conclusion. The Court did not agree with the appellant that no notice was required.
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		The Court was of the view that one month's notice would be wholly inadequate given the facts and circumstances of this case. The Court is therefore in agreement with the judge that three months' notice would be adequate in this case. During the ventilation of the appeal, the issue of mesne profits was advanced by the appellant. The respondent's counsel opined that his client's obligation to pay the rent still subsisted. Mr. Theodore, QC also adverted to the fact that a time in the past when the respondent had offered 3 months' rent that it was not accepted by the appellant. Undoubtedly the lack of the appellant's acceptance was predicated on what they saw as a breach on the part of the respondent. In any event counsel has indicated that the obligation of his client to pay rent continues and that is the position of the law. The Court accordingly dismissed the appeal. By consent the respondent is to pay the sum of \$33,000.00 representing the back payment of rent on or before the 28th September 2017. Costs to the respondent agreed in the sum of \$2500.00 to be paid on or before 1st October 2017.
Case Name:		Thomas Ambrose v Josephat Small [SLUHCVAP2015/0022]
Date:		Wednesday, 28th June 2017
Coram:		The Hon. Mr. Davidson K. Baptiste, Justice of Appeal The Hon. Mde. Louise E. Blenman, Justice of Appeal The Hon. Godfrey Smith, SC, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Mr. Shawn Innocent Appellant present

	Respondent:	Ms. Faye Finisterre with Ms. Sylma Finisterre Respondent present
Issue:		Application for fresh evidence – Application for time to respond to submissions
Type of Oral Result / Order Delivered:		Oral Judgment or Decision
Result / Order:		[Oral delivery] 1. Leave is granted to the respondent to file and serve supplemental submissions within 14 days of this order. 2. The hearing of this appeal is adjourned to the next sitting of the Court in Saint Lucia during the week which commences on the 11th of December 2017. 3. Costs in the sum of \$900.00 to be paid to the appellant.
Reason:		The appellant filed submissions on 21st June 2017. The respondent needed time to respond.
Case Name:		Fabian Jagroop v Dave Johnny [SLUHCVP2016/0028]
Date:		Wednesday, 28th June 2017
Coram:		The Hon. Mr. Davidson K. Baptiste, Justice of Appeal The Hon. Mde. Louise E. Blenman, Justice of Appeal The Hon. Godfrey Smith, SC, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Mr. Alvin St. Clair Appellant present

	Respondent:	Mr. Dexter Theodore, QC, and with him, Ms. Isabella Shillingford Respondent present
Issue:		Whether judge erred in interpretation of facts – Whether judge failed to consider the capacity and stability of the respondent to be a tutor – Whether the learned judge failed to consider whether the respondent was “an interested person” under Article 269 of the Civil Code – Whether judge erred in understanding of legal tutorship – Whether learned judge failed to take into account and consider facts that were within judicial knowledge – Whether learned judge erred and concluded contrary to these facts
Type of Oral Result / Order Delivered:		Oral Judgment or Decision
Result/Order and Reason:		The Court listened to submissions in this matter and the relevant law which has been advanced by counsel. The Court read the grounds of the appeal, the order of the judge and has paid regard to the orders made by the judge. It is obvious that the thrust of the orders made concerns the issue of accounting. The Court was not of the view that there was any unreasonableness in these orders or that they are unfair or work to the detriment of any party. The Court recognised that there may have been some errors made in this matter. Reference is made to the fact that counsel brought to our attention two orders made by the judge which the judge apparently forgot when she articulated her judgement. In any event, the Court was of the view when one considers the matter in the round and the nature of the orders made no injustice was occasioned by the judge not having these orders in her mind when she gave the judgment.

		In the circumstances, the Court upheld the judgment of the judge in this matter and affirmed the orders made. Accordingly, the appeal was dismissed, the costs below in the sum of \$4500.00 awarded to the respondent was affirmed and on appeal, the appellant is to pay the respondent's costs assessed at \$2000.00.
Case Name:		Pauline Doyle v Pauline Jn. Baptiste [SLUHCVAP2016/0018]
Date:		Wednesday, 28th June 2017
Coram:		The Hon. Mr. Davidson K. Baptiste, Justice of Appeal The Hon. Mde. Louise E. Blenman, Justice of Appeal The Hon. Godfrey Smith, SC, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Ms. Wauneen Louis-Harris Appellant present
	Respondent:	Mr. Horace Fraser Respondent present
Issues:		Rental premises – Section 2 of the Rent Restriction Act – Whether the High Court had jurisdiction to hear the matter
Type of Oral Result / Order Delivered:		Oral Judgment or Decision
Result/Order and Reason:		The appellant complains that the learned judge erred in law in hearing the fixed date claim and in granting judgment in favour of the respondent whereas the premises which form the subject matter of the

		proceedings is governed by the Rent Restriction Act of Saint Lucia Cap which directs that the jurisdiction of magistrate shall extend to all premises to which the Rent Restriction Act applies. The appellant made reference to section 2 of the Act as well as section 3(1) and 3(2). The respondent contended that there are particular features in this matter which bring it outside of the purview of the Rent Restriction Act and brings it into the jurisdiction of the High Court. The appellant maintained the position that the court had no jurisdiction in this matter by virtue of the position of Rent Restriction Act. Both the appellant and respondent counsel viewed and made reference to the pleadings in this matter in support of their respective cases. The Court looked at the pleadings. The Court looked at the claim form and the statement of claim and noticed that the fixed date claim form says “the claimant claims vacant possession...” The Court also perused the statement of claim at paragraph 3 says “by oral agreement made on June 27.....” as well as at the relief claimed there. The respondent contended that a building was constructed on the premises and it was not only an issue of the rent which was agreed upon and this is a factor which brings it outside the purview of the Rent Restriction Act. Having perused the pleadings, the Court also considered the evidence to which counsel for the appellant referred in her submissions. The Court was in agreement with the position adopted by the appellant, that the pleadings are bereft of any evidence as to the value of the property and based on the pleadings and the evidence it has not been shown that jurisdiction has been founded in the High Court. Accordingly, the Court allowed the appeal on the ground of lack of jurisdiction and set aside the orders of the judge. The appellant was awarded costs on the appeal of \$1,500.00.

		<u>HIGH COURT CRIMINAL APPEALS AGAINST SENTENCE</u>
Case Name:		Hanson James v The Queen [SLUHCRA2015/0002]
Date:		Thursday, 29th June 2017
Coram:		The Hon. Mr. Davidson K. Baptiste, Justice of Appeal The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	In person
	Respondent:	Mr. Leon France
Issues:		Criminal appeal against sentence – Burglary
Type of Oral Result / Order Delivered:		Oral Judgment or Decision
Result / Order:		[Oral Delivery] 1. The appeal is dismissed. 2. Accordingly, the decision of learned judge ordering the sentences to run consecutively is affirmed.
Reason:		The learned judge imposed a 4-year sentence with respect to an offence of stealing which carries a maximum of 7 years and imposed a 10 years sentence

		for the offence of burglary which carries maximum of 20 years imprisonment. The appellant complains that the sentence imposed is too severe. The Crown submitted that the sentence was just in these circumstances as the appellant was charged separately with stealing and charged with burglary. The learned trial judge had ordered a pre-sentence report to assist him to understand circumstances of appellant. What has been gleaned was not only the fact that he seems to have a problem with drugs and offences of a similar nature but also that he had 25 previous charges of similar nature. The Court found that there was no basis to upset the decision of the learned trial judge. There was nothing on record which indicated that the judge erred in any way when sentencing the appellant.
Case Name:		The Director of Public Prosecutions v Caleb Antoine [SLUHCRAP2017/0001]
Date:		Thursday, 29th June 2017
Coram:		The Hon. Mr. Davidson K. Baptiste, Justice of Appeal The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Mr. Leon France holding papers for Mr. Stephen Brette
	Respondent:	Mr. Leslie Mondesir
Issues:		Criminal appeal against sentence – Referral of sentence to the Court of Appeal by DPP – Oral application for an adjournment

Type of Oral Result / Order Delivered:		Oral Judgment or Decision
Result / Order:		[Oral Delivery] 1. The Director of Public Prosecutions is to file and serve submissions and authorities in support on or before the 30th of August 2017. 2. The respondent is to file and serve submissions and authorities on or before the 2nd of October 2017. 3. The hearing is adjourned to the next sitting of the Court of Appeal in Saint Lucia during the week commencing 11th December 2017.
Reason:		Mr. France indicated that Mr. Brette who has conduct of the matter was unable to attend the sitting due to him being out of state and owing to personal circumstances. Mr. France indicated that Mr. Brette had sent correspondence to this effect to the Court and also on respondent counsel. The respondent's counsel had no objection to the oral application for an adjournment.
Case Name:		Wayne Anderson Edward v The Queen [SLUHCRA2014/0004]
Date:		Thursday, 29th June 2017
Coram:		The Hon. Mr. Davidson K. Baptiste, Justice of Appeal The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	In person

	Respondent:	Mr. Leon France
Issues:		Criminal appeal against sentence – Aggravated burglary – Damage to property
Type of Oral Result / Order Delivered:		Oral Judgment or Decision
Result / Order:		[Oral delivery] 1. The matter is adjourned to the chamber hearing for the 26th September 2017 for report. 2. The DPP will apprise the Court as to the status of this matter.
Reason:		The file was incomplete. The Crown stated that they required to see the file in order to make certain decisions on the way forward. The Crown has made a request for the magistrate's notes to make a determination if the damage to property charge was indeed dismissed in the High Court before he was re-indicted as if this is the case, then autrefois acquit would then obtain. The appellant also indicated that he is seeking the assistance of counsel to prosecute the appeal.
Case Name:		Melvin Henry v The Queen [SLUHCRA2015/0003]
Date:		Thursday, 29th June 2017
Coram:		The Hon. Mr. Davidson K. Baptiste, Justice of Appeal The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:		
	Appellant:	In person
	Respondent:	Ms. Nardia Morgan
Issues:		Criminal appeal against sentence – Burglary
Type of Oral Result / Order Delivered:		Oral Judgment or Decision
Result / Order:		[Oral delivery] 1. The appeal is allowed to the extent that the two 7 year sentences are to run concurrently and not consecutively.
Reason:		The Court has heard the appellant in person indicating that he was aggrieved by his sentences of 7 years to run consecutively. The Court has also heard from the Crown and have looked at the authorities submitted by the Crown and has come to the conclusion that it was open to the judge to award concurrent sentences. Concurrent sentences should be imposed unless very strong reasons are given to the contrary. There was no reason given by the judge as to why the two 7 year sentences were not to run concurrently. The judge erred in so doing. In considering whether to impose a consecutive sentence, the Court must look at the case in the round and have regard to the principles of proportionality. The appellant in this case is facing 21 years' imprisonment. There are various matters to be considered: notional sentence, aggravating factors, mitigating factors. There is no issue with the imposition of the 7 years sentence, the issue is with the imposition of the sentences consecutively. The judge could lawfully have imposed a concurrent sentence.

Case Name:		Clement Tisson v The Queen [SLUHCRA2015/0001]
Date:		Thursday, 29th June 2017
Coram:		The Hon. Mr. Davidson K. Baptiste, Justice of Appeal The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	In person
	Respondent:	Mr. Daarsrean Greene, the Director of Public Prosecutions
Issues:		Criminal appeal against sentence – Unlawful carnal knowledge
Type of Oral Result / Order Delivered:		Directions
Result / Order:		[Oral delivery] 1. The DPP is to file and serve skeleton submissions on or before the 31st of August 2017 on the question touching the running of the appellant's sentence imposed on 3rd of June 2014 having regard to the following: a. That the defendant at the time of conviction was serving a term of 15 years imprisonment for a similar offence imposed in 2004 with a tentative release date of January 2015; b. That the time the appellant spent on remand awaiting trial for his subsequent conviction be duly identified; c. That the Crown is to address the issue of

		whether the subsequent sentence ought to run consecutively to the sentence of 15 years. 2. The matter is adjourned to the next sitting of the Court in Saint Lucia during the week commencing 11th December 2017.
Reason:		N/A
		<u>HIGH COURT CRIMINAL APPEALS AGAINST CONVICTION</u>
Case Name:		Eardley Deterville v The Queen [SLUHCRA2014/0003]
Date:		Thursday, 29 th June 2017
Coram:		The Hon. Mr. Davidson K. Baptiste, Justice of Appeal The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	No appearance
	Respondent:	Ms. Nardia Morgan
Issues:		Criminal appeal against conviction – Wounding
Type of Oral Result / Order Delivered:		Oral Judgment or Decision
Result / Order:		[Oral delivery]

		1. The appeal is struck out for want of prosecution.
Reason:		The appellant was served with notice of hearing in February 2017. He was absent from the proceedings without any reason being advanced.
		<u>HIGH COURT CIVIL APPEALS</u>
Case Name:		Good Goal Ltd v Oliver C. Jordan [SLUHCVAP2016/0026]
Date:		Thursday, 29 th June 2017
Coram:		The Hon. Mr. Davidson K. Baptiste, Justice of Appeal The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Mr. Leslie Prospere, and with him, Mr. Vilan Edward Appellant's representative absent
	Respondent:	Mr. Bota McNamara Respondent absent
Issues:		Civil appeal – Interlocutory appeal – Company in liquidation – Whether learned judge was correct to deny application for leave to proceed against the respondent – Whether learned judge erred in her assessment of fact – Whether learned judge erred in granting the respondent leave to cross examine the sole applicant for the appellant – Whether learned judge misdirected her mind and erred in the exercise of her discretion – Whether learned judge conducted a mini trial

Type of Oral Result / Order Delivered:		Oral Judgment or Decision
Result / Order and Reason:		This is an application by Good Goal seeking permission to bring a claim for breach of contract against the respondent. The claim arises out of a contract for sale of property by Sunset Village Inc. The applicant applied for permission to pursue the claim against the company. The judge found and it is common ground that the court should grant leave if there are serious issues to be tried. The judge heard the application and refused leave. In course of hearing, she ordered cross examination and also made certain findings of fact. Mr. Prospere for the applicant suggested that the judge's handling of the application went beyond the normal course in determining whether there are serious issues to be tried in the context of an application for permission to bring a claim. Mr. McNamara invited the court to take notice and to consider the stage of the liquidation as a factor to be considered in determining whether leave to bring the claim should be granted. The Court declined that invitation because that issue was not before the judge and it did not have her reasoning on it. It should have been raised by a proper application to admit fresh evidence. The Court reviewed the submissions and various documents and found that there are serious issues to be tried relating to the alleged breach of contract and the claim for damages. Mr. McNamara raised the issue of merger. This issue was not raised before the judge. The Court does not have the benefit of the judge's view on this and therefore declined to consider it for the first time on

		appeal. In all the circumstances, the Court allowed the appeal and made no order as to costs. The applicant was granted leave to bring a claim against the respondent. The Court further ordered that the claim be made against the company. The order of the Court was as follows: 1. The appeal is allowed. 2. The applicant is granted leave to proceed with a claim against the company. 3. There is no order as to costs.
		<u>STATUS HEARING</u>
		<u>HIGH COURT CRIMINAL APPEALS</u>
Case Name:		Glenroy Shawn Victor v The Queen [SLUHCRA2014/0001]
Date:		Thursday, 29th June 2017
Coram:		The Hon. Mde. Louise Esther Blenman, Justice of Appeal
Appearances:		
	Appellant:	Appellant in person
	Respondent:	Mr. Daarsrean Greene, Director of Public Prosecutions
Issues:		Status of the matter

Type of Oral Result / Order Delivered		Directions
Result / Order:		[Oral Delivery] Upon the Court noting that the notice of availability of the transcript was issued on the 24th March 2015 and upon the Court noting that the appellant had been convicted for the offence of murder and sentenced in 2014 and the Court further observing the order of the Court dated 11th April 2017 which directed that the High Court shall provide to the appellant, free of charge with a copy of the transcript of proceedings in the trial below and there being no appearance by learned counsel Mr. Alcide for the appellant and the appellant having appeared in person, the Court orders as follows: 1. The DPP shall prepare and cause to be served on the appellant or his counsel Mr. Alcide the record of proceedings on or below 31st July 2017. 2. Leave is granted to the appellant to file and serve skeleton arguments together with authorities on or before 28th September 2017. 3. Leave is granted to the respondent to file and serve skeleton arguments together with authorities on or before 31st October 2017. 4. The hearing is adjourned for the consideration of this Court during the week which commences 11th December 2017.
Case Name:		Kenian Frederick v The Queen [SLUHCRA2014/0006]

Date:		Thursday, 29th June 2017
Coram:		The Hon. Mde. Louise Esther Blenman, Justice of Appeal
Appearances:		
	Appellant:	Mr. Shawn Innocent
	Respondents:	Mr. Daarsrean Greene, Director of Public Prosecutions
Issues:		Status of the matter
Type of Oral Result / Order Delivered:		Oral Judgment or Decision
Result / Order:		[Oral Delivery] 1. Leave to withdraw and discontinue the appeal is granted and accordingly the appeal stands dismissed.
Reason:		The appellant has served his sentence and has further been pardoned by the Governor General. Therefore, the appellant no longer desires to prosecute the appeal. Counsel for the appellant applied for leave to withdraw the appeal.
		<u>MAGISTERIAL CRIMINAL APPEALS</u>
Case Name:		William Gerald v The Police Case No. 3852 of 2005
Date:		Thursday, 29th June 2017

Coram:		The Hon. Mde. Louise Esther Blenman, Justice of Appeal
Appearances:		
	Appellant:	Mr. Jeannot Michel Walters
	Respondent:	Mr. Daarsrean Greene, Director of Public Prosecutions
Issues:		Status of the matter
Type of Oral Result / Order Delivered:		Directions
Result / Order:		[Oral Delivery] 1. Leave is granted to the appellant to file and serve skeleton arguments together with authorities on or before 16th August 2017. 2. Leave is granted to the Crown to file and serve skeleton arguments together with authorities on or before the 28th September 2017. 3. The hearing of the appeal is adjourned and traversed to the next sitting of this court in Saint Lucia during the week which commences on the 11th December 2017.
Case Name:		Leonus Leriche v PC 122 Lamontagne [SLUMCRAP2006/0000]
Date:		Thursday, 29th June 2017
Coram:		The Hon. Mde. Louise Esther Blenman, Justice of Appeal
Appearances:		
	Appellant:	Mr. Robert Barrow

	Respondent:	Mr. Leon France, Crown Counsel
Issues:		Status of the matter
Type of Oral Result / Order Delivered (if applicable):		Oral Judgment or Decision
Result / Order:		[Oral Delivery] 1. The appeal against sentence is struck out for want of prosecution, the appeal having been filed since 2006.
Reason:		N/A
Case Name:		Andra Edwide v PC 864 Hamish Alexander [SLUMCRAP2009/0000]
Date:		Thursday, 29th June 2017
Coram:		The Hon. Mde. Louise Esther Blenman, Justice of Appeal
Appearances:		
	Appellant:	Mr. Jeannot Michel Walters
	Respondent:	Mr. Leon France, Crown Counsel
Issues:		Status of the matter

Type of Oral Result / Order Delivered:		Directions
Result / Order:		[Oral Delivery] The Court having noted that this matter relates to a conviction and sentence in 2009 and the Court having noted that the appellant is still desirous of prosecuting his appeal and the Court having been advised by the learned prosecutor that the district court has indicated that it is proofreading the transcript and is awaiting reasons for the decision, the Court hereby directs that: 1. The Senior Magistrate to indicate under her hand in a certificate on or before the 28th of October 2017, the status of the availability of the record of proceedings. 2. The Registrar of the High Court shall cause a copy of this order to be served on the Senior Magistrate within 14 days of this order. 3. The status hearing is adjourned for further consideration during the week of which commences on the 11th December 2017.
Reason:		N/A
Case Name:		Cathy Joseph v Josephat Small [SLUMCRAP2013/0008]
Date:		Thursday, 29th June 2017
Coram:		The Hon. Mde. Louise Esther Blenman, Justice of Appeal

Appearances:		
	Appellant:	Mr. Robert Barrow
	Respondent:	Mr. Leon France
Issues:		Status of the matter
Type of Oral Result / Order Delivered:		Oral Judgment or Decision
Result / Order:		[Oral Delivery]
		1. The appeal is dismissed for want of prosecution.
Reason:		N/A
Case Name:		Moses Cyrill v Claudius Eugene [SLUMCRAP2013/0010]
Date:		Thursday, 29th June 2017
Coram:		The Hon. Mde. Louise Esther Blenman, Justice of Appeal
Appearances:		
	Appellant:	In person
	Respondent:	Mr. Leon France, Crown Counsel
Issues:		Status of the matter

Type of Oral Result / Order Delivered:		Directions
Result / Order:		[Oral Delivery] 1. There being no appearance of the appellant, Mr. Eugene having appeared in person and there being no indication that Mr. Cyrill was served with a Notice of Hearing for today's date, the status hearing is adjourned for further consideration at the next sitting of the court in Saint Lucia during the week which commences on the 11th December 2017. 2. The Registrar of the High Court shall cause a notice of adjourned hearing to be served on Mr. Moses Cyrill within 28 days of this order. 3. The Registrar of the High Court shall cause proof of service to be provided to this Court.
Reason:		N/A
Case Name:		Pierre Stanislas v PC 627 Anthony Lafeuille [SLUCMRAP2013/0019]
Date:		Thursday, 29th June 2017
Coram:		The Hon. Mde. Louise Esther Blenman, Justice of Appeal
Appearances:		
	Appellant:	No appearance
	Respondent:	Mr. Leon France, Crown Counsel
Issues:		Status of the matter

Type of Oral Result / Order Delivered:		Oral Judgment or Decision
Result / Order:		[Oral Delivery] 1. There being an indication from the appellant indicating that he is no longer desirous of proceeding with the appeal, the order of the court is that the appeal accordingly stands dismissed.
Reason:		N/A
Case Name:		Donaldy Kadoo v PC 514 James [SLUMCRAP/2013/0020]
Date:		Thursday, 29th June 2017
Coram:		The Hon. Mde. Louise Esther Blenman, Justice of Appeal
Appearances:		
	Appellant:	No appearance
	Respondent:	Mr. Leon France, Crown Counsel
Issues:		Status of the matter
Type of Oral Result / Order Delivered (if applicable):		Oral Judgment or Decision

Result / Order:		[Oral Delivery] 1. There being an indication that the appellant does not wish to proceed with the appeal, the appeal stands dismissed.
Reason:		N/A
Case Name:		Garnet St. Romain v PC 237 Severius Mathurin [SLUMCRAP2014/0001]
Date:		Thursday, 29th June 2017
Coram:		The Hon. Mde. Louise Esther Blenman, Justice of Appeal
Appearances:		
	Appellant:	No appearance
	Respondent:	Mr. Leon France, Crown Counsel
Issues:		Status of the matter
Type of Oral Result / Order Delivered:		Directions
Result / Order:		[Oral Delivery] The appellant being absent and there being no representation for the appellant and there being no indication that the appellant was served with a notice of hearing for today's date:

		1. The status hearing is hereby adjourned for further consideration at the next sitting of the Court in Saint Lucia during the week which commences 11th December 2017. 2. The Registrar is directed to serve a copy of the notice of d hearing on the appellant on or before 28 September 2017. 3. The Registrar shall provide proof of service.
Reason:		N/A
Case Name:		Stephen Daniel v Constable 738 Dennie Antoine [SLUMCRAP2014/0005]
Date:		Thursday, 29 th June 2017
Coram:		The Hon. Mde. Louise Blenman, Justice of Appeal
Appearances:		
	Appellant:	Mr. Shawn Innocent
	Respondent:	Mr. Leon France, Crown Counsel
Issues:		Status of the matter
Type of Oral Result / Order Delivered (if applicable):		Oral Judgment or Decision
Result / Order:		[Oral Delivery]

		1. Leave to withdraw and discontinue and withdraw the appeal is granted. 2. Accordingly, the appeal stands dismissed. 3. Learned counsel for the appeal is directed to draft an order which indicates that the Court by previous order had directed that the appeals were to be consolidated and dealt with together and that due to inadvertence appeal number SLUMCRACP2014/0005 was omitted but critically the Court of Appeal having considered SLUMCRAP2014/0004, SLUMCRAP2014/0006 and SLUMCRAP2014/0007 intended for SLUMCRAP2014/0005 to be included in its hearing and disposition. 4. Appeal against conviction is dismissed. 5. Consent order to be laid over within 14 days of this order.
Reason:		N/A
Case Name:		Shawn Gonzangue v WPC 616 Beverly Fontenelle [SLUMCRAP2014/0008] Nelldwin President v WPC Miguel Lansiquot PC 282 [SLUMCRAP2014/0009]
Date:		Thursday, 29 th June 2017
Coram:		The Hon. Mde. Louise Esther Blenman, Justice of Appeal
Appearances:		
	Appellants:	Mr. Shawn Innocent
	Respondent:	Mr. Leon France, Crown Counsel
Issues:		Status of the matter

Type of Oral Result / Order Delivered:		Oral Judgment or Decision
Result / Order:		[Oral Delivery] 1. SLUMCRAP2014/0008 and SLUMCRAP2014/0009 are hereby consolidated. 2. Learned counsel having indicated that he is in receipt of record of appeal, leave to file and serve written submissions together with authorities is granted. 3. The appellant is to file and serve the above submissions on or before September 28th 2017. 4. Leave is granted to the respondent to file and serve skeleton arguments and authorities on or before the 15 November 2017. 5. The hearing of this appeal is adjourned and traversed to the next sitting of the court in St Lucia during the week which commences 11 December 2017.
Case Name:		William Stewart v Miguel Lansiquot PC 282 [SLUMCRAP2014/0010]
Date:		Thursday, 29th June 2017
Before:		The Hon. Mde. Louise Esther Blenman, Justice of Appeal
Appearances:		
	Appellant:	No appearance
	Respondent:	Mr. Leon France, Crown Counsel

Issue:		Status of the matter
Type of Oral Result / Order Delivered:		Directions
Result / Order:		[Oral Delivery] 1. There being no indication that the appellant has been notified of today's hearing the status hearing is adjourned for further consideration at the next sitting of the court in Saint Lucia during the week which commences on the 1th December 2017. 2. The Registrar of the High Court shall cause a notice of adjourned hearing to be served on the appellant personally. 3. The Registrar of the High Court shall furnish this Court with proof of service.
Reason:		N/A
Case Name:		Jaber Frederick v PC 600 St. Aimee [SLUMCRAP2014/0015]
Date:		Thursday, 29th June 2017
Before:		The Hon. Mde. Louise Esther Blenman, Justice of Appeal
Appearances:		
	Appellant:	No appearance
	Respondent:	Mr. Leon France, Crown Counsel

Issue:		Status of the matter
Type of Oral Result / Order Delivered:		Directions
Result / Order:		[Oral Delivery] 1. The status hearing is adjourned for further consideration at the next sitting of the court in Saint Lucia during the week which commences on the 11th December 2017. 2. The Registrar of the High Court shall cause a copy of the notice of adjourned hearing to be personally served on the appellant. 3. The Registrar shall provide proof of service on or before the 3st October 2017.
Reason:		N/A
Case Name:		Richie Bonnet v PC 220 Tana Monlouis [SLUMCRAP2015/0005]
Date:		Thursday, 29th June 2017
Before:		The Hon. Mde. Louise Esther Blenman, Justice of Appeal
Appearances:		
	Appellant:	No appearance
	Respondent:	Mr. Leon France, Crown Counsel

Issue:		Status of the matter
Type of Oral Result / Order Delivered:		Directions
Result / Order:		[Oral Delivery] 1. The Registrar of the High Court is directed to obtain a copy of the letter by the appellant which is alleged to have indicated that the appellant no longer desires to prosecute the appeal and to provide this court with a copy of same on or before 30th October 2017. 2. The status hearing is adjourned for further consideration during the week which commences 11th December 2017.
Reason:		N/A
Case Name:		Richie Vernol v CPL 670 St. Catherine [SLUMCRAP2015/0006] Richie Vernol v WPC 829 Sonny [SLUMCRAP2015/0007]
Date:		Thursday, 29th June 2017
Before:		The Hon. Mde. Louise Esther Blenman, Justice of Appeal

Appearances:		
	Appellant:	In person
	Respondent:	Mr. Leon France, Crown Counsel
Issue:		Status of the matter
Type of Oral Result / Order Delivered :		Directions
Result / Order:		[Oral Delivery] 1. The Senior Magistrate is hereby directed to provide this Court with a certificate under her hand in relation to the status of the preparation of the record of appeal and to provide this Court with same no later than 31st October 2017. 2. It is further ordered that SLUMCRAP2015/0006 and SLUMCRAP2015/0007 are hereby consolidated.
Reason:		N/A
Case Name:		CPL 340 Dwayne Octave v Iftekhar Ahmed Shams [SLUMCRAP2015/0008]
Date:		Thursday, 29th June 2017
Before:		The Hon. Mde. Louise Esther Blenman, Justice of

		Appeal
Appearances:		
	Appellant:	Mr. Leon France, Crown Counsel
	Respondent:	No appearance
Issue:		
Type of Oral Result / Order Delivered (if applicable):		Directions
Result / Order:		[Oral Delivery] 1. The status hearing is adjourned for further consideration at the next sitting of the court in St Lucia during the week which commences on the 11 December 2017.
Reason:		N/A
Case name:		Mahmoud Selim v Nersha Duncan WPC 297 [SLUMCRAP2015/0010]
Date:		Thursday, 29th June 2017
Before:		The Hon. Mde. Louise Esther Blenman, Justice of Appeal
Appearances:		
	Appellant:	Mrs. Wauneen Louis-Harris

	Respondent:	Mr. Leon France, Crown Counsel
Issue:		Status of the matter
Type of Oral Result / Order Delivered (if applicable):		Directions
Result / Order:		[Oral Delivery] 1. The appeal is adjourned for further consideration at the status hearing which is scheduled for the week which commences on the 11th December 2017 in Saint Lucia.
Reason:		N/A
Case name:		Christopher Alexander v WPC 214 Henry [SLUMCRAP2015/0011]
Date:		Thursday, 29th June 2017
Before:		The Hon. Mde. Louise Esther Blenman, Justice of Appeal
Appearances:		
	Appellant:	In person
	Respondent:	Mr. Leon France, Crown Counsel
Issue:		Status of the matter
Type of Oral Result / Order Delivered:		Directions

Result / Order:		[Oral Delivery] 1. The Senior Magistrate is directed to indicate by way of a certificate under her hand, the status of the preparation of the record of appeal within 28 days of this order. 2. The Registrar of the High Court shall cause a copy of this order of the court to be served on the senior magistrate 3. The status hearing is adjourned for further consideration by the next sitting of the court in Saint Lucia during the week which commences on the 11 December 2017.
Reason:		N/A
		<u>HIGH COURT CRIMINAL APPEALS AGAINST CONVICTION</u>
Case Name:		Lance Wilson v The Queen [SLUHCRA2015/0006]
Date:		Friday, 30th June 2017
Coram:		The Hon. Dame Janice M. Pereira, DBE, Chief Justice The Hon. Mde. Louise Blenman, Justice of Appeal The Hon. Mr. Godfrey Smith, SC, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Mr. David Moyston Appellant is present
	Respondent:	Mr. Leon France, Crown Counsel
Issues:		Criminal appeal against conviction – Murder

Type of Oral Result / Order Delivered:		Directions
Result / Order:		[Oral delivery] 1. The Court hereby orders that the transcript of the proceedings be made available to the appellant by his counsel free of charge given the appellant's inability to pay for the same by 7th July 2017. 2. The appellant shall file and serve written submissions in support of the appeal by Thursday, 31st August 2017. 3. The respondent shall file and serve written submissions in response by Friday, 13th October 2017. 4. The hearing of this appeal is fixed for the week commencing 11th December 2017 by the Court in Saint Lucia.
Reason:		Counsel for the appellant indicated that he intends to make an application for the transcript to be served on the appellant free of cost. He indicated that the appellant is unable to pay for the transcript.
Case Name:		Curlan Joseph v The Queen [SLUHCRA2015/0004] Clinton Gilbert v The Queen [SLUHCRA2015/0005]

Date:		Friday, 30th June 2017
Coram:		The Hon. Dame Janice M. Pereira, DBE, Chief Justice The Hon. Mde. Louise Blenman, Justice of Appeal The Hon. Mr. Godfrey Smith, SC, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Mr. David Moyston for Curlan Joseph Mr. David Moyston holding papers for Mr. Wayne Harrow for Clinton Gilbert Both appellants present
	Respondent:	Ms. Janine Samuel-Kissna
Issues:		Criminal appeal against conviction – Murder
Type of Oral Result / Order Delivered:		Directions
Result / Order:		[Oral delivery] 1. Given the unlikelihood of the transcriptionist being able to produce the missing portion of the transcript of the proceedings in the court below, the parties are directed to meet and agree if possible on the notes of evidence in relation to that missing portion of the transcript and to produce a type written record of same by Monday, 31st July 2017. 2. The appellants shall file and serve written submissions in support of the appeal by Friday, 15th September 2017. 3. The respondent shall file and serve written submissions in response by Tuesday, 31st October 2017. 4. The hearing of the appeal is fixed for the week commencing 11th December 2017 at the Court's sitting in Saint Lucia.

Reason:		Counsel for Mr. Joseph indicated that he has received the transcript. However, the transcript has gaps which contain critical missing information. He stated that on the 27 th March 2017, he wrote to the Registrar in respect of gaps in the transcript. He stated that the respondent has notice of this.
		<u>MAGISTERIAL CRIMINAL APPEALS AGAINST CONVICTIONS</u>
Case Name:		Barthelmy Fedee v PC 436 Charlery (The Police) [SLUMCRAP2016/0001]
Date:		Friday, 30 th June 2017
Coram:		The Hon. Dame Janice M. Pereira, DBE, Chief Justice The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	In person
	Respondent:	Ms. Nardia Morgan
Issues:		Criminal appeal against conviction – Unlawful assault
Type of Oral Result / Order Delivered:		Directions
Result / Order:		[Oral delivery] 1. The appellant shall file and serve written submissions in support of the appeal no later than Friday, 18th August 2017.

		2. The respondent shall file and serve written submissions in response by Friday, 29th September 2017. 3. The appeal is fixed for hearing at the next sitting of the Court in Saint Lucia during the week commencing 11th December 2017.
Reason:		Appellant wishes to pursue his appeal. He has indicated that he has counsel who is representing him. The Court noted that there were no written submissions filed on appellant's behalf and that directions ought to be given to facilitate same.
Case Name:		Tony Perineau v The Police (Nysa Augustin WPC 239) [SLUMCRAP2016/0002]
Date:		Friday, 30 th June 2017
Coram:		The Hon. Dame Janice M. Pereira, DBE, Chief Justice The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Mr. Alberton Richelieu Appellant present
	Respondent:	Ms. Janine Samuel-Kissner
Issues:		Criminal appeal against conviction – Indecent assault
Type of Oral Result / Order Delivered:		Directions

Result / Order:		[Oral delivery] It is hereby directed: 1. The appellant shall file and serve written submissions in support of the appeal by Monday, 31st July 2017. 2. The respondent shall file and serve written submissions in response by Friday, 15th September 2017. 3. The appeal is fixed for hearing at the next sitting of the Court of Appeal in Saint Lucia during the week commencing the 11th December 2017.
Reason:		N/A
Case Name:		Evans Estaphane v The Police (PC 556 Patrice Francis) [SLUMCRAP2014/0013]
Date:		Friday, 30th June 2017
Coram:		The Hon. Dame Janice M. Pereira, DBE, Chief Justice The Hon. Mde. Louise Blenman, Justice of Appeal The Hon. Mr. Godfrey Smith, SC, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Mr. Robert Barrow holding papers for Mr. Neil Huggins Nicholas
	Respondent:	Mr. Leon France
Issues:		Criminal appeal against conviction – Driving without due care and attention
Type of Oral Result / Order		Directions

Delivered:		
Result / Order:		[Oral delivery] 1. The appellant shall file and serve written submissions by Friday, 11th August 2017. 2. The respondent shall file and serve skeleton arguments in response by 29th September 2017. 3. The appeal is fixed for hearing during the week commencing 11th December 2017. 4. This shall be the final adjournment.
Reason:		The appeal was filed by Mr. Bryan Stephens who is no longer in practice and Mr. Nicholas has none of the files.
		<u>HIGH COURT CIVIL APPEALS</u>
Case Name:		Tara Ermine Leevy v Rosanna St. Martin [SLUHCVAP2015/0005]
Date:		Friday, 30 th June 2017
Coram:		The Hon. Dame Janice M. Pereira, DBE, Chief Justice The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Ms. Esther Greene-Ernest
	Respondent:	Mr. Geoffrey Duboulay
Issues:		Civil appeal –Report
Type of Oral Result / Order Delivered:		Directions

Result / Order:		[Oral delivery] 1. The respondent shall file and serve written submissions in response to the appellant by 10th November 2017. 2. The appellant shall be at liberty to file and serve a reply by 30th November 2017. 3. The appeal is fixed for hearing before the Court at its next sitting in Saint Lucia during the week commencing 11th December 2017.
Reason:		Mr. DuBoulay has indicated that he will be representing the respondent. The Court gave directions.
Case Name:		Michael Charles v Nancy Francis-Charles [SLUHCVP2015/0030]
Date:		Friday, 30 th June 2017
Coram:		The Hon. Dame Janice M. Pereira, DBE, Chief Justice The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Mr. Horace Fraser Appellant present
	Respondent:	Mr. Leslie Prospere, and with him, Mr. Vilan Edward Respondent present
Issues:		Civil appeal – Report on mediation

Type of Oral Result / Order Delivered:		Oral Judgment or Decision
Result / Order:		[Oral delivery] 1. The Court having seen the terms of the agreement reached pursuant to mediation it is directed that the agreement be reduced to a consent order to be filed with the court by Tuesday, 4th July 2017. 2. The appeal is hereby discontinued with no order as to costs.
Reason:		The parties reached a settlement following mediation.