

IN OPEN COURT

SAINT VINCENT AND THE GRENADINES

Tuesday, 7th March 2017

APPLICATIONS AND APPEALS

Case Name:

[1] Benjamin Exeter

v

[1] Winston Gaymes

[2] Kathleen Jeffers

[3] Sir Louis Straker

[4] Sylvia Findlay-Scrubb

**[5] The Attorney General of Saint Vincent and
the Grenadines**

[SVGHC VAP2016/0021]

CONSOLIDATED WITH

[1] Lauron Baptiste

v

[1] Vil Davis

[2] Veronica John

[3] Montgomery Daniel

[4] Sylvia Findlay-Scrubb

**[5] The Attorney General of Saint Vincent and
the Grenadines**

[SVGHC VAP2016/0022]

Date:

Tuesday, 7th March 2017

Coram:

**The Hon. Mr. Davidson Kelvin Baptiste, Justice of
Appeal**

The Hon. Mr. Mario Michel, Justice of Appeal

The Hon. Mde. Gertel Thom, Justice of Appeal

Appearances:

Appellant:

Mr. Stanley John, QC with him Mrs. Zhing Horne-

Edwards and Ms. Maia Eustace as instructing solicitor for the appellant in SVGHCVAP2016/0021

Mr. Keith Scotland with him Mrs. Kay Bacchus-Baptiste and Ms. Mia Eustace as instructing solicitor for the appellant in SVGHCVAP2016/0022

Respondent:

Mr. Anthony W. Astaphan, SC with him Mr. Richard Williams for the first, second, fourth and fifth respondents in both appeals

Mr. Graham Bollers with him Mr. Carlos James for the third respondent in both appeals

Issues:

Interlocutory appeal – Apparent bias – Predetermination – Waiver – Whether apparent bias, having not been raised in the lower court, could be adopted on appeal

**Type of Oral
Result / Order
Delivered:**

Oral Judgment or Decision

Result / Order:

[Oral delivery]

1. The appeal is allowed.
2. The order of the trial judge striking out the petition is set aside.
3. The hearing of the petition and the motion to strike out is remitted to the High Court to be heard by a different judge expeditiously.
4. Costs to the appellant in the court below and on appeal to be assessed if not agreed within 28 days.

Reason:

The Court will provide written reasons.