

CHAMBER HEARING

May 2016

MATTERS DEALT WITH ON PAPER

Before:

The Hon. Mr. Mario Michel, Justice of Appeal

Case Name:

**IN THE MATTER of the Registered Land Act
Revised Statutes of Anguilla, Chapter R30,
section 147**

AND

**IN THE MATTER of an Appeal by Colin
Richardson (Administrator of the Estate of John
Samuel Richardson); Boswell Richardson;
Calvin Richardson; Leslie Richardson as
Administrator of the Estate of Alma Richardson;
Margie Hughes as Administrator of the Estate of
Evangeline Hughes; Estell Hughes as
Administrator of the Estate of Samuel Benjamin
Richardson; Calvin Richardson as Administrator
of the Estate of Victor Richardson; Robert Austin
Richardson as Administrator of the Estate of
Eneria Richardson; Royston Richardson as
Administrator of the Estate of James
Richardson; Oliver MacDonald as Administrator
of the Estate of Jane Rebecca Richardson and
Sybil Ryhmer as the Administrator of the Estate
of Florence Richardson against a decision of the
Registrar of Lands dated 28th September 2010
and 7th July 2011.**

**[AXAHCVAP2016/0002]
(Anguilla)**

Date:

Tuesday, 24th May 2016

On paper:

**Appellants /
Applicants:** Mr. Clyde Williams (Alex Richardson & Associates)

Respondent: Ms. Tara Carter (Joyce Kentish & Associates)

Issue: Application for extension of time to file skeleton arguments

Result / Order: IT IS HEREBY ORDERED THAT:
The application by the appellant for an extension of time to file the skeleton argument and the record of appeal is declined.

Reason: The Court noted that the reason advanced on behalf of the appellants for the delay in filing the skeleton argument and the record of appeal was the volume of work of counsel for the appellant. The Court further noted the several cases decided by this and other courts which clearly assert – as in the words of Chief Justice Sir Dennis Byron in the case of *John Cecil Rose v Anne Marie Rose* SLUHCVAP20003/0019 (delivered 22nd September 2003, unreported): “that the lack of diligence of an attorney is not a good reason for delay, whether it is explained in terms of the volume of work the attorney is maintaining ...”

Case Name:

Michael Josiah

v

Andrea Joseph

**[ANUHCVAP2015/0031]
(Antigua and Barbuda)**

Date: Tuesday, 24th May 2016

On paper:

Appellant: Mr. Hugh C. Marshall (Marshall & Co.)

Respondent / Applicant: Ms. Safiya L. Roberts (Roberts & Co)

Issue: Application for extension of time to file and serve counter notice of appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The application for an extension of time to file and serve a counter notice of appeal is denied.

Reasons: The Court noted that over 6 months have elapsed since the date for the filing of a counter notice of appeal and that the delay in filing same was inordinate. The Court further noted that the explanation offered for the delay in filing a counter notice of appeal within the time allowed, even if it were adequate, failed to explain a further delay of over 7 weeks between the appointment of new counsel for the applicant and the filing of the application for extension of time.

Case Name: Flat Point Development Limited
v
Canisby Limited
[ANUHCVP2016/0006]
(Antigua and Barbuda)

Date: Tuesday, 24th May 2016

On paper:
Applicant: Ms. Jacqueline L. Walwyn (The Law Cottage)

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

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant is granted leave to appeal the order of the court dated 2nd March 2016.
2. The application for stay of execution of the order pending the outcome of an appeal is refused.

Reason:

The Court was of the view that that the application for leave to appeal satisfied the requirements of CPR 62.2 and the principles enunciated in the judicial authorities thereon. However, the Court was of the view that the application for a stay of execution did not indicate the irremediable harm which the applicant was likely to suffer if a stay was not granted.

Case Name:

**Canisby Limited
v
Flat Point Development Limited**

**[ANUHCVP2016/0005]
(Antigua and Barbuda)**

Date:

Tuesday, 24th May 2016

On paper:

**Appellant /
Respondent:**

Ms. Rika A. Bird (Rika Bird & Associates)

**Respondent /
Applicant:**

Ms. Jacqueline Walwyn (The Law Cottage)

Issue:

**Application for notice of appeal to be struck out –
Application that appellant bear costs of application –
Application for extension of time to apply for leave to
appeal**

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant shall file its objection to the appeal within 7 days of being served with the submissions and documents required to be filed and served by the

respondent under CPR 62.10.

2. The application to strike out the notice of appeal is adjourned to the next chamber sitting of the Court of Appeal scheduled for 28th June 2016.
3. The Registrar of the High Court shall cause copies of this order to be served on both the appellant and the respondent within 14 days of the date of the order.

Reason:

The Court noted that the appeal filed by the respondent is an interlocutory appeal, notice of which must be filed together with written submissions in support of the appeal and 6 bundles of specified documents; and that no submissions or bundles of documents were filed by the respondent together with the notice of appeal or at all. The Court was therefore satisfied that the obligation of the applicant to file its opposition to the appeal does not arise until the appeal is properly filed and that an interlocutory appeal is not properly filed if no written submissions in support and no bundles of documents have been filed.

Case Name:

Caribbean Developments (Antigua) Limited

v

Pierre Imfeld

**[ANUHCVP2016/0008]
(Antigua and Barbuda)**

Date:

Tuesday, 24th May 2016

On paper:

Applicant:

Mr. Andrew O’Kola

Issues:

Application for leave to appeal – Application for relief from sanctions – Application for extension of time to apply for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

The application for leave is adjourned for hearing by the Full Court sitting in Antigua and Barbuda during the week commencing 24th October 2016.

Reason:

The Court noted that an application for leave to appeal must be made within 14 days of the date of the order against which leave to appeal is sought and that over 7 weeks have elapsed since the date for filing an application for leave has expired. Consequently, the Court was minded to refuse the application for leave to appeal and acted in accordance with CPR 62.2(5)..

Case Name:

Marlon Ho-Tack

v

Alice Ho-Tack

[ANUMCVAP2015/0002]

Date:

Tuesday, 24th May 2016

On paper:

Applicant:

Mr. Hugh C. Marshall Jnr.

Issue:

Application for abridgement of time to file notice of appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The application for extension of time to file the notice of appeal is extended until 25th November 2015.**
- 2. The notice of appeal filed on 25th November 2015 is deemed to be properly filed.**
- 3. There is no stay in the execution of the protection and occupation order of the magistrate, which order shall be observed unless it is varied or set aside.**

Reason:

The Court noted that by virtue of section 24 of the Domestic Violence (Summary Proceedings) Act 1999, an appeal ought to be filed within 28 days of the order being

appealed. The Court further noted that the notice of appeal was filed 25 days after the reasons for ruling were given but 36 days after the making of the ruling. The Court was satisfied that the delay was not inordinate, the reasons for the delay were adequate, the applicant has a realistic prospect of success on the appeal and that there is no prejudice to the respondent if the application for an extension of time is granted, as long as there is no stay of execution of the order of the magistrate.

Case Name:

**Henry Shillingford
v
His Lordship Justice Errol Thomas
[DOMHCRAP2016/0002]
(Commonwealth of Dominica)**

Date:

Tuesday, 24th May 2016

On paper:

**Applicant: Ms. Cara Shillingford
Respondent: Ms. Singoalla Blomqvist-Williams**

Issue:

Application for leave to appeal

Result / Order:

**IT IS HEREBY ORDERED THAT:
The application for leave to appeal is fixed for hearing before the Full Court at its next sitting in the Commonwealth of Dominica during the week commencing 4th July 2016.**

Reason:

Having noted that there was no case in a court below in which the named appellant and named respondent were parties and that the application for leave to appeal and the accompanying notice of appeal are in respect of a case which does not exist, the Court was minded to refuse leave to appeal and acted in accordance with CPR

62.2(5).

Case Name: **Remy Lawrence trading as Rejens Services**
v
Willem Nico Brouwer aka Wilco Brouwer
[DOMHCVAP2013/0015]
(Commonwealth of Dominica)

Date: **Tuesday, 24th May 2016**

On paper:

Applicant: **Mr. Jeffrey L. Douglas-Murdock**

Respondent: **Mr. Lennox Lawrence**

Issue: **Application to strike out notice of appeal**

Result / Order & Reason: **IT IS HEREBY ORDERED THAT:**
Pursuant to the order of Webster JA [Ag.] made on 22nd March 2016, the notice of appeal filed on 10th July 2013 is struck out and the appeal dismissed for want of prosecution.

Case Name: **Clarence Lewis**
v
The Queen
[DOMHCRAP2016/0004]
(Commonwealth of Dominica)

Date: **Tuesday, 24th May 2016**

On paper:

Applicant: In person

Issue: Application for leave to appeal against sentence

Result / Order: IT IS HEREBY ORDERED THAT:
Leave is granted to the applicant to appeal against the sentence imposed on him on 15th April 2016.

Case Name: Kish Elizee
v
The State

[DOMHCRAP2016/0003]
(Commonwealth of Dominica)

Date: Tuesday, 24th May 2016

On paper: **Applicant:** Ms. Dawn Yearwood-Stewart (Dawn Yearwood Chambers)

Issue: Application for leave to appeal against conviction

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicant is granted leave to appeal against his conviction and sentence on 11th March 2016.
2. The notice of appeal filed in the application for leave to appeal is deemed to be properly filed on 21st April 2016.

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

Case Name: Merlyn Thomas Mann

v
Marie Jules Thomas aka Jules Thomas

[DOMHCVAP2013/0012]
(Commonwealth of Dominica)

Date: Tuesday, 24th July 2016

On paper:

Appellant / Respondent: Ms. Dawn Yearwood-Stewart (Dawn Yearwood Chambers)

Respondent / Applicant: Ms. Heather F. Felix-Evans (Heather F. Felix-Evans Chambers)

Issues: Application to strike out notice of appeal for want of prosecution – Application to discharge order granting stay of execution – Application by appellant for extension of time to file skeleton arguments or submissions in support of appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application for extension of time to file skeleton arguments or submissions is denied.
2. The stay of execution granted on 20th June 2013 is discharged.
3. The notice of appeal filed by the appellant on 8th April 2013 is struck out and the appeal dismissed for want of prosecution.

Reason: The Court was dissatisfied with the length of the delay and the reasons for the delay in prosecuting the appeal since the filing of the notice of appeal on 3rd June 2013 and the grant of a stay of execution on 20th June 2013.

Case Name: Hypolite Austrie
v
Corporal Clement Fanfan

**[DOMMCVAP2016/0001]
(Commonwealth of Dominica)**

Date: Tuesday, 24th May 2016

On paper:

**Appellant /
Applicant:**

In person

Issue: Application for stay of execution

Result / Order: IT IS HEREBY ORDERED THAT:
The application for a stay of execution of the order of the
magistrate pronounced on 16th October 2015 is denied.

Reason: The Court was of the view that that the appellant had not
provided any good and sufficient reason for the grant of
a stay of execution of an order to pay a fine of \$200.00.

Case Name:

**Carvel Francis
v
The Queen**

**[GDAHCRAP2016/0011]
(Grenada)**

Date: Tuesday, 24th May 2016

On paper:

Applicant:

In person

Issue: Application for leave to appeal against conviction and
sentence

Result / Order: IT IS HEREBY ORDERED THAT:
1. The Registrar of the High Court shall provide to the
Court a minute of conviction and sentence in respect

of the applicant within 21 days of the date of this order.

2. Hearing of the application is adjourned to the next chamber hearing scheduled for 28th June 2016.

Case Name:

Sheldon Bain

v

The Queen

[GDAHCRAP2016/0007]

(Grenada)

Date:

Tuesday, 24th May 2016

On paper:

Applicant:

Mr. George Wilbert Prime

Issue:

Application for leave to appeal against conviction and sentence

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court is again directed to provide to the Court a minute of the conviction and sentence of the applicant within 14 days of the date of this order.
2. The application for leave to appeal is adjourned to the next chamber sitting of the Court of Appeal scheduled to be held on 28th June 2016.

Reason:

The Court noted the order of Thom JA dated 26th April 2016 directing the Registrar of the High Court to provide the Court with a copy of the minute of conviction and sentence within 14 days of the date of the order and further noted that the order has not been complied with.

Case Name: **Nicole Holas (T/A Nicki and Douglas)**
v
Aiden Hannibal

[GDAHCVAP2016/0011]
(Grenada)

Date: **Tuesday, 24th May 2016**

On paper:

Applicant: **Ms. Anyika A. Johnson (Ciboney Chambers)**

Respondent: **Ms. Pauline Hannibal**

Issues: **Application for extension of time within which to file
notice of appeal – Application for relief from sanctions –
Application for stay of execution**

Result / Order: **IT IS HEREBY ORDERED THAT:
The application for leave to appeal is fixed for hearing by
the Full Court sitting in Grenada during the week
commencing 20th June 2016.**

Reason: **The Court was minded to refuse the appeal and the stay
of execution and acted in accordance with CPR 62.2(5).**

Case Name: **Wilbert Joseph**
v
Daisy Depradine

[GDAHCVAP2016/0022]
(Grenada)

Date: **Tuesday, 24th May 2016**

On paper:

Applicant: **Ms. Venescia Francis-Banfield (Francis-Banfield
Chambers)**

Issues: Application for stay of execution – Application to stay all further proceedings in the court below – Application for an extension of time within which to file and serve notice of appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The appellant is granted an extension of time until 5th May 2016 to file a notice of appeal against the judgment of Wallbank J [Ag.]
2. The notice of appeal filed by the applicant on 5th May 2016 is deemed to have been properly filed.
3. The applicant shall hereafter prosecute the appeal in accordance with CPR Part 62.
4. The application for a stay of execution of the judgment of Wallbank J [Ag.] is granted pending the determination of the appeal.
5. Should the applicant fail to prosecute the appeal in accordance with the time lines and procedures provided for under CPR Part 62, the stay of execution shall stand discharged.

Reason: The Court was satisfied that the applicant had met the threshold requirements for the grant of an extension of time and the grant of a stay.

Case Name: The Social Security Fund
v
Emmanuel Galloway, Adrian Galloway and
Clayton Weekes trading as the Galloway Group
[MNIHCVAP2016/0005]
(Montserrat)

Date: Tuesday, 24th May 2016

On paper:
Applicant: Mr. Kharl Markham (Allen Markham & Associates)

Respondent: Mr. Jean E.H. Kelsick (Kelsick & Kelsick)

Issue: Application for leave to file notice of appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The application for leave to appeal is fixed for hearing by the Full Court sitting in Montserrat during the week commencing 24th October 2016.

Reason: The Court was minded to refuse leave to appeal and acted in accordance with CPR 62.2(5).

Case Name: Joseph Abraham Skerritt
v
Kenneth Silcott
[MNIHCVAP2016/0006]
(Montserrat)

Date: Tuesday, 24th May 2016

On paper:

Applicant: Mr. Jean E.H. Kelsick (Kelsick & Kelsick)

Respondent: Mr. Khari Markham (Allen Markham & Associates)

Issues: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
Leave is granted to the applicant to appeal against the ruling in the High Court on 8th April 2016.

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

Case Name:

**Junction Trucking Limited
v
[1] Deswick Halley
[2] Lakmal Wickramasooriya**

**[MNILTAP2016/0001]
(Montserrat)**

Date:

Tuesday, 24th May 2016

On paper:

Respondent: Mr. Jean E.H. Kelsick (Kelsick & Kelsick)

Issue:

Case management of case stated appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Registrar of the High Court shall provide proof of service on the applicant of the order of Webster JA [Ag.] within 14 days of the date of this order.**
- 2. The hearing is further adjourned to the next chamber sitting of the Court of Appeal scheduled for 28th June 2016.**

Reason:

The Court noted that there was no proof of service on the applicant of the order of Webster JA [Ag.] which ordered the applicant to take all necessary steps under the Labour Code and Part 61 of CPR 2000.

Case Name:

**Kevin Andrew Horstwood
v
Adam Bilzerian**

**[SKBHCVAP2016/0003]
(Federation of Saint Christopher and Nevis)**

Date: Friday, 27th May 2016

On paper:

Appellant / Applicant:	In person
Respondent:	Dr. Dennis Merchant (Merchant & Associates)

Issues: Application for stay of execution – Application by respondent for extension of time to file counter notice of appeal, notice of opposition, application to strike numerous documents from the case documents, additional documents to be included in the record of appeal, and submissions in opposition

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

1. The application for a stay of execution of the order of Thomas J dated 2nd March 2012 is declined.
2. The respondent is granted an extension of time of one month from the date of this order within which to file a counter notice of appeal, notice of opposition and submissions in opposition to the appeal and any applications for the inclusion or exclusion of documents from the appeal bundles.

Reasons:

In relation to the appellant's application for a stay of execution, the Court was of the view that the order which the appellant sought a stay of was not one which had been appealed and that it was an order made over 4 years ago which was not previously been stayed.

In relation to the application for extension of time made by the respondent, the Court was satisfied that the respondent had met the requirements for the grant of an extension of time to file a counter notice, notice in opposition, submissions in opposition and applications in relation to documents included or not included in the appeal bundles.

Case Name:

**Adam Bilzerian
v
[1] Zachary Getz
[2] St Christopher Club Condominiums
[3] St Christopher Clun Condominiums
Homeowners Association**

**[SKBHCVAP2016/0006]
(Federation of Saint Christopher and Nevis)**

Date:

Tuesday, 24th May 2016

On paper:

Applicants:

Dr. Dennis Merchant (Merchant & Associates)

Issue:

Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall furnish the Court with a copy of the order of Carter J dated 22nd April 2016 being appeal within 14 days of the date of this order.**
- 2. The application is adjourned to the next Chamber hearing scheduled for 28th June 2016.**

Reason:

The Court noted that the order of Carter J dated 22nd April 2016 against which the applicant seeks leave to appeal, was not attached to the application.

Case Name:

**Kim John
v
The Queen**

[SLUHCRA2015/0008]

Date:

Tuesday, 24th May 2016

On paper:

Applicant:

Mr. Tiyani Behanzin

Issue: Application for leave to appeal out of time

Result / Order: IT IS HEREBY ORDERED THAT:
The application for leave to appeal is adjourned for hearing by the Full Court at its next sitting in Saint Lucia during the week commencing 19th September 2016.

Case Name: Francis Phillip
v
The Queen
[SLUHCRA2015/0007]
(Saint Lucia)

Date: Tuesday, 24th May 2016

On paper:
Applicants: Mr. Tiyani Behanzin

Issue: Application for leave to appeal out of time

Result / Order: IT IS HEREBY ORDERED THAT:
The application for leave to appeal is adjourned for hearing by the Full Court at its next sitting in Saint Lucia during the week commencing 19th September 2016.

Case Name: Jem Fontenelle
v
The Queen
[SLUHCRA2016/0001]
(Saint Lucia)

Date: Tuesday, 24th May 2016

On paper:

Applicant:

In person

Issue:

Application for leave to appeal against sentence

Result / Order:

IT IS HEREBY ORDERED THAT:

The application for leave is adjourned for hearing by the Full Court sitting in Saint Lucia during the week beginning 19th September 2016.

Reason:

The Court noted that the application for leave to appeal was filed almost 8 months after the sentence was handed down and was minded to refuse the application for leave to appeal.

Case Name:

Sheldon John

v

The Queen

[SVGHCRA2016/0003]

(Saint Vincent and the Grenadines)

Date:

Tuesday, 24th May 2016

On paper:

Applicant:

In person

Issue:

Application for extension of time

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Registrar of the High Court shall serve a copy of the application for leave to appeal and of the minute of conviction on the Director of Public Prosecutions within 21 days of the date of this order.**
- 2. The application for leave to appeal is adjourned to the**

next Chamber hearing of the Court of Appeal scheduled to be held on 28th June 2016.

Reason: The Court noted that that there was no proof of service of the minute of conviction and sentence on the Director of Public Prosecutions.

Case Name: Colly Lowman
v
The Commissioner of Police
[SVGHCRAP2016/0009]
(Saint Vincent and the Grenadines)

Date: Tuesday, 24th May 2016

On paper:

Applicant: In person

Issue: Application for extension of time to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application for an extension of time within which to file the notice of appeal against sentence is granted.
2. The applicant is granted 21 days within which to file the notice of appeal.
3. The appeal shall thereafter proceed in accordance with the relevant rules.

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

Case Name: **Romel Diamond**
v
The Commissioner of Police
[SVGHCRAP2016/0008]
(Saint Vincent and the Grenadines)

Date: **Tuesday, 24th May 2016**

On paper:
Applicant: **In person**

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

Result / Order: **IT IS HEREBY ORDEDRED THAT:**
1. The Registrar of the High Court shall cause a copy of the notice of application to be served on the Director of Public Prosecutions and to file proof of service thereof within 21 days of the date of this order.
2. The application is adjourned to the next chamber hearing of the Court of Appeal scheduled for 28th June 2016.

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

Case Name: **Reynold Young**
v
The Commissioner of Police
[SVGHCRAP2016/0017]
(Saint Vincent and the Grenadines)

Date: **Tuesday, 24th May 2016**

On paper:

Applicant: In person

Issues: Application for extension of time to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The Registrar of the High Court shall cause a copy of the application and the minute of conviction and sentence to be served on the Director of Public Prosecutions within 14 days of the date of this order.
2. The application is adjourned to the next Chamber hearing of the Court of Appeal scheduled to be held on 28th June 2016.

Reason: The Court noted that there was no proof of service of the application and minute of conviction on the Director of Public Prosecutions.

Case Name: Julian Clarke
v
Veronica Haynes

[SVGHCVAP2016/0008]
(Saint Vincent and the Grenadines)

Date: Tuesday, 24th May 2016

On paper:

Applicant: Mr. Emery W. Robertson (Robertson & Robertson)

Respondent: Ms. Meisha S. Cruickshank, with her, Mr. Roderick Jones

Issue: Application for stay of execution

Result / Order: IT IS HEREBY ORDERED THAT:
A stay of execution is granted of the order of Cottle J dated 17th March 2016 until the hearing and determination of the appeal against the order.

Reason: The Court was of the view that the applicant had met the threshold requirements for the grant of a stay.

Case Name: Charles Bobb
v
The Commissioner of Police
[SVGMCRAP2016/0001]
(Saint Vincent and the Grenadines)

Date: Tuesday, 24th May 2016

On paper:
Applicant: In person

Issue: Application for extension of time to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application for an extension of time within which to file the notice of appeal against sentence is granted.
2. The applicant is granted 21 days within which to file the notice of appeal.
3. The appeal thereafter shall proceed in accordance with the relevant rules.

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

Case Name: Yshangus McMillian
v
The Queen

**[SVGHCRAP2016/0004]
(Saint Vincent and the Grenadines)**

Date: Tuesday, 24th May 2016

On paper:
Applicant: In person

Issue: Application for extension of time to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The Registrar of the High Court shall serve a copy of the application for extension of time to file a notice of appeal and the minute of conviction and sentence on the Director of Public Prosecutions within 21 days of the date of this order.
2. The application is adjourned to the next Chamber Hearing of the Court of Appeal scheduled to be held on 28th June 2016.

Reason: The Court noted that there was no proof of service of the application and the minute of conviction on the Director of Public Prosecutions.

Case Name: Olin Dennie
v
McConnie Yammie & Company Limited

**[SVGHCVAP2016/0011]
(Saint Vincent and the Grenadines)**

Date: Tuesday, 24th May 2016

On paper:
Applicant: Ms. Kay Bacchus-Browne
Respondent: Mr. Emery W. Robertson (Robertson & Robertson)

Issue: Application for stay of execution

Result / Order: IT IS HEREBY ORDERED THAT:
The application for a stay of execution of the judgment of Lanns J [Ag.] is denied.

Reason: The Court was of the view that the applicant had not satisfied the requirements for the grant of a stay.

Case Name: McArthur Engineering Company Limited
v
Christian Cottoy
Anita Cottoy

[BVIHCVAP2016/0001]
(Territory of the Virgin Islands)

Date: Tuesday, 24th May 2016

On paper:

Appellant: Mr. David A. Penn (David A. Penn & Co.)

Issue: Application to be removed as legal practitioner acting for the appellant.

Result / Order: IT IS HEREBY ORDERED THAT:
David A. Penn, Attorney-at-Law of the Law Offices of David A. Penn & Co., is hereby removed from the record as the legal practitioner acting for the appellant.

Case Name: Department of Customs
Attorney General

v
Shawn Chinnery

[BVIHCVAP2015/0018]
(Territory of the Virgin Islands)

Date: **Tuesday, 24th May 2016**

On paper:

**Appellant /
Respondent:** **Ms. Natalie O. Sandiford**

**Respondent /
Applicant:** **Ms. Stacy L. Abel**

Issues: **Application to strike out notice of appeal – Application for extension of time and for relief from sanctions**

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The application to strike out the appeal is denied.**
- 2. The appellant is granted an extension of time until 1st June 2016 to serve the notice of appeal on the respondent.**
- 3. The appeal shall thereafter proceed in accordance with the provisions of CPR Part 62.**
- 4. There shall be no order as to costs.**

Reason:

The Court noted that although the appeal was filed within the time prescribed, the notice of appeal was not served within the prescribed time. However, the Court also noted that although still not served, the notice of appeal did come to the attention of the respondent to the appeal within approximately 6 weeks of the date for service of the notice on the respondent. The Court was of the view that the delay in serving the notice of appeal was not inordinate, there was a good explanation for the delay, the appellants have a realistic prospect of succeeding in their appeal and there is no prejudice to the respondent in granting the extension of time to the appellant, other than the inherent prejudice of being delayed in receiving the fruits of his judgment.

Case Name: **The Attorney General of the Virgin Islands**
v
Global Water Associates Limited

[BVIHCMAP2016/0007]
(Territory of the Virgin Islands)

Date: **Friday, 27th May 2016**

On paper:

Applicant: **Ms. Giselle Jackman Lumy, Senior Crown Counsel for the Attorney General**

Respondent: **Mr. Michael Pringle (Forbes Hare)**

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

Result / Order: **IT IS HEREBY ORDERED THAT:**
The applications for an extension of time within which to seek leave to appeal the decision of Leon J [Ag.] dated 1st February 2016 and for leave to appeal the decision are fixed for hearing by the Full Court at its next sitting in the Territory of the Virgin Islands during the week commencing 18th July 2016.

Reason: **The Court was of the view that the applications ought to be dealt with by the Full Court.**

Case Name: **The Queen**
v
Stephen Fossi

[BVIHCRAP2016/0002]
(Territory of the Virgin Islands)

Date: Tuesday, 24th May 2016

On paper:

Applicant: Mr. Valston M. Graham, Senior Crown Counsel, with him,
Ms. Leslie-Ann Faulkner, Senior Crown Counsel for the
Director of Public Prosecutions

Issue: Application for leave to appeal against sentence

Result / Order: IT IS HEREBY ORDERED THAT:
1. Leave is granted to the applicant to appeal against
the sentence imposed on the respondent on 24th
February 2016.
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: Troy Huggins
v
Starcy Wilkins-Huggins
[BVIMCVAP2016/0001]
(Territory of the Virgin Islands)

Date: Tuesday, 24th May 2016

On paper:

Appellant: Ms. Mishka Jacobs (McW. Todman & Co.)

Issue: Application for stay of execution

Result / Order: IT IS HEREBY ORDERED THAT:
The appellant has failed to meet the threshold
requirements for the grant of a stay and his application

for a stay is accordingly declined.

Reason:

The Court noted that the justification advanced by the appellant for the grant of a stay in his application and in his written submissions is that - "If a stay of execution is not granted, any appeal would be rendered ineffectual because the Respondent would not be in a financial position to repay the sums set out above". The Court further noted the justification advanced by the appellant for the grant of a stay in his affidavit in support is that - "The Appellant is not in a financial position to pay the sums ordered by the Court". The Court was of the view that the appellant had not substantiated either of his inconsistent justifications for the grant of the stay.