

CHAMBER HEARING

January 2016

		<u>MATTERS DEALT WITH ON PAPER</u>
Before:		The Hon. Mr. Davidson Kelvin Baptiste, Justice of Appeal
Case Name:		Antigua and Barbuda Transport Board v Anderson Carty [ANULTAP2015/0006] (Antigua and Barbuda)
Date:		Thursday, 21st January 2016
On paper:		
	Applicant:	Mr. Hugh C. Marshall Jnr. (Marshall & Co.)
Issues:		Application for leave to appeal – Application for stay of execution – Application for consolidation of appeals
Result / Order & Reason:		IT IS HEREBY ORDERED THAT: 1. Leave is granted to the applicant to file and serve a notice of appeal against the decision of the Industrial Court given on the 2nd October 2015. 2. The notice of appeal is to be filed within 21 days of this order. 3. This appeal is consolidated with Industrial Court Civil Appeal No. 7 of 2015 – Antigua and Barbuda Transport Board v James Sebastian, and Industrial Court Civil Appeal No. 8 of 2015 – Antigua and Barbuda Transport Board and Anique Francis. 4. The application for a stay of execution is refused as the applicant has not met the threshold for the grant of a stay.

Case Name:		Antigua and Barbuda Transport Board v James Sebastian [ANULTAP2015/0007] (Antigua and Barbuda)
Date:		Thursday, 21st January 2016
On paper:		
	Applicant:	Mr. Hugh C. Marshall Jnr. (Marshall & Co.)
Issues:		Application for leave to appeal – Application for stay of execution – Application for consolidation of appeals
Result / Order & Reason:		IT IS HEREBY ORDERED THAT: 1. Leave is granted to the applicant to file and serve a Notice of Appeal against the decision of the Industrial Court given on the 2nd October 2015. 2. The notice of appeal is to be filed within 21 days of this order. 3. This appeal is consolidated with Industrial Court Civil Appeal No. 6 of 2015 – Antigua and Barbuda Transport Board v Anderson Carty, and Industrial Court Civil Appeal No. 8 of 2015 – Antigua and Barbuda Transport Board v Anique Francis. 4. The application for a stay of execution is refused as the applicant has not met the threshold for the grant of a stay.
Case Name:		Antigua and Barbuda Transport Board v Anique Francis [ANULTAP2015/0008] (Antigua and Barbuda)

Date:		Thursday, 21st January 2016
On paper:		
	Applicant:	Mr. Hugh C. Marshall Jnr. (Marshall & Co.)
Issues:		Application for leave to appeal – Application for stay of execution – Application for consolidation of appeals
Result / Order & Reason:		IT IS HEREBY ORDERED THAT: 1. Leave is granted to the applicant to file and serve a notice of appeal against the decision of the Industrial Court given on the 2nd October 2015. 2. The notice of appeal is to be filed within 21 days of this order. 3. This appeal is consolidated with Industrial Court Civil Appeal No. 6 of 2015 – Antigua and Barbuda Transport Board v Anderson Carty, and Industrial Court Civil Appeal No. 7 of 2015 – Antigua and Barbuda Transport Board v James Sebastian. 4. The application for a stay of execution is refused as the applicant has not met the threshold for the grant of a stay.
Case Name:		Elaine Pringle-Toulon Lease Enterprises Ltd v Ayanna Pringle Letitia Butler [DOMHCVAP2015/0021] (Commonwealth of Dominica)
Date:		Thursday, 21st January 2016
On paper:		
	Applicants:	Mr. Henry M. Shillingford
Issue:		Application for leave to appeal

Result / Order:		IT IS HEREBY ORDERED THAT: 1. The applicant is granted leave to appeal the order of Stephenson J dated 6 th November 2015. 2. The applicant is to file and serve the notice of appeal within 21 days of the date of this order.
Reason:		The Court was of the view that the appellant had met the threshold requirements for the grant of leave to appeal.
Case Name:		Kalid Nanthan v The State [DOMHCRAP2015/0008] (Commonwealth of Dominica)
Date:		Thursday, 21 st January 2016
	Applicant:	In person
Issue:		Application for leave to appeal sentence
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The application for leave against the sentence of 15 years imprisonment for the offence of unlawful sexual intercourse is dismissed.
Reason:		The Court was not satisfied that there was a reasonable prospect of success on the appeal.
Case Name:		Joseph Senhouse v The State

		[DOMHCRAP2015/0009] (Commonwealth of Dominica)
Date:		Thursday, 21st January 2016
On paper:		
	Applicant:	Ms. Dawn Yearwood-Stewart
	Respondent:	The Director of Public Prosecutions
Issue:		Application for leave to appeal
Result / Order & Reason:		IT IS HEREBY ORDERED THAT: 1. Counsel for the appellant/applicant is to provide the Court with particulars in respect of the sentence of sixty (60) years imprisonment within seven (7) days of this Order. 2. The hearing of the application is adjourned to the next chamber hearing on 23 rd February 2016.
Case Name:		Edison Sampson v Nicholson John Charles [DOMHCVAP2013/0022] (Commonwealth of Dominica)
Date:		Thursday, 21st January 2016
On paper:		
	Applicant:	Ms. Ernette Kangal (Caribbean Commercial & IP Law Practitioners)
	Respondent:	Mr. David Bruney
Issue:		Application for extension of time to file and serve notice of opposition and skeleton arguments

Result / Order & Reason:		IT IS HEREBY ORDERED THAT: 1. The respondent/applicant is to provide proof of service of the application on the appellant. 2. The application is adjourned to the next chamber hearing on 23 rd February 2016.
Case Name:		Anslem B. Clouden v Georges Cohen [GDAHCVAP2014/0039] (Grenada)
Date:		Thursday, 21st January 2016
On paper:		
	Applicant:	Dr. Francis Alexis, Q.C. (Grenlaw)
	Respondent:	Ms. Kimber Guy-Renwick (Henry, Henry & Bristol)
Issues:		Application to strike out notice of appeal – Application for appeal to be dismissed
Result / Order:		IT IS HEREBY ORDERED THAT: The application to strike out the notice of appeal is adjourned to the Full Court at its sitting in Grenada on Monday, 25 th January 2016.
Case Name:		B.B. Inc. v Lewis Hamilton [GDAHCVAP2015/0035] (Grenada)

Date:		Thursday, 21st January 2016
On paper:		
	Applicant:	Mr. Alban M. John
Issues:		Application for leave to appeal – Application for stay of execution
Result / Order & Reason:		IT IS HEREBY ORDERED THAT: 1. The application for leave to appeal the order of Master Corbin-Lincoln dated 30th November 2015 is granted. 2. The applicant is to file the notice of appeal within 21 days of this order. 3. The application for a stay is refused as the applicant has not met the evidential threshold for the grant of a stay.
Case Name:		Valma R. Jessamy v Grenada Co-operative Bank Limited et al [GDAHCVAP2015/0036] (Grenada)
Date:		Thursday, 21st January 2016
On paper:		
	Applicant:	Mr. Jerry C. Edwin
Issue:		Application for leave to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The applicant is to make an application for extension of time for leave to appeal within seven (7) days of this order. 2. The application is to be served on the respondents along with submissions in support of the application within ten (10) days thereafter. 3. Hearing of both applications is adjourned to the next

		chamber hearing date on 23rd February 2016.
Reason:		The Court noted that the application for leave to appeal was filed on 24th December 2015 and the order in respect of which leave to appeal was sought was dated 16th July 2015 and that the applicant had not applied for an extension of time to apply for leave to appeal.
Case Name:		Hassan Brothers Limited v Heida Rahim [GDAHCVAP2015/0024] (Grenada)
Date:		Thursday, 21st January 2016
On paper:		
	Appellant / Respondent:	Justis Chambers
	Respondent / Applicant:	Ms. Lisa Taylor (Lisa Taylor & Co.)
Issue:		Application for security for costs or application for appeal to stand as dismissed
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The appellant, Hassan Brothers Limited, is to provide security for the costs of the Civil Appeal No. 24 of 2015, Hassan Brothers Limited v Heida Rahim (as agent for the Estate of Ruth Rahim) in the sum of \$7,500.00, that sum to be paid into the court within 21 days of this order. 2. The appeal stands dismissed with costs of \$750.00 if the security is not provided in the amount, manner and time ordered.

Reason:		The Court noted that though Hassan Brothers Limited was served with the application for security for costs and the affidavit in support (as evidenced by the affidavit of service filed on 7 th January, 2016), it had chosen to ignore the proceedings, thus enabling the Court to draw an adverse inference against it. The Court was satisfied that it was unlikely that the Hassan Brothers Limited appellant would pay the costs of the appeal if ordered to do so; and that it in all the circumstances it is just to make the order for security for costs in the appeal.
Case Name:		The Permanent Secretary of the Ministry of Finance v Financial Investment Consultancy Services [GDAHCVAP2016/0001] (Grenada)
Date:		Thursday, 21st January 2016
On paper:		
	Applicant:	Mr. Dwight Horsford
Issue:		Application for leave to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The order of the Honourable Madam Justice Wynante Adrian-Roberts in respect of which leave to appeal is sought is to be furnished to the Court on or before 10th February 2016. 2. The hearing of the application is adjourned to the next chamber hearing date on 23rd February 2016.

Case Name:		[1] Dan Bilzerian [2] Vistas Infinitas International LLC v St. Christopher Club Limited [SKBHCVAP2015/0029] (Federation of Saint Christopher and Nevis)
Date:		Thursday, 21st January 2016
On paper:		
	Appellants / Respondents:	Dr. Dennis Merchant (Merchant & Associates)
	Respondent / Applicant:	Ms. Angelina Gracy Sukoo (Law Offices of Sylvester Anthony)
Issue:		Application to strike out notice of appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The notice of appeal filed by the appellants/respondents on 2nd November 2015 be struck out as a nullity for the failure to obtain leave to appeal contrary to section 33(3)(g) of the Eastern Caribbean Supreme Court (Saint Christopher and Nevis) Act Cap. 3.11, Revised Laws 2009. 2. The appellants, Dan Bilzerian and Vistas Infinitas International LLC pay the respondent, St. Christopher Club Limited the costs of this application in the sum of \$750.00.
Reason:		The Court was of the view that the order of Master Corbin-Lincoln dated 6th October 2015 was an interlocutory order for which leave to appeal was required.
Case Name:		Terentia Nigel Toussaint and the Heirs of Thelma Toussaint

		v [1]The Attorney General [2]Hon Stanley Felix, The Minister responsible for the administration of the Land Registration Act in respect of Land Registration Act Section 35; [3]Gemyma Norville, Registrar of Lands [SLUHCVAP2015/0028] (Saint Lucia)
Date:		Thursday, 21st January 2016
On paper:		
	Applicant:	In person
	Respondent	Ms. Brender Portland-Reynolds, Solicitor General
Issue:		Application for leave to appeal
Result / Order:		IT IS HEREBY ORDERD THAT: The hearing of the application for leave to appeal is to be determined by the Full Court at its next sitting in Saint Lucia during the week commencing 8th February 2016
Case Name:		Lazarus Paul v [1]Racquel Willie-Trotman [2]Douglas Trotman [3]Teferi Trotman minor acting herein and represented by his mother Racquel Willie-Trotman [SLUHCVAP2015/0031] (Saint Lucia)
Date:		Thursday, 21st January 2016

On paper:		
	Applicant:	Mr. Gerard R. Williams (The Law Offices of Gerard Williams)
	Respondents:	Ms. Wauneen Louis-Harris
Issues:		Application for extension of time to file skeleton arguments – Application for skeleton arguments to be deemed validly filed
Result / Order:		IT IS HEREBY ORDERED THAT: An extension of time to file skeleton arguments is granted and the applicant's skeleton arguments filed on 21st December 2015 are deemed properly filed.
Reason:		The Court was satisfied that the applicant had met the threshold requirements for the grant of an extension of time.
Case Name:		Wauneen Louis-Harris v Lazarus Paul [SLUHCVAP2015/0032] (Saint Lucia)
Date:		Thursday, 21st January 2016
On paper:		
	Applicant:	Ms. Wauneen Louis-Harris
	Respondents:	Mr. Gerard R. Williams (The Law Offices of Gerard Williams)
Issue:		Application for leave to appeal

Result / Order:		IT IS HEREBY ORDERED THAT: 1. The applicant is to furnish the Court with the order dated 9 th December 2015 in respect of which the application for leave to appeal is sought, on or before 1 st February 2016. 2. The application for leave to appeal is to be heard and determined by the Full Court at its sitting in Saint Lucia during the week commencing 8 th February 2016.
Case Name:		Dwayne Sandy v The Queen [SVGHCRA2015/0023] (Saint Vincent and the Grenadines)
Date:		Thursday, 21 st January 2016
On paper:		
	Applicant:	In person
	Respondent:	Mr. Karim Nelson (The Office of the Director of Public Prosecutions)
Issue:		Application for bail
Result / Order:		IT IS HEREBY ORDERED THAT: The application for bail is dismissed for want of prosecution.
Reason:		The Court noted that a judge in Chambers refused the applicant's bail application on 28 th October 2015. The Court also noted that the Eastern Caribbean Supreme Court (Saint Vincent and the Grenadines) Act Cap. 24, Laws of Saint Vincent and the Grenadines provides that no appeal shall lie from an order made in a criminal cause or matter.

Case Name:		Collin David v The Queen [SVGHCVAP2015/0024] (Saint Vincent and the Grenadines)
Date:		Thursday, 21st January 2016
On paper:		
	Applicant:	In person
	Respondent:	Mr. Karim Nelson (The Office of the Director of Public Prosecutions)
Issue:		Application for bail
Result / Order:		IT IS HEREBY ORDERED THAT: The bail is dismissed for want of prosecution
Reason:		The Court noted that the applicant has made two previous bail applications which were denied by a judge in Chambers. The Court also noted that the Eastern Caribbean Supreme Court (Saint Vincent and the Grenadines) Act Cap. 24, Laws of Saint Vincent and the Grenadines provides that no appeal shall lie from an order made in a criminal cause or matter.
Case Name:		Edwin Cain v The Commissioner of Police [SVGMCRAP2015/0056]

		(Saint Vincent and the Grenadines)
Date:		Thursday, 21st January 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 is to provide the Court with a copy of the minute of conviction and sentence of the applicant on or before 20 th February 2016. 2. A copy of the application for extension of time to appeal filed on 25 th November 2015 is to be served on the Director of Public Prosecutions and proof of service provided on or before 1 st February 2016.
Reason:		The Court noted that the Order of Michel JA dated 21 st December 2015 directing the Registrar of the High Court to provide the Court with a copy of the minute of conviction and sentence of the applicant on or before 11 th January 2015 had not been complied with.
Case Name:		Olive Jude Lewis v The Commissioner of Police [BVIMCRAP2015/0010] (Territory of the Virgin Islands)
Date:		Thursday, 21st January 2016
On paper:		
	Applicant:	Denjen Law

Issues:		Application to enter into recognizance – Application for bail pending appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The respondent shall file a response to the application filed by the appellant/applicant on 18th December 2015 and served on the Office of the Director of Public Prosecutions on 21st December 2015, on or before 5th February 2016. 2. The application is adjourned for further consideration at a next chamber hearing on 23rd February 2016.