

COURT OF APPEAL SITTING
SAINT VINCENT AND THE GRENADINES
[23rd to 27th November 2015]

JUDGMENTS

Case Name:

Teckla Edwards
v
Dr. Alvin G. Edwards

[ANUHCVAP2012/0040]
(Antigua and Barbuda)

Date:

Monday, 23rd November 2015

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. Colin Williams holding papers for Ms. Teckla Edwards**

Respondent: **Ms. Rochelle Forde holding papers for Dr. Alvin Edwards**

Issues:

Matrimonial home – Property registered solely in name of husband – Whether wife entitled to share of beneficial interest in property – Common intention – Conduct of parties – Whether parties had common intention to share beneficial interest in matrimonial home – Proportions in which parties intended to share beneficial interest if there was common intention – s. 19 of Married Women’s Property Act, Laws of Antigua and Barbuda – Whether learned judge erred in his assessment of evidence – Whether learned judge erred in application of legal principles

**Result &
Reason:**

Held: allowing the appeal, setting aside the decision of the learned judge, declaring that the respondent holds a 25% of the beneficial interest in the Mercer’s Creek property on trust for the appellant, and further ordering that the respondent shall pay the appellant’s costs of this appeal assessed in the sum of \$20,000.00, that:

1. An appellate court should be very reluctant to interfere with a trial judge's findings of primary fact, particularly when they depend on the trial judge's assessment of the witnesses, whom he or she would have had the advantage of seeing and hearing. If, however, the conclusion reached by the trial judge was one which: (i) there was no evidence to support; (ii) was based on a misunderstanding of the evidence; or (iii) no reasonable judge could have reached, then an appellate tribunal will interfere with it. In the present case, the evidence clearly did not support the findings made by the learned trial judge. Accordingly, it is a proper case for the appellate court to intervene.

In re B (A Child) (Care Proceedings: Threshold Criteria) [2013] 1 WLR 1911 applied; Central Bank of Ecuador and Others v Conticorp SA and Others [2015] UKPC 11 applied.

2. Where property is registered in the name of only one of the parties in a cohabiting couple, there is no presumption of joint beneficial ownership. In determining what share each party is entitled to, the court must consider the whole course of dealings between them in relation to the property and determine what is fair. In doing so it must be noted that financial contribution is only one of the relevant factors.

Oxley v Hiscock [2005] Fam 211 applied; Jones v Kernott [2011] UKSC 53 applied.

3. The evidence in this case shows that the conduct of the parties, from the time they began living together at the Hodges Bay house and also after their move to the house at Mercer's Creek, was one of cooperation between the two in meeting the expenses of their family. Although the appellant was not involved in any way in the acquisition of the land at Mercer's Creek and the construction of the house was financed mainly by a mortgage paid by the respondent, both the appellant and respondent used their resources for the construction and development of the property and the maintenance of the family. Their course of conduct shows that there was a common intention that they should both share the beneficial interest in the property.

Case Name:

**Patricia Yvette Harding
v
The Attorney General of Anguilla**

**[AXAHCVAP2013/0003]
(Anguilla)**

Date:

Monday, 23rd November 2015

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. Jemalie John holding papers for the Appellant

Respondent: Ms. Cerepha Harper holding papers for the Respondent

Issues:

Civil appeal - Contract law - Whether contract came to an end by effluxion of time - Whether registrar was unlawfully removed from office by the invocation of a contractual provision prior to contract's natural expiration – Constitutional law – Whether removal was contrary to the Constitution - Administrative law - Legitimate expectation – Whether there was a legitimate expectation to the renewal of a contract.

**Result &
Reason:**

Held: dismissing the appeal save for the appeal in respect to costs and making no order as to costs, that:

- 1. The expiry in the ordinary course of a fixed term cannot be described as a “removal”. Rather a notice to determine the engagement prior to its natural expiry would constitute a removal. It is common ground that the appellant’s contract was due to end by effluxion of time on 10th January 2012 and that the appellant was 3 informed of the negation of her wish of re-engagement by letter dated 14th December 2011. Given the context of that letter and the background and prevailing circumstances of this case, it is clear that there was no intention to terminate the appellant’s contract prior to its natural expiry. Reference to clause 7(1) was manifestly otiose and fundamentally out of sync with the realities of the situation. Further the letter of 14th December 2011 does not**

stand in a vacuum. The contract was going to end in about three weeks after the letter was sent and in keeping with the term that vacation should be taken during the currency of the contract; the appellant was informed as to how outstanding vacation should be dealt with.

Section 68 of the Anguilla Constitution Order 1982 considered; *Thomas v Attorney-General of Trinidad and Tobago* (1981) 32 WIR 375 applied; *Horace Fraser v Judicial Legal Services Commission et al* [2008] UKPC 25 distinguished; *Angela Inniss v The Attorney General of Saint Christopher and Nevis* [2008] UKPC 42 distinguished; *Duncan v The Attorney General of Grenada* GDAHCVAP1997/0013 (delivered 8th 1997, unreported) distinguished.

2. In all legitimate expectation cases, whether substantive or procedural three practical questions arise: firstly, to what has the public authority, whether by practice or by promise, committed itself; secondly, whether the authority has acted or proposes to act unlawfully in relation to its commitment; and thirdly what should the court do. In the case at bar the appellant is contending for a legitimate expectation of a substantive right. A critical consideration in the concept of substantive legitimate expectation is whether the conditions under which a prior representation, promise or practice by a public decision-maker gives rise to an enforceable expectation of a substantive benefit. The source of the expectation may be either an express promise given on behalf of the public authority or an established practice which the claimant can reasonably expect to continue. Notably, the expectation of a continuation of a substantive right is not absolute. In this case, the source of the expectation was not from an express promise for no promise was given. There was no conduct or undertaking, held out to the appellant nor was there any representation made by the Governor to the appellant that her contract will be renewed. Notwithstanding that the appellant had seven (7) consecutive contracts, it has always been within the knowledge and contemplation of the appellant that her contract may not be renewed as the post will be advertised and there may be other applicants applying for the post. Thus, a legitimate expectation to a renewal of a contract cannot arise because her contracts were renewed previously.

Council of Civil Service Unions v Minister for the Civil Service [1985] 1 AC 374 applied; *R (Bhatt Murphy) v The Independent Assessor* 2008 EWCA Civ 755 applied; *R v Devon CC, Ex p*

Baker [1995] 1 All.E.R. 73 applied; Rainbow Insurance Company Limited v The Financial Services Commission and 4 others [2015] UKPC 15 applied; Regina v North and East Devon Health Authority, Ex p Coughlan [2001] QB 213 applied; Regina (Bibi) v Newham London Borough Council [2002] 1 WLR 237 applied; Robert Perekebena Naidike et al v The Attorney General of Trinidad and Tobago [2004] UKPC 49 applied.

STATUS HEARING

Case Name:

Velda Charles

v

Adina Latham

By their Attorney on Record Elmore Cain

[SVGHCVAP2013/0010]

Date:

Monday, 23rd November 2015

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: Ms. Kay Bacchus-Browne

Respondent: Ms. Patricia Marks

Issues:

**Status of matter – Application to withdraw as counsel on record –
Oral application by the appellant to withdraw the appeal**

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

Oral Judgment or Decision

**Result / Order
& Reasons:**

[Oral delivery]

- 1. The application by Mrs. Kay Bacchus-Browne to withdraw as counsel is granted. No objection by the appellant.**
- 2. Leave to withdraw the appeal is granted to the appellant. The Appeal is accordingly withdrawn.**
- 3. No order as to costs.**

Case Name:

**Marie Lewis
Attorney-on-record for Enid Santaris Henville a.k.a.
Sentaria Henville nee Lewis deceased
Administratrix of the Estate of Isabelle Henville nee
Lewis
Zoe Anna Lewis
Marie Lewis
Teresa Morgan nee Lewis
Phillip Lewis
Herbert Lewis
v
Sylvester Simmons**

[SVGHCVAP2012/0006]

Date:

Monday, 23rd November 2015

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:

Appellants: Ms. Kay Bacchus-Browne

Respondent: Ms. Zhing Horne-Edwards

Issues:

Status of matter – Oral application by counsel for the appellant for an adjournment

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

Directions

Result / Order: [Oral delivery]
1. The matter is to proceed according to the Rules of the Court.
2. The record of appeal is to be filed on or before 30th December 2015.

Reason: The Court noted that counsel for the appellant had recently received the record of appeal.

Case Name: David Sammy
v
The Queen
[SVGHCRAP2013/0008]

Date: Monday, 23rd November 2015

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: Ms. Kay Bacchus-Browne
Respondent: Mr. Colin Williams, Director of Public Prosecutions

Issue: Status of matter

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

Result / Order: [Oral delivery]
1. The matter is adjourned pending the receipt of the record of appeal.

Reason: The Court noted that the transcript was incomplete.

Case Name: Garth Oliver
v
Beulah Phillips
[SVGHCVAP2013/0008]

Date: Monday, 23rd November 2015

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: Ms. Samantha Robertson
Respondent: Mr. Duane Daniel

Issue: Status of matter

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

Result / Order: [Oral delivery]
The appellant to file the record of appeal on or before 30th
December 2015.

Reason: The Court noted that the transcript was recently received.

Case Name: Recardo Roberts
v

**[1] Gene Hamilton
[2] Javan McIntosh
[3] Nellie Roberts
[4] Nella Luke**

[SVGHCVAP2013/0011]

Date: Monday, 23rd November, 2015

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: No appearance

Respondents: No appearance

Issue: Status of matter

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

Result / Order: [Oral delivery]
The matter is adjourned to the next status hearing in Saint Vincent and the Grenadines during the week commencing 18th April 2016.

Case Name: Stanley Defreitas
v
[1] Transglobal Inc. (In Liquidation)
[2] International Financial Service Authority
[3] Horizon Bank International Limited (In Liquidation)

[SVGHCVAP2013/0007]

Date: Monday, 23rd November 2015

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. Joseph Delves
Respondents: No appearance

Issues: Status of matter

Type of Oral Result / Order Delivered: N/A

Result / Order: [Oral delivery]
The matter is adjourned to the next status hearing in Saint Vincent and the Grenadines during the week commencing 18th April 2016.

Reason: The Court noted that the transcript of proceedings was incomplete.

Case Name: Kyle Bacchus
v
The Queen

[SVGHCRA2013/0021]
[SVGHCRA2014/0002]

Date: Monday, 23rd November 2015

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: In person

Respondent: Mr. Colin Williams, Director of Public Prosecutions

Issues:

Status of matter

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

N/A

Result / Order:

The matter is adjourned to the next status hearing in Saint Vincent and the Grenadines during the week commencing 18th April 2016.

Reason(s):

The Court noted that the transcript was not available.

APPLICATIONS AND APPEALS

Case Name:

Westmore Gaymes

v

Davina Shallow

[SVGMCVAP2014/0002]

Date:

Monday, 23rd November 2015

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: In person

Respondent: Mr. Richard Williams holding for Mr. Arthur Williams

Issues: Application for leave to appeal to Her Majesty in Council –
Application for legal aid

**Type of Oral
Result / Order
Delivered:** Oral Judgment or Decision

Result / Order: [Oral delivery]
1. The application for leave to appeal is dismissed.
2. The application for legal aid is dismissed.

Reason: The application for leave to appeal was not made within the time limited to do so. The Court noted however that the applicant may apply directly to the Privy Council for leave to appeal. In relation to the application for legal aid, the Court was not in a position to consider the application as the applicant had not provided the Court with adequate information so as to enable it to exercise its discretion in favor of the applicant.

Case Name: CCYY Limited
v
[1] Garfdon Adams
[2] Annette Stephens
[SVGHCVAP2015/0009]

Date: Monday, 23rd November 2015

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:
Applicant: Mr. Richard Williams

Respondent: No appearance

Issue: Application for leave to appeal

**Type of Oral
Result / Order
Delivered: Oral Judgment or Decision**

Result/Order: [Oral delivery]
1. The applicant is granted leave to appeal.
2. Notice of appeal to be filed within 21 days 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: Eli Providence
v
The Queen

[SVGHCRA2014/0008]

Date: Monday, 23rd November 2015

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: In person

Respondent: Mr. Colin Williams, Director of Public Prosecutions

Issue: Application for legal aid

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

Oral Judgment or Decision

Result/Order:

[Oral delivery]

- 1. Mr. Duane Daniel is assigned to represent the appellant to prosecute his appeal.**
- 2. The transcript in the matter to be prepared.**

Reason:

The Court noted that Ms. Nicole Sylvester who was previously assigned to represent the appellant passed away. The Court also noted that the transcript in the matter was not yet available.

Case Name:

Ronald Burnley

v

The Queen

[SVGHCRA2013/0009]

Date:

Monday, 23rd November 2015

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: Ms. Kay Bacchus-Browne

Respondent: Mr. Colin Williams, Director of Public Prosecutions

Issues:

Application to add grounds of appeal

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

N/A

**Result / Order
& Reason:**

[Oral delivery]

The application to amend the grounds of appeal is adjourned pending receipt of the record of appeal by counsel Ms. Kay Bacchus-Browne.

Case Name:

**Nicholas James
v
Commissioner of Police

[SVGMCRAP2015/0025]**

Date:

Monday, 23rd November 2015

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: In person

Respondent: Mr. Colin Williams, Director of Public Prosecutions

Issues:

Application for legal aid – Oral application to add grounds of appeal

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

Oral Judgment or Decision

Result/Order:

[Oral delivery]

- 1. The application to add new grounds of appeal is dismissed.**
- 2. The application for legal aid is dismissed.**

Reason: The appellant sought to add as a ground of appeal that one of the witnesses was a rapist and that the magistrate should not have given any weight to this evidence. The Court was of the view that there was no reason why this should be a ground of appeal as the argument that the magistrate should not have believed a particular witness was subsumed under the other grounds of appeal. In relation to the application for legal aid, there was no basis for the grant of legal aid as the appellant did not cite appropriate grounds.

Case Name: Cardinal Williams
v
The Queen
[SVGMCRAP2015/0004]

Date: Monday, 23rd November 2015

Coram: The Hon. Mr. Davidson Kelvin Baptiste, Justice of Appeal
The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Gertel Thom, Justice of Appeal

Appearances:
Appellant: In person
Respondent: Mr. Colin Williams, Director of Public Prosecutions

Issues: Legal aid be assigned

**Type of Oral
Result / Order
Delivered:** Oral Judgment or Decision

Result/Order: [Oral delivery]
Ms. Patina Knights is assigned to represent the appellant in the prosecution of his appeal.

Reason: The Court was satisfied that the appellant did not have the means to retain counsel.

Case Name: Kenute Lynch
v
The Queen
[SVGHCRA2012/0006]

Date: Monday, 23rd November 2015

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: Mrs. Kay Bacchus-Browne
Respondent: Mr. Colin John, Assistant Director of Public Prosecutions

Issue: High Court Criminal appeal against conviction – Murder – Oral application for an adjournment

Type of Oral Result / Order Delivered: Directions

Result / Order: [Oral delivery]
1. The appellant to file and serve skeleton submissions within two (2) months of today's date.
2. The respondent to file and serve skeleton submissions in response within six (6) weeks thereafter.
3. Hearing of the appeal is adjourned to the next sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 18th April 2016.

Reason: Counsel for the appellant made an oral request for an adjournment to peruse the record of appeal which was recently received.

Case Name: Mario Davis
v
The Queen
[SVGHCRAP2013/0014]

Date: Monday, 23rd November 2015

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: In person
Respondent: Mr. Colin Williams, Director of Public Prosecutions

Issues: High Court criminal appeal against sentence of 5 years imprisonment – Arson – Theft

Type of Oral Result / Order Delivered: Oral Judgment or Decision

Result / Order: [Oral delivery]
1. The appeal is dismissed.

Reason: The Court noted that the maximum sentence is life in prison. The appellant pleaded guilty which would entitle him to a 1/3 discount on the notional sentence. The Court also took account of the age of the appellant at the time of the offence. However, the Court noted that the offence was a very serious offence. In the circumstances, the Court was of the view that the sentence of five (5) years imprisonment was not excessive. The magistrate made no error and there was no reason to disturb the sentence imposed.

Case Name: Osrick Young
v
The Queen
[SVGHCRAP2013/0006]

Date: Monday, 23rd November 2015

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: Ms. Samantha Robertson
Respondent: Mr. Karim Nelson, Crown Counsel

Issue: High Court criminal appeal against conviction – Murder – Case management – Oral application for adjournment

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

Result / Order:

[Oral delivery]

- 1. Service of the amended record of appeal to be effected on counsel for the appellant within one (1) week from the date of this order.**
- 2. The appellant shall file written submissions within two (2) months of the date of this order.**
- 3. The respondent shall file written submissions in response within 6 weeks of being served with the appellant's submissions.**
- 4. The hearing of this appeal is adjourned to the next sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 18th April 2016.**

Reason:

Submissions and authorities were previously filed by counsel for the appellant, Ms. Nicole Sylvester, in January and February of 2015. Since then, an amended record of appeal was filed and Ms. Nicole Sylvester passed away.

Case Name:

Aubrey Wilson

v

The Queen

[SVGHCRAP2013/0018]

Date:

Monday, 23rd November 2015

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: Ms. Euchrista St. Hillarie Bruce-Lyle holding for Ms. Patina Knights

Respondent: Mr. Colin Williams, Director of Public Prosecutions

Issues:

High Court criminal appeal against sentence – Murder

Type of Oral

N/A

**Result / Order
Delivered:**

**Result / Order
& Reason:**

[Oral delivery]

The matter is adjourned to the next sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 18th April 2016 due to the incomplete state of the record.

Case Name:

**Carl Ollivierre
v
Dr. Juana Osborne**

[SVGMCVAP2015/0005]

Date:

Monday, 23rd November 2015

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: Mrs. Kay Bacchus-Browne

Respondent: No appearance

Issue:

Civil appeal – Debt recovery – Refusal by magistrate to admit evidence at trial – Whether there was an intention to create legal relations

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

N/A

**Result / Order
& Reason:**

[Oral delivery]

The hearing of the matter is adjourned to the next sitting of the Court of Appeal in Saint Vincent and the Grenadines during the

week commencing 18th April 2016 by consent of the parties.

Case Name: Thaddeus Maloney
v
[1] Gideon George
[2] Ephraim Maloney
[SVGMCVAP2014/0012]

Date: Monday, 23rd November 2015

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: Mrs. Kay Bacchus-Browne holding for Ms. Maia Eustace
Respondents: No appearance

Issues: Civil appeal

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

Result / Order: [Oral delivery]
The matter is adjourned to Thursday, 26th November 2015.

Reason: There was not appearance by the respondents and the Court noted that they had been served with notice of hearing for Thursday, 26th November 2015.

Case Name:

**Antonio Gellizeau
v
The Commissioner of Police**

[SVGMCRAP2013/0058]

Date:

Monday, 23rd November 2015

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: Ms. Samantha Robertson holding for Mr. Keith Scotland

Respondent: Mr. Colin Williams, Director of Public Prosecutions

Issues:

Magisterial criminal appeal against conviction – Money laundering – Oral application for an adjournment.

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

N/A

Result / Order:

[Oral delivery]

- 1. The application for an adjournment of the hearing of the appeal is granted. This will be the final adjournment of this matter.**
- 2. The hearing of the appeal is traversed to the next sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 18th April 2016.**

Reason:

The Court noted that Mr. Keith Scotland was recently retained as counsel for the appellant.

Case Name: **The Commissioner of Police**
v
Vynette Frederick

[SVGMCRAP2015/0021]

Date: **Monday, 23rd November 2015**

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. Colin John, Assistant Director of Public Prosecutions**

Respondent: **Ms. Samantha Robertson holding papers for Mr. Keith Scotland**

Issues: **Magisterial criminal appeal against conviction – Making false declaration – Perjury – Appeal against order by magistrate striking out and/or discharging respondent**

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

Result / Order: **[Oral delivery]**
1. The respondent is to file and serve submissions in response to that of the appellant within six (6) weeks of today's date.
2. Hearing of the matter is adjourned to the next sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 18th April 2016.

Case Name: **Mario Davis**
v
The Queen

[SVGHCRAP2013/0014]

Date: Monday, 23rd November 2015

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: In person

Respondent: Mr. Colin Williams, Director of Public Prosecutions

Issues: High Court criminal appeal against sentence of 5 years imprisonment – Arson – Theft

Type of Oral Result / Order Delivered: Oral Judgment or Decision

Result / Order: [Oral delivery]
The appeal against sentence is allowed and a sentence of four (4) years imprisonment is substituted instead of five (5) years.

Reasons: The Court noted that the appellant had pleaded guilty at the start of the prosecution's case and that his co-accused had pleaded guilty at the end of the prosecution's case. Both accused were sentenced to five (5) years imprisonment. The Court was of the view that the appellant should have been given credit for pleading guilty at the stage that he did and the Court considered a discount of one (1) year to be appropriate. It was unfair to the appellant that he pleaded at the stage that he did but received the same sentence as his co-accused who pleaded guilty at a later stage. Taking all the circumstances into consideration, the Court was of the view that the sentence of the appellant should be reduced.

Case Name: Garry Harry
v

The Queen

[SVGHCRA2012/0026]

Date: Tuesday, 24th November 2015

Coram: The Hon. Mr. Davidson Kelvin Baptiste, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:

Appellant: Mr. Ronald Marks

Respondent: Ms. Tameka McKenzie, Crown Counsel

Issues: High Court criminal appeal against conviction – Death by dangerous driving

Result / Order: [Oral delivery]
The matter is adjourned to Thursday, 26th November 2015.

Reason: The Court did not have the amended record of appeal.

Case Name: Anjay Charles
v
The Queen

[SVGHCRA2013/0016]

Date: Tuesday, 24th November 2015

Coram: The Hon. Mr. Davidson Kelvin Baptiste, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:

Appellant: Ms. Kay Bacchus-Browne

Respondent: Mr. Carl Williams, Crown Counsel

Issues: Criminal appeal against conviction – Murder – Application to amend grounds of appeal – Application for an adjournment

Type of Oral Result / Order Delivered: Oral Judgment or Decision & Directions

Result / Order: [Oral delivery]
1. The application to amend the grounds of appeal filed on 10th March 2015 is granted.
2. At the request of the appellant the matter is adjourned to the next sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 18th April 2016.
3. Counsel for the appellant shall file and serve written submissions on or before 28th January 2016.
4. The respondent is at liberty to reply within 21 days after receiving the appellant's submissions.

Reasons: Counsel for the appellant requested an adjournment to permit her to obtain the transcript of the testimony of a witness whom counsel believed was critical to the prosecution of this appeal.

Case Name: Colly Lowman
v
The Queen

[SVGHCRA2012/0028]

Date: Tuesday, 24th November 2015

Coram: The Hon. Mr. Davidson Kelvin Baptiste, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
The Hon Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:

Appellant: Ms. Euchrista St. Hilaire Bruce-Lyle

Respondent: Mr. Carl Williams, Crown Counsel

Issues: Criminal appeal against conviction – Robbery – Wounding

**Type of Oral
Result / Order
Delivered:** Oral Judgment or Decision

Result / Order: [Oral delivery]
1. The appeal against conviction is allowed.
2. The conviction is unsafe and unsatisfactory.
3. The conviction and sentence is squashed.
4. A re-trial is ordered.

Reasons: The Court was of the view that the trial judge failed to properly direct the jury on the impact of several factors to the safety of the evidence of the virtual complainant; namely, that the virtual complainant was afraid; that he pleaded with the assailant not to kill him and that there was a gun to his neck. In addition, the virtual complainant did not give a description of the appellant at the material time. The Court was also of the view that trial judge failed to properly or adequately direct the jury on the improprieties of the identification parade and ought to have directed the jury to reject that evidence.

The Court also noted that the trial judge invited the jury to draw certain inferences. The evidence of the appellant was that when he went home his sister told him that a man was shot and that his name was being called. The trial judge invited the jury to draw the inference that this information could only have come from “Charlene”, whom the Court described as an invisible witness. Charlene did not depose, she did not give evidence and therefore she did not identify the accused. The Court explained that in inviting the jury to draw inferences from the facts they find, the trial judge must direct the jury that if there are two or more inferences to be drawn, they must draw the inference most favorable to the accused. The Trial Judge failed to give this direction and consequently erred in his direction on inferences.

Case Name:

**Iso Lynch
v
The Commissioner of Police
[SVGMCRAP2014/0063]**

Date: **Tuesday, 24th November 2015**

Coram: **The Hon. Mr. Davidson Kelvin Baptiste, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
The Hon Mr. Paul Webster, Justice of Appeal [Ag.]**

Appearances:

Appellant: **In person**

Respondent: **Ms. Tameka McKenzie, Crown Counsel**

Issues: **Criminal appeal against sentence – Dishonestly obtaining – Oral application to withdraw appeal**

Result / Order: **[Oral delivery]
Any time spent on remand should be taken into account in calculating the appellant's term of imprisonment.**

Reason: **The appellant withdrew his appeal and requested that time spent on remand be deducted from his prison sentence.**

Case Name:

**Marlon Deterville
v
The Commissioner of Police
[SVGMCRAP2014/0053]**

Date: **Tuesday, 24th November 2015**

Coram: The Hon. Mr. Davidson Kelvin Baptiste, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
The Hon Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:

Appellant: In person

Respondent: Ms. Tameka McKenzie, Crown Counsel

Issues: Magisterial criminal appeal against sentence – Possession of a controlled drug with intent to supply – Fine of \$10,000 to be paid forthwith, in default of which , 3 years imprisonment

**Type of Oral
Result / Order
Delivered:** Oral Judgment or Decision

Result / Order: [Oral delivery]
The appeal is allowed. A sentence of time served is substituted.

Reasons: The Court noted the concession by the Crown that the learned magistrate erred in failing to hold a means test before imposing the fine of \$10,000 to be paid forthwith. The Crown also conceded that the learned magistrate erred in imposing a term of imprisonment of 3 years in default of payment of the fine which was in excess of the maximum time stipulated by section 29 of the Criminal Procedure Code Cap. 171, Revised Laws of Saint Vincent and the Grenadines 2009. Having considered all the circumstances, the Court was of the view that the sentence imposed on the appellant was excessive.

Case Name: The Commissioner of Police
v
Devorn St. John
[SVGMCRAP2015/0008]

Date: Tuesday, 24th November 2015

Coram: The Hon. Mr. Davidson Kelvin Baptiste, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:
Appellant: Mr. Colin John, Assistant Director of Public Prosecutions
Respondent: No appearance

Issues: Magisterial criminal appeal against sentence – Unlawful and malicious wounding – Unlawful discharge of a firearm

Type of Oral Result / Order Delivered: Oral Judgment or Decision

Result / Order: [Oral delivery]
The appeal is withdrawn and accordingly dismissed.

Reason: The appeal was withdrawn as the respondent is now deceased.

Case Name: Owyn Jackson
v
The Queen

[SVGHCRAP2013/0003]

Date: Wednesday, 25th November 2015

Coram: The Hon. Mr. Davidson Kelvin Baptiste, Justice of Appeal
The Hon. Mr. Mario Michel, Justice of Appeal
The Hon Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:
Appellant: Mr. Stephen Williams

Respondent: Ms. Tameka McKenzie, Crown Counsel

Issues: High Court criminal appeal against conviction – Rape

Result / Order: [Oral delivery]
1. The appeal is allowed.
2. The conviction is quashed and the sentence is set aside.
3. A retrial is ordered.

Reasons: The Court was of the view that there was a material omission on the part of the trial judge. The issue of recent complaint being live in this case, the trial judge was obliged to direct the jury on that issue and give them assistance on how to deal with the recent complaint. Recent complaint shows consistency and enhances the credibility of the witness but it is not evidence of the facts. The failure of the trial judge to direct the jury on the issue of the recent complaint may very well have led the jury to conclude that the recent complaint was evidence of the facts stated. This would have operated to the prejudice of the appellant and rendered the verdict unsafe.

Case Name: Daniel McFee
Nicholas James
v
The Commissioner of Police

[SVGMCRAP2015/0025]

Date: Wednesday, 25th November 2015

Coram: The Hon. Mr. Davidson Kelvin Baptiste, Justice of Appeal
The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:
Appellants: Mrs. Kay Bacchus-Browne for Daniel McFee;
No appearance by Nicholas James

Respondent: Ms. Tameka McKenzie, Crown Counsel

Issues: Magisterial criminal appeal against conviction – Trespassing – Stealing

Result / Order:

1. The appeal of Daniel McFee having been withdrawn is accordingly dismissed.
2. The conviction and sentence is affirmed.
3. The matter in respect of Nicholas James is stood down.

Reason: Counsel for Daniel McFee withdrew the appeal, however, Nicholas James was absent.

Case Name:

**Willis Stephens
Devernier Edwards
v
Commissioner of Police
[SVGMCRAP2015/0039]**

Date: Wednesday, 25th November 2015

Coram: The Hon. Mr. Davidson Kelvin Baptiste, Justice of Appeal
The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:

Appellant: Mr. Stephen Williams

Respondent: Mr. Karim Nelson, Crown Counsel

Issues: Magistrate criminal appeal against conviction – Possession of a controlled drug with intent to supply – Cultivation of a controlled drug

Result / Order: [Oral delivery]
The appeal having been withdrawn is accordingly dismissed.

Type of Oral Result / Order Delivered: Oral Judgment or Decision

Reason: The appellant has served his sentence.

Case Name: Kadir Nedd
v
The Commissioner of Police
[SVGMCRAP2015/0026]

Date: Wednesday, 25th November 2015

Coram: The Hon. Mr. Davidson Kelvin 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. Carl Williams, Crown Counsel

Issues: Magisterial criminal appeal against conviction – Unlawful and malicious wounding – Oral application for an adjournment

Type of Oral Result / Order Delivered: Directions

Result / Order: [Oral delivery]
1. The appellant is to file and serve submissions on or before 29th January 2016.
2. The respondent is to file and serve submissions in reply on or before 1st March 2016.
3. The hearing of the appeal is adjourned to the next sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 18th April 2016.

Reason: The respondent did not object to the application for an adjournment.

Case Name: Roland Charles
v
The Commissioner of Police
[SVGMCRAP2014/0042]

Date: Wednesday, 25th November 2015

Coram: The Hon. Mr. Davidson Kelvin Baptiste, Justice of Appeal
The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:
Appellant: Mr. Duane Daniel
Respondent: Mr. Karim Nelson, Crown Counsel

Issues: Magisterial criminal appeal against conviction and sentence – Possession of firearm and ammunition without license

Type of Oral Result / Order Delivered: Oral Judgment or Decision

Result / Order: [Oral delivery]
 1. The appeal against conviction and sentence is dismissed.
 2. The conviction and sentence are affirmed.

Reasons: The Court noted that the magistrate made important factual findings and that there was adequate evidential basis upon which the magistrate could have made those findings. Accordingly, the Court did not find any reason to disturb the findings of the learned magistrate.

Case Name: **Ulric Hanson**
v
The Commissioner of Police
[SVGMCRAP2015/0028]

Date: Wednesday, 25th November 2015

Coram: The Hon. Mr. Davidson Kelvin 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: Mr. Carl Williams, Crown Counsel.

Issues: Magisterial criminal appeal against conviction – Trespassing with intent to commit theft

Type of Oral Result / Order Delivered: Oral Judgment or Decision

Result / Order: 1. The appellant is absent. He was served on 7th August 2015.
 2. The appeal is accordingly struck out for want of prosecution.
 3. A warrant is issued for the appellant to ensure that he completes his prison sentence.

Reason: The appellant was absent from Court despite being service with notice of hearing of the appeal.

Case Name: Daniel McFee
Nicolas James
v
The Commissioner of Police
[SVGMCRAP2015/0025]

Date: Wednesday, 25th November 2015

Coram: The Hon. Mr. Davidson Kelvin Baptiste, Justice of Appeal
The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:
Appellants: No appearance by Daniel McFee
Nichols James in person
Respondent: Ms. Tameka McKenzie, Crown Counsel

Issues: Criminal appeal against conviction and sentence – Trespassing and stealing – Oral application to withdraw appeal

Result / Order: [Oral delivery]
1. The appellant having indicated that he is not pursuing his appeal against conviction and sentence is given leave to withdraw the appeal.
2. The appeal having been withdrawn is accordingly dismissed.

Reason: The appellant, Nicholas James withdrew his appeal.

Case Name:

**Zane Dopwell
v
The Commissioner of Police**

[SVGMCRAP2015/0027]

Date:

Wednesday, 25th November 2015

Coram:

**The Hon. Mr. Davidson Kelvin 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. Carl Williams, Crown Counsel.

Issues:

**Magisterial criminal appeal against sentence – Burglary –
Sentence of 3 years imprisonment**

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

Oral Judgment or Decision

Result / Order:

**[Oral delivery]
The appeal against sentence is dismissed.**

Reasons:

The Court was of the view that the sentence imposed on the appellant is reasonable. The learned magistrate did not err. The Court did not find any reason to disturb the sentence imposed. The Court looked at the antecedents of the Appellant and felt satisfied that the sentence was not excessive.

Case Name:

**Joemall Cumberbatch
v
Commissioner of Police**

[SVGMCRAP2014/0033]

Date: Wednesday, 25th November 2015

Coram: The Hon. Mr. Davidson Kelvin 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. Tameka McKenzie, Crown Counsel

Issues: Magisterial criminal appeal against sentence – Stealing

Type of Oral Result / Order Delivered: Oral Judgment or Decision

Result / Order: [Oral delivery]
The appeal is withdrawn.

Reason: The appellant has served his sentence.

Case Name:

**Olando Olton
Romall Olton
v
The Commissioner of Police**

[SVGMCRAP2014/0063]

Date: Wednesday, 25th November 2015

Coram: The Hon. Mr. Davidson Kelvin Baptiste, Justice of Appeal
The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:

Appellants: Olando Olton in person
No appearance by Romall Olton

Respondent: Ms. Tameka McKenzie, Crown Counsel

Issues: Magisterial criminal appeal against sentence – Burglary – Damage to Property – Receiving stolen goods

Type of Oral Result / Order Delivered: N/A

Result/Order: [Oral delivery]
1. The matter is stood down.

Reason: The co-appellant, Romall Olton was absent.

Case Name: Dave Sutton
v
The Commissioner of Police
[SVGMCRAP2015/0044]

Date: Wednesday, 25th November 2015

Coram: The Hon. Mr. Davidson Kelvin 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. Tameka McKenzie, Crown Counsel and Mr. Colin Williams, Director of Public Prosecutions

Issues: Magisterial criminal appeal against sentence against sentence of 2 years imprisonment – Possession of firearm without license – Possession of ammunition without license

Type of Oral Result / Order Delivered: Oral Judgment or Decision

Result / Order: [Oral delivery]
1. The appeal against sentence is dismissed.
2. The sentence imposed by the magistrate is affirmed.

Reasons: The appellant was sentenced to 2 years imprisonment. The Court considered the appellant's guilty plea and noted that he had provided assistance to the police in turning in illegal firearms and that this was taken into account by the learned magistrate. The Court also noted that the magistrate's court has imposed sentences of 4 years imprisonment in similar matters. In the circumstances, the Court was of the opinion that the learned magistrate did not err in principle in arriving at the sentence of 2 years imprisonment/

Case Name: Kamau Jones
v
The Commissioner of Police
[SVGMCRAP2015/0042]

Date: Wednesday, 25th November 2015

Coram: The Hon. Mr. Davidson Kelvin 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. Karim Nelson, Crown Counsel

Issues: Magisterial criminal appeal against 2 sentences of 1 year imprisonment to run consecutively – Possession of a controlled drug with intent to supply

Type of Oral Result / Order Delivered: Oral Judgment or Decision

Result / Order: [Oral delivery]
The 2 default sentences of 1 year imposed by the learned magistrate shall be treated as being concurrent sentences, so that the appellant will serve 1 year only in respect of his conviction for the offence.

Reason: The Crown conceded that the appeal should be allowed and that a just and fair sentence be imposed.

Case Name: Orlando Olton
Romall Olton
v
The Commissioner of Police
SVGMCRAP2014/0063

Date: Wednesday, 25th November 2015

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:
Appellants: In person
Respondent: Ms. Tameka McKenzie, Crown Counsel

Issues: Magisterial criminal appeal against sentence to run consecutively – Burglary – Damage to property – Receiving stolen goods

Result / Order: [Oral delivery]
1. The appeal against sentence is allowed.
2. The sentences imposed by the learned magistrate are set aside to the extent that the sentences shall run concurrently instead of consecutively. Both appellants will therefore serve 2½ years.

Case Name: Joel McLean
v
The Commissioner of Police
[SVGMCRAP2015/0043]

Date: Wednesday, 25th November 2015

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:
Appellant: Ms. Kay Bacchus-Browne
Respondent: Ms. Tameka McKenzie, Crown Counsel

Issues: Magisterial criminal appeal against sentence – Possession of firearm without license – Oral application by respondent for an adjournment

Type of Oral Result / Order Delivered: Directions

Result / Order: [Oral delivery]

1. Leave is granted to the respondent to respond by way of affidavit and supplemental submissions on or before 31st December 2015 to the submissions filed on behalf of the appellant on 25th November 2015.
2. Leave to the appellant to reply to the respondent's affidavit and submissions on or before 31st January 2016.
3. Hearing of the appeal is adjourned to the next sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 18th April 2016.

Reason: The respondent requested an adjournment to respond to submissions filed by the appellant and served on the respondent on 25th November 2015.

Case Name: Andrew Roberts
v
The Commissioner of Police
[SVGMCRAP2015/0041]

Date: Wednesday, 25th November 2015

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:

Appellant: In person

Respondent: Ms. Tameka McKenzie, Crown Counsel

Issues: Magisterial criminal appeal against sentences of 4 years imprisonment and 2 years imprisonment to run concurrently – Possession of firearm – Possession of ammunition without license

Type of Oral Result / Order Delivered: Oral Judgment or Decision

Result / Order: [Oral delivery]
1. The appeal against sentence is allowed.
2. The sentence of four (4) years imprisonment for possession of the firearm is set aside and three (3) years substituted to run concurrently with the nine (9) months for possession of ammunition without a license.

Reasons: The appellant pleaded guilty to two (2) offences under the Firearms Act. He was sentenced to four (4) years imprisonment for possession of a firearm and nine (9) months imprisonment for possession of ammunition without a license. The Court noted similar cases where the accused pleaded guilty and the sentence imposed was three (3) years imprisonment. The Court also noted the submissions of the respondent concerning the antecedents of the Appellant and that the previous offences were not related to firearm possession.

Case Name: Therdio McKie
v
The Commissioner of Police
[SVGMCRAP2015/0004]

Date: Wednesday, 25th November 2015

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:
Appellant: In person
Respondent: Ms. Tamika McKenzie, Crown Counsel

Issues: Magisterial criminal appeal against sentence – Possession of firearm without license – Possession of ammunition without license – Oral application for leave to appeal against conviction

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

Directions

Result / Order:

[Oral delivery]

- 1. Leave is granted to the appellant to file an amended notice of appeal against conviction and sentence.**
- 2. The appellant has two (2) months until the 29th January 2016 to file the notice of appeal.**
- 3. The respondent has one (1) month to reply to the amended notice of appeal.**
- 4. The respondent has leave to file supplemental submissions on or before 29th February 2016.**
- 5. The hearing of this appeal is adjourned to the next sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 18th April 2016.**

Reason:

The respondent did not object to the application for leave to appeal against conviction.

Case Name:

Jason Delpesche

v

The Commissioner of Police

[SVGMCRAP2014/0064]

Date:

Wednesday, 25th November 2015

Coram:

**The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]**

Appearances:

Appellant: In person

Respondent: Ms. Tameka McKenzie, Crown Counsel

Issues:

Magisterial criminal appeal against sentences – Using indecent language

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

N/A

Result / Order:

[Oral delivery]

The matter is adjourned until 26th November, 2015 at 9:00 am.

Reason:

The Court adjourned this matter after submissions from the appellant and the respondent.

Case Name:

Garry Harry

v

The Queen

[SVGHCRAP2012/0026]

Date:

Thursday, 26th November 2015

Coram:

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

The Hon. Mde. Gertel Thom, Justice of Appeal

The Hon Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:

Appellant: Mr. Ronald Marks

Respondent: Mr. Colin Williams, Director of Public Prosecutions

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

Oral Judgment or Decision

Issues:

High Court criminal appeal against conviction – Death by dangerous driving

Result / Order: [Oral delivery]
1. The appeal is allowed.
2. The conviction and sentence are quashed.
3. No retrial is ordered.

Reasons: The Court was of the view that that the critical issue in the appeal was whether the learned trial judge had adequately directed the jury in relation to inferences, this having been a case of circumstantial evidence. The Court noted that if there are two (2) or more reasonable inferences to be drawn, the jury must be directed that they must draw the inference more favorable to the accused. The Court found that the learned trial judge did not properly direct the jury as the judge did not put to the jury inferences which could have been drawn from the defence's case. This omission by trial judge was fatal.

Case Name: Jason Delpesche
v
The Commissioner of Police
[SVGMCRAP2014/0064]

Date: Thursday, 26th November 2015

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:
Appellant: In person
Respondent: Ms. Tameka McKenzie, Crown Counsel and Ms. Sejilla McDowall, Crown Counsel

Issues: Magisterial criminal appeal against sentence – Burglary – Sentence of 1 year imprisonment – Theft – Two (2) sentences of 6 months imprisonment – Sentences to run consecutively – Using indecent language – Sentence of \$400 to be paid forthwith, 1

month imprisonment in default –

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

Oral Judgment or Decision

Result / Order:

[Oral delivery]

- 1. The appeal against sentence is allowed to the extent that the following sentences will run concurrently:
 - (i) One (1) year imprisonment for burglary imposed on 3rd February, 2014**
 - (ii) Six (6) months imprisonment for theft imposed on 30th January, 2014**
 - (iii) Six (6) months imprisonment for theft imposed on 5th February, 2014****
- 2. The sentence imposed for the offence of using indecent language is affirmed.**

Reason:

The Court considered the age of the appellant, his antecedents and the need to strike a balance between appropriate punishment and rehabilitation.

Case Name:

Casbert Edwards

v

The Commissioner of Police

[SVGMCRAP2015/0029]

Date:

Thursday, 26th November 2015

Coram:

**The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]**

Appearances:

Appellant: No appearance

Respondent: Ms. Sejilla McDowall, Crown Counsel

Issues: **Magisterial criminal appeal against conviction – Assault**

**Type of Oral
Result / Order
Delivered:** **Oral Judgment or Decision**

**Result / Order
& Reason:** **[Oral delivery]
The appellant having been served in respect of the appeal
proceedings this week and not having appeared to prosecute his
appeal, the appeal is accordingly dismissed.**

Case Name: **Ruthland Davis
v
The Commissioner of Police
[SVGMCRAP2015/0030]**

Date: **Thursday, 26th November 2015**

Coram: **The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]**

Appearances:
Appellant: **Mr. Israel Bruce**
Respondent: **Mr. Carl Williams, Crown Counsel**

Issues: **Magisterial criminal appeal against conviction – Assault causing
bodily harm**

Result / Order: **[Oral delivery]
1. The appeal is allowed.
2. The sentence is varied to time already served.**

Reasons: In arriving at its decision, the Court took in account the following factors, that: i) the bond which was activated was satisfied in full ii) the appellant served part of the prison term before being granted bail and iii) certain special circumstances disclosed to the Court about the mental state of the appellant.

Case Name: Thaddeus Maloney
V
Gideon George
Ephraim Maloney
[SVGMCVAP2014/0012]

Date: Thursday, 26th November 2015

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:
Appellant: Mr. Andreas Coombs holding paper for Ms. Maia Eustace
Respondent: Mr. Israel Bruce (amicus curiae)

Issues: Civil appeal – Oral application for an adjournment by the counsel for the respondent.

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

**Result / Order
& Reason:** [Oral delivery]
Upon application on behalf of the respondent, with no objection by counsel on behalf of the appellant, the hearing of this appeal is traversed to the next sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 18th April 2016.

Case Name: **Philbert Warrican**
v
Elsworth Richards
[SVGMCVAP2014/0015]

Date: **Thursday, 26th November 2015**

Coram: **The Hon. Mr. Mario Michel, Justice of Appeal**
The Hon. Mde. Gertel Thom, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:
Appellant: Mr. Andreas Coombs

Respondent: No appearance

Issues: **Civil appeal**

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

Result/Order: **[Oral delivery]**
1. The hearing of the appeal is adjourned to the next sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 18th April 2016.
2. The respondent shall be served with notice of the hearing of the appeal together with the appellant's submissions on or before 29th January 2016.

Reason: **Counsel for the appellant disclosed to the Court that the respondent was short served.**

Case Name:

**Adolphus Adams
v
The Commissioner of Police**

[SVGMCRAP2015/0032]

Date:

Thursday, 26th November 2015

Coram:

**The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]**

Appearances:

Appellant: Ms. Shirlan Barnwell holding papers for Mr. Jomo Thomas

Respondent: Mr. Karim Nelson, Crown Counsel

Issues:

**Magisterial criminal appeal against conviction – Unlawful assault
– Application for adjournment**

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

N/A

Result/Order:

**[Oral delivery]
Upon application by counsel of the appellant and with no
objection by counsel for the respondent, the hearing of this
appeal is adjourned to the next sitting of the Court of Appeal in
Saint Vincent and the Grenadines during the week commencing
18th April 2016.**

Reason:

**The appellant was not served with the notice of hearing of the
appeal.**

Case Name: Commissioner of Police
v
Lisa Hooper
Lisa Hooper
v
The Commissioner of Police
[SVGMCRAP2015/0037]

Date: Thursday, 26th November 2015

Coram: The Hon. Mario Michel, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:
Appellant / Respondent: Mr. Colin Williams, Director of Public Prosecutions
Respondent / Appellant: Ms. Shirlan Barnwell holding papers for Mr. Jomo Thomas

Issues: Magisterial criminal appeal against conviction – Possession of a controlled drug – Conspiracy to drug trafficking – Conspiracy to export controlled drug

Type of Oral Result / Order Delivered: Directions

Result / Order: [Oral delivery]
1. The hearing of the appeal is adjourned to the next sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 18th April 2016.
2. The Registrar of the High Court shall serve copies of the record of appeal on the Office of the Director of Public Prosecutions on behalf of the Commissioner of Police and on the chambers of Mr. Jomo Thomas on behalf of Lisa Hooper.

Reason: The record of appeal was not served on the parties.

Case Name: Iraul Murray
v
The Commissioner of Police
[SVGMCRAP2015/0007]

Date: Thursday, 26th November 2015

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:

Appellant: In person

Respondent: Mr. Karim Nelson, Crown Counsel

Issues: Magisterial criminal appeal against conviction – Possession of a controlled drug – Possession of a controlled firearm – Oral application for adjournment

Type of Oral Result / Order Delivered: Directions

Result / Order & Reason: [Oral delivery]
Upon application by the appellant for an adjournment of this matter in order to obtain legal representation and with no objection on behalf of the respondent, the hearing of this appeal is adjourned to the next sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 18th April 2016.

Case Name: **Sylvester Nanton**
v
The Commissioner of Police
[SVGMCRAP2015/0012]

Date: **Thursday, 26th November 2015**

Coram: **The Hon. Mr. Mario Michel, Justice of Appeal**
The Hon. Mde. Gertel Thom, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:
Appellant: **Mr. Ronald Marks**
Respondent: **Mr. Karim Nelson, Crown Counsel**

Issues: **Magisterial criminal appeal against conviction – Dishonestly receiving stolen goods – Oral application for leave to withdraw the appeal**

Type of Oral Result / Order Delivered: **Oral Judgment or Decision**

Result / Order & Reason: **[Oral delivery]**
Leave is granted to the appellant to withdraw his appeal. The appeal is accordingly dismissed.

Case Name: **Meshach Lewis**
v
The Commissioner of Police
[SVGMCRAP2015/0011]

Date: **Thursday, 26th November 2015**

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:

Appellant: Mr. Ronald Marks

Respondent: Mr. Colin Williams, Director of Public Prosecution

Issues: Criminal appeal against conviction – Unlawful and malicious wounding

Type of Oral Result / Order Delivered: N/A

Result / Order: [Oral delivery]
The matter is stood down until 2pm today.

Reason: The appellant was absent.

Case Name: Deshorn Dembar
v
The Commissioner of Police
[SVGMCRAP2014/0023]

Date: Thursday, 26th November 2015

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:

Appellant: No appearance

Respondent: Mr. Karim Nelson, Crown Counsel

Issues: Magisterial criminal appeal against conviction – Use of indecent language

Type of Oral Result / Order Delivered: N/A

Result / Order: [Oral delivery]
The hearing of the appeal is traversed to the next sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 18th April 2016.

Reason: The appellant was not served.

Case Name: Andrel John
v
The Commissioner of Police
[SVGMCRAP2015/0020]

Date: Thursday, 26th November 2015

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:
Appellant: Mr. Jaundy Martin
Respondent: Mr. Colin Williams, Director of Public Prosecutions holding for Mrs. Tameka McKenzie, Crown Counsel

Issue: Magisterial criminal appeal against conviction – Causing actual bodily harm – Application to add grounds of appeal – Oral application for an adjournment

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

Oral Judgment or Decision & Directions

Result / Order:

[Oral delivery]

- 1. The application by the appellant to add two (2) additional grounds of appeal is granted.**
- 2. The hearing of the appeal is adjourned to the next sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 18th April 2016 to enable the respondent to file skeleton arguments in response to the skeleton arguments filed by the appellant.**
- 3. The respondent to file skeleton arguments with authorities on or before 31st January 2016.**

Reason:

The respondent did not object to the application for an adjournment.

Case Name:

**Meshach John
v
The Commissioner of Police
[SVGMCRAP2015/0013]**

Date:

Thursday, 26th November 2015

Coram:

**The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]**

Appearances:

Appellant: No appearance

Respondent: Ms. Sejilla McDowall, Crown Counsel

Issue:

Magisterial criminal appeal against conviction – Unlawful and malicious wounding

**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 Vincent and the Grenadines during the week commencing 18th April 2016.**
- 2. The appellant to be re-served with notice of hearing of appeal during the week of 18th April 2016.**

Reason:

The appellant was short served.

Case Name:

Anton Butler

v

The Commissioner of Police

[SVGMCRAP2015/0015]

Date:

Thursday, 26th November 2015

Coram:

**The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]**

Appearances:

Appellant: No appearance

Respondent: Mr. Carl Williams, Crown Counsel

Issues:

Magisterial criminal appeal against conviction – Assault

Result / Order: [Oral delivery]
1. The appellant not having been served with notice of hearing of the appeal, the hearing of this appeal is adjourned to the next sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 18th April 2016.
2. The appellant shall be served with notice of hearing of the appeal within two (2) months of the date of this order.

Reason: The appellant was not served.

Case Name: Meshach Lewis
v
The Commissioner of Police
[SVGMCRAP2015/0011]

Date: Thursday, 26th November 2015

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:
Appellant: Mr. Ronald Marks
Respondent: Mr. Colin Williams, Director of Public Prosecution

Issues: Magisterial criminal appeal against conviction and sentence–
Unlawful and malicious wounding

**Type of Oral
Result / Order
Delivered:** Oral Judgment or Decision & Directions

Result/Order:

[Oral delivery]

- 1. Leave is granted to the appellant to withdraw his appeal against conviction and proceed with the appeal against sentence only. Accordingly the appeal against conviction is dismissed.**
- 2. The appellant is ordered to file and serve written submissions in support of his appeal against sentence on or before 31st January 2016.**
- 3. Leave to the respondent to file and serve submissions in response within six (6) weeks of being served with the appellant's submissions.**
- 4. Hearing of the appeal is adjourned to the next sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 18th April 2016.**
- 5. This is a final adjournment of the appeal at the instance of the appellant.**

Case Name:

Edward Daly

v

The Commissioner of Police

[SVGMCRAP2015/0016]

Date:

Thursday, 26th November 2015

Coram:

**The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]**

Appearances:

Appellant: Mr. Jaundy Martin

Respondent: Ms. Sejilla McDowall, Crown Counsel

Issues:

[Oral delivery]

Magisterial criminal appeal against conviction - Unlawful and malicious wounding – Application for leave to withdraw appeal

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

Oral judgment or Decision

**Result/Order &
Reason:**

**[Oral delivery]
Upon application by counsel on behalf of the appellant to
withdraw the appeal, the appeal is withdrawn and accordingly
dismissed.**

Case Name:

**Rannel Mathurin
Zain Dopwell
v
Commissioner of Police
[SVGMCRAP2015/0038]**

Date:

Thursday, 26th November 2015

Coram:

**The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]**

Appearances:

**Appellant: Mr. Rannel Mathurin in person
No appearance by Mr. Zane Dopwell**

Respondent: Ms. Sejilla McDowall, Crown Counsel

Issue:

**Magisterial criminal appeal against conviction – Stealing –
Damage to property without lawful excuse**

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

N/A

Result/Order:

**[Oral delivery]
The matter is stood down.**

Reason: Mr. Zane Dopwell, the co-accused, was absent.

Case Name: Devon Ashton
v
The Commissioner of Police
[SVGMCRAP2015/0040]

Date: Thursday, 26th November 2015

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:
Appellants: In person
Respondent: Mr. Karim Nelson, Crown Counsel

Issues: Magisterial criminal appeal against conviction – Possession of firearm without license - Possession of ammunition without license

Type of Oral Result / Order Delivered: Oral Judgment or Decision

Result / Order: [Oral delivery]
The matter is stood down.

Reason: The appellant requested an opportunity to review the record of appeal.

Case Name:

**Rannel Mathurin
Zain Dopwell
v
Commissioner of Police
[SVGMCRAP2015/0038]**

Date:

Thursday, 26th November 2015

Coram:

**The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]**

Appearances:

Appellants: In person

Respondent: Ms. Sejilla McDowall, Crown Counsel

Issues:

**Magisterial criminal appeal against conviction and sentence –
Stealing – Damage to property without lawful excuse**

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

Oral Judgment or Decision

Result / Order:

Mr. Rannel Mathurin

- 1. The appeal is withdrawn.**
- 2. The appeal is dismissed.**
- 3. The conviction is affirmed.**
- 4. The time spent on remand is to be taken into account in computing the sentence imposed by the Learned Magistrate.**

Mr. Zane Dopwell –

- 1. The application to withdraw the appeal against conviction is granted. Accordingly, the appeal against conviction is dismissed.**

Reason: Mr. Rannel Mathurin
The Court noted that in sentencing Mr. Rannel Mathurin the learned magistrate did not take into account the time spent on remand. The Court noted that when time on remand and time served is taken into account, he would have served the sentence of one (1) year imposed by the learned magistrate.

Mr. Zane Dopwell
The Appellant withdrew his Appeal.

Case Name: Carletho Lemo
v
Kendra Adams
[SVGMCVAP2015/0003]

Date: Thursday, 26th November 2015

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:
Appellant: No appearance
Respondent: In person

Issues: Civil appeal

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

**Result / Order
& Reason:**

[Oral delivery]

- 1. The hearing of this appeal is adjourned to the next sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 18th April 2016.**
- 2. The appellant is to be served with notice of hearing for the next sitting of the Court of Appeal in Saint Vincent and the Grenadines.**

Case Name:

**Raleigh Hector
v
Rosann Davis**

[SVGMCVAP2015/0002]

Date:

Thursday, 26th November 2015

Coram:

**The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]**

Appearances:

Appellant: No appearance

Respondent: No appearance

Issues:

Civil appeal

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

Oral Judgment or Decision

**Result / Order
& Reason:**

[Oral delivery]

The appeal is dismissed for want of prosecutions both parties having been served to attend this sitting of the Court and none have appeared.

Case Name:

Ann-Marie Hadaway

v

Sharmaine Yorke

[SVGMCVAP2014/0007]

Date:

Thursday, 26th November 2015

Coram:

The Hon. Mr. Mario Michel, Justice of Appeal

The Hon. Mde. Gertel Thom, Justice of Appeal

The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:

Appellant: In person

Respondent: Mr. Ronald Marks

Issues:

Civil appeal – Appeal against decision on a judgment summons

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

Oral Judgment or Decision

Result / Order:

[Oral delivery]

The appeal is dismissed.

Reason:

The Court did not find any reason to disturb the decision of the learned magistrate.

Case Name:

Devon Ashton

v

The Commissioner of Police

[SVGMCRAP2015/0040]

Date: Thursday, 26th November 2015

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:

Appellants: In person

Respondent: Mr. Karim Nelson, Crown Counsel

Issues: Magisterial criminal appeal against conviction – Possession of firearm without license – Appeal against sentence of 3 years imprisonment – Possession of ammunition without license – Appeal against sentence of 12 months imprisonment – Sentences to run concurrently

**Type of Oral
Result / Order
Delivered:** Oral Judgment or Decision

Result / Order: [Oral delivery]
1. The appeal against conviction is dismissed.
2. The appeal against sentence is dismissed.

Reason: The appellant was charged with two (2) offences: (1) possession of firearm and (2) possession of ammunition. Following a trial before the learned magistrate, the appellant was found guilty of both offences and was sentenced to three (3) years imprisonment on the charge of possession of a firearm and twelve (12) months imprisonment on the charge of possession of ammunition, to run concurrently.

The Court noted that learned magistrate had the benefit of seeing the witnesses give evidence. The learned magistrate was satisfied that the appellant knew he had possession of the firearm and ammunition. The learned magistrate was also satisfied that the elements of the possession were present, namely, custody and knowledge. The Court also took note of the following factors:

- (i) there was a full trial;
- (ii) there is a prevalence of firearm offences in the state;
- (iii) the antecedents of the appellant;
- (iv) the firearm was loaded;
- (v) the Appellant was in a public place.

Based on these factors and considering all the circumstances of the case, the Court found no reason to disturb the findings of the learned magistrate.

Case Name: Noel Douglas
v
Gregory Ferrari
[SVGMCVAP2015/0004]

Date: Thursday, 26th November 2015

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]

Appearances:
Appellant: Ms. Shirlan Barnwell holding for Mr. Jomo Thomas
Respondent: Mr. Ronald Marks

Issues: Civil appeal

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

Result / Order: [Oral delivery]
1. The Appellant shall file and serve skeleton arguments in support of the appeal on or before 29th January 2016.
2. The respondent shall file and serve skeleton arguments in response within six (6) weeks of being served with the appellant's skeleton arguments.
3. Hearing of the appeal is adjourned to the next sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 18th April 2016.

Reasons: The Court had reasons for the decision on the assessment of damages but had no reasons for the decision on liability. Further, the Court was unclear as to what the appeal was against – liability or damages and no skeleton arguments or written submissions were submitted.