

CHAMBER HEARING
ST. CHRISTOPHER AND NEVIS
29th July 2015

		<u>CIVIL APPEAL</u>
Case Name:		The Director of Public Prosecutions v Asim Parris Dexter Somersal Craig Halliday [SKBHCVAP2015/0017] (St. Christopher and Nevis-Nevis Circuit)
Date:		27 th July 2015
Coram:		The Hon. Mr. Justice Davidson Kelvin Baptiste
Appearances:		
	Appellant:	Mr. Travers Sinanan, Director of Public Prosecutions
	1st Respondent:	Mr. Hesketh Benjamin with Ms. Marissa Hobson-Newman and Mr. O'Glenville Browne
	2nd Respondent:	Ms. Marsha Henderson with Ms. Saundra Hector
	3rd Respondent:	Ms. Natasha Gray holding for Mr. Chesley Hamilton
Issues:		
		Civil Appeal- appeal against grant of bail by Williams J-whether the court has jurisdiction to entertain the appeal-whether sections 5 and 11 of the Bail Act can form the basis for the right of appeal by the prosecution
Result:		1. The appellant, the Director of Public Prosecutions having withdrawn the appeal recognizing that the appeal court has no jurisdiction to entertain this appeal, the appeal

		is accordingly dismissed. 2. In the circumstances of this appeal, there is no order as to costs.
Reason:		The section relied on by the learned Director of Public Prosecution does not speak to where bail is granted by the High Court. It addresses a situation where the accused is convicted by the Magistrate's Court and appeals that decision and then applies for bail in the High Court and is refused or granted bail. There is a right of appeal in such a case. In this case however there was no conviction by the Magistrate's court and consequently no appeal against conviction. Section 11 upon which the Crown sought to rely also does not apply in this case as this section hinges on section 10 which relates to grant or refusal of bail by the Magistrate's Court and then application being made to the High Court against which there is a right of appeal. Section 30 of the Eastern Caribbean Supreme Court Act states that no appeal shall lie against any order made in any criminal cause or matter. The grant or refusal of bail is an order made in a criminal cause or matter. The Court of Appeal therefore has no jurisdiction to entertain the appeal. On the issue of costs, given the circumstances of the matter and the fact that the respondents did not raise the jurisdiction point and it was raised by the Court, the Court could see no basis for the grant of costs .