

COURT OF APPEAL SITTING
SAINT VINCENT AND THE GRENADINES
27th – 28th January 2014

JUDGMENTS

Case Name:	Yourrick Furlonge v The Queen [ANUHCRAP2009/0006] Antigua and Barbuda
Date:	Monday, 27th January 2014
Coram:	The Hon. Mr. Davidson K. Baptiste, Justice of Appeal The Hon. Mde. Louise E. Blenman, Justice of Appeal The Hon. Mr. Mario Michel, Justice of Appeal
Appearances:	
Appellant:	Mr. Richard Williams holding for Mr. Dane Hamilton, QC
Respondent:	Ms. Sejjilla McDowall holding for Mr. Anthony Armstrong, Director of Public Prosecutions
Issues:	Criminal appeal against conviction and sentence – Murder – Identification evidence – Recognition – Unsworn statement given from dock by appellant – Summing-up – Whether directions on identification/recognition given to jury by learned trial judge adequate – Whether good character direction given to jury by learned trial judge adequate – Whether conviction unsafe and unsatisfactory – Whether sentence excessive
Result &	Held: dismissing the appeal against conviction,

Reason:

and allowing the appeal against sentence to the extent that the sentence is reduced to 20 years imprisonment with 2 years to be deducted for the time spent on remand, that:

1. A trial judge is not required to slavishly use the words set out in the case of *R v Turnbull*¹ in directing a jury on identification/recognition evidence. All that is required is for the judge to use words which assist the jury in their approach to the assessment of the evidence; it will suffice if the judge's directions comply with the sense and spirit of the Turnbull guidelines. Merely paying lip-service to the guidelines will not be enough nor will it suffice to give a general warning without detailed references to any particular circumstances that may have affected the accuracy of the witness's observation. The trial judge's directions ought to underscore the strengths and weaknesses of the prosecution's case to the jurors. In the present case, the trial judge's directions in relation to this issue were adequate.

Mills and Others v R (1995) 46 WIR 240 applied; *Leroy Langford and Another v The State* [2005] UKPC 20 followed.

2. While it may have been prudent for the trial judge to address the jury on the allegations that were put to the appellant in the Question and Answer interview about his purchasing a ticket to leave the country, his not doing so did not result in any prejudice to the appellant, bearing in mind the strong recognition evidence in the case.
3. The learned trial judge's directions on good character were proper and there was nothing in the Question and Answer interview which could have undermined or taken away from these directions. In

this regard, there was no miscarriage of justice.

Teeluck v State of Trinidad and Tobago
[2005] UKPC 14 applied.

4. The learned trial judge adequately summed up the evidence led by the defence. The appellant's defence of alibi had been highlighted to the jury during the summing-up on numerous occasions and was therefore properly put to the jury by the learned judge.
5. The trial judge erred in failing to take into account any of the mitigating factors which were present in this case in sentencing the appellant. At the time of the incident, the appellant was 26 years old, had no previous convictions or run-ins with the law, was gainfully employed, was qualified, and had a good work ethic. These mitigating factors, when weighed up against the aggravating factors, were substantial enough to warrant a reduction in the sentence from life imprisonment.

STATUS HEARING

Case Name:

[1] Annella Marella James
v
[1] The Chief Personnel Officer of St.
Vincent and the Grenadines
[2] The Attorney General
[3] The Accountant General

[SVGHCVAP2010/0009]

Date:

Monday, 27th January 2014

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant: Ms. Maia Eustace

Respondent: Mr. Richard Williams

Issues: Status of the matter – Application to strike out appeal

Result / Order: [Oral delivery]
1. Matter is adjourned to next sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 26th May 2014. This is the final adjournment.
2. In the interest of justice each side bear their own costs.

Reason: Counsel for the appellant having withdrawn, the appellant needed time to retain new counsel.

APPLICATIONS AND APPEALS

Case Name: Antonio Gellizeau
V
The State

[SVGMCRAP2013/0058]

Date: Monday, 27th January 2014

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant: Mr. Mikhail Charles

Respondent: Mr. Gilbert Peterson with him Ms. Sejilla McDowall and Ms. Tameka McKenzie

Issues:

Application for extension of time to appeal and deem notice of appeal validly filed – Application for stay of proceeds of crime confiscation proceedings

Result / Order:

[Oral delivery]
The hearing of the appeal is adjourned until tomorrow Tuesday, 28th January 2014 at 9:00 a.m.

Reason:

Counsel for the respondent requested an adjournment to the matter. The appellant had no objection.

Case Name:

Winston Nicholls

v

The Queen

[SVGHCRAP2013/0024]

Date:

Monday, 27th January 2014

Coram:

The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant: In person
Respondent: Ms. Tameka McKenzie

Issue: For mention

Result / Order / Reason: Matter removed from the list having already been dealt with.

Case Name: Che Bute
v
The Queen

[SVGHCRAP2011/0009]

Date: Monday, 27th January 2014

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:
Appellant: Mrs. Kay Bacchus-Browne
Respondent: Mr. Colin Williams, Director of Public Prosecutions

Issue: Application for leave to amend grounds of appeal

Result / Order: [Oral delivery]
1. The application is granted leave to amend appeal grounds filed on 1st November 2013.
2. The appellant is to file and serve skeleton submissions and authorities on or before 27th February 2014.

3. The respondent is to file and serve skeleton submissions in reply on or before 27th March 2013.

Case Name:

Azari Ash

v

The Queen

[SVGHCRAP2011/0006]

Che Bute

v

The Queen

[SVGHCRAP2011/0009]

Date:

Monday, 27th January 2014

Coram:

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

The Hon. Mde. Louise E. Blenman, Justice of Appeal

The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant:

Mr. Carlyle Dougan, QC for Azari Ash

Ms. Kay Bacchus-Browne for Che Bute

Respondent:

Mr. Colin Williams, Director of Public Prosecutions

Issues:

Criminal appeal against conviction – Murder

Result / Order:

[Oral delivery]

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 26th May 2014.

Case Name:

Lorenzo Lewis

v

The Queen

[SVGHCRAP2012/0008]

Date:

Monday, 27th January 2014

Coram:

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

The Hon. Mde. Louise E. Blenman, Justice of Appeal

The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant:

In person

Respondent:

Mr. Colin Williams, Director of Public Prosecutions with him Mr. Colin John

Issues:

Criminal appeal against conviction and sentence of 7 years imprisonment – Burglary

Result / Order:

[Oral delivery]

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 26th May 2014.

Reason:

Counsel was recently served with the missing parts of the transcript.

Case Name:

Urlon Frederick

V
The Queen

[SVGHCRA2012/0014]

Zelroy Joseph
V
The Queen

[SVGHCRA2012/0015]

Date: Monday, 27th January 2014

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant: Ms. Kay Bacchus-Browne

Respondent: Ms. Sejilla McDowall

Issues: Criminal appeal against conviction and sentence of 10 years imprisonment – Robbery

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

Reason: The Court was of the view that the learned trial judge misapplied the hearsay rule and disallowed evidence which would have been to the benefit of the appellant.

The Court was also of the view that the trial judge ought to have curbed the enthusiasm of the jury foreman who conducted extensive cross-examination at the trial below. The

questions asked were not for the purposes of clarification and certainly ran afoul of the court's decision in respect of questions to be posed by the jury during the trial as shown in the case of Maureen Peters v The Queen (Territory of the British Virgin Islands, BVIHCRA2009/0005, delivered 1st October 2010, unreported).

Further, the trial judge erred in not giving the proper or adequate directions on the issue of good character. Although he addressed the issue it was clear that his method of so doing undermined the efficacy of the directions he gave thereafter. The conjoined effects of all of these errors meant the appellants did not receive a fair trial.

Case Name:

**Thomas Browne
v
The Commissioner of Police
[SVGMCRAP2012/0029]**

Date:

Tuesday, 28th January 2014

Coram:

**The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal [Ag.]**

Appearances:

Appellant:

No appearance

Respondent:

Mr. Colin John

Issues:

Criminal appeal against conviction and sentence of two years and six months to run concurrently – Possession – Cultivation and

possession with intent to supply

Result / Order:

Matter stood down to make enquiries of prison officials.

Case Name:

Cyril Matthews
V
The Commissioner of Police
[SVGMCRAP2012/0030]

Date:

Tuesday, 28th January 2014

Coram:

The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
[Ag.]

Appearances:

Appellant:

No appearance

Respondent:

Mr. Carl Williams

Issues:

Criminal appeal against conviction and sentence of two years imprisonment and compensation of \$800.00 to be paid in two months after sentence is served, in default one year in prison – Trespassing and stealing

Result / Order:

Matter stood down to make enquiries of prison officials.

Case Name:

**[1] Travis Williams
[2] Kenis Weekes
v
[1] The Commissioner of Police**

[SVGMCRAP2013/0019]

Date:

Tuesday, 28th January 2014

Coram:

**The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
[Ag.]**

Appearances:

Appellant:

In person

Respondent:

Mr. Carl Williams

Issues:

Criminal appeal against conviction and sentence of eighteen months and six months imprisonment to run concurrently – Trespassing and stealing

Result / Order:

[Oral delivery]

- 1. The appeal in respect of Travis Williams having been withdrawn is accordingly dismissed.**
- 2. The appeal in respect of Kenis Weekes is dismissed and the sentence is affirmed.**

Reason:

The Court was of the opinion that the appeal in respect of Kenis Weekes had no merit.

Case Name:

**Jemark Jackson
v**

The Commissioner of Police

[SVGMCRAP2013/0021]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal [Ag.]

Appearances:

Appellant: In person

Respondent: Mr. Kareem Nelson

Issues: Criminal appeal against conviction – Possession of firearm without licence

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

Reason: The appellant has served the sentence.

Case Name: Sigbert Bobb
v
The Commissioner of Police

[SVGMCRAP2013/0029]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of

Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
[Ag.]

Appearances:

Appellant: No appearance

Respondent: Mr. Carl Williams

Issues:

Criminal appeal against conviction and sentence of one year imprisonment – Malicious wounding

Result / Order:

[Oral delivery]
The appeal is dismissed for want of prosecution.

Reason:

The appellant has served his sentence.

Case Name:

Glenroy Browne
V
The Commissioner of Police
[SVGMCRAP2013/0030]

Date:

Tuesday, 28th January 2014

Coram:

The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
[Ag.]

Appearances:

Appellant: No appearance

Respondent: Mr. Colin Williams, Director of Public Prosecutions

Issues: Criminal appeal against conviction and sentence of six months imprisonment suspended sentence – Stealing

Result / Order: [Oral delivery]
The appeal is dismissed for want of prosecution.

Reason: The appellant has served his sentence.

Case Name: Rondon Matthews
V
The Commissioner of Police
[SVGMCRAP2013/0033]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal [Ag.]

Appearances:
Appellant: No appearance
Respondent: Mr. Kareem Nelson

Issues: Criminal appeal against conviction and sentence of eight months imprisonment for theft and six months imprisonment for possession of offensive weapon – Stealing

Result / Order: [Oral delivery]

The appeal is dismissed for want of prosecution.

Reason: The appellant has served his sentence.

Case Name: Adonna Charles
V
The Commissioner of Police
[SVGMCRAP2013/0034]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
[Ag.]

Appearances:

Appellant: No appearance

Respondent: Mr. Kareem Nelson

Issues: Criminal appeal against conviction –
Committing a breach of discipline

Result / Order: [Oral delivery]
Matter traversed to next sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 26th May 2014.

Reason: The appellant was out of the island.

Case Name:

**Evan La Borde
V
The Commissioner of Police**

[SVGMCRAP2013/0036]

Date:

Tuesday, 28th January 2014

Coram:

**The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
[Ag.]**

Appearances:

Appellant:

No appearance

Respondent:

Mr. Kareem Nelson

Issues:

Criminal appeal against conviction and sentence of a fine of \$7,500.00 forthwith in default one year imprisonment – Possession of a controlled drug

Result / Order:

**[Oral delivery]
The appeal is dismissed for want of prosecution.**

Reason:

The appellant has served his sentence.

Case Name:

**Noel Harry
V
The Commissioner of Police**

[SVGMCRAP2013/0037]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal [Ag.]

Appearances:

Appellant: In person

Respondent: Mr. Carl Williams

Issues: Criminal appeal against conviction and sentence of a bond for 3 months in the sum of \$250.00, in default \$250.00 forthwith or 1 month in prison – Assault

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

Reason: The Court was of the opinion that the appeal had no merit.

Case Name: Noel Harry
v
The Commissioner of Police
[SVGMCRAP2013/0038]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal [Ag.]

Appearances:

Appellant: In person

Respondent: Mr. Carl Williams

Issues:

Criminal appeal against conviction and sentence of a bond for 6 months in the sum of \$500.00, in default \$500.00 forthwith or 3 months in prison and compensation in the sum of \$250.00 to the virtual complainant to be paid by 31st October 2012 in default 2 months in prison – Damage to property

Result / Order:

[Oral delivery]
The appeal is dismissed.

Reason:

The Court was of the opinion that the appeal had no merit.

Case Name:

[1] Barbara Bacchus
[2] Cordiel Bacchus
v
[1] The Commissioner of Police
[SVGMCRAP2013/0039]

Date:

Tuesday, 28th January 2014

Coram:

The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
[Ag.]

Appearances:

Appellant: Mr. Andreas Coombs

Respondent: Mr. Kareem Nelson

Issues: Criminal appeal against conviction and sentence of a fine of \$800.00 to be paid by the 6th June 2012, in default 4 months imprisonment – Unlawful and malicious wounding

Result / Order: [Oral delivery]
Matter traversed to the next sitting of the Court of Appeal in Saint Vincent and the Grenadines during week commencing 26th May 2014.

Reason: Counsel for the appellant was recently retained.

Case Name: Harold Cordice
v
The Commissioner of Police
[SVGMCRAP2013/0046]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal [Ag.]

Appearances:

Appellant: No appearance

Respondent: Mr. Kareem Nelson

Issues: Criminal appeal against conviction and sentence of three months in prison – Assault

Result / Order: [Oral delivery]
The appeal is dismissed for want of prosecution.

Reason: The appellant has served his sentence.

Case Name: Denzil Sam
v
The Commissioner of Police
[SVGMCRAP2013/0048]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
[Ag.]

Appearances:
Appellant: No appearance
Respondent: Mr. Carl Williams

Issues: Criminal appeal against conviction and sentence of six months imprisonment – Dishonestly receiving

Result / Order: [Oral delivery]
The appeal is dismissed for want of prosecution.

Reason: The appellant has served his sentence.

Case Name:

**Kenneth Davis
v
The Commissioner of Police
[SVGMCRAP2013/0049]**

Date:

Tuesday, 28th January 2014

Coram:

**The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
[Ag.]**

Appearances:

Appellant:

No appearance

Respondent:

Mr. Carl Williams

Issues:

Criminal appeal against conviction and sentence of a fine in the sum of \$700.00 or 3 months in prison and compensation of \$1,500.00 in full or 2 months in prison – Damage to property

Result / Order:

**[Oral delivery]
The appeal is dismissed for want of prosecution.**

Reason:

The appellant has served his sentence.

Case Name:

**Junior Miller
v
The Commissioner of Police**

[SVGMCRAP2013/0056]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
[Ag.]

Appearances:

Appellant: In person

Respondent: Mr. Kareem Nelson

Issues: Criminal appeal against conviction and sentence of 4 years and 1½ years imprisonment, to run concurrently – Unlawful possession of ammunition

Result / Order: [Oral delivery]
1. The appeal is allowed and the conviction and sentence set aside.
2. A re-trial is ordered.
3. Bail in the same terms and conditions.

Reason: The matter was heard in the absence of the appellant. The appellant presented evidence showing that he was ill when the matter was heard. The Court was of the opinion that the appellant, having been convicted in his absence, did not receive justice.

Case Name: Kennard Bullock
V
The Commissioner of Police

[SVGMCRAP2013/0057]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal
[Ag.]

Appearances:

Appellant: Mr. Ronald Marks

Respondent: Mr. Colin Williams, Director of Public Prosecutions

Issues: Criminal appeal against conviction – Indecent assault – Directions

Result / Order: [Oral delivery]

1. The appellant is to file and serve submissions and authorities on or before 28th February 2014.
2. The respondents to file and serve submissions and authorities on or before 28th March 2014.
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 26th May 2014.

Case Name: Dedrick Debique
v
The Commissioner of Police

[SVGMCRAP2013/0001]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal [Ag.]

Appearances:

Appellant: In person

Respondent: Mr. Colin Williams, Director of Public Prosecutions

Issues: Criminal appeal against conviction and sentence of 2 years imprisonment for the offence of trespassing and 5 months imprisonment for indecent assault, sentences to run concurrently

Result / Order / Reason: [Oral delivery]
Appeal having been withdrawn, it is accordingly dismissed.

Case Name: Cyril Matthews
v
The Commissioner of Police
[SVGMCRAP2012/0030]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mde. Gertel Thom, Justice of Appeal [Ag.]

Appearances:

Appellant: No appearance

Respondent: Mr. Carl Williams

Issues:

Criminal appeal against conviction and sentence of two years imprisonment and compensation of \$800.00 to be paid in two months after sentence is served, in default one year in prison – Trespassing and stealing

Result / Order:

[Oral delivery]

The appeal is dismissed for want of prosecution.

Reason:

The appellant has served his sentence.

Case Name:

Antonio Gellizeau

v

The State

[SVGMCRAP2013/0058]

Date:

Tuesday, 28th January 2014

Coram:

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

The Hon. Mde. Louise E. Blenman, Justice of Appeal

The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant: Mr. Mikhail Charles

Respondent: Mr. Gilbert Peterson with him Ms. Sejilla McDowall and Ms. Tameka McKenzie

Issues:

Application for extension of time to appeal and

deem notice of appeal validly filed – Application for stay of proceeds of crime confiscation proceedings – Application for adjournment – Directions

Result / Order:

[Oral delivery]

- 1. The application for adjournment of hearing of the applications filed 2nd December 2013 is granted.**
- 2. The hearing of the application is adjourned to next sitting of the Court of Appeal in Saint Vincent and the Grenadines in the week commencing 26th May 2014.**
- 3. The appellant is granted leave to amend both applications before the Court and to file further affidavits on or before 27th February 2014.**
- 4. The respondent is granted leave to file further affidavits on or before 27th March 2014.**
- 5. Both parties are to file and exchange submissions and authorities on or before 27th April 2014 and both parties are to file and serve reply if required within 7 days thereafter.**

Case Name:

Urlon Frederick

v

The Queen

[SVGHCRA2012/0014]

Zelroy Joseph

v

The Queen

[SVGHCRA2012/0015]

Date:

Tuesday, 28th January 2014

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:
Appellant: In person
Respondent: Ms. Sejilla McDowall

Issues: Criminal appeal against conviction – Bail application

Result / Order: [Oral delivery]
Both appellants are admitted to bail on same terms and conditions granted by High Court.

Case Name: Romancia Lewis
V
The Commissioner of Police
[SVGMCRAP2012/0002]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]

Appearances:
Appellant: No appearance
Respondent: Ms. Tameka McKenzie with her Ms. Sejilla McDowall

Issues: Criminal appeal against sentence – Stealing

Result / Order: Matter stood down to 11:00 a.m. to allow for time to contact the appellant.

Reason: The appellant was served with a notice of hearing of the appeal on the 17th January 2014 but did not appear in court.

Case Name: Cally Lowman
v
The Commissioner of Police
[SVGMCRAP2013/0010]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]

Appearances:
Appellant: In person
Respondent: Ms. Tameka McKenzie

Issues: Criminal appeal against sentence of 2 years imprisonment to run consecutively with a sentence of 15 and 10 years – Possession of a controlled drug with intent to supply

Result / Order: Matter stood down to 10:30 a.m.

Reason: Mr. Colin John was conducting matters before another panel of Court of Appeal judges.

Case Name:

**Walter Saunders
V
The Commissioner of Police**

[SVGMCRAP2013/0017]

Date:

Tuesday, 28th January 2014

Coram:

**The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]**

Appearances:

Appellant:

No appearance

Respondent:

Mr. Kareem Nelson

Issues:

Criminal appeal against sentence of a bond for 6 months in the sum of \$1,500.00, in breach \$1,500.00 forthwith, in default three months imprisonment, also compensation of \$1,300.00 to be paid in six months, in default one year imprisonment – Stealing

Result / Order:

Matter stood down to 11:00 a.m.

Reason:

There was no indication that the appellant was served with a notice of hearing and attempts were being made by the Bailiff to locate him.

Case Name:

**Lenroy McPhy
V
The Commissioner of Police**

[SVGMCRAP2013/0020]

Date:

Tuesday, 28th January 2014

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]

Appearances:
Appellant: No appearance
Respondent: Mr. Kareem Nelson

Issues: Criminal appeal against sentence of eighteen months imprisonment on both counts of trespassing and stealing, sentences to run concurrently

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

Reason: The appellant did not appear to prosecute the appeal and has since served his sentence in full as he was discharged on 13th August 2013.

Case Name: Junior Miller
v
The Commissioner of Police
[SVGMCRAP2013/0025]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]

Appearances:
Appellant: In person
Respondent: Ms. Tameka McKenzie

Issues: Criminal appeal against sentence of six months imprisonment – Unlawful and malicious wounding

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

Reason: The appellant withdrew the appeal.

Case Name: Wilford Woodley
v
The Commissioner of Police
[SVGMCRAP2013/0026]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]

Appearances:

Appellant: In person

Respondent: Mr. Carl Williams with him Ms. Tameka McKenzie

Issues: Criminal appeal against sentence – Escaping lawful custody

Result / Order: Matter stood down to 11:00 a.m.

Case Name: Cally Lowman

V
The Commissioner of Police

[SVGMCRAP2013/0010]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]

Appearances:

Appellant:	In person
Respondent:	Mr. Colin John

Issues: Criminal appeal against sentence of 2 years imprisonment – Possession of a controlled drug with intent to supply

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

Reason: The appellant withdrew the appeal.

Case Name: Al Jay Douglas
V
The Commissioner of Police

[SVGMCRAP2013/0028]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]

Appearances:

Appellant: No appearance

Respondent: Ms. Sejilla McDowall with her Ms. Tameka McKenzie

Issues: Criminal appeal against sentence of two years in prison, one year imprisonment and six months in prison, and one year imprisonment, all to run concurrently – Stealing

Result / Order: [Oral delivery]
The appeal is dismissed for want of prosecution.

Reason: The appellant was not served with a notice of hearing of the appeal. However, he has served his sentence having been discharged on 1st October 2012.

Case Name: Bernard Roberts
v
The Commissioner of Police
[SVGMCRAP2013/0031]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]

Appearances:

Appellant: No appearance

Respondent: Ms. Sejilla McDowall with her Ms. Tameka McKenzie

Issues: Criminal appeal against sentence of two months

imprisonment, three years imprisonment, five years imprisonment, all sentences to run concurrently – Possession of a controlled drug

Result / Order:

[Oral delivery]

The appeal is dismissed for want of prosecution.

Reason:

The appellant was not served with notice of hearing of the appeal. However, he has served his sentence in full as he was discharged on the 16th December 2013.

Case Name:

**Wendell Ollivierre
v
The Commissioner of Police**

[SVGMCRAP2013/0032]

Date:

Tuesday, 28th January 2014

Coram:

**The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]**

Appearances:

Appellant:

In person

Respondent:

Mr. Carl Williams with him Ms. Tameka McKenzie

Issues:

Criminal appeal against sentence of two years imprisonment – Malicious wounding

Result / Order:

Matter stood down to 11:00 a.m.

Case Name:

**Atiba Wiseman
v
The Commissioner of Police**

[SVGMCRAP2013/0040]

Date:

Tuesday, 28th January 2014

Coram:

**The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]**

Appearances:

Appellant: In person

Respondent: Ms. Tameka McKenzie

Issues:

**Criminal appeal against sentence – Unlawful
and malicious wounding**

Result / Order:

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

Reason:

The appellant withdrew the appeal.

Case Name:

**Felix Bobb
v
The Commissioner of Police**

[SVGMCRAP2013/0041]

Date:

Tuesday, 28th January 2014

Coram:

**The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]**

Appearances:

Appellant: In person

Respondent: Ms. Tameka McKenzie

Issues:

Criminal appeal against sentence of two years imprisonment – Trespassing and stealing

Result / Order:

[Oral delivery]
The appeal is dismissed.

Reason:

The appeal was withdrawn by the appellant. Further, the appellant's sentence has been served as the appellant was discharged on the 10th October 2011.

Case Name:

**The Commissioner of Police
v
Ian Caesar**

[SVGMCRAP2013/0042]

Date:

Tuesday, 28th January 2014

Coram:

The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]

Appearances:

Appellant: Ms. Tameka McKenzie

Respondent: No appearance

Issues:

Criminal appeal against sentence – Importation of goods and concealing to deceive and officer

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

Reason: The appeal was withdrawn by the appellant.

Case Name: Shamal Jackson
V
The Commissioner of Police
[SVGMCRAP2013/0043]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]

Appearances:
Appellant: Mr. Andrew Russell
Respondent: Ms. Tameka McKenzie

Issues: Criminal appeal against sentence – Possession
of ammunition without license

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

Reason: The appeal was withdrawn by the appellant.
Further, the appellant was discharged on the
26th January 2011 having served his sentence.

Case Name: Osborne Jacobs

V
The Commissioner of Police

[SVGMCRAP2013/0044]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]

Appearances:

Appellant: No appearance

Respondent: Ms. Tameka McKenzie

Issues: Criminal appeal against sentence of two years imprisonment and three years' imprisonment with hard labour, sentences to run concurrently – Damage to property

Result / Order: [Oral delivery]
The appeal is dismissed for want of prosecution.

Reason: The appellant did not appear in court. Further, the appellant was discharged on the 24th June 2010, having served his sentence.

Case Name: Kelvert Jack
V
The Commissioner of Police

[SVGMCRAP2013/0050]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Mario Michel, Justice of Appeal

**The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]**

Appearances:

Appellant: No appearance

Respondent: Ms. Tameka McKenzie

Issues:

Criminal appeal against sentence of eighteen months imprisonment for burglary and six months imprisonment for taking a conveyance, sentences to run concurrently – Trespassing and stealing

Result / Order:

Matter stood down to 11:00 a.m.

Reason:

To ascertain the whereabouts of the appellant.

Case Name:

**Kevin Porter
v
The Commissioner of Police**

[SVGMCRAP2013/0047]

Date:

Tuesday, 28th January 2014

Coram:

**The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]**

Appearances:

Appellant: In person

Respondent: No appearance

Issues:

Criminal appeal against sentence of six months imprisonment, suspended for one year, compensation of \$6,116.00 to be paid in five (5)

months, in default six months imprisonment –
Trespassing and stealing

Result / Order:

Matter stood down to 11:00 a.m.

Reason:

Mr. Carl Williams, who had conduct of the matter on behalf of the Crown, was appearing before another panel of Court of Appeal judges.

Case Name:

**Kelvert Jack
v
The Commissioner of Police
[SVGMCRAP2013/0050]**

Date:

Tuesday, 28th January 2014

Coram:

The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]

Appearances:

Appellant:

No appearance

Respondent:

Ms. Tameka McKenzie

Issues:

Criminal appeal against sentence of eighteen months imprisonment for burglary and six months imprisonment for taking a conveyance, sentences to run concurrently – Trespassing and stealing

Result / Order:

[Oral delivery]
The matter is dismissed for want of prosecution.

Reason:

The appellant did not appear in court. Further,

the appellant has served his sentence and was discharged on the 29th August 2011.

Case Name: **Deslon Browne**
V
The Commissioner of Police
[SVGMCRAP2013/0051]

Date: **Tuesday, 28th January 2014**

Coram: **The Hon. Mr. Mario Michel, Justice of Appeal**
The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]

Appearances:
Appellant: **In person**
Respondent: **Mr. Carl Williams**

Issues: **Criminal appeal against sentence of three years imprisonment – Trespassing and stealing**

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

Reason: **The appeal was withdrawn by the appellant.**

Case Name: **Wilford Woodley**
V
The Commissioner of Police
[SVGMCRAP2013/0026]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]

Appearances:

Appellant:	In person
Respondent:	Mr. Carl Williams

Issues: Criminal appeal against sentence of two years imprisonment – Escaping lawful custody

Result / Order: [Oral delivery]
1. The appeal is allowed.
2. The sentence is varied to 13 months in prison.

Reason: The Court was of the opinion that the sentence was excessive in all the circumstances of the case. The appellant pled guilty albeit not at the first opportunity but at the end of the prosecution's case. Further, the circumstances of his escape from custody were not aggravating in that there was no damage to property, nor was there any violence. Hence, the sentence should be reduced to 18 months from which 5 months should be deducted for time spent on remand.

Case Name: Walter Saunders
V
The Commissioner of Police
[SVGMCRAP2013/0017]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]

Appearances:
Appellant: In person
Respondent: Mr. Kareem Nelson

Issues: Criminal appeal against sentence of a bond for 6 months in the sum of \$1,500.00, in breach \$1,500.00 forthwith, in default three months imprisonment, compensation of \$1,300.00 to be paid in six months, in default one year imprisonment – Stealing

Result / Order: [Oral delivery]
1. The appeal against sentence is dismissed.
2. The six months ordered by the magistrate to pay compensation will begin today 28th January 2014.

Reason: The Court was of the opinion that the sentence of the magistrate was not excessive in all the circumstances of the case.

Case Name: Kevin Porter
v
The Commissioner of Police
[SVGMCRAP2013/0047]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]

Appearances:

Appellant: In person
Respondent: Mr. Carl Williams

Issues: Criminal appeal against sentence of six months imprisonment, suspended for one year, compensation of \$6,116.00 to be paid in five (5) months, in default six months imprisonment – Trespassing and stealing

Result / Order: Matter stood down to 11:30 a.m.

Reason: To obtain the prison record of the appellant.

Case Name: Wendell Ollivierre
v
The Commissioner of Police
[SVGMCRAP2013/0032]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]

Appearances:
Appellant: In person
Respondent: Mr. Carl Williams

Issues: Criminal appeal against sentence of two years imprisonment – Malicious wounding

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

Reason: The maximum sentence for the offence is 7 years. The appellant was sentenced to 2 years. In the circumstances, the Court held that the 2-year sentence was appropriate and lenient.

Case Name: Romancia Lewis
V
The Commissioner of Police
[SVGMCRAP2012/0002]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]

Appearances:
Appellant: No appearance
Respondent: Ms. Sejilla McDowall with her Ms. Tameka McKenzie

Issues: Criminal appeal against sentence – Stealing

Result / Order: [Oral delivery]
The appeal against sentence is dismissed for want of prosecution.

Reason: The appellant did not appear in court. Further, the appellant has served sentence in full as she was discharged on the 28th June 2012.

Case Name:

**Kevin Porter
v
The Commissioner of Police**

[SVGMCRAP2013/0047]

Date:

Tuesday, 28th January 2014

Coram:

**The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]**

Appearances:

Appellant:

In person

Respondent:

Mr. Colin John

Issues:

Criminal appeal against sentence of six months imprisonment, suspended for one year, compensation of \$6,116.00 to be paid in five (5) months, in default six months imprisonment – Trespassing and stealing

Result / Order:

[Oral delivery]

The appeal is adjourned to the next sitting of the Court of Appeal in Saint Vincent and the Grenadines in the week commencing 26th May 2014 at 9:00 a.m.

Reason:

To obtain relevant information from the Prisons and other authorities.

Case Name:

**Jacintha Williams-Thomas
v
Glenroy Abbey**

[SVGMCVAP2013/0006]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]

Appearances:

Appellant:	Mr. Andreas Coombs
Respondent:	No appearance

Issues: Civil appeal – Slander – Appellant claims loss to character in the sum of \$2,000.00 – Damages – Directions

Result / Order: [Oral delivery]

1. The appellant shall file skeleton arguments in the matter on or before 28th February 2014.
2. Leave is granted to the respondent to file skeleton arguments in response on or before 28th March 2014.
3. The hearing of the appeal is fixed for the next sitting of the Court of Appeal in Saint Vincent and the Grenadines in the week commencing 26th May 2014.

Case Name: Jordan Samuel
v
Sally King

[SVGMCRAP2013/0007]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]

Appearances:

Appellant: In person
Respondent: Mr. Andrew Russell

Issues: Civil appeal – Personal Injury – Negligence –
Whether sheep belonged to the respondent –
Damages claimed in the sum of \$15,000.00

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

Reason: The appellant withdrew the appeal.

Case Name: Amel Doyle
v
Gaylene Grant

[SVGMCVAP2013/0008]

Date: Tuesday, 28th January 2014

Coram: The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]

Appearances:
Appellant: No appearance
Respondent: In person

Issues: Civil appeal – Whether the appellant is indebted
to the respondent in the sum of \$767.00

Result / Order: [Oral delivery]
1. Hearing of the appeal is adjourned to the
next sitting of the Court of Appeal in Saint
Vincent and the Grenadines in the week

commencing 26th May 2014.

2. The appellant must be served with notice of the adjourned date of the appeal.

Reason:

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