

COURT OF APPEAL SITTING

**GRENADA
28th to 30th October 2013**

STATUS HEARING

Case Name:

**[1] Raphael Edgar
v
[1] Shirley Richards
[2] Ellen James
[3] RDF Enterprises Ltd.

[GDAHCVAP2011/0015]**

Date:

Monday, 28th October 2013

Coram:

**The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal
[Ag.]**

Appearances:

Appellant:

Dr. Francis Alexis, QC

Respondent:

Ms. Naeisha John holding for Mr. Dwight Horsford for the first and second respondents

Ms. Claudette Joseph for the third respondent

Issue:

Status of the matter

Result / Order:

**[Oral delivery]
The matter is removed from the status hearing list as there is no doubt as to its status and it is to await such action as the appellant may decide to take.**

Reason:

Court noted that the appeal was an interlocutory appeal which placed it under a special regime.

Case Name: Phillip Andrew
v
James Andrew
[GDAHCVAP2013/0006]

Date: Monday, 28th October 2013

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal
[Ag.]

Appearances:

Appellant: Ms. Anyika Johnson

Respondent: Mr. Francis-Paul holding for Ms. Denise Campbell

Issue: Status of the matter

Result / Order: [Oral delivery]
The matter is removed from the status hearing list as there is no appeal currently before the Court of Appeal.

Reason: The Court was of the view that while the appellant received leave to appeal no appeal was filed and as such there was no existing appeal before the Court.

Case Name: Liberty Club Limited (Trading as La Source)
v

**Grenada Technical and Allied Workers
Union**

[GDAHCVAP2013/0010]

Date: Monday, 28th October 2013

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]

Appearances:

Appellant: Mr. Francis Paul holding for Mr. Dickon Mitchell

Respondent: Ms. Karina Johnson

Issue: Status of the matter

Result / Order: [Oral delivery]
The matter is removed from the status hearing list since there is no doubt as to the status of the matter and there is nothing that is required to be done at the status hearing.

Reason: The Court noted that the appeal was an interlocutory appeal and can therefore be assigned to a single judge.

APPLICATIONS AND APPEALS

Case Name: Jean McNeilly
v
Jacqueline Charles
(Administratrix of the Estate of Joshua Cecil Thorne)

[GDAHCVAP2013/0013]

Date: Monday, 28th October 2013

Coram: The Hon. Dame Janice M. Pereira, Chief Justice
The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal

Appearances:

Appellant: No appearance

Respondent: Mr. Ruggles Ferguson, with him, Ms. Anyika Johnson

Issue: Application to discharge order of single judge

Result / Order: Matter stood down.

Reason: Counsel for the appellant, Ms. Claudette Joseph, was absent at that time.

Case Name: Diane Wilson
v
Albert Castle

[GDAHCVAP2013/0005]

Date: Monday, 28th October 2013

Coram: The Hon. Dame Janice M. Pereira, Chief Justice
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Applicant / Intended Appellant: Mr. Ruggles Ferguson, with him, Ms. Anyika Johnson

Respondent: Ms. Shireen Wilkinson, with her, Ms. Tanya Lambert

Issue: Application for leave to appeal

Result / Order: [Oral delivery]
1. The application for leave to appeal is treated as the appeal.
2. The appeal is allowed and the decision of the trial judge dated March 27th 2013 is set aside.
3. The matter is to proceed to trial in accordance with the rules of the Court.
4. Costs to the applicant/appellant agreed in the sum of \$2,500.00.

Reason: The Court found that the learned judge erred in the exercise of her discretion and took into account and was influenced by irrelevant considerations. The pleaded cases raised live issues of fact which could only be determine at a trial.

Case Name: [1] Anthony George
v
[1] The Commissioner of Police
[2] The Director of Public Prosecutions
[3] The Magistrate of the Southern District
[4] Joseph Goddard
[GDAMCRAP2013/0001]

Date: Monday, 28th October 2013

Coram: The Hon. Dame Janice M. Pereira, Chief Justice

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

Appearances:

Appellant: No appearance

Respondent: Mrs. Kinna Marrast Victor for the first and third respondents

Mr. Christopher Nelson, with him, Ms. Crisan Greenidge for the second respondent

Issue: Case management of appeal

Result / Order: [Oral delivery]
The Registrar is directed to serve notice of the hearing upon the appellant for appearance before the Court on Wednesday, 30th October at 9:00 am.

Reason: The Court noted that the appellant was a pro se litigant and that there was no evidence that he was made aware of the date fixed for hearing of the matter.

Case Name:

[1] Jester Emmons
[2] Jerry Emmons
[3] Godwin Emmons
v
[1] Incorporated Trustees of the Seventh Day Adventist Church

[GDAHCVAP2013/0012]

Date: Monday, 28th October 2013

Coram: The Hon. Dame Janice M. Pereira, Chief Justice

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

Appearances:

Appellant: Mrs. Celia Edwards, QC, with her, Mr. Deloni Edwards

Respondent: Mr. James Bristol, with him, Ms. Dennies Burris

Issue: Application for leave to appeal

Result / Order: [Oral delivery]
1. There is no need for leave to appeal having regard to section 33(2)(g)(ii) of the West Indies and Associated States Supreme Court (Grenada) Act, Cap. 336.
2. There is no order as to costs.

Reason: Section 33 of the West Indies and Associated States Supreme Court Act, Cap. 336 exempt interlocutory orders granting injunctive relief from the requirement for leave to appeal. Based on this provision, no leave was required to appeal against the interlocutory injunction granted by the trial judge.

Case Name: [1] Janin Caribbean Construction Limited
v
[1] Cecily Wilkinson
[2] Wilkinson, Wilkinson, Wilkinson
[GDAHCVAP2010/0001]

Date: Monday, 28th October 2013

Coram: The Hon. Dame Janice M. Pereira, Chief Justice
The Hon. Mde. Louise E. Blenman, Justice of

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

Appearances:

Appellant: Ms. Naeisha John holding for Mr. Dwight Horsford

Respondent: Mrs. Celia Edwards, QC, with her, Mr. Deloni Edwards

Issue: Application for final leave to appeal to Her Majesty in Council

Result / Order: [Oral delivery]
1. Application adjourned due to short service of the application.
2. The application is adjourned to a date to be fixed by the Court.

Reason: Practice Direction 3 of 2008 and rule 3 of the Civil Procedure Rules 2000 was applicable to the listing and hearing of the application.

Case Name: Michael McIntyre
v
Margery Anne McIntyre
[GDAHCVAP2013/0024]

Date: Monday, 28th October 2013

Coram: The Hon. Dame Janice M. Pereira, Chief Justice
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:
Appellant: Mr. James Bristol, with him, Ms. Dennies Burris

Respondent: Mrs. Celia Edwards, QC, with her, Mr. Deloni Edwards

Issue: Application for extension of time to file record of appeal and submissions

Result / Order / Reason: [Oral delivery]
1. Application filed for extension of time is withdrawn as being unnecessary having regard to CPR 2.2, CPR 62. 9 and CPR 62. 12.
2. No order as to costs.

Case Name: Selwyn Augustus Marshall
v
Curtis Marshall

[GDAHCVAP2013/0027]

Date: Monday, 28th October 2013

Coram: The Hon. Dame Janice M. Pereira, Chief Justice
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant: Mr. Dickon Mitchell

Respondent: Ms. Daniella Williams Mitchell, with her, Ms. Sheriba Lewis holding for Ms. Kim George

Issue: Application for stay of execution

Result / Order: [Oral delivery]
The stay of execution of the order of the learned trial judge made on the 24th October 2013 granted by order of Justice of Appeal Mario Michel on 24th October 2013 shall continue

pending the hearing and determination of the application for the stay inter partes filed on 24th October 2013.

Reason:

Counsel for the respondent was served with the application on 28th October and required time to respond. The Court also noted that thereafter the application can be placed on a Chamber list for hearing before a single judge.

Case Name:

Tisagh Chase

v

The Queen

[GDAHCRAP2012/0001]

Date:

Monday, 28th October 2013

Coram:

**The Hon. Dame Janice M. Pereira, Chief Justice
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mr. Mario Michel, Justice of Appeal**

Appearances:

Appellant:

Mr. Ruggles Ferguson, with him, Mr. Keith Scotland and Mr. Ian Benjamin

Respondent:

Mr. Christopher Nelson, Director of Public Prosecutions, with him, Ms. Crisan Greenidge

Issues:

Criminal appeal against conviction – Murder

Result / Order:

[Oral delivery]

- 1. The appeal is allowed and the conviction is quashed.**
- 2. No retrial is ordered.**

Reason:

The Court found that this was a case in which

there was substantial evidence of self-defence. The Court held that although the learned trial judge referred to the defence of another as a defence which the appellant was relying on he failed to set out the ingredients of that defence and to highlight the evidence in relation to it. Further, the directions given by the learned trial in relation to good character were wholly lacking and ought to have been more substantial. Reference ought to have been made to the three character witnesses called by the defence.

The learned Director of Public Prosecutions did not oppose the appeal and noted that it was not a matter in which the proviso ought to be applied.

Finally, the Court, having regard to all the circumstances, did not consider that it would be in the interest of justice to order a retrial.

Case Name:

Ricardo Edgar

v

The Queen

[GDAHCRAP2011/0002]

Date:

Monday, 28th October 2013

Coram:

**The Hon. Dame Janice M. Pereira, Chief Justice
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mr. Mario Michel, Justice of Appeal**

Appearances:

Appellant:

Mr. Derick F. Sylvester

Respondent:

Mr. Christopher Nelson, Director of Public Prosecutions, with him, Ms. Crisan Greenidge

Issues: Criminal appeal against conviction – Murder – Whether conviction should be set aside and substituted with manslaughter

Result / Order: [Oral delivery]
1. The appeal is allowed and the conviction for murder is hereby quashed and a conviction for manslaughter substituted therefor.
2. The sentence of the appellant is accordingly varied, having regard to the circumstances of this case and the time already served amounting to 8 prison years, to time served.

Reason: The Court noted that this was a case in which there was strong evidence of provocation. The appellant was smashed on the head with a bottle causing several wounds. He went to the hospital and on the way back from the hospital, no doubt with the pain and injuries still dominating his mind, encountered the deceased and then proceeded to inflict a wound.

After full consideration, the Court was of the opinion that the learned trial judge's directions to the jury on the issue of provocation were defective. Specifically, the learned trial judge failed to direct the jury that the prosecution must disprove provocation beyond a reasonable doubt. The burden of proof was mentioned, however the learned trial judge failed to go further to direct the jury that it was for the prosecution to disprove that the appellant was provoked.

In light of this, the Court quashed the murder conviction and substituted it with a conviction for manslaughter.

Having reviewed the sentences given in Grenada for manslaughter the Court held that the 8 years prison term already served by the appellant was on the higher end of sentences given for similar offences; 3–5 years being the normal time period given in similar matters.

The Court also took into consideration the fact that the appellant had no prior convictions.

Case Name:

Churchill Sokoo

V

The Queen

[GDAHCRAP2010/0009]

Date:

Monday, 28th October 2013

Coram:

**The Hon. Dame Janice M. Pereira, Chief Justice
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mr. Mario Michel, Justice of Appeal**

Appearances:

Appellant:

In person

Respondent:

Mr. Christopher Nelson, Director of Public Prosecutions, with him, Ms. Crisan Greenidge

Issues:

Criminal appeal against sentence – Robbery with violence – Causing harm

Result / Order:

[Oral delivery]

The sentence of 8 years on the count of robbery with violence and 3 years on the count of causing harm (to run concurrently) is confirmed but in computing the number of years credit is to be given the appellant for the 8 months spent on remand.

Reason:

The Court held that consideration was to be given to the fact that the appellant spent 8 months on remand. The time spent on remand should be deducted from the sentence given.

Case Name:

Jude Hakim

v

The Queen

[GDAHCRAP2008/0002]

Date:

Monday, 28th October 2013

Coram:

**The Hon. Dame Janice M. Pereira, Chief Justice
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mr. Mario Michel, Justice of Appeal**

Appearances:

Appellant:

Mr. Kenroy Samuel

Respondent:

Mr. Christopher Nelson, Director of Public Prosecutions, with him, Ms. Crisan Greenidge and Ms. Dionne Lawrence-Pivotte

Issues:

Criminal appeal against sentence – House breaking

Result / Order / Reason:

[Oral delivery]

The appeal is withdrawn, time having been served.

Case Name:

Jean McNeilly

v

**Jacqueline Charles
(Administratrix of the Estate of Joshua Cecil Thorne)**

[GDAHCVAP2013/0013]

Date: Monday, 28th October 2013

Coram: The Hon. Dame Janice M. Pereira, Chief Justice
The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal

Appearances:

Appellant: Ms Claudette Joseph, with her, Mr. Ian Benjamin

Respondent: Mr. Ruggles Ferguson, with him, Ms. Anyika Johnson

Issue: Application to discharge order of single judge

Result / Order: [Oral delivery]
Matter adjourned until Tuesday, 24th October 2013 at 2:00 pm for attorneys to present a consent order.

Reason: The matter was one in which the parties could have arrived at a consent position.

Case Name: Javed Chetram
V
The Commissioner of Police
[GDAMCRAP2013/0001]

Date: Monday, 28th October 2013

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]

Appearances:

Appellant: Mr. Peter David

Respondent: Ms. Dionne Lawrence Pivotte

Issues: Criminal appeal against sentence – Trafficking in a controlled drug

Result / Order / Reason: [Oral delivery]
The appeal against sentence being withdrawn, it is accordingly dismissed.

Case Name: Anderson Dino Clement
v
The Commissioner of Police
[GDAMCRAP2013/0002]

Date: Monday, 28th October 2013

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal
[Ag.]

Appearances:
Appellant: In person
Respondent: Ms. Dionne Lawrence Pivotte

Issues: Criminal appeal against sentence – Housebreaking

Result / Order: [Oral delivery]
Appeal is dismissed and the sentence as imposed affirmed.

Reason: The Court found no merit in the appeal and found no plausible reason to disturb the

decision of the magistrate.

Case Name: **Gabriel Ranger**
V
The Commissioner of Police

[GDAMCRAP2012/0002]

Date: **Monday, 28th October 2013**

Coram: **The Hon. Mr. Davidson K. Baptiste, Justice of Appeal**
The Hon. Mr. Don Mitchell, Justice of Appeal
[Ag.]

Appearances:

Appellant: **In person**

Respondent: **Ms. Dionne Lawrence Pivotte**

Issues: **Criminal appeal against conviction and sentence – Failing to remain stationery – Taking on passengers**

Result / Order: **[Oral delivery]**
1. The appeal against conviction and sentence is allowed.
2. Sentence is quashed.

Reason: **The Court was of the view that the learned magistrate erred in not allowing the defendant an opportunity to call his witnesses. Therefore, the conviction could not be sustained.**

Case Name:

**Winston Smith
v
The Commissioner of Police**

[GDAMCRAP2012/0004]

Date:

Monday, 28th October 2013

Coram:

**The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal
[Ag.]**

Appearances:

Appellant: No appearance

Respondent: Ms. Dionne Lawrence Pivotte

Issues:

**Criminal appeal against conviction –
Possession of an offensive weapon**

Result / Order:

[Oral delivery]

- 1. The hearing of the appeal is adjourned to the next sitting of the Court of Appeal in Grenada.**
- 2. The Registrar is to give notice to the appellant as to the time and date of the sitting.**

Reason:

The appellant had not been served and therefore had no notice of the hearing of the matter.

Case Name:

**Leighton Taylor
v
Thomas Roberts**

[GDAMCVAP2013/0001]

Date: Monday, 28th October 2013

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]

Appearances:

Appellant: Ms. Anyika A. Johnson

Respondent: Mr. Kenroy Samuel

Issues: Civil appeal – Damages for conversion

Result / Order: [Oral delivery]
The matter is not ready for hearing and is taken off the Court's list.

Reason: The Court indicated that the matter was not case managed. There were no submissions filed and as such the matter was not ready for hearing and ought not to be listed.

Case Name: Michael Fletcher
v
Glenna Joseph

[GDAMCVAP2013/0002]

Date: Monday, 28th October 2013

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]

Appearances:

Appellant: Ms. Anyika A. Johnson

Respondent: In person

Issues: Civil appeal – Tort – Negligence

Result / Order: [Oral delivery]
The matter is not ready for hearing and as such it is taken off the list.

Reason: The matter had not been case managed and was not ready for hearing. It therefore should not have been listed.

Case Name: Ian St. Bernard
v
Nardia Wellington
[GDAMCVAP2012/0018]

Date: Monday, 28th October 2013

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal
[Ag.]

Appearances:
Appellant: Ms. Claudette Joseph
Respondent: Ms. Sabrita Khan-Ramdhani

Issues: Civil appeal – Domestic violence – Injunctive relief – Order for maintenance – Protection order

Result / Order: [Oral delivery]
Matter adjourned to Tuesday, October 29th 2013

before the panel in Court No. 1.

Reason: Attorneys advised the Court that the matter was set for October 29th 2013.

Case Name: John Charles
v
The Queen

[GDAHCRAP2011/0001]

Date: Tuesday, 29th October 2013

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal
[Ag.]

Appearances:

Appellant: Mr. Anslem Clouden

Respondent: Ms. Dionne Lawrence Pivotte

Issues: Criminal appeal against conviction – Rape –
Directions – Fresh evidence

Result / Order: [Oral delivery]
1. The appellant is granted leave to file and serve amended grounds of appeal on or before Monday, 2nd December 2013.
2. The appellant is to file skeleton submissions and authorities on or before Monday, 2nd December 2013.
3. The respondent is to file and serve skeleton submissions in response and authorities on or before the 13th of January 2014.
4. The appellant is granted leave to file and serve an application to adduce fresh

evidence of Cindy Steel on or before the 23rd of November 2013.

5. The appellant is to file and serve skeleton submissions and authorities in support on or before Monday, 2nd December 2013.
6. The respondent is to file and serve skeleton submissions and authorities in reply on or before the 16th December 2013.
7. The hearing of the appeal and application is adjourned to the next sitting of the Court of Appeal in Grenada during the week 24th to 28th February 2014.

Reason:

Counsel for the appellant requested time to file additional grounds of appeal along with an application to adduce fresh evidence.

The Court agreed to allow the appellant time to file the said submissions and application and further gave the respondent time to respond.

Case Name:

Durant Patrice

v

The Queen

[GDAHCRAP2009/0009]

Date:

Tuesday, 29th October 2013

Coram:

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

The Hon. Mr. Mario Michel, Justice of Appeal

**The Hon. Mr. Don Mitchell, Justice of Appeal
[Ag.]**

Appearances:

Appellant:

Mr. Patrick David, appearing amicus

Respondent:

Ms. Dionne Lawrence-Pivotte

Issues: Criminal appeal against conviction – Housebreaking – Stealing

Result / Order: [Oral delivery]
The appeal against conviction is allowed and the conviction and sentence quashed.

Reason: The Court was satisfied that the appellant's defence was not adequately put before the jury. In addition the trial judge failed to adequately assist the jury with the appellant's defence which resulted in an unfair trial.

Case Name: Michael Stewart
v
The Queen

[GDAHCRAP2009/0013]

Date: Tuesday, 29th October 2013

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal
[Ag.]

Appearances:

Appellant: In person

Respondent: Ms. Dionne Lawrence-Pivotte, with her, Ms. Crisan Greenidge

Issues: Criminal appeal against conviction – Attempted house breaking – Arson – Possession of housebreaking implements

Result / Order: [Oral delivery]

1. The hearing of this appeal is adjourned to the next sitting of the Court of Appeal in Grenada, the week commencing 24th February 2014.
2. Meanwhile the Deputy Registrar of the Court of Appeal (Registrar of the High Court) will work with the office of the Director of Public Prosecutions to ensure that the appeal files for the appellant (the one for 2009 and the one for 2010) are sorted out and the matters brought up for status hearing if necessary for any further directions to be given.

Reason:

The true status of the matter was uncertain as the record consisted of documents relating to two convictions, one in 2009 and the other in 2010.

Case Name:

[1] Stressman Thomas

[2] Edzil Thomas

[3] Guy Alexander

v

[1] Clarence Ferguson

[GDAHCVAP2011/0031]

Date:

Tuesday, 29th October 2013

Coram:

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

The Hon. Mr. Mario Michel, Justice of Appeal

The Hon. Mr. Don Mitchell, Justice of Appeal
[Ag.]

Appearances:

Appellant:

Mrs. Venescia Francis–Banfield, with her, Ms. Sabrita Khan–Ramdhani

Respondent:

Ms. Anyika A. Johnson

Issues:	Civil appeal – Delay in delivery of judgment – Trespass to land – Boundary dispute – Adverse possession
Result / Order:	[Oral delivery] 1. Appeal is dismissed and the orders of the trial judge affirmed. 2. Costs to the respondent in the amount of two thirds (2/3) of the costs in the Court below.
Reason:	The learned trial judge heard the evidence as to what had happened, visited the site to have the area in dispute pointed out to him, and considered the various deeds and plans presented to him. The respondent's paper title was not disputed by the appellant. The learned trial judge found that the respondent had made out his case that the appellant had committed the acts of trespass to the land to which the respondent and his predecessors held title. Indeed, the appellant admitted that he had performed the clearing of the land and the placing of poles complained of by the respondent. The appellant could not establish from the transcript or from the judgment any finding or conclusion of the learned trial judge that could indicate that he made any error, particularly one which was attributable to this delay, thus rendering the judgment unsafe. Accordingly, the Court found no merit in this ground of appeal. Cobham v Frett [2001] 1 WLR 755 and Ramnarine v Ramnarine [2013] UKPC 27 applied. Further, the learned trial judge was not responsible for ensuring that a survey was ordered after viewing the locus in quo. In fact, it was the responsibility of the appellants to properly set out their case and to ensure, if needed, that a survey be ordered. Rules 8.7 and 10.5 of the Civil Procedure Rules 2000 applied.

Case Name:

**Jean McNeilly
v
Jacqueline Charles
(Administratrix of the Estate of Joshua
Cecil Thorne)**

[GDAHCVAP2013/0013]

Date:

Tuesday, 29th October 2013

Coram:

**The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal
[Ag.]**

Appearances:

Appellant:

Mr. Ruggles Ferguson, with him, Ms. Anyika Johnson

Respondent:

Ms. Claudette Joseph

Issue:

Application to discharge order of single judge

**Result / Order /
Reason:**

[Oral delivery]

By consent:

- 1. The order dated the 20th day of June 2013 be and is hereby set aside.**
- 2. There be no order as to costs of this application.**

Case Name:

**Ian St. Bernard
v
Nardia Wellington**

Date: Tuesday, 29th October 2013

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal
[Ag.]

Appearances:

Appellant: Ms. Claudette Joseph

Respondent: Ms. Sabrita Khan-Ramdhani, with her, Ms. Karen Samuel

Issues: Civil appeal – Domestic violence – Injunctive relief – Order for maintenance – Protection order

Result / Order / Reason: [Oral delivery]
By consent it is ordered that:

1. The appellant will pay the respondent a lump sum figure of \$5,000.00 for relocation and accommodation expenses to be paid to the respondent within seven (7) days.
2. The appellant will pay the respondent the monthly sum of \$1,200.00 for interim monetary relief for the benefit of the children namely Aquila St. Bernard, Ashanti St. Bernard and Iana St. Bernard commencing November 1st 2013 for a period of two (2) years.
3. The appellant shall continue to pay the school fees for the said children.
4. Costs to the respondent in the sum of \$1,000.00.
5. The order of Her Worship Karen Noel, Magistrate Southern District of the 17th day of September 2012 is hereby discharged save for paragraphs 1 and 2 thereof.

Case Name:

**[1] Anthony George
v
[1] The Commissioner of Police
[2] The Director of Public Prosecutions
[3] The Magistrate of the Southern
District
[4] Joseph Goddard
[GDAMCRAP2013/0001]**

Date:

Wednesday, 30th October 2013

Coram:

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

Appearances:

Appellant:

No appearance

Respondent:

Ms. Crisan Greenidge for the second respondent

Mr. Adebayo Olowu for the first and third respondents

Issue:

Case management of appeal

Result / Order:

**[Oral delivery]
The matter is adjourned to the next sitting of the Court of Appeal in Grenada during the week commencing 24th February 2014.**

Reason:

The appellant was out of state and had not been served with the notice of hearing.

Case Name: Grenada & Carriacou Investments
V
Atlantic Partnership
[GDAHCVAP2012/0020]

Date: Wednesday, 30th October 2013

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

Appearances:

Appellant: Mr. Kenroy Samuel, with him, Ms. Keisha Lander

Respondent: Mr. Alban John, with him, Ms. Thandiwe Lyle

Issues: Civil appeal – Interlocutory appeal – Extension of time to file witness statements – Relief from sanctions

Result / Order: [Oral delivery]
1. Leave is given to the appellant to file and serve the bundle requested in accordance with CPR 62.10 and to include the written reasons of the trial judge or in default of the written reasons the transcript of the hearing.
2. Hearing of this appeal is traversed to the next sitting of the Court of Appeal in Grenada in the week commencing 24th February 2014.

Reason: The Court was not aware that leave to appeal was granted by the lower court. There was no order to this effect on the Court's file. Further, the appellant challenged the findings of the trial judge without obtaining the judge's reasons in

writing for the assistance of the Court of Appeal. In addition, there was the failure to file a proper bundle as required by the Rules and Practice Directions (Part 62.10 CPR 2000 applied).