

COURT OF APPEAL SITTING
SAINT VINCENT AND THE GRENADINES
11th to 13th February 2013

		<u>STATUS HEARING</u>
Case Name:		[1] McConnie Yammie and Company Limited v [1] Richard Williams [2] Lexart Inc. [3] Olin J.B. Dennie [High Court Civil Appeal No. 3 of 2010]
Date:		Monday, 11 th February 2013
Coram:		The Hon. Mde. 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:	Mr. Emery Robertson
	Respondent:	Mr. P.R. Campbell, QC for the First and Second Respondents Mrs. Kay Bacchus-Browne for the Third Respondent
Issues:		Status of the matter – Application to strike out appeal
Result / Order:		[Oral hearing] 1. Application to be placed on Chamber hearing list. 2. Parties to comply with Practice Directions 2 and 3 of 2008.

Reason:		Parties did not allow each other time to properly bring the applications before the Court. Practice Directions need to be followed with regard to applications to permit the Court to consider the arguments placed before it.
Case Name:		[1] The Attorney General of St. Vincent & the Grenadines [2] The Minister of Finance v [1] Frank Da Silva [2] Venold Coombs [3] Margaret London [4] Earl Alexander suing in their personal capacity and as members [High Court Civil Appeal No. 7 of 2011]
Date:		Monday, 11 th February 2013
Coram:		The Hon. Mde. 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:	Mr. Parnel R. Campbell, QC
	Respondent:	Ms. Nicole Sylvester with her Ms. Patina Knights
Issue:		Status hearing
Result / Order / Reason:		[Oral delivery] By consent, the matter is traversed to the next sitting of the Court of Appeal in Saint Vincent and the Grenadines for mention.

Case Name:		[1] Kensley Dougan v [1] Cora Cambridge [2] Samuel Byron [3] Lillian Laidlow (Administratrix of the Estate of Miriam Laidlow) [4] First Caribbean International Bank [High Court Civil Appeal No. 2 of 2011]
Date:		Monday, 11 th February 2013
Coram:		The Hon. Mde. 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:	Mr. Carlyle Dougan, QC with him Ms. Nicole Sylvester
	Respondent:	Ms. Paula David for First, Second and Third Named Respondents
Issue:		Status hearing
Result / Order:		No order was made.
Reason:		The status of the record was unknown; only the notice of appeal was filed. The respondents indicated to the Court that they were never served with any documents; they only had sight of the case when they received a faxed notice of hearing from the Court of Appeal Headquarters. Consequently, the Court could not deal with the

		matter.
Case Name:		Vernette Skerritt v Nicole Patterson [High Court Civil Appeal No. 5 of 2010]
Date:		Monday, 11th February 2013
Coram:		The Hon. Mde. 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. Nicole Sylvester with her Ms. Patina Knights
	Respondent:	Ms. Patricia Marks
Issue:		Status hearing
Result / Order:		[Oral hearing] Status hearing adjourned to the next sitting of the Court of Appeal in this jurisdiction.
Reason:		The record of appeal was filed timely, on 1st of February 2013, but the Court did not receive the record until the day of the hearing. In addition, counsel for the appellant requested time to make amendments to the record. There was no objection from the respondent.

Case Name:		Emery Robertson Jnr. v National Commercial Bank (SVG) Ltd. [High Court Civil Appeal No. 7 of 2010]
Date:		Monday, 11th February 2013
Coram:		The Hon. Mde. 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:	Mr. Emery Robertson, Snr.
	Respondent:	Mr. Richard Williams
Issue:		Status hearing
Result / Order:		Matter stood down.
Reason:		The substantive matter was scheduled for hearing on that same day.
Case Name:		[1] Emmanuel Johnson-Chijioke [2] Benjamin Fiifi Danquah v [1] The Commissioner of Police [2] The Superintendent of Her Majesty's Prisons [3] The Honourable Attorney General of St. Vincent and the Grenadines

		[High Court Civil Appeal No. 13 of 2010]
Date:		Monday, 11th February 2013
Coram:		The Hon. Mde. 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:	Mr. Jomo Thomas
	Respondent:	Mr. Richard Williams
Issue:		Status hearing
Result / Order:		[Oral delivery] 1. The notice of appeal filed in Civil Appeal No. 15 of 2010 be treated as a counter-notice to Civil Appeal No. 13 of 2010. 2. Parties to file necessary application for the preparation of the record.
Reason:		The notice of appeal filed in Civil Appeal No. 15 of 2010 was actually a counterclaim to Civil Appeal No. 13 of 2010. In addition, the record was not yet filed.
Case Name:		[1] The Commissioner of Police [2] The Superintendent of Her Majesty's Prisons [3] The Honourable Attorney General of St. Vincent and the Grenadines v [1] Emmanuel Johnson Chijioke [2] Benjamin Fiifi Danquah

		[High Court Civil Appeal No. 15 of 2010]
Date:		Monday, 11th February 2013
Coram:		The Hon. Mde. 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:	Mr. Richard Williams
	Respondent:	Mr. Jomo Thomas
Issue:		Status hearing
Result / Order:		[Oral delivery] 1. The notice of appeal filed be treated as a counter-notice to Civil Appeal No. 13 of 2010. 2. Parties to file necessary application for the preparation of the record.
Reason:		The notice of appeal filed was actually a counterclaim to Civil Appeal No. 13 of 2010. In addition, the record was not yet filed.
Case Name:		Reynold Williams aka Rene Sandy v Mazeline Gabriel [High Court Civil Appeal No. 14 of 2010]
Date:		Monday, 11th February 2013
Coram:		The Hon. Mde. 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:	Mr. Emery Robertson, Snr.
	Respondent:	No appearance
Issue:		Status hearing
Result / Order:		No order was made.
Reason:		The record of appeal was not filed in this matter. The Court was therefore unable to proceed.
Case Name:		Adnan Mkhoul v James Edson Ambrose [High Court Civil Appeal No. 6 of 2011]
Date:		Monday, 11 th February 2013
Coram:		The Hon. Mde. 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:	Mr. Emery Robertson, Snr.
	Respondent:	Mr. Richard Williams

Issues:		Status hearing – Application for leave to discharge the order of a single judge
Result / Order / Reason:		[Oral delivery] 1. The appeal is withdrawn. 2. Consent order entered as order of court.
Case Name:		[1] Ralph E. Gonsalves v [1] Matthew Thomas [2] BDS Limited [High Court Civil Appeal No. 9 of 2011]
Date:		Monday, 11th February 2013
Coram:		The Hon. Mde. 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:	Mr. Richard Williams
	Respondent:	No appearance
Issue:		Status hearing
Result / Order / Reason:		[Oral delivery] With leave of the Court, the appeal is hereby withdrawn.

Case Name:		Mary Duncan v Christopher Adams [High Court Civil Appeal No. 15 of 2011]
Date:		Monday, 11th February 2013
Coram:		The Hon. Mde. 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:	Mr. Sylvester Raymond-Cadette
	Respondent:	Mr. Stephen Huggins
Issue:		Status hearing
Result / Order:		No order was made.
Reason:		There was nothing pending before the Court as there was no appeal commenced in respect of the order granting the extension of time.
Case Name:		Howards Driving School Ltd. v Ismay Dennie [Magisterial Civil Appeal No. 1 of 2010]
Date:		Monday, 11th February 2013
Coram:		The Hon. Mde. 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. Nicole Sylvester with her Ms. Patina Knights
	Respondent:	No appearance
Issue:		Status hearing
Result / Order:		[Oral delivery] Notice to be served on the respondent for hearing on Wednesday, 13 th February 2013 at 2:30 p.m.
Reason:		The respondent was not properly served with the notice.
Case Name:		Emery Robertson Jnr. v National Commercial Bank (SVG) Ltd. [High Court Civil Appeal No. 7 of 2010]
Date:		Monday, 11 th February 2013
Coram:		The Hon. Mde. 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:	Mr. Emery Robertson, Snr.

	Respondent:	Mr. Richard Williams
Issue:		Status hearing
Result / Order / Reason:		[Oral delivery] 1. With leave of the Court, the appeal is withdrawn with no order as to cost. 2. The matter is remitted to the court below for a date to be fixed for the first hearing of the fixed date claim in accordance with rule 27.2 of the Civil Procedure Rules 2000.
Case Name:		Howards Driving School Ltd. v Ismay Dennie [Magisterial Civil Appeal No. 1 of 2010]
Date:		Wednesday, 13th February 2013
Coram:		The Hon. Mde. Janice M. Pereira, Chief Justice The Hon. Mde. Louise E. Blenman, Justice of Appeal The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Ms. Patina Knights
	Respondent:	In person
Issue:		Status hearing
Result / Order:		[Oral delivery]

		1. It is ordered that the Magistrate's Office make available to the Registrar of the High Court a copy of the transcript of all the proceedings covering all the days on which the matter came up for hearing before him no later than 26th March 2013. 2. The Magistrate's Office shall also furnish for inclusion in the record of appeal all exhibits or copies thereof tendered in evidence in the said matter before 26th March 2013. 3. The Registrar of the High Court shall cause a copy of this order to be served on the Magistrate's Office no later than 22nd February 2013. 4. On receipt of the transcript and exhibits, copies of the same shall be served upon the parties so that the respondent ought to be served. 5. The hearing of this appeal is adjourned to the next sitting of the Court of Appeal in this jurisdiction during the week commencing 27th May 2013.
		<u>APPLICATIONS AND APPEALS</u>
Case Name:		[1] Daniel Cummings [2] BDS Limited v [1] Dr. Ralph Gonsalves [High Court Civil Appeal No. 18 of 2011]
Date:		Monday, 11th February 2013
Coram:		The Hon. Mde. Janice M. Pereira, Chief Justice The Hon. Mr. Davidson K. Baptiste, Justice of Appeal The Hon. Mde. Louise E. Blenman, Justice of Appeal

Appearances:		
	Applicant / Intended Appellant:	Mr. Emery Robertson, Snr.
	Respondent:	Mr. Grahame Bollers
Issue:		Application for leave to appeal
Result / Order:		Matter stood down.
Case Name:		Edward Taylor v The Queen [High Court Criminal Appeal No. 14 of 2011]
Date:		Monday, 11th February 2013
Coram:		The Hon. Mde. 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:	In person
	Respondent:	Mr. Colin Williams, Director of Public Prosecutions
Issue:		Application for counsel to be assigned
Result / Order:		[Oral delivery] 1. The appellant be assigned counsel from the

		roster of legal aid counsel kept by the Registrar and selected by the Registrar to assist the appellant in the conduct of hearing. 2. The Registrar shall furnish counsel selected from the roster of the Record of Appeal, pursuant to Court of Appeal Rules in respect of Criminal Appeals. 3. The hearing of the appeal is adjourned to the next sitting of the Court of Appeal in this jurisdiction.
Reason:		Due to the appellant's impecuniousness, the Court appointed legal aid to assist in the prosecution of the appeal.
Case Name:		Atiba Bess v The Queen [High Court Criminal Appeal No. 19 of 2012]
Date:		Monday, 11 th February 2013
Coram:		The Hon. Mde. 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:	In person
	Respondent:	Mr. Colin Williams, Director of Public Prosecutions
Issue:		Application for counsel to be assigned

Result / Order:		[Oral delivery] 1. The appellant be assigned counsel from the roster of legal aid counsel kept by the Registrar and selected by the Registrar to assist the appellant in the conduct of hearing. 2. The Registrar shall furnish counsel selected from the roster of the Record of Appeal, pursuant to Court of Appeal Rules in respect of Criminal Appeals. 3. The hearing of the appeal is adjourned to the next sitting of the Court of Appeal in this jurisdiction.
Reason:		Due to the appellant's inability to afford counsel, the Court appointed legal aid to assist in the prosecution of the appeal.
Case Name:		Annel Young v The Queen [High Court Criminal Appeal No. 27 of 2012]
Date:		Monday, 11th February 2013
Coram:		The Hon. Mde. 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:	In person
	Respondent:	Mr. Colin Williams, Director of Public Prosecutions

Issue:		Application for counsel to be assigned
Result / Order:		[Oral delivery] 1. The appellant be assigned counsel from the roster of legal aid counsel kept by the Registrar and selected by the Registrar to assist the appellant in the conduct of hearing. 2. The Registrar shall furnish counsel selected from the roster of the Record of Appeal, when available pursuant to Court of Appeal Rules in respect of Criminal Appeals.
Reason:		Due to the appellant's impecuniousness, the Court appointed legal aid to assist in the prosecution of the appeal. Furthermore, the record was not yet ready and the Court was unsure if the record would be ready for the next sitting of the Court of Appeal in that jurisdiction.
Case Name:		Michael Wilson v The Queen [High Court Criminal Appeal No. 9 of 2012]
Date:		Monday, 11th February 2013
Coram:		The Hon. Mde. 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:	In person

	Respondent:	Mr. Colin Williams, Director of Public Prosecutions
Issues:		Wounding – Aggravated burglary – Damage to property
Result / Order:		No order was made.
Reason:		The record of appeal was not yet ready.
Case Name:		[1] Daniel Cummings [2] BDS Limited v [1] Dr. Ralph Gonsalves [High Court Civil Appeal No. 18 of 2011]
Date:		Monday, 11th February 2013
Coram:		The Hon. Mde. Janice M. Pereira, Chief Justice The Hon. Mr. Davidson K. Baptiste, Justice of Appeal The Hon. Mde. Louise E. Blenman, Justice of Appeal
Appearances:		
	Applicant / Intended Appellant:	Mr. Emery Robertson, Snr.
	Respondent:	Mr. Grahame Bollers
Issue:		Application for leave to appeal

Result / Order:		[Oral delivery] 1. The application for leave to appeal is not properly before the Court and is hereby dismissed. 2. The applicant shall bear the respondent's costs fixed in the sum of \$1,000.00.
Reason:		This was an application for leave to appeal filed on 6 th December 2011 in respect of a judgment in default entered on 16 th April 2008. The application was therefore not in accordance with Civil Procedure Rules 2000 Part 62.2 as it had not been made timely. There was no application for extension of time before the Court for its consideration.
Case Name:		[1] Ieko Gaymes [2] Nolan Ross v [1] The Commissioner of Police [Magisterial Criminal Appeal No. 22 of 2012]
Date:		Monday, 11th February 2013
Coram:		The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Ieko Gaymes in person Ms. Samantha Robertson for second named appellant
	Respondent:	Mr. Carl Williams with him Mr. Kareem Nelson

Issues:		Criminal appeal against sentence of 6 months imprisonment – Unlawful and malicious wounding
Result / Order:		[Oral delivery] The appeal is dismissed and the sentence of the Magistrate is affirmed.
Reason:		The Court was of the opinion that the Magistrate was lenient in the circumstances in handing down a sentence of 6 months imprisonment given the fact that the maximum sentence that can be imposed by the Magistrate is 7 years. The Court therefore had no reason to interfere with the decision of the Magistrate.
Case Name:		Julious Rodgers v The Commissioner of Police [Magisterial Criminal Appeal No. 34 of 2012]
Date:		Monday, 11th February 2013
Coram:		The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	No appearance
	Respondent:	Mr. Colin John with him Mr. Carl Williams and Mr. Kareem Nelson
Issues:		Criminal appeal against sentence of 6 months imprisonment – Possession of a controlled drug with intent to supply

Result / Order:		Matter stood down.
Reason:		There was no appearance of and on behalf of the appellant. The Court was therefore minded to stand the matter down to ascertain the whereabouts of the appellant.
Case Name:		Emron Lorraine v The Commissioner of Police [Magisterial Criminal Appeal No. 38 of 2012]
Date:		Monday, 11th February 2013
Coram:		The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Mr. Ronald Marks
	Respondent:	Mr. Colin John with him Mr. Carl Williams and Mr. Kareem Nelson
Issues:		Criminal appeal against sentence – Possession of a controlled drug with intent to supply
Result / Order:		[Oral delivery] The appeal is dismissed.
Reason:		The Court determined that: (1) Having regard to the fact that the offence

		was one which is prevalent and worrying within the jurisdiction; (2) Having regard to the fact that Parliament signaled its desire to ensure that the type of offence was made less prevalent by legislating more severe sentences; and (3) Taking into consideration that the sentence carries with it a maximum of 7 years imprisonment and the appellant received 1½ years for the offence due to certain mitigating factors being his guilty plea and it being his first offence, the sentence was not excessive in all the circumstances.
Case Name:		Mark Corbin v The Commissioner of Police [Magisterial Criminal Appeal No. 33 of 2012]
Date:		Monday, 11th February 2013
Coram:		The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	In person
	Respondent:	Mr. Colin John with him Mr. Carl Williams and Mr. Kareem Nelson
Issues:		Criminal appeal against sentence of 18 months imprisonment – Possession of controlled drug with intent to supply
Result / Order /		[Oral delivery]

Reason:		Upon an application made by the appellant, the matter is withdrawn and hereby dismissed.
Case Name:		Calniff Williams v The Commissioner of Police [Magisterial Criminal Appeal No. 39 of 2012]
Date:		Monday, 11th February 2013
Coram:		The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	In person
	Respondent:	Mr. Colin John with him Mr. Carl Williams and Mr. Kareem Nelson
Issues:		Criminal appeal against conviction and sentence – Possession of a firearm without licence – Possession of 5 rounds of ammunition without a licence
Result / Order:		[Oral delivery] The appeal is dismissed.
Reason:		The sentence was not excessive in the circumstances, given the aggravating factors, the violent record of the appellant and the prevalence of the offence. The Court ultimately found no merit in the appeal either against conviction or sentence.

Case Name:		Adrian Richards v The Commissioner of Police [Magisterial Criminal Appeal No. 13 of 2012]
Date:		Monday, 11th February 2013
Coram:		The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Mr. Duane Daniel
	Respondent:	Mr. Colin Williams, Director of Public Prosecutions with him Mr. Carl Williams and Mr. Kareem Nelson
Issues:		Criminal appeal against conviction and sentence of 9 months imprisonment – Unlawful wounding
Result / Order:		Matter stood down.
Reason:		Counsel for the appellant requested to have a meeting with the virtual complainant to determine the amount of compensation to be paid.
Case Name:		Julious Rodgers v

		The Commissioner of Police [Magisterial Criminal Appeal No. 34 of 2012]
Date:		Monday, 11th February 2013
Coram:		The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	No appearance
	Respondent:	Mr. Colin John with him Mr. Carl Williams and Mr. Kareem Nelson
Issues:		Criminal appeal against sentence of 6 months imprisonment – Possession of a controlled drug with intent to supply
Result / Order:		[Oral delivery] The appeal is dismissed.
Reason:		The appellant has served his sentence.
Case Name:		David Frederick v The Commissioner of Police [Magisterial Criminal Appeal No. 1 of 2012]
Date:		Monday, 11th February 2013
Coram:		The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Don Mitchell, Justice of Appeal

		[Ag.]
Appearances:		
	Appellant:	In person
	Respondent:	Mr. Colin Williams, Director of Public Prosecutions with him Mr. Carl Williams and Mr. Kareem Nelson
Issues:		Criminal appeal against conviction and sentence of 5 years imprisonment – Possession of controlled drug with intent to supply
Result / Order:		[Oral delivery] The matter is adjourned to the next sitting of the Court of Appeal in this jurisdiction in the week commencing 27th May 2013.
Reason:		To allow the appellant to consult with his attorney.
Case Name:		Adrian Richards v The Commissioner of Police [Magisterial Criminal Appeal No. 13 of 2012]
Date:		Monday, 11th February 2013
Coram:		The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Mr. Duane Daniel

	Respondent:	Mr. Colin Williams, Director of Public Prosecutions with him Mr. Carl Williams and Mr. Kareem Nelson
Issues:		Criminal appeal against conviction and sentence of 9 months imprisonment – Unlawful wounding
Result / Order:		[Oral delivery] 1. The appeal against sentence is allowed and the sentence of the magistrate is varied. 2. The appellant is sentenced to time already served plus compensation of \$5,000.00 to be paid to the virtual complainant, Mary Ann Gonsalves, through the Chambers of Mr. Duane Daniel on or before 12th August 2013. 3. In default of payment, the appellant is to serve a term of imprisonment of 9 months.
Reason:		The Court considered that the appellant was unrepresented at the trial before the Magistrate and so did not have the benefit of advice from counsel. The Court held that despite the fact that there were aggravating factors in the case, no consideration was given to the mitigating factors which if considered would not have justified a custodial sentence. The Court highlighted that the virtual complainant was amenable to receiving compensation in the sum of \$5,000.00 from the appellant.
Case Name:		Jovel Espinoza v The Commissioner of Police [Magisterial Criminal Appeal No. 16 of

		2012] Terry Bannister v The Commissioner of Police [Magisterial Criminal Appeal No. 17 of 2012] Desmond Pavy v The Commissioner of Police [Magisterial Criminal Appeal No. 18 of 2012]
Date:		Monday, 11th February 2013
Coram:		The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Ms. Samantha Robertson holding papers for Mr. Jomo Thomas
	Respondent:	Mr. Colin John with him Mr. Carl Williams and Mr. Kareem Nelson
Issues:		Criminal appeal against conviction and sentence of 9 years imprisonment – Possession of a controlled drug – Attempting to export a controlled drug
Result / Order:		Matter stood down.
Reason:		The attorney who has conduct of the appeal was at that time absent in Court as he was before another panel of Court of Appeal judges.

Case Name:		Aaron Mason Adams v The Commissioner of Police [Magisterial Criminal Appeal No. 36 of 2012]
Date:		Monday, 11th February 2013
Coram:		The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Ms. Samantha Robertson
	Respondent:	Mr. Colin Williams, Director of Public Prosecutions with him Mr. Colin John and Mr. Carl Williams
Issues:		Criminal appeal against conviction and sentence of 3 months imprisonment – Unlawful and malicious wounding
Result / Order:		[Oral delivery] The appeal against sentence is allowed and substituted with time already served.
Reason:		The Magistrate erred in failing to take into account the youthfulness and the lack of previous convictions of the appellant when arriving at the decision.

Case Name:		Mala Fergus v The Commissioner of Police [Magisterial Criminal Appeal No. 37 of 2012]
Date:		Monday, 11th February 2013
Coram:		The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	In person
	Respondent:	Mr. Colin Williams, Director of Public Prosecutions with him Mr. Colin John and Mr. Carl Williams
Issues:		Criminal appeal against conviction and sentence of 4 years imprisonment – Possession of firearm without licence
Result / Order:		[Oral delivery] The appeal against sentence and conviction is dismissed.
Reason:		There was no basis upon which to disturb the findings of the Magistrate with regards to the sentence and conviction.
Case Name:		Venus Pitt v Koleen Thomas [Magisterial Civil Appeal No. 2 of 2012]

Date:		Monday, 11th February 2013
Coram:		The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	No appearance
	Respondent:	Mr. Stephen Williams
Issue:		Claim for damages
Result / Order:		[Oral delivery] 1. The matter is adjourned to the next sitting of the Court of Appeal in this jurisdiction to commence the week beginning 27th May 2013. 2. The appellant is to be served personally with a notice of the sitting.
Reason:		The appellant was absent from the Court proceedings. There was no indication of him being served.
Case Name:		Jovel Espinoza v The Commissioner of Police [Magisterial Criminal Appeal No. 16 of 2012] Terry Bannister v The Commissioner of Police

		[Magisterial Criminal Appeal No. 17 of 2012] Desmond Pavy v The Commissioner of Police [Magisterial Criminal Appeal No. 18 of 2012]
Date:		Monday, 11th February 2013
Coram:		The Hon. Mr. Mario Michel, Justice of Appeal The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Mr. Jomo Thomas with him Ms. Shirla Barnwell
	Respondent:	Mr. Colin John with him Mr. Carl Williams and Mr. Kareem Nelson
Issues:		Criminal appeal against conviction and sentence of 9 years imprisonment – Possession of a controlled drug – Attempting to export a controlled drug
Result / Order:		[Oral delivery] The appeal is dismissed and the conviction and sentence is upheld.
Reason:		The Court was of the opinion that the grounds of appeal were without merit.
Case Name:		The Queen v Adonijah Caine

		[High Court Criminal Appeal No. 4 of 2012]
Date:		Tuesday, 12th February 2013
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. Colin Williams, Director of Public Prosecutions
	Respondent:	Ms. Nicole Sylvester with her Ms. Lakeisha John
Issues:		Criminal appeal against conviction – Acquittal of respondent – No case submission
Result / Order / Reason:		[Oral delivery] 1. Leave is granted to the Director of Public Prosecutions to withdraw appeal. 2. The appeal is hereby dismissed having been withdrawn.
Case Name:		Romeo Charles v The Queen [High Court Criminal Appeal No. 3 of 2012]
Date:		Tuesday, 12th February 2013
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. Jomo Thomas
	Respondent:	Mr. Colin Williams, Director of Public Prosecutions
Issues:		Criminal appeal against sentence of a fine of \$25,000.00 to be paid in five years and in default 5 years imprisonment – Wounding
Result / Order:		[Oral delivery] 1. The appeal against sentence is allowed and the term of imprisonment is varied to 1 year to the extent that the appellant has been imprisoned from 6th February 2012. 2. It is ordered that the appellant be discharged from prison.
Reason:		The Court's ruling was a majority decision of Blenman JA and Baptiste JA. Justice Michel dissented. The majority was of the view that the learned trial judge exceeded his jurisdiction when he ordered the term of 5 years imprisonment in default of payment of compensation of \$25,000.00. The provisions of Section 29 of the Criminal Code, Cap. 171 clearly sets out the maximum term of imprisonment, that is one year, in default of payment of compensation exceeding \$500.00.
Case Name:		Letting Patterson v The Queen

		[High Court Criminal Appeal No. 8 of 2010] Dale Quashie v The Queen [High Court Criminal Appeal No. 9 of 2010]
Date:		Tuesday, 12th February 2013
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 for First Named Appellant Ms. Samantha Robertson for Second Named Appellant
	Respondent:	Mr. Colin Williams, Director of Public Prosecutions with him Mr. Colin John and Mr. Kareem Nelson
Issues:		Criminal appeal against conviction and sentence of 15 and 10 years imprisonment – Robbery – Directions
Result / Order:		[Oral delivery] 1. The respondent is to provide disclosure of all Police Statements in this matter on or before 12th March 2013. 2. The respondent is granted leave to file skeleton arguments on or before 12th April 2013. 3. The appellants are granted leave to file further submissions if required on or before

		28 th April 2013. 4. Hearing of the appeal is traversed to the next sitting of the Court of Appeal in this jurisdiction during week of 27 th May 2013.
Case Name:		Urlon Frederick v The Queen [High Court Criminal Appeal No. 14 of 2012] Zelroy Joseph v The Queen [High Court Criminal Appeal No. 15 of 2012]
Date:		Tuesday, 12th February 2013
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 with him Ms. Sejilla McDowall
Issues:		Criminal appeal against conviction and sentence of ten years imprisonment – Robbery
Result / Order:		[Oral delivery]

		The hearing of this appeal is traversed to the next sitting of the Court of Appeal in this jurisdiction during the week commencing 27 th May 2013.
Reason:		Witness statements and other documents in relation to the high court trial were requested by appellant's counsel from the respondent. These documents were not received timely. As a result, appellant's counsel requested more time to prepare for the hearing. The respondent had no objection.
Case Name:		Pius Alvis v The Queen [High Court Criminal Appeal No. 3 of 2011]
Date:		Tuesday, 12 th February 2013
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 Ms. Sejilla McDowall
Issues:		Criminal appeal against conviction and sentence of 15 and 8 years imprisonment (sentences to run concurrently) – Unlawful sexual intercourse – Kidnapping

Result / Order:		[Oral delivery] The appeal against conviction and sentence is dismissed.
Reason:		There was no merit in the appeal against conviction. The Court was of the view that the learned trial judge put the case to the jury properly. The learned judge quite correctly directed the jury to disregard the medical report. Furthermore, the case against the appellant was very strong. There was no reason to upset the findings of the jury. On the issue of the sentence, the learned trial judge did not err and this Court can find no reason to interfere with that decision.
Case name:		Azari Ash v The Queen [High Court Criminal Appeal No. 6 of 2011] Che Bute v The Queen [High Court Criminal Appeal No. 9 of 2011]
Date:		Tuesday, 12th February 2013
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 the First Named Appellant Mr. Jomo Thomas with him Ms. Shirlan Barnwell for the Second Named Appellant
	Respondent:	Mr. Colin Williams, Director of Public Prosecutions with him Mr. Colin John and Ms. Ayanna Dabreo and Mr. Kareem Nelson
Issues:		Criminal appeal against conviction and sentence of life imprisonment – Murder – Application to adduce fresh evidence
Result / Order:		[Oral delivery] 1. Oral application of appellants to deem notice of appeal filed on 4 th and 12 th August 2011 properly filed is granted. 2. The Director of Public Prosecutions is to file and serve skeleton submissions in response to the application to adduce additional evidence on or before 13 th March 2013 and in response to the substantive appeal on or before 28 th March 2013. 3. The Director of Public Prosecutions is to file and serve affidavit evidence in response to the application to adduce fresh evidence on or before 13 th March 2013. 4. The deponents of the affidavits are to attend the hearing of the appeal to give oral evidence and to be cross-examined. 5. The hearing of the appeal is traversed to the next sitting of the Court of Appeal in this jurisdiction during the week commencing 27 th May 2013.
Case name:		Oscar Charles

		V The Queen [High Court Criminal Appeal No. 2 of 2012]
Date:		Tuesday, 12th February 2013
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 John with him Ms. Ayanna Baptiste and Mr. Kareem Nelson Crown Counsel
Issues:		Criminal appeal against conviction and sentence of 15 years imprisonment – Buggery – Unlawful sexual intercourse
Result / Order:		[Oral delivery] 1. The appeal against conviction is dismissed. 2. The appeal against sentence for the offence of buggery is allowed and the sentence is varied to 10 years imprisonment. 3. The appeal against sentence for the offence of unlawful sexual intercourse is dismissed and accordingly affirmed. 4. The sentences to run concurrently.
Reason:		The learned trial judge erred in handing down a sentence of 15 years imprisonment when pursuant to section 146 of the Criminal Code, Cap. 171 the maximum sentence for the offence of buggery is 10 years imprisonment.

Case name:		Darron Phillips v The Queen [High Court Criminal Appeal No. 18 of 2012]
Date:		Tuesday, 12th February 2013
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 John with him Ms. Ayanna Baptiste
Issues:		Criminal appeal against conviction and sentence of 5 years imprisonment – Robbery
Result / Order / Reason:		[Oral delivery] The appellant having withdrawn his appeal against conviction and sentence, the appeal is hereby dismissed.
Case name:		[1] Somers Dublin Ltd A/C KBCS [2] Citco Global Custody NV-Ref 209974/ARM [3] Fidulex Management Inc. [4] Daiwa Securities Trust & Banking v [1] Monarch Pointe Fund Limited

		[High Court Civil Appeal No. 40 of 2012]
Date:		Wednesday, 13th February 2012
Coram:		The Hon. Mde. Janice M. Pereira, Chief Justice The Hon. Mde. Louise E. Blenman, Justice of Appeal The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]
Appearances:		
	Appellant:	Mr. Gabriel Moss, QC with him Mr. Andrew Thorp and Ms. Claire Robey
	Respondent:	Mr. Barry Isaacs, QC with him Mr. Oliver Clifton
Issues:		Civil appeal – BVI company – Mutual fund – Redeemed members of fund in liquidation claiming redemption proceeds in priority to claims of continuing members – Whether judge right to order liquidator to distribute pro rata between continuing members and redeemed members
Result / Order:		Judgment reserved.