

COURT OF APPEAL SITTING
SAINT VINCENT AND THE GRENADINES
11TH FEBRUARY TO 15TH FEBRUARY 2013

COURT NO. 2

Case: Ieko Gaymes et al v The Commissioner of Police
Magisterial Criminal Appeal No. 22 of 2012

Date: 11th February 2013

Coram: The Hon. Justice of Appeal Mario Michel
The Hon. Justice of Appeal Don Mitchell (Ag.)

Appearances:

Appellant:	First-named Appellant Ieko Gaymes In Person. Ms. Samantha Robertson for Second-named Appellant, Nolan Ross.
Respondent:	Mr. Carl Williams and Mr. Kareem Nelson for the Respondent.

Issues: Unlawful and malicious wounding – Appeal against sentence of 6 months imprisonment.

Result and Reason: Sentence of Magistrate affirmed. Appeal against sentence is dismissed. The sentence of the Magistrate was lenient in the circumstances given the fact that the maximum sentence that can be imposed by the Magistrate is 7 years.

Case Name: Julious Rodgers v The Commissioner of Police
Magisterial Criminal Appeal No. 34 of 2012

Date: 11th February 2013

Coram: The Hon. Justice of Appeal Mario Michel

The Hon. Justice of Appeal Don Mitchell (Ag.)

Appearances:

Appellant: No appearance of Appellant.

Respondent: Mr. Colin John Asst. D.P.P., Mr. Carl Williams and Mr. Kareem Nelson for the Respondent.

Issues: Possession of a controlled drug with intent to supply - Appeal against sentence of 6 months imprisonment.

Result and Reason: Matter stood down to ascertain the hereabouts of the Appellant.

Case Name: Emron Lorraine v The Commissioner of Police
Magisterial Criminal Appeal No. 38 of 2012

Date: 11th February 2013

Coram: The Hon. Justice of Appeal Mario Michel
The Hon. Justice of Appeal Don Mitchell (Ag.)

Appearances:

Appellant: Mr. Ronald Marks for the Appellant.

Respondent: Mr. Colin John, Asst. D.P.P., Mr. Carl Williams and Mr. Kareem Nelson for the Respondent.

Issues: Possession of a controlled drug with intent to supply - Appeal against sentences of 1 year, 2 months and 1 ½ years imprisonment, sentences to run concurrently.

Result and Reason: The court does not consider that the Magistrate's sentence overall was excessive or inappropriate, especially having regard to:
(1) an offence that is prevalent and worrying within the jurisdiction and
(2) Parliament has signaled its desire to ensure

That this offence is made less prevalent by legislating more severe sentences. It may not have been proper for the Magistrate to specifically link the guilty plea of another defendant in respect of the firearm, but notwithstanding that, the Magistrate was entitled to take into consideration the overall enterprise that the offences were part of and made a determination accordingly on the appropriate sentence. Taking the picture as a whole and looking at the importance of deterrence, the sentence was not excessive. It would appear that all considerations including a guilty plea and a first time offence would reflect that 1 ½ years for an offence carrying 7 years maximum is not in the circumstances excessive. The court therefore has made a determination that the appeal against sentence in this matter should be dismissed.

Case Name:	Mark Corbin v The Commissioner of Police Magisterial Criminal Appeal No. 33 of 2012
Date:	11th February 2013
Coram:	The Hon. Justice of Appeal Mario Michel The Hon. Justice of Appeal Don Mitchell (Ag)
Appearances:	
Appellant:	Appellant In Person.
Respondent:	Mr. Colin John Asst. D.P.P., Mr. Carl Williams and Mr. Kareem Nelson for the Respondent.
Issues:	Possession of controlled drug with intent to supply - Appeal against sentence of 18 months imprisonment.
Result and Reason:	Upon application of the Appellant, the matter is withdrawn. Appeal is dismissed.

Case Name: **Calniff Williams v The Commissioner of Police**
2012

Date: **11th February 2013**

Coram: **The Hon. Justice of Appeal Mario Michel
The Hon. Justice of Appeal Don Mitchell (Ag.)**

Appearances:

Appellant: **Appellant In Person.**

Respondent: **Mr. Colin John, Mr. Carl Williams and Mr. Kareem Nelson for the Respondent.**

Issues: **Possession of a firearm without licence
Possession of 5 rounds of ammunition without a Licence - Appeal against conviction and sentence of 4 and 2 years imprisonment, sentences to run concurrently.**

Result and Reason: **Appeal is dismissed. The sentence was not excessive in the circumstances, given the aggravating circumstances, the violent record of the appellant and the prevalence of the offence. Further, the court was minded that the appeal was against conviction and not his sentence having pleaded guilty. The court 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: **11th February 2013**

Coram: **The Hon. Justice of Appeal Mario Michel
The Hon. Justice of Appeal Don Mitchell (Ag.)**

Appearances:

Appellant: Mr. Duane Daniel for the Appellant.

Respondent: Mr. Colin Williams D.P.P., Mr. Carl Williams and Mr. Kareem Nelson for the Respondent.

Issues: Unlawful wounding – Appeal against conviction and sentence of 9 months imprisonment.

Result and Reason: Matter stood down to 1:30 to arrive at decision with virtual complainant concerning compensation.

Case Name: Julious Rodgers v The Commissioner of Police
Magisterial Criminal Appeal No. 34 of 2012

Date: 11th February 2013

Coram: The Hon. Justice of Appeal Mario Michel
The Hon. Justice of Appeal Don Mitchell (Ag.)

Appearances:

Appellant: No appearance of Appellant.

Respondent: Mr. Colin John Asst. D.P.P., Mr. Carl Williams and Mr. Kareem Nelson for the Respondent.

Issues: Possession of a controlled drug with intent to supply - Appeal against sentence of 6 months imprisonment.

Result and Reason: Appeal is dismissed. Appellant has served sentence.

Case Name: David Frederick v The Commissioner of Police
Magisterial Criminal Appeal No. 1 of 2012

Date: 11th February 2013

Coram: The Hon. Justice of Appeal Mario Michel
The Hon. Justice of Appeal Don Mitchell (Ag.)

Appearances:

Appellant: Appellant In Person.

Respondent: Mr. Colin Williams D.P.P., Mr. Colin John Asst. D.P.P. and Mr. Kareem Nelson for the Respondent.

Issues: Possession of controlled drug with intent to supply - Appeal against conviction and sentence of 5 years imprisonment.

Result and Reason: Matter adjourned to the next sitting of the Court of Appeal in this jurisdiction in week commencing 27th May 2013. 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: 11th February 2013

Coram: The Hon. Justice of Appeal Mario Michel
The Hon. Justice of Appeal Don Mitchell (Ag.)

Appearances:

Appellant: Mr. Duane Daniel for the Appellant.

Respondent: Mr. Colin Williams D.P.P., Mr. Carl Williams and Mr. Kareem Nelson for the Respondent.

Issues: Unlawful wounding – Appeal against conviction and sentence of 9 months imprisonment.

Result and Reason: Sentence of the magistrate is varied. 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 the 12th August 2013. In default of payment the Appellant is to serve a term of imprisonment of 9 months. The Magistrate failed to take into account the mitigating factors in arriving at his decision. The virtual complainant indicated acceptance of the sum of \$5,000.00 for compensation was acceptable.

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: 11th February 2013

Coram: The Hon. Justice of Appeal Mario Michel
The Hon. Justice of Appeal Don Mitchell (Ag.)

Appearances:

Appellant:	Ms. Samantha Robertson holding for Mr. Jomo Thomas for the Appellant.
Respondent:	Mr. Colin John, Asst. D.P.P., Mr. Carl Williams and Mr. Kareem Nelson for the Respondent.

Issues: Possession of controlled drug
Attempting to export controlled drug – Appeal against conviction and sentence of 9 years imprisonment on both counts sentences to run concurrently for each accused.

Result and

Reason: Matter stood down as attorney Jomo Thomas was downstairs conducting another matter.

Case Name: Aaron Mason Adams v The Commissioner of Police
Magisterial Criminal Appeal No. 36 of 2012

Date: 11th February 2013

Coram: The Hon. Justice of Appeal Mario Michel
The Hon. Justice of Appeal Don Mitchell (Ag.).

Appearances:

Appellant: Ms. Samantha Robertson for the Appellant.

Respondent: Mr. Colin Williams D.P.P, Mr. Colin John Asst. D.P.P., Mr. Carl Williams for the Respondent.

Issues: Unlawful and malicious wounding – Appeal against conviction and sentence of 3 months imprisonment.

Result and Reason: Appeal against sentence allowed and substituted with time already served. The Magistrate should have taken into account the youthfulness and the lack of previous convictions of the appellant when arriving at a decision.

Case Name: Mala Fergus v The Commissioner of Police
Magisterial Criminal Appeal No. 37 of 2012

Date: 11th February 2013

Coram: The Hon. Justice of Appeal Mario Michel
The Hon. Justice of Appeal Don Mitchell (Ag.)

Appearances:

Appellant: Appellant In Person.

Respondent:	Mr. Colin Williams D.P.P, Mr. Colin John Asst. D.P.P., Mr. Carl Williams for the Respondent.				
Issues:	(1) Possession of a firearm without licence (2) Possession of a firearm without licence Appeal against conviction and sentence of 4 years imprisonment on both counts, sentences to run concurrently.				
Result and Reason:	Appeal against sentence and conviction is dismissed. 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:	11th February 2013				
Coram:	The Hon. Justice of Appeal Mario Michel The Hon. Justice of Appeal Don Mitchell (Ag.)				
Appearances:	<table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top;">Appellant:</td> <td>No appearance of the Appellant.</td> </tr> <tr> <td style="vertical-align: top;">Respondent:</td> <td>Mr. Stephen Williams for the Respondent.</td> </tr> </table>	Appellant:	No appearance of the Appellant.	Respondent:	Mr. Stephen Williams for the Respondent.
Appellant:	No appearance of the Appellant.				
Respondent:	Mr. Stephen Williams for the Respondent.				
Issues:	Claim for damages.				
Result and Reason:	The matter is adjourned to the next sitting of the Court of Appeal in this jurisdiction to be held in the week commencing 27th May 2013. The Appellant is to be served with a notice of sitting personally. The Appellant was not present and 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: 11th February 2013

Coram: The Hon. Justice of Appeal Mario Michel
The Hon. Justice of Appeal Don Mitchell (Ag.)

Appearances:

Appellant:	Mr. Jomo Thomas and Ms. Shirila Barnwell for the Appellant.
Respondent:	Mr. Colin John, Asst. D.P.P., Mr. Carl Williams and Mr. Kareem Nelson for the Respondent.

Issues: Possession of controlled drug
Export of controlled drug
Appeal against conviction and sentence of 9
years imprisonment on both counts sentences
to run concurrently for each accused.

**Result and
Reason:** Appeal is dismissed on all grounds.
Conviction and sentence upheld. The grounds
of appeal are without merit.