

CHAMBER HEARING

Tuesday 16th June, 2009

BEFORE

The Hon. Mde. Janice George-Creque, Justice of Appeal

SAINT LUCIA

Case Name

The Saint Lucia Chamber of Commerce, Industry & Agriculture v Vela Samuel [Civil Appeal No. 12 of 2008]

Appearances:

**Applicant/
Respondent:**

Ms. Lydia Faisal

**Respondent/
Appellant:**

Mr. Mark Maragh

Issue:

Application to strike out Notice of Appeal

Result:

- 1. The Application is dismissed.**
- 2. The Appellant to file written submissions in support of appeal no later than Friday 19th June, 2009 failing which the appeal shall be struck out.**
- 3. The Respondent shall serve written submissions in opposition in accordance with r. 62.10 of the CPR 2000. The Respondent is at liberty to file written submissions in response within 7 days of service of the Appellant's written submissions.**
- 4. Costs agreed in the sum of \$1500.00 to be paid by the Appellant.**

Reason:

The objective of the CPR 2000 is to do justice between the parties. There is a valid appeal pending before the court notwithstanding the inordinate delay in prosecuting the appeal. The Appellant should not however be granted relief from sanctions because of dilatory conduct in prosecuting the appeal and noncompliance with the rules.

Case Name

**The Attorney General v Moses Malcolm Samson
[Civil Appeal No. 22 of 2009]**

Appearances:

**Appellant/
Applicant:**

Mrs. Georgis Taylor-Alexander, Solicitor General

Respondent: No appearance

Issue: Application for extension of time to appeal

Result:

1. The Application is adjourned to the next sitting of the Court of Appeal in Saint Lucia on 6th – 10 July, 2009.
2. Written submissions to be filed and served by the Applicant no later than Tuesday 23rd June, 2009.
3. Any notice opposing the Application to be filed and served no later than Tuesday 30th June, 2009 and the notice of opposition to be accompanied by the skeleton arguments of the Respondent.

Reason: The Respondent's Counsel, who is not on the record, was not served with the Notice of Hearing.

Case Name Charles Anthony v Imbert Simon
[Civil Appeal No. 20 of 2009]

Appearances:

Applicant: Mr. Gerard Williams

Respondent: Ms. Diana Thomas

Issue: Application for Leave to Appeal

Result: Application for Leave to Appeal is granted.

Reason: Any result flowing from an improper procedure ought not to stand. There is accordingly good ground for allowing this procedural appeal.

Case Name Modeste Joseph et al v Priscilla Durancy et al
[Civil Appeal No. 16 of 2009]

Appearances:

Applicants: Mr. Horace Fraser

Respondents: No appearance

Issue: Application for Leave to appeal

Result: 1. The Application for Leave to Appeal is granted.
2. The appeal to proceed as a procedural appeal.

Reason: The Application is unopposed and the Court is satisfied that there is a realistic prospect of success.

Case Name Caius Sargusingh v Margaret Sargusingh
[Civil Appeal No. 6 of 2008]

Appearances:

Applicant: Mr. Ermin Moise

Respondent: Mr. Jeannot-Michel Walters

Issue: Application for Stay of Execution

Result: The Application for Stay of Execution is granted pending the hearing and determination of the appeal.

Reason: The Application is unopposed.

**ANTIGUA AND
BARBUDA**

Case Name The Police Service Commission v Gary Nelson
[Civil Appeal No. 11 of 2009]

On paper:

Applicant: Watt & Associates

Respondents: Dane Hamilton & Associates

Issue: Application for Leave to Appeal
Application for Stay of Proceedings

Result: 1. The Application for Leave to Appeal is granted.

2. The appeal to proceed as a procedural appeal.
3. All proceedings in the High Court are also stayed pending the determination of the appeal.

Reason: The Application is unopposed and the Court is satisfied that there is a realistic prospect of success on appeal.

Case Name George Duberry v Bertrand Burke
[Civil Appeal No. 12 of 2009] and [Civil Appeal No. 13 of 2009]

On paper:

Appellant/ Respondent:	Watt & Associates
Respondent/ Appellant:	Henry & Burnette

Issue: Applications for Leave to appeal

Result: The Applications for Leave to Appeal in Civil Appeals No. 12 and 13 of 2009 to be consolidated and, in light of the fact that there are no written reasons to date, the Applications are adjourned for hearing before the Full Court sitting in Antigua and Barbuda scheduled for 22nd – 24th July, 2009.

Case Name Marie Makhoul v Cicely Foster
[Civil Appeal No. 14 of 2009]

On paper:

Appellant:	Marshall & Co.
Respondent:	Unrepresented

Issue: Application for Stay of Execution

Result and Reason: The Application is adjourned to the next Chamber date fixed for 14th July, 2009 due to short service of the Notice of Application.

Case Name	The Attorney General of the Commonwealth of Dominica et al v Gildon Richards [Civil Appeal No. 15 of 2008]		
On paper:	Appellant:	The Attorney General	
	Respondent:	Unrepresented	
Issue:	Application for Extension of time to appeal		
Result:	The Application is adjourned to a hearing before the Full Court sitting in the Commonwealth of Dominica scheduled for 16 th – 18 th September, 2009.		

Case Name	Mary Herbert v Desmond Herbert [Civil Appeal No. 3 of 2009]
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Appearances:	Appellant:	Mr. Vernon S. Veira
	Respondent:	Buttler, Buttler & Buttler
Issue:	Application for Leave to Appeal Application for Stay of Execution	

Result:

1. The Application for Leave to Appeal the Order of Justice Francis Belle made on 3rd April, 2009 striking out the Applicant's amended petition of Divorce is granted.
2. The Stay of Execution is refused.
3. Costs of the Application in the appeal.

Reason: The Application is unopposed. However with regard to the Stay of Execution the Application does not meet the criteria for a stay. Further, no evidence that costs has been assessed so as to give rise to an execution in respect of such costs.

**SAINT VINCENT
AND THE
GRENADINES**

Case Name Lennox Pompey v The Queen
[Criminal Appeal No .16 of 2007]

On paper:

Appellant: Unrepresented

Respondent: The Director of Public Prosecutions

Issue: Application for leave to add additional grounds of appeal

Result: Leave is granted to the Appellant to amend the Notice of Appeal by adding the additional grounds contained in the Letter Application of the Appellant.

Reason: Notice was served on the Director of Public Prosecutions and there was no objection to the additional grounds.

Case Name Calbert Toney v The Queen
[Criminal Appeal No. 15 of 2007]

On paper:

Appellant: Unrepresented

Respondent: The Director of Public Prosecutions

Issue: Application for leave to add additional grounds of appeal

Result: Leave is granted to the Appellant to amend the Notice of Appeal by adding the additional grounds contained in the Letter Application of the Appellant.

Reason: Notice was served on the Director of Public Prosecutions and there was

no objection to the additional grounds.

BEFORE

The Hon Ola Mae Edwards, Justice of Appeal

ANGUILLA

Case Name

**Rose Jones v Michael Fleming
[Civil Appeal No. 2 of 2009]**

On paper:

Appellant: Caribbean Associated Attorneys

Respondent: Astaphan's Chambers

Issue:

Application for extension of time to appeal

Result:

1. The Application for extension of time to file a Notice of Appeal which was filed on 5th June, 2009 is adjourned to 14th July, 2009 for determination on paper by a single Judge in Chambers.
2. The Applicant is to file, serve and transmit to the Court of Appeal on or before 6th July, 2009 skeleton arguments in support of the application in compliance with Practice Direction No. 3 of 2008 PD 3(a).
3. The Respondent is to file, serve and transmit to the Court of Appeal on or before 30th June, 2009 a notice indicating whether the Application is being opposed in compliance with Practice Direction No. 2 of 2008 PD2(b)(ii) and an opposing affidavit where necessary along with skeleton arguments if it is being opposed.