

Coram: The Honourable Chief Justice Hugh Rawlins
The Honourable Justice of Appeal Janice George-Creque
The Honourable Justice of Appeal Davidson Baptiste (Ag)

Date: 25th January 2010

JUDGMENTS

Issue:	Property law – Money Laundering – freezing order made pursuant to money laundering proceedings – whether the appellant/third party’s right to apply for removal of property from list of frozen assets was vested under the Money Laundering (Prevention) Act 1996 and 1999 – whether the Money Laundering (Prevention) (Amendment) Act 2001 was substantive or procedural – whether the Money Laundering Act (Prevention) (Amendment) 2001 could vary the
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freezing order of the court so that the procedural regime established therein could be read into the freezing order – whether the 2001 amendments to the Money Laundering (Prevention) Act 1996 had retrospective effect - Interpretation Act Cap. 224.

Result & Reasons:

Allowing the appeal and remitting the application to the court below with costs on the appeal to be assessed, if not agreed.

1. Michael Tyrell's conviction for the drug trafficking offence of being knowingly concerned in the importation of a prohibited substance is a money laundering offence within the meaning of the **MLA 1996**, as amended by the **MLA 1999**.
2. The **MLA 1996** as amended by the **MLA 1999** provided for the freezing of property, proceeds or instrumentalities located in Antigua and Barbuda derived from or connected or related to a money laundering offence occurring abroad for which a person had been charged abroad. The Act further made provision for the forfeiture of frozen property upon a conviction being made final. Having regard to the meaning of the word "forfeiture" as defined by the original **MLA 1996**, it could not have been the intention of the legislature that the frozen property Parcel 26 be automatically forfeited upon the conviction of Michael Tyrell being made final; and Section 20(2a)(d) of the **MLA 1996** as amended by the **MLA 1999** must be read as providing that on his conviction becoming final the frozen property shall be liable to be forfeited to the Government of Antigua and Barbuda.
3. Accordingly, upon Michael Tyrell's conviction being made final, the frozen property, Parcel 26, became liable to be forfeited by order of a court in Antigua and Barbuda without prejudice to the rights of a bona fide third party claiming legitimate legal interest in the property. Section 21(4) of the **MLA 1996** as amended by the **MLA 1999** provides the criteria to be applied by a court to the claim of a bona fide third party in respect of an existing freeze order or where a forfeiture order is being or has been made.

4. The **MLA 1996** as amended by the **MLA 1999** was repealed, replaced, and supplemented with provisions in the **MLA 2001** which have enlarged the category of property that may be the subject of a freeze order and forfeiture. The property to be forfeited no longer has to be property that is proceeds of crime derived or obtained directly or indirectly through the commission of drug trafficking and other related offences within or outside of Antigua and Barbuda. There is no longer a requirement for the court, before forfeiture, to make a determination on the question whether property, proceeds or instrumentalities were property, proceeds or instrumentalities derived from or connected or related to the money laundering offence. The frozen property is simply deemed to be an instrument of the offence by the operation of the automatic forfeiture provisions. This amounts to a substantive shift from the position that existed when the freeze order was obtained in 2000 pursuant to the **MLA 1996** and the **MLA 1999** to the position that exists under **MLA 2001**.
5. Section 20 of the **MLA 2001** makes it clear that upon the conviction of a defendant for a money laundering offence, property frozen in reliance on the charge is forfeited to the Crown upon the expiration of 90 days from the date of conviction of the defendant. Applications may be made within this 90 day period to exclude property from forfeiture, failing which the property is automatically forfeited at the end of the 90 day period. Upon forfeiture of the property occurring, a third party application may be made within 60 days from the date of forfeiture for the interest of a third party in the forfeited property to be excluded from the operation of the forfeiture; and any untimely application has to be made with the grant of leave by the court.
6. The appellant in November 2000 was legally entitled to await the conviction of Michael Tyrell and an application for a forfeiture order, before raising the ownership dispute in respect of Parcel 26 under the **MLA 1996** as amended by the **MLA 1999**; since the law required that upon the conviction of Michael Tyrell an applicant for a forfeiture order had to prove that Parcel 26 was property derived from or connected or related to the offence for which Michael Tyrell was convicted. This gave her a settled expectation that the procedure under Sections

19 to 22 of the **MLA 1996** as amended by the **MLA 1999** would apply to her application; and this expectation is a vested right or entitlement protected by Section 31(1)(b) to (e) of **The Interpretation Act** Cap 224 which ought not to be defeated.

7. This vested right would be impaired if the changes in the law brought about by the provisions in Part IV of the **MLA 1996** (Sections 19 to 22) as amended by the **MLA 1999** and the **MLA 2001** were given retrospective effect.

Yew Bon Tew and Another v Kenderaan Bas Mara [1983] 1 A.C. 553 (PC) considered and followed.

8. The **MLA 2001** did not apply to the appellant's application resulting from the freeze order made prior to the **MLA 2001** coming into force. The learned judge accordingly erred in finding that the appellant's application was not properly before the court.
9. Assuming that the appellant's application was caught by the retrospective application of the **MLA 2001** her application to recover or "unfreeze" the property (by whatever terminology used) would have been timely under Sections 20 and 21 of the **MLA 2001**. The application was made within the period of 150 days from 2nd December 2004 which was the date that Michael Tyrell's conviction became final when the Court of Appeal in London refused his application for leave to appeal; and the 150 days includes the 90 days referred to in Section 20(1) and the 60 days referred to in Section 21(2) under the provisions of the **MLA 2001**. This would be so, where the word "conviction" in Section 20(1) of the **MLA 2001** (which speaks only to "conviction" and not to a "conviction becoming final") is given a broad and purposive construction.
10. A purposive construction results in the word "conviction" in Section 21(1) of the **MLA 2001** being interpreted to mean a conviction which is final in the sense that there is an appeal against the conviction which has been determined by

exhaustion of the appeal process or the time for filing an appeal against the conviction has expired.

SAINT KITTS & NEVIS

Case Name: **Bank of Commerce (St. Kitts Nevis) Trust and Savings Association Limited v E. Anthony Ross**
[Civil Appeal No. 1 of 2008]

Appearances:

Appellant: - Mr. Colin Williams Director of Public Prosecutions holding papers for Mr. Karl Hudson-Phillips Q.C. with Mr. Sylvester Anthony
Respondent: - Ms. Patina Knights holding papers for Mr. Courtney Abel

Issue: Civil Appeal – Equity and Trusts – absence of consideration – voluntary settlement – whether valid – fiduciary duty of trustee – whether trustee can retain trust property beneficially.

Result & Reasons: Allowing the appeal, setting aside the order of the judge and awaiting prescribed costs to the appellant (the Bank) in this court and the court below.

1. Dennis Byron's only equity in the sums represented by the certificates deposit was as a trustee holding the equitable mortgage securing payment of the sums represented by the certificates to the owners of the certificates who, based on the face of the certificates, were Alminton and Mill Valley. It is clear therefore that he was not the beneficiary of the funds represented by the certificates of deposit.
2. The 1982 Agreement makes mention only of consideration moving from Anthony Ross as transferee to Dennis Byron to either Alminton or Mill Valley. Notwithstanding Mill Valley's and Alminton's approval and consent to the Agreement, the efficacy of the assignment by these companies falls to be considered in the context of a voluntary settlement.

3. In order to render a voluntary settlement valid, the settler must have done everything which was necessary to be done to transfer the property and render the settlement binding upon him. The absence of endorsement of the certificates of deposit by the named payees (Mill Valley and Alminton) is fatal to the claim of a beneficial interest by Anthony Ross.
Milroy v Lord 45 ER 1185, (1862) 4 De G. F. & J. 264, applied.
4. At its highest, as a result of the 1982 Agreement, Anthony Ross stood in the shoes of Dennis Byron, as trustee.
5. A trustee may not profit from his fiduciary duties. Even where for one reason or another there is no beneficiary to a trust, trust property can not go to the trustee.
Snell's Equity, 30th Edition and **Lewis on Trusts**, 17th Edition referred to.

ANTIGUA & BARBUDA

Case Name: **Philmore Skepple v Joseph Weekes**
[Civil Appeal No. 10 of 2009]

Appearances:

Applicant: - Miss Peronia Browne holding for Mr. Dane Hamilton.

Respondent: - Mr. Colin Williams D.P.P. holding for Mr. Justin Simon Q.C., Attorney-General

Issue: Civil Appeal – quantum – special damages – loss of income – whether general damages should be varied for a proper assessment of pecuniary prospects and loss of amenities – prescribed costs.

Result & Reasons: Allowing the appeal in part and increasing the award by the sum of \$15,000.00 for loss of income for the period of five months and awarding prescribed costs to the appellant in the court below based on an award of \$170,744.49 reduced by 60% as awarded by the master and for this appeal two-thirds of prescribed costs on the sum of \$15,000.00 reduce by 60%.

1. That the award for loss of pecuniary prospects could not be granted as there was no evidence that as a result of the accident the appellant was incapable of doing the job h was doing before as a result of some physical or mental injury suffered from accident.

Alphonso v Ramnath Civil Appeal No. 1 of 1996 BVI followed.

2. That the damage claimed for loss of earnings before trial is precise, capable of being worked out and was suffered before trial of this case, thus a classic claim for special damages. No such special damages were claimed pursuant to CPR Part 8.9.

HIGH COURT CIVIL APPEALS

Case Name: **Rosalind Williams v Lennox Creese**
[Civil Appeal No. 1 of 2007]

Appearances:

Appellant:- Mr. Emery Robertson
Respondent:- Miss Nicole Sylvester with her Ms Patina Knights and Ms Peronia Browne,
Dr. Linton Lewis with him Mr. Andreas Coombs .

Issue: The learned master erred in law when he struck out 162 of 2006 and the learned master erred in holding that Suit 415 of 2006 was barred by res judicata.

Result: The matter is dismissed and cost in the sum of \$1,500.00 awarded to the respondent.

Reason: Leave to appeal was required which was not obtained therefore the appeal is accordingly a nullity.

Case Name: **Gershon Robertson v Baldwin King et al**
[Civil Appeal No. 20 of 2008]

Appearances:

Appellant:- Mr. Emery Robertson.
Respondent:- Mr. Andrew Cummings Q.C. on record/No appearance

Issue: The learned trial judge erred in law when they failed to appreciate that there were two different legal estates where root of respective title was pleaded by the claimant.

Result: Matter traversed to the next sitting of the Court of Appeal in this jurisdiction.

Case Name: **Adnan Mkhoul v Keith Henry**
[Civil Appeal No. 1 of 2009]

Appearances:

Appellant:- Mr. Emery Robertson for the Appellant.
Respondent:- Mr. Richard Williams for the Respondent.

Issue: The learned trial judge misdirected herself when she held that there was no contract.

Result: Matter traversed to the next sitting of the Court of Appeal in this jurisdiction.

Case Name: **Chatham Bay Club Limited et al v Judith Jones-Morgan (Attorney-General for the State of Saint Vincent and the Grenadines)**
[Civil Appeal No. 21 of 2007]

Appearances:

Appellant:- Mr. James Guthrie Q.C., Mr. Parnell Campbell Q.C. Ms. Ramona Frederick,

Respondent:- Mr. Anthony Astaphan S.C. and Mr. Graham Bollers , Ms. Ruth-Ann Richards

Issue: Breach of conditions of A.L.H.L. costs.

Result: Matter is adjourned to Wednesday 27th January 2010

HIGH COURT CRIMINAL APPEAL AGAINST CONVICTION

Case Name: Earl Cauldric Edwards v The Queen
[Criminal Appeal No. 18 of 2008]

Appearances:

Appellant:- In Person.

Respondent:- Mr. Colin Williams, Director of Public Prosecutions

Issue: Murder – appeal against conviction and sentence of 18 years imprisonment.

Result: Registrar shall appoint counsel to represent the appellant in this Appeal. Matter adjourned to next sitting of the Court of Appeal in this jurisdiction.

Case Name: Douglas Pompey v The Queen
[Criminal Appeal No. 7 of 2008]

Appearances:

Appellant: In Person.

Respondent: Mr. Colin Williams, Director of Public Prosecutions

Issue: Unlawful sexual intercourse – appeal against conviction and sentence of

15 years imprisonment.

Result: Matter traversed to the next sitting of the Court of Appeal in this jurisdiction.

Case Name: **Alwill Franklyn v The Queen**
[Criminal Appeal No. 6 of 2009]

Appearances:

Appellant: Mr. Ronald Marks
Respondent: Mr. Colin Williams, Director of Public Prosecutions

Issue: Robbery – appeal against conviction and sentence of 6 years imprisonment and 18 months imprisonment, sentences to run concurrently.

Result: Matter traversed to the next sitting of the Court of Appeal in this jurisdiction.

APPLICATIONS

Case Name: **Godwin Sam v The Queen**
[Criminal Appeal No. 13 of 2007]

Appearances:

Appellant:- In Person.
Respondent:- Mr. Colin Williams, Director of Public Prosecutions,

Issue: Application for further witnesses.

Result: Matter traversed to the next sitting of the Court of Appeal in this jurisdiction.

HIGH COURT CRIMINAL APPEAL AGAINST CONVICTION

Case Name: Godwin Sam v The Queen
[Criminal Appeal No. 13 of 2007]

Appearances:

Appellant:- In Person.
Respondent:- Mr. Colin Williams, Director of Public Prosecutions

Issue: Burglary –appeal against conviction and sentence of 10 years imprisonment.

Result: Matter adjourned to the next sitting of the Court of Appeal in this jurisdiction.

HIGH COURT CIVIL APPEAL

Case Name: Dexter Chance et al v The Superintendent of Prisons et al
[Civil Appeal No. 18 of 2009]

Appearances:

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

Issue: Appeal against order of judge in extradition matter. The evidence was sufficient in law to establish a prima facie case. The London Extradition Scheme had no legal significance in determining its effect on the fairness of the proceedings.

Result: Matter adjourned to Thursday 28th January 2010.

HIGH COURT CRIMINAL APPEAL AGAINST CONVICTION

Case Name: **Esmond Roberts v The Queen**
[Criminal Appeal No. 20 of 2007]

Appearances:

Appellant:- In Person.
Respondent:- Mr. Colin Williams, Director of Public Prosecutions

Issue: Incest – appeal against conviction and sentence of 14 years imprisonment.

Result: Matter traversed to the next sitting of the Court of Appeal in this jurisdiction.

Case Name: **Eldon Graham v The Queen**
[Criminal Appeal No. 29 of 2007]

Appearances:

Appellant:- Ms. Maia Eustace, Ms. Vynette Frederick and Mr. Bayliss Frederick .
Respondent:- Mr. Colin Williams, Director of Public Prosecutions

Issue: Unlawful sexual intercourse and incest –appeal against conviction and sentence of 10 years on each count to run concurrently.

Result: Matter to be heard on Tuesday 26th January 2010.

Case Name: **Alister Smith v The Queen**
[Criminal Appeal No. 20 of 2009]

Appearances:

Appellant:- In Person.
Respondent:- Mr. Colin Williams, Director of Public Prosecutions

Issue: Deception –appeal against conviction and sentence of 7 years imprisonment.

Result: Matter traversed to the next sitting of the Court of Appeal in this jurisdiction.

HIGH COURT CIVIL

Case Name: **Peggy Huggins et al v Jozeyl Morris**
[Civil Appeal No. 9 of 2008]

Appearances:

Appellant:- Mr. Olin Dennie
Respondent:- Mr. Jaundy Martin

Issue: The learned judge erred in law when she found the appellant was not entitled to possession of the land.

Result: Matter traversed to the next sitting of the Court of Appeal in this jurisdiction.

Case Name: **De Freitas Investment Holdings Ltd v The Government of Saint Vincent and the Grenadines**
[Civil Appeal No. 19 of 2008]

Appearances:

Appellant:- Mr. Richard Williams
Respondent:- Mr. Jomo Thomas holding for Mr. Andrew Cummings Q.C.

Issue: Board of Assessment erred in their award in a land acquisition matter.

Result: Matter traversed to the next sitting of the Court of Appeal in this jurisdiction.

APPLICATIONS

Case Name: **Anderson Williams v The Queen**
[Criminal Appeal No. 18 of 2009]

Appearances:

Appellant:- In Person.
Respondent:- Mr. Colin Williams, Director of Public Prosecutions .

Issue: Application for extension of time and to call further witnesses.

Result: Registrar to take steps to appoint Miss Nicole Sylvester as counsel for the appellant for the purpose of this appeal. Matter traversed to the next sitting of the Court of Appeal in this jurisdiction.

Case Name: **Dale Jack v The Queen**
[Criminal Appeal No. 21 of 2009]

Appearances:

Appellant: In Person.
Respondent: Mr. Colin Williams, Director of Public Prosecutions .

Issue: Application for extension of time to appeal.

Result: Matter stood down.

Case Name: Daniel Cummings et al v Ralph Gonsalves
[Civil Appeal No. 22 of 2009]

Appearances:

Appellant:- Mr. Emery Robertson

Respondent:- Mr. Graham Bollers

Issue: Application for leave to appeal.

Result: Notice of Application for leave to appeal dismissed. Cost in the sum of \$1,500.00 to the respondent.

Reason: Notice of Appeal is struck out.

Case Name: Daniel Cummings v Ralph Gonsalves
[Civil Appeal No. 6 of 2009]
Case Management

Appearances:

Appellant:- Mr. Emery Robertson

Respondent:- Mr. Graham Bollers

Issue: Application for leave to appeal.

Result: Matter dismissed.

Reason: No leave to appeal obtained. Appeal is a nullity.

Case Name: Daniel Cummings v Ralph Gonsalves
[Civil Appeal No. 13 of 2009]
Case Management

Appearances:

Appellant:- Mr. Emery Robertson
Respondent:- Mr. Graham Bollers

Issue: Application for leave to appeal.

Result: Appeal dismissed.

Reason: No leave to appeal obtained. Appeal is a nullity.

Case Name: WE-Fm Ltd. et al v Nicole Sylvester
[Civil Appeal No 25 of 2009]

Appearances:

Appellant:- Mr. Richard Williams, Mr. Graham Bollers, Mr. Ronald Marks
Respondent:- Ms. Patina Knights, Mrs. Kay Bacchus-Browne

Issue: Application for appeal to be struck out.

Result: Application to strike out appeal is withdrawn and accordingly dismissed. Cost in the sum of \$2,000.00.

Case Name: Cecil Browne v Paulina Latham et al
[Civil Appeal No. 24 of 2009]

Appearances:

Appellant:- Miss Nicole Sylvester, Ms. Patina Knights, Ms. Peronia Browne
Respondent:- Mr. Richard Williams

Issue: Application for leave to appeal.

Result: Matter stood down to consider decision.

Date: 26th January 2010

Corum: Honourable Chief Justice Hugh Rawlins
Honourable Justice of Appeal Janice George-Creque
Honourable Justice of Appeal Davidson Baptiste

APPLICATIONS

Case Name: Cecil Browne v Paulina Latham et al
[Civil Appeal No. 24 of 2009]

Appearances:

Appellant:- Miss Nicole Sylvester, Ms. Patina Knights, Ms. Peronia Browne.
Respondent:- Mr. Richard Williams

Issue: The appeal is against the decision of the trial judge in which on an application for an adjournment of a trial the learned judge awarded costs of \$10,000 which was said to include a sum for expenses of travel.

Result: Appeal allowed. No order as to costs.

Reason: This appeal is against the decision of the trial judge in which on an application

for an adjournment of a trial the learned judge awarded costs of \$10,000 which was said to include a sum for expenses of travel. In the light of the circumstances and without having any reasons as to why the order for setting aside was denied by the judge this court felt that it was in a position to exercise that discretion de novo and that found that in all the circumstances the application to set aside taking into account the fact that there was no response or opposition to that application by the respondent, that in all the circumstances the proper order ought to be that there was no order as to costs in all the circumstances and accordingly the court sets aside the order of the trial judge.

Case Name: **Atiba Wiseman v Commissioner of Police**
[Magisterial Criminal Appeal No. 35 of 2009]

Appearances:

Appellant:- In Person.

Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams, Mr. Duane Daniel, Ms. Sejilla McDowall

Issue: Application for extension of time to appeal.

Result: Application for extension of time to appeal against sentence is granted. Notice of appeal filed on 14th October 2009 properly filed.

Case Name: **Keith Williams v Commissioner of Police**
[Magisterial Criminal Appeal No. 36 of 2009]

Appearances:

Appellant:- In Person.

Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams, Mr. Duane Daniel, Ms. Sejilla McDowall

Issue: Application for extension of time to appeal.

Result: Application for extension of time to appeal is granted. Notice of Appeal filed on 2nd November 2009 is properly filed. Appeal to be heard this week.

Case Name: **Dale Jack v The Queen**
[Criminal Appeal No. 21 of 2009]

Appearances:

Appellant: Appellant In Person.

Respondent: Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams, Mr. Duane Daniel, Ms. Sejilla McDowall for the Respondent.

Issue: Application for extension of time to appeal.

Result: Application for extension of time is granted. Notice of Appeal filed on 2nd November 2009 if properly filed.

Case Name: **Angus Penniston v The Queen**
[Criminal Appeal No. 23 of 2009]

Appearances:

Appellant:- Appellant In Person.

Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams, Mr. Duane Daniel, Ms. Sejilla McDowall for the Respondent.

Issue: Application for extension of time to appeal.

Result:

Application for extension of time is granted. Notice of Appeal filed on 4th December 2009 is properly filed.

HIGH COURT CRIMINAL APPEAL AGAINST CONVICTION

Case Name:

Eldon Graham v The Queen
[Criminal Appeal No. 29 of 2007]

Appearances:

Appellant:- Ms. Kalisia Isaacs .
Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams, Mr. Duane Daniel, Ms. Sejilla McDowall

Issue:

Unlawful sexual intercourse and incest –appeal against conviction and sentence of 10 years on each count to run concurrently.

Result:

Matter stood down.

HIGH COURT CRIMINAL APPEALS AGAINST SENTENCE

Case Name:

Austin Edwards v The Queen
[Criminal Appeal No. 26 of 2007]

Appearances:

Appellant:- In Person
Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams, Mr. Duane Daniel, Ms. Sejilla McDowall

Issue: Rape – appeal against sentence of 12 years imprisonment.

Result: Appeals against conviction and sentence are dismissed. .
Conviction and sentence of 12 years imprisonment affirmed.

Reasons: In relation to conviction, the evidence was given in court by the virtual complainant. The jury believed the virtual complainant as there was nothing to indicate that she was not a credible witness. In relation to the sentence, notwithstanding that it is a first offence the court considered that the appellant was in a position of trust in relation to the virtual complainant. The court considered also the guidelines which the judge considered and the use of threats and the mere use of violence and force, which are aggravating factors. In those circumstances, the court could find no ground on which they could disturb the judge’s discretion in relation to the sentence.

Case Name: **Oswald Roberts v The Queen**
[Criminal Appeal No. 19 of 2008]

Appearances:

Appellant:- In Person.

Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams, Mr. Duane Daniel, Ms. Sejilla McDowall

Issue: Manslaughter – appeal against sentence of 20 years imprisonment.

Result: Appeal against sentence is allowed to the extent that the sentence is reduced from 20 years imprisonment to 15 years imprisonment.

Reason: In the circumstances, the court felt that the sentence was excessive, in that the starting point for sentencing was 15 years. The mitigating factors in this case, i.e. the appellant had no previous convictions and he was remorseful should

reduce the sentence by one-third, making it 10 years. Then, in light of the aggravating factors, i.e. the age of the deceased and the fact that the crime was concealed for some time, along with the fact that the appellant confessed as soon as the deceased was discovered, the court was of the view that moving from 10 years when you look at the mitigating circumstances to 20 years after aggravating circumstances, was excessive.

Case Name: **Sebastian John v The Queen**
[Criminal Appeal No. 9 of 2009]

Appearances:

Appellant:- In Person

Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams, Mr. Duane Daniel, Ms. Sejilla McDowall

Issue: Rape – appeal against sentence of 7 years imprisonment.

Result: Appeal dismissed and sentence affirmed.

Reason: The court was of the view that the judge took into consideration the factors, the mitigating and aggravating factors. The court did not see anything which indicates that the judge erred in a way that would cause them to set aside her decision. On the decision of sentencing, very critical, the court felt that the appellant pleaded guilty and remorseful. It would be noted that despite being an attempted rape it carries the same penalty as the offence of rape.

Date: 26th January 2010

Corum: **The Honourable Justice of Appeal Ola Mae Edwards – Honourable President**
The Honourable Justice of Appeal Janice George-Creque
The Honourable Justice of Appeal Davidson Baptiste (Ag)

HIGH COURT CRIMINAL APPEALS AGAINST CONVICTION

Case Name: Selwyn Foye v The Queen
[Criminal Appeal No. 8 of 2007]

Appearances:

Appellant:- Mrs. Kay Bacchus-Browne
Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams, Mr. Duane Daniel, Ms. Sejilla McDowall

Issue: Murder –appeal against conviction and sentence of life imprisonment.

Result: Appeal against sentence allowed. Conviction and sentence quashed.

Reason: The court was of the view that the evidence of the dying declaration ought to have been excluded as it was unreliable. The court was concerned about the evidence of it being dark in the area, as this by itself would undermine the credibility of the evidence of identification. Further, there was no other evidence which linked the appellant to the crime, and although not accepted by the jury, the appellant raised an alibi.
(A written decision will follow.)

Corum: The Honourable Chief Justice Hugh Rawlins
The Honourable Justice of Appeal Ola Mae Edwards
The Honourable Justice of Appeal Davidson Baptiste (Ag)

Case Name: Olive Clarke v The Queen
[Criminal Appeal No. 12 of 2007]

Appearances:

Appellant:- In Person.

Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams,
Mr. Duane Daniel, Ms. Sejilla McDowall

Issue: Having sexual intercourse with a girl under 13 – appeal against conviction and sentence of 20 years imprisonment.

Result: Matter traversed to the next sitting of the Court of Appeal in this jurisdiction.

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

Appearances:

Appellant:- In Person

Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams, Mr.
Duane Daniel, Ms. Sejilla McDowall

Issue: Rape – appeal against conviction and sentence of 10 years imprisonment.

Result: Appeal against conviction and sentence dismissed. Conviction and sentence affirmed.

Reason: The court could not find any mitigating factors, but there were aggravating factors. The court was of the view that in the circumstances the sentence was lenient. The court found no reason to interfere with the sentence.

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

Appearances:

Appellant:- Mr. Jomo Thomas.
Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams, Mr. Duane Daniel, Ms. Sejilla McDowall

Issue: Rape – appeal against conviction and sentence of 18 years imprisonment.

Result: Counsel for the appellant shall file and serve skeleton arguments in 1 month from today’s date. Matter traversed to the next sitting of the Court of Appeal in this jurisdiction.

Case Names: **Edwin Lewis v The Queen**
[Criminal Appeal No. 27 of 2007]

Kendall Clarke v The Queen
[Criminal Appeal No. 28 of 2007]

Appearances:

Appellant:- In Person.
Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams, Mr. Duane Daniel and Ms. Sejilla McDowall

Issue: Rape –appeals against conviction and sentences of 10 years imprisonment each.

Result: Matter traversed to the next sitting of the Court of Appeal in this jurisdiction.

Reason: To allow appellants to instruct counsel.

Case Name: **Alpheus Nanton v The Queen**
[Criminal Appeal No. 32 of 2007]

Appearances:

Appellant:- Mr. Stephen Williams

Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams, Mr. Duane Daniel, Ms. Sejilla McDowall

Issue: Rape – appeal against conviction and sentence of 10 years imprisonment.

Result: Appeal against conviction is allowed. Conviction and sentence quashed.
Retrial ordered.

Reason: The court was of the view that there was in effect no recent complaint. There were no particulars given and there is a requirement for particulars of the complaint to be given so that when it is repeated the court and jury may test for consistency. In the absence of particulars there can be no test for consistency. It seems to have been aggravated in some measure by some of the directions that were given by the judge in relation to recent complaint. The court looked at the Diaz case which is a case that is very similar to ours and the result in that case is that when the conviction and sentence were quashed the court ordered a retrial. The circumstances of this case requires that there should be a retrial of this case.

Case Name: **Ewart Bacchus v The Queen**
[Criminal Appeal No. 6 of 2008]

Appearances:

Appellant:- Mrs. Kay Bacchus-Browne

Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams, Mr. Duane Daniel, Ms. Sejilla McDowall

Issue: Murder – appeal against conviction and sentence of 30 years imprisonment.

Result: Judgment reserved.

Date: 27th January 2010

Corum: The Honourable Justice of Appeal Ola Mae Edwards – Honourable President
The Honourable Justice of Appeal Janice George-Creque
The Honourable Justice of Appeal Davidson Baptiste (Ag)

HIGH COURT CRIMINAL APPEALS AGAINST CONVICTION

Case Name: Alpheus Nanton v The Queen
[Criminal Appeal No. 32 of 2007]

Appearances:

Appellant:- Miss Nicole Sylvester holding for Mr. Stephen Williams
Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams, Mr. Duane Daniel, Ms. Sejilla McDowall

Issue: Rape – appeal against conviction and sentence of 10 years imprisonment.

Result: Appeal against conviction is allowed. Conviction and sentence quashed.
Retrial ordered. Appellant’s bail shall continue in the same terms and conditions.

Reason: Order amended to include bail.

Case Name: Kerwin Small v The Queen
[Criminal Appeal No. 15 of 2008]

Appearances:

Appellant:- In Person.
Respondent:- Mr. Colin Williams, Director of Public Prosecutions

Issue: Wounding with Intent – appeal against conviction and sentence of 5 years imprisonment.

Result: Matter traversed to the next sitting of the Court of Appeal in this jurisdiction.

Reason: Appellant wants to secure services of an attorney.

Case Name: Eldon Graham v The Queen
[Criminal Appeal No. 29 of 2007]

Appearances:

Appellant:- Ms. Kalisia Isaacs
Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams, Mr. Duane Daniel, Ms. Sejilla McDowall

Issue: Unlawful sexual intercourse and incest – appeal against conviction and sentence of 10 years on each count to run concurrently.

Result: Appeal against conviction and sentence is dismissed. Sentence of 10 years imprisonment on each count is affirmed.

Reason: The court was of the view that the law was clearly stated by the learned trial judge as it related to the offence. It is not a requirement that there must be corroboration. The requirement is for the learned judge to give adequate directions, clearly warning the jury of the dangers and it cannot be said that the learned trial judge did not do this. The court could find no merit of any of

Corum:

The Honourable Justice of Appeal Ola Mae Edwards – Honourable President

The Honourable Justice of Appeal Janice Creque

The Honourable Justice of Appeal Frederick Bruce-Lyle (Ag.)

Case Name: Chatham Bay Club Limited et al v Judith Jones-Morgan (Attorney-General for the State of Saint Vincent and the Grenadines)
[Civil Appeal No. 21 of 2007]

Appellant:- Mr. James Guthrie Q.C., Mr. Parnell Campbell Q.C., Ms. Ramona Frederick

Respondent:- Mr. Anthony Astaphan S.C. and Mr. Graham Bollers, Ms. Ruth-Ann Richards

Result: Judgment reserved.

Case Name: Earl Wilson v Stephanie Wilson
[Civil Appeal No. 8 of 2008]

Appearances:

Appellant:- Mr. Samuel Commissiong for the appellant

Respondent:- Miss Nicole Sylvester, Ms. Patina Knights and Ms. Peronia Browne for the respondent.

Issue: The learned trial judge erred as he awarded a life interest in the disputed property to the respondent.

Result: Matter adjourned to Friday 29th January 2010 to facilitate discussion between parties.

Case Name: Elwardo Lynch v Ralph Gonsalves
[Civil Appeal No. 2 of 2009]

Appearances:

Appellant:- Mr. Stanley John, Mr. R. Akin John, Mr. Julian Jack, for the First Appellant.
Mr. Bertram Commissiong Q.C., Miss Mira Commissiong for the Second Appellant.

Respondent:- Mr. Anthony Astaphan Q.C., Mr. Graham Bollers, Mr. Stephen Williams

Issue: Damages – costs - interest

Result: Judgment reserved.

Date: 28th January 2010

Corum: The Honourable Justice of Appeal Ola Mae Edwards – Honourable President
The Honourable Justice of Appeal Janice George- Creque
The Honourable Justice of Appeal Davidson Baptiste (Ag)

HIGH COURT CIVIL APPEAL

Case Name: Dexter Chance et al v The Superintendent of Prisons et al
[Civil Appeal No. 18 of 2009]

Appearances:

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

Issue: Extradition – fairness of proceedings

Result: Matter stood down.

Case Name: Urcella King v Eileen Snagg
[Civil Appeal No. 23 of 2009]

Appearances:

Appellant:- Ms. Patina Knights holding for Ms. Nicole Sylvester for the appellant.
Respondent:- Mr. Olin Dennie for the respondent.

Issue: The learned judge erred in awarding the Claimant fee simple ownership of the land.

Result: Matter stood down.

Corum: The Honourable Justice of Appeal Ola Mae Edwards – Honourable President
The Honourable Justice of Appeal Davidson Baptiste (Ag)
The Honourable Justice of Appeal Frederick Bruce-Lyle (Ag.)

MAGISTERIAL CRIMINAL APPEALS AGAINST SENTENCE

Case Name: Cleroy Pinder v Commissioner of Police
[Magisterial Criminal Appeal No. 2 of 2009]

Appearances:

Appellant:- In Person
Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams, Ms. Sejilla McDowall.

Issue: Stealing - damage to property – appeal against sentence of 2 years and suspended sentence for 2 years dated 19.2.08 now activated to run consecutively; 1 year in prison to run concurrent; 6 months in prison to run concurrently.

Result: Appeal against sentence is dismissed and sentence of 2 years for unlawful taking of vehicle and 2 years for suspended sentence on previous offence are affirmed and should run consecutively.

Reason: Magistrate was correct in principle when she ordered the sentence should run consecutively. This court can find no reason to disturb the sentence.

Case Name: **Elton Williams v Commissioner of Police**
[Magisterial Criminal Appeal No. 14 of 2009]

Appearances:

Appellant:- In Person.

Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams,
Ms. Sejilla McDowall

Issue: Possession of firearm without licence/possession of cannabis without licence -
appeal against sentence of 2 years imprisonment to run consecutively; 1 year
imprisonment to run consecutively.

Result: Appeal against sentence dismissed. Sentence affirmed.

Reason: Court can find no reason to disturb sentence.

Case Name: **Kenton Cain v Commissioner of Police**
[Magisterial Criminal Appeal No. 16 of 2009]

Appearances:

Appellant:- In Person.

Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams,
Ms. Sejilla McDowall.

Issue: Possession of firearm and ammunition without licence – appeal against sentence
of 2 years and 3 months imprisonment; 6 months imprisonment, sentences to
run concurrently.

Result: Notice of appeal is withdrawn and accordingly dismissed.

Reason: Appellant withdrew appeal.

Case Name: **Commissioner of Police v Jamal Grant**
[Magisterial Criminal Appeal No. 25 of 2009]

Appearances:

Appellant:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams,
Ms. Sejilla McDowall.

Respondent:- Ms. Patricia Marks holding for Mr. Ronald Marks.

Issue: Possession of a controlled drug – Appeal against sentence of payment of a fine of \$17,000, pay \$3,000 forthwith, remainder in 6 months, in default, 18 months imprisonment.

Result: Matter stood down.

Case Name: **Calvin Patterson v Commissioner of Police**
[Magisterial Criminal Appeal No. 26 of 2009]

Appearances:

Appellant:- In Person.

Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams,
Ms. Sejilla McDowall.

Issue: Trespassing and stealing – appeal against sentence of 3 years in prison. Suspended sentence of 3 years imposed on 8th September 2006 is hereby activated and to run consecutively with the present sentence.

Result: Appeal is dismissed and sentence affirmed.

Reason: This court can find no reason to disturb the sentence.

Case Name: **Keith Williams v Commissioner of Police**
[Magisterial Criminal Appeal No. 36 of 2009]

Appearances:

Appellant:- In Person.
Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams,
Ms. Sejilla McDowall

Issue: Possession of a controlled drug – appeal against sentence of a fine of \$38,000
in 6 months or 2 ½ years imprisonment, consecutive to any sentence being
served.

Result: Matter stood down.

Case Name: **Ramardo Wright v Commissioner of Police**
[Magisterial Criminal Appeal No. 37 of 2009]

Appearances:

Appellant:- Mr. Jaundy Martin.
Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams,
Ms. Sejilla McDowall.

Issue: Possession of an offensive weapon – appeal against sentence of 1 month
imprisonment.

Result: Appeal against sentence allowed to the extent that the sentence is varied to time
served in prison. Appellant discharged.

Reason: The court was of the view that the magistrate did not pay enough attention to
the mitigating factors, i.e. his age and that he was a student at the time.

Case Name: **Trevon Charles v Commissioner of Police**
[Magisterial Criminal Appeal No. 38 of 2009]

Appearances:

Appellant:- Mr. Jaundy Martin for the Appellant.
Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams,
Ms. Sejilla McDowall for the Respondent.

Issue: Possession of an offensive weapon – Appeal against sentence of 1 month imprisonment.

Result: Appeal against sentence allowed to the extent that the sentence is varied to time served in prison. Appellant discharged.

Reason: The court was of the view that the magistrate did not pay enough attention to the mitigating factors, i.e. his age and that he was a student at the time.

Case Name: **Preben Lyttle v Commissioner of Police**
[Magisterial Criminal Appeal No. 40 of 2009]

Appearances:

Appellant:- In Person
Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams,
Ms. Sejilla McDowall for the Respondent.

Issue: Possession of firearm and ammunition without licence – Appeal against sentence of 1 year imprisonment; 3 months imprisonment and 4 years imprisonment, to run concurrently.

Result: The appeal against sentence on complaint No. 559 of 2009 is allowed and the sentence of 3 months imprisonment is quashed and set aside. Appeal against sentence on complaints 558 of 2009 and 560 of 2009 is dismissed and the

sentence is affirmed.

Reason: The court was of the view that his charge was duplicated in that every piece of ammunition he was found with he received a sentence for it. The court corrected in correcting the duplication that existed for possession of firearm.

Case Name: **Karon Bowens v Commissioner of Police**
[Magisterial Criminal Appeal No. 41 of 2009]

Appearances:

Appellant:- In Person.

Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams, Ms. Sejilla McDowall.

Issue: Possession of firearm without licence – appeal against sentence of 3 years imprisonment, 1 ½ years imprisonment, sentences to run concurrently.

Result: Appeal dismissed and sentence affirmed.

Reason: The court could find no reason to disturb the sentence.

Case Name: **Edward Gibbons v Commissioner of Police**
[Magisterial Criminal Appeal No. 42 of 2009]

Appearances:

Appellant:- Ms. Maia Eustace

Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams, Ms. Sejilla McDowall.

Issue: Possession of a controlled drug with intent to supply – appeal against sentence

of 2 ½ years imprisonment, and forfeiture of boat.

Result: Matter traversed to the next sitting of the Court of Appeal in this jurisdiction.

Case Name: **Everad Pierre v Commissioner of Police**
[Magisterial Criminal Appeal No. 43 of 2009]

Appearances:

Appellant:- In Person.

Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams,
Ms. Sejilla McDowall.

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

Result: Appeal dismissed and sentence affirmed.

Reason: The court considered the matter seriously and notwithstanding the appellant's
peculiar situation did not think in principle to be disturbing the sentence of
the magistrate except that we make the observation that the factors that she
took into account and that she regarded as aggravating circumstances,
particularly 3, his age and professional qualification, and it suggested that he
was cognizant and well aware of the task he had agreed to undertake and the
risks involved. The court found no reason to disturb the sentence.

Case Name: **Keith Williams v Commissioner of Police**
[Magisterial Criminal Appeal No. 36 of 2009]

Appearances:

Appellant:- In Person.

Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams, Ms. Sejilla McDowall.

Issue: Possession of a controlled drug – Appeal against sentence of a fine of \$38,000 in 6 months or 2 ½ years imprisonment, consecutive to any sentence being served.

Result: Appeal against sentence allowed to the extent that the period of imprisonment for non-payment of the fine is reduced to 1 year and the appellant is given 6 months from 1st April 2010 to pay the fine of \$38,000.00.

Reason: The court was of the view that the sentence of 2 ½ years for non-payment of \$38,000 would have to be disturbed to the extent that the 2 ½ years is reduced to 1 year, because the magistrate would have no jurisdiction to impose more than 1 year for non-payment of a fine. Having regard that he had not benefited from his 6 months stay as he was in prison with no means of obtaining the money, the six months would begin at the end of the present sentence.

HIGH COURT CIVIL APPEAL

Case Name: **Urcella King v Eileen Snagg**
[Civil Appeal No. 23 of 2009]

Appearances:

Appellant:- Ms. Patina Knights holding for Ms. Nicole Sylvester for the Appellant.

Respondent:- Mr. Olin Dennie for the Respondent.

Issue: The learned judge erred in awarding the claimant fee simple ownership of the land.

Result: Matter traversed to the next sitting of the Court of Appeal in this jurisdiction.

MAGISTERIAL CRIMINAL APPEAL AGAINST SENTENCE

Case Name: Commissioner of Police v Jamal Grant
[Magisterial Criminal Appeal No. 25 of 2009]

Appearances:

Appellant:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams,
Ms. Sejilla McDowall for the Respondent.
Respondent:- Mr. Ronald Marks for the Respondent.

Issue: Possession of a controlled drug – Appeal against sentence of payment of a fine of \$17,000, pay \$3,000 forthwith, remainder in 6 months, in default, 18 months imprisonment.

Result: Judgment reserved.

HIGH COURT CIVIL APPEAL

Case Name: Dexter Chance et al v The Superintendent of Prisons et al
[Civil Appeal No. 18 of 2009]

Appearances:

Appellant:- Mr. Alberton Richilieu and Mrs. Kay Bacchus-Browne for the Appellant.
Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams,
Ms. Sejilla McDowall for the Respondent.

Issue: Extradition – fairness of proceedings

Result: Matter stood down.

Corum: The Honourable Justice of Appeal Ola Mae Edwards – Honourable President
The Honourable Justice of Appeal Davidson Baptiste
The Honourable Justice of Appeal Janice Creque

HIGH COURT CIVIL APPEAL

Case Name: Dexter Chance et al v The Superintendent of Prisons et al
[Civil Appeal No. 18 of 2009]

Appearances:

Appellant:- Mr. Alberton Richilieu and Mrs. Kay Bacchus-Browne for the Appellant.
Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams, Ms. Sejilla McDowall for the Respondent.

Issue: Extradition – fairness of proceedings

Result: Matter adjourned to Friday 29th January 2010.

Corum: The Honourable Justice of Appeal Ola Mae Edwards – Honourable President
The Honourable Justice of Appeal Davidson Baptiste
The Honourable Justice of Appeal Frederick Bruce-Lyle (Ag.)

MAGISTERIAL CRIMINAL APPEAL AGAINST CONVICTION

Case Name: Austin McDowall v Commissioner of Police
[Magisterial Criminal Appeal No. 15 of 2009]

Appearances:

Appellant:- In Person.
Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams,

Ms. Sejilla McDowall.

Issue: Possession of firearm and ammunition without licence – appeal against conviction and sentence of 3 years imprisonment and 6 months imprisonment to run concurrently.

Result: Appeal against conviction dismissed. Appeal against sentence is allowed to the extent that sentence is reduced to 2 years and 9 months to run concurrently.

Reason: The court was of the view that the magistrate did not take into account time spent on remand. Sentence reduced to take into account remand time.

Case Name: **Cleron Horner et al v Commissioner of Police**
[Magisterial Criminal Appeal No. 17 of 2009]

Appearances:

Appellant:- Mr. Jaundy Martin.

Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams, Ms. Sejilla McDowall.

Issue: Causing actual bodily harm – appeal against conviction and sentence of a fine of \$500 or 3 months imprisonment, fine to be paid on or before 3rd April 2009.

Result: Appeal against conviction and sentence dismissed. Sentence affirmed.

Reason: Court could find no reason to interfere with the sentence.

Case Name: **Gayron Jackson v Commissioner of Police**
[Magisterial Criminal Appeal No. 39 of 2009]

Appearances:

Appellant:- In Person.

Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams,
Ms. Sejilla McDowall.

Issue: Unlawful and malicious wounding –appeal against conviction and sentence of
3 years imprisonment.

Result: Appeal against conviction and sentence are dismissed. Conviction and sentence
affirmed.

Reason: Matter withdrawn.

Case Name: **Harris Grant v Commissioner of Police**
[Magisterial Criminal Appeal No. 1 of 2010]

Appearances:

Appellant:- In Person.

Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams,
Ms. Sejilla McDowall.

Issue: Possession of a firearm and ammunition without licence –appeal against
conviction and sentence of 2 years imprisonment for the gun and 1 year
imprisonment for the bullets, sentences to run concurrently.

Result: Appeal against conviction and sentence are dismissed. Conviction and sentence
affirmed.

Reason: The court found no reason to alter finding of the magistrate or to interfere with
punishment.

Case Name: **Shimron Daniel v Commissioner of Police**
[Magisterial Criminal Appeal No. 44 of 2009]

Appearances:

Appellant:- In Person.

Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams,
Ms. Sejilla McDowall.

Issue: Using omnibus without licensed conductor – Appeal against conviction and sentence of payment of \$250 in 7 days or 21 days in prison.

Result: Appeal against conviction is allowed. Conviction is quashed.

Reason: The court was of the view that the evidence which was before the learned magistrate seems to us that the evidence fell short of the burden of proof and that that the magistrate erred when he found the appellant guilty on that quality of evidence for that offence.

Case Name: **Esmond Sam v Commissioner of Police**
[Magisterial Criminal Appeal No. 4 of 2010]

Appearances:

Appellant:- No appearance

Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams,
Ms. Sejilla McDowall

Issue: Damage to property without lawful excuse – Appeal against conviction and sentence in the form of compensation to the virtual complainant in the sum of \$300, in default 21 days imprisonment.

Result: Appeal dismissed for want of prosecution.

Date: 29th January 2010

Corum: The Honourable Justice of Appeal Ola Mae Edwards – Honourable President

The Honourable Justice of Appeal Davidson Baptiste (Ag)

The Honourable Justice of Appeal Frederick Bruce-Lyle (Ag.)

HIGH COURT CIVIL APPEALS

Case Name: Earl Wilson v Stephanie Wilson
[Civil Appeal No. 8 of 2008]

Appearances:

Appellant:- Mr. Samuel Commissiong

Respondent:- Miss Nicole Sylvester and Ms. Patina Knights.

Issue: The learned trial judge erred as he awarded a life interest in the disputed property to the respondent.

Result: Matter stood down.

Corum: The Honourable Justice of Appeal Ola Mae Edwards – Honourable President

The Honourable Justice of Appeal Janice George-Creque

The Honourable Justice of Appeal Davidson Baptiste

HIGH COURT CIVIL APPEAL

Case Name: **Dexter Chance et al v The Superintendent of Prisons et al**
[Civil Appeal No. 18 of 2009]

Appearances:

Appellant:- Mr. Alberton Richilieu and Mrs. Kay Bacchus-Browne
Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Mr. Carl Williams,
Ms. Sejilla McDowall

Issue: Extradition – fairness of proceedings

Result: Judgment reserved.

Corum: **The Honourable Justice of Appeal Ola Mae Edwards – Honourable**
President
The Honourable Justice of Appeal Janice George-Creque
The Honourable Justice of Appeal Frederick Bruce-Lyle (Ag.)

HIGH COURT CIVIL APPEAL

Case Name: **Earl Wilson v Stephanie Wilson**
[Civil Appeal No. 8 of 2008]

Appearances:

Appellant:- Mr. Samuel Commissiong
Respondent:- Miss Nicole Sylvester and Ms. Patina Knights

Issue: The learned trial judge erred as he awarded a life interest in the disputed property to the respondent.

Result: The parties are to file a consent order in this appeal on or before 4th February 2010 to be transmitted to the Court of Appeal.