

**IN THE COURT OF APPEAL OF THE
EASTERN CARIBBEAN SUPREME COURT
SAINT VINCENT AND THE GRENADINES
APPEAL RESULTS
[24TH TO 28TH JANUARY 2011]**

Coram: 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

Date: 24th January 2011

APPLICATIONS

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

Appearances:

Appellant:- No appearance
Respondent:- Mr. Colin Williams, Director of Public Prosecutions

Issue: Application for leave to call further witnesses.

Result: Matter stood down.

HIGH COURT CRIMINAL APPEALS AGAISNT CONVICTION

Date: 24th January 2011

Case Name: Webster Woodley v The Queen
[Criminal Appeal No. 1 of 2009]

Appearances:

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

Issue: Counsel to be assigned and to amend grounds of appeal.

Result:

1. Matter adjourned to 27th January 2011 for the Registrar to ascertain which counsel will accept the assignment to represent the applicant/appellant for the preparation and hearing of the appeal.
2. The acceptance of counsel to be in writing.

APPLICATIONS

Date: 24th January 2011

Case Name: **Rudolph Lewis v The Queen**
[Criminal Appeal No. 26 of 2009]

Appearances:

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

Issue: Counsel to be assigned.

Result: Pursuant to Rule 53 of the Court of Appeal Rules and Court Act section 51, it is in the interest of justice that the applicant/appellant has legal aid and he not having sufficient needs to retain the aid the court assigns counsel Mr. Ronald Marks for preparation and hearing of the appeal. Matter adjourned to 27th January 2011 for mention.

Date: 24th January 2011

Case Name: **Adolphus Ollivierre et al v Michelle Morthely**
[Civil Appeal No. 11 of 2010]

Appearances:

Appellant:- Mr. Olin Dennie
Respondent:- Mr. Ronald Marks

Issue: Striking out appeal and extension of time to file opposition.

Result: Application to strike out Notice of Appeal filed on 4th June 2010 is granted. Appeal is struck out for being a nullity. Cost in the sum of \$1,000.00 to the applicant.

Reason: The court was of the view that error of judgment did not affect substance of the judgment and therefore time began to run when the first copy of judgment was served on the appellant.

Date: 24th January 2011

HIGH COURT CIVIL APPEAL

Case Name: **Learna Quammie (Sole Executrix of the Estate of Guardsman Quammie, dec'd 10th December 2006) v Helon Quammie**
[Civil Appeal No. 16 of 2008]

Appearances:

Appellant:- Mr. Carlyle Dougan Q.C. **Respondent:-** Mr. Emery Robertson

Issue: The learned judge erred in law when he did not consider some evidence presented - application for an adjournment.

Result: Hearing of the application is adjourned to the next sitting of the court in Saint Vincent and the Grenadines during the week of 6th June 2011.

Date: 24th January 2011

APPLICATIONS

Case Name: **Swann Nichols v The Queen**
[Criminal Appeal No. 11 of 2010]

Appearances:

Appellant:- Mr. Cecil Blazer Williams **Respondent:-** Mr. Colin Williams Director of Public Prosecutions and Ms. Sejilla McDowall, Crown Counsel

Issue: Leave to call further witnesses.

Result: Application to call character witness is withdrawn and accordingly dismissed.

Reason: Upon application by Counsel.

Date: 24th January 2011

Case Name: **Raymond Williams v The Queen**
[Criminal Appeal No. 16 of 2010]

Appearances:

Appellant:- In Person.
Respondent:- Mr. Colin Williams Director of Public Prosecutions and Ms. Sejilla McDowall Crown Counsel

Issue: Extension of time within which to appeal.
Appeal against sentence of fine of \$2,500.00 to be paid in 1 week, in default 5 years imprisonment.

Result: Sentence varied from 1 week to 3 months, to pay a fine of \$2,500.00, in default remainder of sentence to be served.

Reason: No means test having been done by the judge as to the means of appellant to pay fine.

Date: 24th January 2011

Case Name: **Damien Bristol v The Queen**
[Criminal Appeal No. 17 of 2010]

Appearances:

Appellant:- Mr. Carlos James
Respondent:- Mr. Colin Williams Director of Public Prosecutions and Ms. Sejilla McDowall Crown Counsel

Issue: Application to amend an additional ground of appeal.

Result: Hearing of application is adjourned to next sitting of the Court of Appeal during the week of the 6th June 2011.

Reason: Upon application by counsel.

Date: 24th January 2011

Case Name: **Harold Cordice v The Commissioner of Police**
[Magisterial Criminal Appeal No. 56 of 2010]

Appearances:

Appellant:- No appearance
Respondent:- Mr. Colin Williams Director of Public Prosecutions and Ms. Sejilla McDowall Crown Counsel

Issue: Extension of time within which to appeal.

Result: Matter adjourned to Tuesday 25th January 2011.

Date: 24th January 2011

Case Name: **Lazika Richardson v The Commissioner of Police**
[Magisterial Criminal Appeal No. 1 of 2011]

Appearances:

Appellant:- No appearance
Respondent:- Mr. Colin Williams Director of Public Prosecutions and Ms. Sejilla McDowall Crown Counsel

Issue: Extension of time within which to appeal.

Result: Matter adjourned to Tuesday 25th January 2011.

Date: 24th January 2011

Case Name: **Bank of Nova Scotia v Chester Clake**
[Civil Appeal No. 23 of 2008]

Appearances:

Appellant:- Mrs. Agnes Cato for the First named Appellant and Mr. Emery Robertson for the Second named Appellant.

Respondent:- Mr. Samuel Commissioning for the first named Respondent.

Issue: Notice of Appeal (for mention).

Result: Matter adjourned to Tuesday 25th January 2011.

Date: 24th January 2011

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 and Ms. Sejilla McDowall, Crown Counsel

Issue: Leave to call further witnesses.

Result: (1) Application is withdrawn and stands dismissed.
(2) Matter is traversed to the next sitting of the Court of Appeal during the week of 6th June 2011.
This will be the final adjournment.

Date: 24th January 2011

HIGH COURT CRIMINAL AGAINST CONVICTION

Case Name: **Sidon Veira v The Queen**
[Criminal Appeal No. 12 of 2010]

Appearances:

Appellant:- Mr. Richard Williams

Respondent:- Mr. Colin Williams Director of Public Prosecutions and Ms. Sejilla McDowall Crown Counsel

Issue: Incest and rape – appeal against conviction and sentence of 8 years imprisonment to run concurrently and application for adjournment.

Result: The application is granted. Hearing of the appeal is traversed to the next sitting of the Court of Appeal in this jurisdiction during the week of 6th June 2011.

Date: 24th January 2011

HIGH COURT CIVIL APPEAL

Case Name: **Henry John et al v Lambert Browne**

[Civil Appeal No. 21 of 2009]

Appearances:

Appellant:- Mr. Jomo Thomas **Respondent:-** Mr. Carl Joseph for the Second and Third Respondents.

Issue: The learned trial judge erred in law when he decided that the respondents were in actual possession of land and application for an adjournment.

Result: Matter adjourned to 26th of 27th January when Civil matters will be dealt with.

Date: 24th January 2011

HIGH COURT CRIMINAL AGAINST CONVICTION

Case Name: **Shorn Samuel v The Queen**
[Criminal Appeal No. 22 of 2008]

Appearances:

Appellant:- Mrs. Kay Bacchus-Browne
Respondent:- Mr. Colin Williams Director of Public Prosecutions and Ms. Sejilla McDowall Crown Counsel

Issue: Murder – appeal against conviction and sentence to death by hanging.

Result: Hearing of the appeal is adjourned to the next sitting of the Court of Appeal in this jurisdiction during the week of 6th June 2011 at the request of Counsel for the Appellant.

Date: 24th January 2011

Case Name: **Noel Butler v The Queen**
[Criminal Appeal No. 18 of 2010]

Appearances:

Appellant:- Mrs. Kay Bacchus-Browne
of Public Prosecutions and Ms. Sejilla McDowall
Respondent:- Mr. Colin Williams Director and Mr. Colin John, Crown Counsel

Issue: Robbery – appeal against conviction and sentence of 20 years imprisonment.

Result: Hearing of the appeal is adjourned to the next sitting of the Court of Appeal in this jurisdiction in order for the appellant's request for witness statements of persons not called by Prosecution to be fulfilled by the Director of Public Prosecutions.

Date: 24th January 2011

HIGH COURT CRIMINAL APPEAL AGAINST SENTENCE

Case Name: **Anshanna Morris v The Queen**
[Criminal Appeal No. 1 of 2010]

Appearances:

Appellant:- Mr. Grant Connell
Respondent:- Mr. Colin Williams Director of Public Prosecutions and Ms. Sejilla McDowall
and Mr. Colin John, Crown Counsel
Issue: Manslaughter – appeal against sentence of 12 years imprisonment.
Result: Applicant now deceased. The appeal is now dismissed.

Date: 24th January 2011

HIGH COURT CRIMINAL APPEAL AGAINST CONVICTION

Case Name: **Patrick Lovelace v The Queen**
[Criminal Appeal No. 17 of 2009]

Appearances:

Appellant:- In Person.
Respondent:- Mr. Colin Williams Director of Public Prosecutions, Ms. Sejilla McDowall and Mr. Colin John, Crown Counsel

Issue: Murder – appeal against conviction and sentence of death by hanging.

Result:

- (1) The hearing of this appeal is adjourned to the next sitting of the Court of Appeal in this jurisdiction during the week of 6th June 2011.
- (2) The appellant has leave to file any amended grounds of appeal on or before 3rd March 2011.
- (3) The appellant has leave to make any necessary applications to this court on or before the 31st March 2011.
- (4) Skeleton submissions with authorities to be filed and served on or before 6th May 2011.
- (5) Respondent's skeleton submissions with authorities filed and served on or before 24th May 2011.
- (6) A copy of this order to be served on Mr. Shiraz Aziz counsel assigned to the appellant on or before 3rd February 2011 as well as on the appellant himself.
- (7) The appeal is set down for Case Management by teleconference from Saint Lucia on 19th April 2011.

Date: 24th January 2011

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

Appearances:

Appellant:- Mr. Ronald Marks
Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Ms. Sejilla McDowall and Mr. Colin John, Crown Counsel
Issue: Murder – appeal against conviction and sentence of eighteen (18) years imprisonment.

Result: (1) The hearing of this appeal is adjourned to the next sitting of the Court of Appeal in this jurisdiction during the week of 6th June 2011.
(2) The respondent’s skeleton submissions and authorities with any affidavits necessary to be filed and served.

Date: 24th January 2011

HIGH COURT CIVIL APPEAL

Case Name: Neil Ross et al v Avaline O’Garro et al
[Civil Appeal No. 5 of 2008]

Appearances:

Appellant:- No appearance
Respondent:- Ms. Nicole Sylvester and Ms. Patina Knights for first named Respondent.

Issue: The learned judge erred when he did not allow an application for relief from sanctions.

Result: Matter stood down.

Date: 24th January 2011

HIGH COURT CRIMINAL APPEAL AGAINST SENTENCE

Case Name: Dillon Saul v The Queen
[Criminal Appeal No. 20 of 2008]

Appearances:

Appellant:- Mr. Ronald Marks
Respondent:- Mr. Colin Williams, Director of Public Prosecutions, Ms. Sejilla McDowall and Mr. Colin John Crown Counsel

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

Result: Decision reserved.

Date: 24th January 2011

HIGH COURT CIVIL APPEAL

Case Name: Neil Ross et al v Avaline O’Garro et al
[Civil Appeal No. 5 of 2008]

Appearances:
Appellant:- No appearance **Respondent:-** Ms. Nicole Sylvester and Ms. Patina Knights
for first named Respondent.

Issue: The learned judge erred when he did not allow an application for relief from sanctions.

Result: The appeal is struck out. No order as to costs.

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

Date: 25th January 2011

HIGH COURT CRIMINAL APPEAL AGAINST SENTENCE

Case Name: Dillon Saul v The Queen
[Criminal Appeal No. 20 of 2008]

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

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

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

Reason: See oral judgment to be published.

Date: 25th January 2011

APPLICATIONS

Case Name: Bank of Nova Scotia v Chester Clake
[Civil Appeal No. 23 of 2008]

Appearances:

Appellant:- Mrs. Agnes Cato for the First named Appellant and Mr. Emery Robertson for the Second named Appellant.
Respondent:- Mr. Samuel Commissiong for the First and Second named Respondents; and Mr. Ronald Marks for the Third named Respondent.

Issue: Notice of Appeal (for mention).

Result: Matter adjourned to Thursday 27th January 2011.

Reason: For counsel to discuss what notes of evidence are available to assist in the preparation of the record and for the two Notices of Appeal to be submitted to the judges.

Date: 25th January 2011

HIGH COURT CRIMINAL APPEAL AGAINST CONVICTION

Case Name: **Sidon Veira v The Queen**
[Criminal Appeal No. 12 of 2010]

Appearances:

Appellant:- Mr. Richard Williams **Respondent:-** Mr. Colin Williams Director of Public Prosecutions and Ms. Sejilla McDowall
and Colin John, Crown Counsel

Issue: Incest and rape – appeal against conviction and sentence of 8 years imprisonment to run concurrently and application for adjournment.
Oral application for directions.

Result: (1) Appellant has leave to file and serve amended grounds of appeal on or before 31st January 2011.
(2) Appellant has leave to file and serve a supplemental bundle containing the evidence of the virtual complainant given at first trial.

Date: 25th January 2011

HIGH COURT CRIMINAL APPEAL AGAINST SENTENCE

Case Name: **Nigel Byron v The Queen**
[Criminal Appeal No. 4 of 2010]

Appearances:

Appellant:- In Person.
Respondent:- Mr. Colin Williams Director of Public Prosecutions; Ms. Sejilla McDowall and Mr. Colin John Crown Counsel

Issue: Robbery – appeal against sentence of 10 years imprisonment.

Result: Appeal allowed to the extent that sentence is varied to take effect from date of

remand.

Reason: Learned judge erred when she did not take into account the time the appellant spent on remand.

Date: 25th January 2011

Case Name: **Simon Douglas v The Queen**
[Criminal Appeal No. 10 of 2010]

Appearances:

Appellant:- In Person.

Respondent:- Mr. Colin Williams Director of Public Prosecutions; Ms. Sejilla McDowall and Mr. Colin John Crown Counsel

Issue: Manslaughter – appeal against sentence of 15 years imprisonment.

Result:

- (1) Pursuant to Section 51 of the Court of Appeal Act and Rule 53 of the Court of Appeal Rules and upon the application of the appellant, the court is of the opinion that it is desirable in the interest of justice that he has legal aid and he not having the means to retain such, is assigned counsel Mr. Jomo Thomas for the preparation and hearing of his appeal.
- (2) The hearing of the appeal is traversed to the next sitting of the Court of Appeal in this jurisdiction during the week of 6th June 2011.

Date: 25th January 2011

Case Name: **Swann Nichols v The Queen**
[Criminal Appeal No. 11 of 2010]

Appearances:

Appellant:- Mr. Cecil Blazer Williams
Respondent:- Mr. Colin Williams Director of Public Prosecutions and Ms. Sejilla McDowall
Crown Counsel

Issue: Wounding with intent – appeal against sentence of 12 years imprisonment.

Result: Appeal allowed to the extent that the sentence is varied from 12 years to 10 years imprisonment.

Reason: The court was of the view that the learned judge fell into error where he made his computation of the sentence on the basis of the maximum period of imprisonment on benchmark established in previously decided cases of this court. The nominal period of imprisonment for the offence of wounding with intent would be less than the 15 years benchmark established for manslaughter where it arises on an indictment for murder. Taking into account his plea of guilty, on a nominal sentence starting at 12 years, the appellant would be entitled to the 12 years being reduced to 8 years. However, the aggravating factors in the appeal dominate the other mitigating factors and a principle sentence would be 10 years in all the circumstances of this case.

Date: 25th January 2011

HIGH COURT CRIMINAL APPEAL AGAINST SENTENCE

Case Name: **Luther Badnock v The Queen**
[Criminal Appeal No. 19 of 2010]

Appearances:

Appellant:- In Person.
Respondent:- Mr. Colin Williams Director of Public Prosecutions, Ms. Sejilla McDowall and Mr. Colin John Crown Counsel

Issue: Burglary – appeal against sentence of 8 years imprisonment.

Result: Matter stood down.

Date: 25th January 2011

Case Name: **Iso Lynch v The Queen**
[Criminal Appeal No. 11 of 2010]

Appearances:

Appellant:- In Person.
Respondent:- Mr. Colin Williams Director of Public Prosecutions, Ms. Sejilla McDowall and Mr. Colin John Crown Counsel

Issue: Deception – appeal against sentence of 6 years imprisonment.

Result: Appeal allowed to the extent that sentence is varied to begin from 4th February 2010, the date of remand.

Reason: Learned judge erred when he did not take into account time spend on remand.

Date: 25th January 2011

Case Name: **Dwayne Jacobs v The Queen**
[Criminal Appeal No. 21 of 2010]

Appearances:

Appellant:- In Person.
Respondent:- Mr. Colin Williams Director of Public Prosecutions, Ms. Sejilla McDowall and Mr. Colin John Crown Counsel

Issue: Attempted burglary – appeal against sentence of 5 years and 2 years imprisonment, running consecutively.

Result: Appeal is dismissed.

Reason: Court cannot find any reason to interfere with the sentence.

Date: 25th January 2011

Case Name: **Ronald Isaacs v The Queen**
[Criminal Appeal No. 22 of 2010]

Appearances:

Appellant:- In Person.
Respondent:- Mr. Colin Williams Director of Public Prosecutions, Ms. Sejilla McDowall and Mr. Colin John Crown Counsel

Issue: Unlawful sexual intercourse – appeal against sentence of 10 years imprisonment.

Result: Hearing of appeal is adjourned to the next sitting of the Court of Appeal in this jurisdiction during the week of 6th June 2011.

Reason: Appellant wants time to get services of a lawyer.

Date: 25th January 2011

Case Name: **Eddie Dabriel v The Queen**
[Criminal Appeal No. 26 of 2010]

Appearances:

Appellant:- In Person.
Respondent:- Mr. Colin Williams Director of Public Prosecutions, Ms. Sejilla McDowall and Mr. Colin John Crown Counsel.

Issue: Indecent assault – appeal against sentence of 7 years imprisonment.

Result: Appeal is dismissed.

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

Date: 25th January 2011

Case Name: **Luther Badnock v The Queen**
[Criminal Appeal No. 19 of 2010]

Appearances:

Appellant:- In Person.
Respondent:- Mr. Colin Williams Director of Public Prosecutions, Ms. Sejilla McDowall and Mr. Colin John Crown Counsel

Issue: Burglary – appeal against sentence of 8 years imprisonment.

Result: Matter stood down.

Date: 25th January 2011

HIGH COURT CRIMINAL APPEALS 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, Ms. Sejilla McDowall and Mr. Colin John Crown Counsel

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

Result: On the application of the appellant, the hearing of the appeal is adjourned to the next sitting of the Court of Appeal in this jurisdiction during the week of 6th June 2011.
This is the final adjournment.

Date: 25th January 2011

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

Appearances:

Appellant:- Mr. Jomo Thomas
Respondent:- Mr. Colin Williams Director of Public Prosecutions, Ms. Sejilla McDowall
And Mr. Colin John Crown Counsel

Issue: Unlawful sexual intercourse – appeal against conviction and sentence of fifteen (15) years imprisonment.

Result: Appeal allowed. Conviction and sentence set aside and retrial ordered subject to the Director of Public Prosecutions' direction. Bail offered in the sum of \$2,000.00 in his recognizance to make himself available to appear before the court whenever summoned.

Reason: The trial judge made fundamental errors in allowing inadmissible hearing of evidence, leading questions from the prosecution, absence of putting a proper election to the appellant pursuant to section 195 of the Criminal Code, and in some of his directions to the jury.

Date: 25th January 2011

HIGH COURT CRIMINAL APPEALS AGAINST SENTENCE

Case Name: **Luther Badnock v The Queen**
[Criminal Appeal No. 19 of 2010]

Appearances:
Appellant:- In Person.
Respondent:- Mr. Colin Williams Director of Public Prosecutions, Ms. Sejilla McDowall and Mr. Colin John Crown Counsel

Issue: Burglary – appeal against sentence of 8 years imprisonment.

Result: Appeal is allowed to the extent that the sentences to run from the date of remand

Reason: Learned judge erred when he did not take into account time spent on remand.

Date: 25th January 2011

HIGH COURT CRIMINAL APPEALS AGAINST CONVICTION

Case Name: **Orlando Spencer v The Queen**
[Criminal Appeal No. 3 of 2010]

Appearances:
Appellant:- In Person.
Respondent:- Mr. Colin Williams Director of Public Prosecutions, Ms. Sejilla McDowall and Mr. Colin John, Crown Counsel

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

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

Reason: **during the week of 6th June 2011.**

Coram: **The Honourable Chief Justice Hugh Rawlins**
The Honourable Justice of Appeal Frederick Bruce-Lyle (Ag.)

Date: 25th January 2011

MAGISTERIAL CRIMINAL APPEALS AGAINST SENTENCE

Case Name: **Trevor Perrotte v Commissioner of Police**
[Magisterial Criminal Appeal No. 3 of 2010]

Appearances:
Appellant:- In Person.
Respondent:- Mr. Carl Williams Crown Counsel.

Issue: Possession of cannabis – appeal against sentence of 3 ½ years imprisonment.
Result: Appeal allowed to the extent that sentence varied from 3 ½ years to 3 years.
Reason: For the purpose of consistency when compared with like cases.

Date: 25th January 2011

Case Name: **Colville McNichols v The Commissioner of Police**
[Magisterial Criminal Appeal No. 10 of 2010]

Appearances:

Appellant:- In Person.
Respondent:- Mr. Carl Williams Crown Counsel

Issue: Unlawful and malicious grievous bodily harm – appeal against sentence of a fine of \$2,000.00 or 1 year imprisonment. Further ordered to pay compensation in sum of \$1,000.00 or a further 6 months imprisonment. Fine and compensation to be paid on or before 10th August 2007.

Result: Application for extension of time within which to pay compensation of \$1,000.00 granted and accordingly the appeal is allowed to the extent that the appellant shall pay compensation in full on or before 31st July 2011, in default he shall serve 6 months in prison.

Reason: Appellant is gainfully employed.

Date: 25th January 2011

Case Name: **Akong James v The Commissioner of Police**
[Magisterial Criminal Appeal No. 21 of 2010]

Appearances:

Appellant:- In Person.
Respondent:- Mr. Carl Williams, Crown Counsel

Issue:

Result: The applicant having withdrawn the appeal, the appeal stands dismissed and conviction and sentence is affirmed.

Reason: Appellant has withdrawn appeal.

Date: 25th January 2011

Case Name: **Ronnie Frederick v The Commissioner of Police**

[Magisterial Criminal Appeal No. 37 of 2010]

Appellant:- In Person.
Respondent:- Mr. Carl Williams, Crown Counsel

Issue: Possession of a controlled drug with intent to supply – appeal against sentence in respect of count No. 1 of 2 years imprisonment and count No. 2, 4 months imprisonment, sentences to run concurrently.

Result: Matter traversed to the next sitting of the Court of Appeal in this jurisdiction during the week of 6th June 2011 to facilitate the appellant to retain counsel.

Date: 25th January 2011

Case Name: **Stuart Horne v The Commissioner of Police**
[Magisterial Criminal Appeal No. 38 of 2010]

Appearances:

Appellant:- Mr. Stephen Williams
Respondent:- Mr. Carl Williams, Crown Counsel

Issue: Possession of a controlled drug with intent to supply – appeal against sentence of 18 months imprisonment.

Result: Appeal dismissed. Sentence and conviction affirmed.

Reason: Court has no reason to depart from previous cases or its position on sentencing with regard to drug cases.

Date: 25th January 2011

Case Name: **Jahrado Francis v The Commissioner of Police**
[Magisterial Criminal Appeal No. 47 of 2010]

Appearances:

Appellant:- Mr. Stephen Williams
Respondent:- Mr. Carl Williams Crown Counsel

Issue: Possession of a controlled drug with intent to supply – appeal against sentence of 21 months imprisonment.

Result: Appeal dismissed. Sentence and conviction affirmed.

Reason: Court has no reason to depart from previous cases or its position on sentencing with regard to drug cases.

Date: 25th January 2011

Case Name: **David Defreitas v The Commissioner of Police**

[Magisterial Criminal Appeal No. 51 of 2010]

Appearances:

Appellant:- Mrs. Sandra Robertson-Drayton **Respondent:-** Mr. Carl Williams Crown Counsel

Issue: Possession of a controlled drug – appeal against sentence of 4 years imprisonment.

Result: Appeal against sentence is allowed to the extent that sentence of four years imprisonment is substituted for a fine of \$40,000.00 to be paid in 6 months, in default 3 years imprisonment.

Date: 25th January 2011

Case Name: **Andrew Baptiste v The Commissioner of Police**
[Magisterial Criminal Appeal No. 52 of 2010]

Appearances:

Appellant:- In Person.
Respondent:- Mr. Carl Williams Crown Counsel

Issue: Possession of a controlled drug – appeal against sentence of 6 ½ years imprisonment.

Result: Appeal withdrawn and accordingly dismissed.

Date: 25th January 2011

Case Name: **Kevin Butler v The Commissioner of Police**
[Magisterial Criminal Appeal No. 53 of 2010]

Appearances:

Appellant:- In Person.
Respondent:- Mr. Carl Williams Crown Counsel

Issue: Possession of a controlled drug – appeal against sentence of 6 months imprisonment.

Result: Hearing of appeal traversed to the next sitting of the Court of Appeal in this jurisdiction during the week of 6th June 2011 to allow appellant to secure the services of Counsel

Date: 25th January 2011

Case Name: **Othneil Joseph v The Commissioner of Police**
[Magisterial Criminal Appeal No. 54 of 2010]

Appearances:

Appellant:- In Person.

Respondent:- Mr. Carl Williams Crown Counsel

Issue: Possession of a controlled drug – appeal against sentence of 2 ½ years imprisonment.

Result: Matter traversed to the next sitting of Court of Appeal in this jurisdiction during the week of 6th June 2011 to allow Appellant to secure the services of counsel.

Date: 25th January 2011

Case Name: **Janel Ferdinand v The Commissioner of Police**
[Magisterial Criminal Appeal No. 55 of 2010]

Appearances:

Appellant:- Mrs. Kay Bacchus-Browne

Respondent:- Mr. Carl Williams Crown

Counsel

Issue: Possession of a controlled drug – appeal against sentence of 20 months imprisonment.

Result: Appeal dismissed. Conviction and sentence affirmed.

Reason: Sentence is reasonable. Court will not disturb the sentence.

Date: 25th January 2011

MAGISTERIAL CRIMINAL APPEALS AGAINST CONVICTION

Case Name: **Nigel Regisford v The Commissioner of Police**
[Magisterial Criminal Appeal No. 14 of 2010]

Appearances:

Appellant:- No appearance

Respondent:- Ms. Sejilla McDowall Crown Counsel

Issue: Possession of firearm and ammunition without a licence – appeal against conviction and sentence with regard to Count No. 1 - 2 ½ years imprisonment and Count No. 2 – 1 year imprisonment, sentences to run concurrently.

Result: Matter adjourned to the next sitting of the Court of Appeal in this jurisdiction during the week of 6th June 2011 to facilitate service on the appellant. The Registrar to ensure that the appellant is served for the Court of Appeal sitting in Saint Vincent and the Grenadines June 2011 hearing.

Reason: To effect service on the appellant.

Date: 25th January 2011

Case Name: **Jaston Burke v The Commissioner of Police**
[Magisterial Criminal Appeal No. 46 of 2010]

Appearances:

Appellant:- In Person.

Respondent:- Mr. Carl Williams Crown Counsel

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

Result: Appeal dismissed. Conviction and sentence affirmed.

Reason: There was no self-defence. The conviction was not unsafe. It was a most vicious attack.

Date: 25th January 2011

Case Name: **Raymond Ryan v The Commissioner of Police**
[Magisterial Criminal Appeal No. 48 of 2010]

Appearances:

Appellant:- Mr. Carlos James **Respondent:-** Mr. Carl Williams Crown Counsel

Issue: Possession of a controlled drug with intent to supply and Possession of Ammunition – appeal against conviction and sentence of Count No. 1 – 5 years imprisonment and Count No. 2 – 18 months imprisonment, to run concurrently.

Result: Matter traversed to the next sitting of the Court of Appeal in this jurisdiction during the week of 6th June 2011.

Date: 25th January 2011

Case Name: **Martian King v The Commissioner of Police**
[Magisterial Criminal Appeal No. 50 of 2010]

Appearances:

Appellant:- Mr. Akin John **Respondent:-** Mr. Carl Williams Crown Counsel

Issue: Driving without insurance and permit – appeal against conviction and sentence of Count No. 1 – 3 months imprisonment and Count No. 2 – 3 months imprisonment, to run concurrently.

Result: Matter traversed to the next sitting of the Court of Appeal in this jurisdiction during the week of 6th June 2011.

Reason: Counsel recently received the Record of Appeal.

Date: 25th January 2011

Case Name: **Stowell Pierre v The Commissioner of Police**
[Magisterial Criminal Appeal No. 49 of 2010]

Appearances:

Appellant:- In Person.
Respondent:- Mr. Carl Williams Crown Counsel

Issue: Possession of a firearm and ammunition without a licence – appeal against conviction and sentences of – Count 1: 3 years imprisonment; Count 2: 6 months imprisonment; Count No. 3: 1 year imprisonment; Count No. 4: 4 months imprisonment. Sentences to run concurrently.

Result: Appeal withdrawn and accordingly dismissed. Conviction and sentence affirmed.

Date: 25th January 2011

Case Name: **Lodwin Ashton v The Commissioner of Police**
[Magisterial Criminal Appeal No. 57 of 2010]

Appearances:

Appellant:- Mr. Olin Dennie **Respondent:-** Mr. Carl Williams Crown Counsel

Issue: Assault causing bodily harm – appeal against conviction and sentence of a fine in the sum of \$800.00 or 3 months imprisonment. Fine to be paid on or before 8th September 2010.

Result: Matter traversed to the next sitting of the Court of Appeal in this jurisdiction during the week of 6th June 2011.

Date: 25th January 2011

MAGISTERIAL CRIMINAL APPEAL AGAINST CONVICTION

Case Name: **Patricia Marva Chance v Luke Browne et al (Private Criminal)**
[Magisterial Criminal Appeal No. 2 of 2011]

Appearances:

Appellant:- Mrs. Kay Bacchus-Browne, Ms. Nicole Sylvester and Ms. Patina Knights
Respondent:- Mr. Richard Williams and Mr. Graham Bollers

Issue: Induce someone to vote without residential qualification.

Result: Matter adjourned to the 26th January 2011 for hearing before full court.

Date: 25th January 2011

MAGISTERIAL CIVIL APPEAL

Case Name: Mathias Munroe v Diana Edwards
[Magisterial Civil Appeal No. 2 of 2010]

Appearances:

Appellant:- Mrs. Kay Bacchus-Browne
Respondent:- In Person.

Issue: The decision of the learned magistrate is unreasonable and cannot be supported by the evidence.
.

Result: The appeal is allowed. Decision of the magistrate set aside.

Reason: No point of negligence given in the evidence. Nothing was said on the legal position. Learned magistrate appeared apologetic for awarding the sum.

Corum: The Honourable Chief Justice Hugh Rawlins
The Honourable Justice of Appeal Janice George-Creque
The Honourable Justice of Appeal Frederick Bruce-Lyle (Ag.)

Date: 26th January 2011

APPLICATIONS

Case Name: Lazika Richardson v The Commissioner of Police
[Magisterial Criminal Appeal No. 1 of 2011]

Appearances:

Appellant:- In Person.
Respondent:- Mr. Carl Williams, Crown Counsel

Issue: Extension of time within which to appeal.

Result: (1) The application to appeal is allowed and Notice of Appeal filed on the 11th January 2011 deemed properly filed.
(2) Registrar to take such steps as necessary to inform the magistrate herein. Court is now differently constituted therefore it cannot deal with matter.

Date: 26th January 2011

Case Name: Cedric Samuel aka Cedric Johnson v Alma Johnson et al
[Civil Appeal No. 21 of 2008]

Appearances:

Appellant:- Mr. Sylvester Raymond-Cadette
Respondent:- Ms. Nicole Sylvester and Ms. Patina Knights

Issue: Extension of time within which to appeal.

Result: The application for extension of time within which to appeal is dismissed.

Reason: The court was of the view that a delay of 9 months is too long and the court has given numerous judgments on this issue.

Date: 26th January 2011

HIGH COURT CIVIL APPEAL

Case Name: **Henry John et al v Lambert Browne**
[Civil Appeal No. 21 of 2009]

Appearances:

Appellant:- Mr. Jomo Thomas
Respondent:- Mr. Carl Joseph for the Second and Third Respondents, Mr. Richard Williams for the First Respondent.

Issue: The learned trial judge erred in law when he decided that the respondents were in actual possession of land and application for an adjournment.

Result: Hearing of this appeal is traversed to the next sitting of the Court of Appeal in this jurisdiction during the week of 6th June 2011.

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

Date: 26th January 2011

MAGISTERIAL CRIMINAL APPEAL AGAINST CONVICTION

Case Name: **Patricia Marva Chance v Luke Browne et al (Private Criminal)**
[Magisterial Criminal Appeal No. 2 of 2011]

Appearances:

Appellant:- Mrs. Kay Bacchus-Browne, Ms. Nicole Sylvester and Ms. Patina Knights
Respondent:- Mr. Richard Williams and Mr. Graham Bollers

Issue: Induce someone to vote without residential qualification.

Result: Matter adjourned to the 27th January 2011.

Reason: On the request of counsel for the Appellant.

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

Date: 27th January 2011

MAGISTERIAL CRIMINAL APPEAL AGAINST CONVICTION

Case Name: Patricia Marva Chance v Luke Browne et al (Private Criminal)
[Magisterial Criminal Appeal No. 2 of 2011]

Appearances:

Appellant:- Mrs. Kay Bacchus-Browne, Ms. Nicole Sylvester and Ms. Patina Knights
Respondent:- Mr. Richard Williams for the First named Respondent and Mr. Graham Bollers for the Second named Respondent.

Issue: Induce someone to vote without residential qualification.
Application to adduce fresh evidence and to amend ground of appeal.

Result: Application to adduce fresh evidence is dismissed. Application to amend grounds of appeal is dismissed. Appeal dismissed. No order as to costs.

Reason: 1. Fresh evidence which thought to be adduced must be evidenced that it is in existence at the time of the trial and would have been admissible at the trial on the authority/statute.
2. The magistrate did not err in her interpretation of s. 51.1(1)(a) of the **Representation of the People Act**.
3. The court was of the view that in these cases costs would only follow the event, in exceptional circumstances where it is clear that counsel should not have pursued the action, this was not evident in this case.

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

Date: 27th January 2011

HIGH COURT CRIMINAL APPEAL AGAINST SENTENCE

Case Name: Rudolph Lewis v The Queen
[Criminal Appeal No. 21 of 2009]

Appearances:

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

Issue: Murder – appeal against sentence

Result: The appeal is adjourned to the next sitting of the Court of Appeal in this

jurisdiction during the week of 6th June 2011.

Date: 27th January 2011

HIGH COURT CIVIL APPEAL

Case Name: **Neil Ross et al v Avaline O'Garro et al**
[Civil Appeal No. 5 of 2008]

Appearances:

Appellant:- Mr. Emery Robertson holding for Mr. Carlyle Dougan
Respondent:- Ms. Nicole Sylvester for first named Respondent.

Issue: To set aside order to strike out appeal.

Result:

- (1) The application filed on 27th January 2011 to set aside order made on 24th January 2011 striking out the appeal is hereby granted.
- (2) Order dated 24th January 2011 is hereby vacated.
- (3) The hearing of the appeal is set aside for the next sitting of Court of Appeal in this jurisdiction during the week of 6th to 11th June 2011.
- (4) Record of Appeal is to be served on the Respondents' counsel on or before 18th February 2011.

Date: 27th January 2011

HIGH COURT CRIMINAL APPEALS AGAINST CONVICTION

Case Name: **Webster Woodley v The Queen**
[Criminal Appeal No. 1 of 2009]

Sheldon Bain v The Queen
[Criminal Appeal No. 8 of 2009]

Appearances:

Appellants:- First appellant In Person.
Ms. Nicole Sylvester holding for Mrs. Kay Bacchus-Browne for the Second Appellant.
Respondent:- Mr. Colin Williams, Director of Public Prosecutions and Ms. Sejilla McDowall

Issue: Murder – appeal against conviction and sentence of 25 years imprisonment.
- counsel to be assigned.

Result:

- (1) Pursuant to Section 51 of the Court of Appeal Act Chapter 4 and Rule 53 of the Court of Appeal Rules and upon the application of the Appellant, the Court is of the opinion that it is desirable in the interest of justice that he have legal aid and he, not having the means to retain such, is assigned counsel Mr. Alberton Richielieu for the preparation and hearing of his appeal.

- (2) The hearing of the appeal is traversed to the next sitting of the Court of Appeal in this jurisdiction during the week of 6th June 2011.

Date: 27th January 2011

APPLICATIONS

Case Name: **Bank of Nova Scotia v Chester Clake**
[Civil Appeal No. 23 of 2008]

Appearances:

Appellant:- Mrs. Agnes Cato for the First named Appellant and Mr. Emery Robertson for the Second named Appellant.
Respondent:- Mr. Samuel Commissiong for the First and Second named Respondents; and Mr. Ronald Marks for the Third named Respondent.

Issue: Notice of Appeal (for mention).

Result:

- (1) Time extended to 25th March 2011 for Record of Appeal to be filed by counsel for the Appellant.
- (2) Record to consist of -
 - (a) The publication of the auction in the Vincentian Newspaper.
 - (b) All documentary evidence concerning the holding of the auction.
 - (c) The conditions for sale and the deeds.
 - (d) The pleadings in Claim No. 39 of 1994.
 - (e) The relevant documents relating to Suit No. 58 of 1992.
 - (f) All documents tendered and relied on by the Bank of Nova Scotia.
 - (g) All witness statements of witnesses including Mr. Enrique Riviole.
 - (h) The Notes of Evidence.
 - (i) All interlocutory orders made in Claim No. 39 of 1994.
 - (j) Closing submissions of counsel in court below.
- (3) Counsel to proceed in accordance with CPR 62.11 after treating the filing of record as receipt of notice under 62.9(b).
- (4) The appeal is set down for hearing at the next sitting of the Court of Appeal in this jurisdiction from 6th to 10th June 2011.
- (5) The application of the Second Appellant filed on 27th January 2011 is withdrawn.