

COURT OF APPEAL SITTING

MONTSERRAT

Thursday, 17th May 2012

APPLICATIONS AND APPEALS

Case Name: Nathan Galloway v The Queen
[High Court Criminal Appeal No. 3 of 2011]

Date: Thursday, 17th May 2012

Coram: The Hon. Sir Hugh A. Rawlins, Chief Justice
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]
The Hon. Mr. Mario Michel, Justice of Appeal [Ag.]

Appearances:

Appellant:	Mr. Hogarth E. Sergeant
Respondent:	Mr. Oris Sullivan

Issue: Criminal appeal against conviction and sentence

Result / Order: [Oral delivery]
1. Appeal against conviction and sentence is dismissed.
2. Sentence and conviction is affirmed.

Reason: The Court was satisfied that the excess words in the count of wounding with intent “to do grievous bodily harm” were mere surplusage, and any prejudice inured to the benefit of the appellant.

Further, the Court could not see the unfairness in the prosecution only tendering Ms. JnBaptiste for cross examination and not leading her evidence. There is nothing that

compels the prosecution to do otherwise.

Case Name: Warren Cassell v The Queen
[High Court Criminal Appeal No. 1 of 2012]

Date: Thursday, 17th May 2012

Coram: The Hon. Sir Hugh A. Rawlins, Chief Justice
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]
The Hon. Mr. Mario Michel, Justice of Appeal [Ag.]

Appearances:

Appellant:	Mr. Leon Chaku Symister
Respondent:	Mr. Oris Sullivan

Issue: Application for bail pending appeal

Result / Order: [Oral delivery]

1. Court Reporter is hereby ordered to prepare the transcript of trial for 10th and 13th of February 2012 as a matter of urgency and deliver it to the Registrar.
2. Registrar shall immediately upon receipt of the transcript notify counsel for the parties and also make a copy of the Indictment as may have been amended by the trial judge available to counsel for the parties.
3. Counsel for the appellant shall file and serve an agreed bundle containing the transcript for the relevant days and additionally the bail application, affidavits, submissions and a copy of the Indictment referred to in paragraph 2 of this Order as well as the transcript of today's proceedings.
4. Upon filing of the Bundle, the Registrar shall

immediately inform the Chief Registrar who shall set down the bail application for full hearing at the earliest convenience of the parties and the Court.

Reason:

The hearing of the application was suspended as the transcript of trial was not yet available before the Court.