

CHAMBER HEARING

February 2017

MATTERS DEALT WITH ON PAPER

Before: The Hon. Mr. Davidson Kelvin Baptiste, Justice of Appeal

Case Name: Debra Jones-Thompson
v
1. Sharon Govia
2. John Govia
3. Shenella Govia

[ANUHCVAP2016/0024]
(Antigua and Barbuda)

Date: Tuesday, 21st February 2017

On paper: Applicant: Mr. Sylvester Carrott

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicant is granted leave to appeal the order of made by Master Eddie Ventose dated 21st November 2016.
2. The applicant is to file the notice of appeal within 21 days of this order.

Reasons: The Court was of the view that the applicant) had met the threshold requirements for the grant of leave to appeal.

Case Name: Jehu Hand

v
Keith Mazer

[ANUHCVAP2016/0026]
(Antigua and Barbuda)

Date: **Tuesday, 21st February 2017**

On paper:

Applicant: **Ms. Janice Christopher Young**

Issue: **Application for leave to appeal**

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The application is granted for leave to appeal the order of the learned trial judge made on 2nd December 2016.**
- 2. The applicant is to file the notice of appeal within 21 days of this order.**

Reasons:

The Court was of the view that the applicant had met the threshold requirements for the grant of leave to appeal.

Case Name:

Trevor Santos
v
Horizon Construction Ltd.

[ANUHCVAP2011/0015]
(Antigua and Barbuda)

Date: **Tuesday, 21st February 2017**

On paper:

Applicant: **Ms. E. Ann Henry QC (Henry & Burnette)**

Respondent: **Mr. Craig L. Jacas (Stapleton Chambers)**

Issues:

Application to agree and settle transcript for use in appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

The notice of application to agree and settle transcript for use in the appeal is adjourned to the Full Court at its sitting in Antigua and Barbuda during the week commencing on Monday, 27th February 2017.

Case Name:

Special Security Services

v

Jamiel Jashon McDonald

**[ANUHCVAP2017/0001]
(Antigua and Barbuda)**

Date:

Tuesday, 21st February 2016

On paper:

Applicant : Mr. Simon Rogers Murdoch

Respondent: Mr. Wesley George (The Law Cottage)

Issue:

Application for leave to appeal – Application for stay of further proceedings

Result / Order:

IT IS HEREBY ORDERED THAT:

The hearing of the applications is adjourned to the Full Court at its sitting in Antigua and Barbuda during the week commencing on Monday, 27th February 2017.

Case Name:

Hassan Hadeed

v

Nahla Hadeed

[GDAHAVAP2014/0012]

(Grenada)

Date: Tuesday, 21st February 2017

On paper:

Applicant: Dr. Francis Alexis QC (Grenlaw Chambers)

Respondent:

Issues: Application for stay of execution

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant is to provide proof of service on the respondent of the notice of application for the stay of execution of the judgment of the Court of Appeal delivered on 15th December 2016.
2. The application for the stay is adjourned to the next Chamber hearing scheduled for 28th March 2017.

Reasons:

The Court noted that there was no evidence of service of the application on the respondent.

Case Name:

**The Grenadian Hotel Limited
(doing business as the Grenadian by Rex
Resorts)**

v

1. Beryl Isaac
2. The Cabinet Secretary of Grenada
3. Her Excellency Dame Cecile La Grenade
4. The Governor General of Grenada
5. The Attorney General of Grenada
6. Eric Brathwaite
7. Manager of the Government Printery

**[GDAHCVAP2017/0002]
(Grenada)**

Date: Tuesday, 21st February 2017

On paper:

Applicant: Mr. Dickon A. Mitchell and Ms. Skeeta Chitan (Mitchell & Co.)

Respondent: Mr. Dwight Horsford, Solicitor General and Ms. Maurissa Johnson, Crown Counsel

Issue: Application for conservatory orders in administrative claim

Result / Order & Reason:

IT IS HEREBY ORDERED THAT:

1. An interim conservatory order is hereby granted directing that the first, second and third respondents including their officers, servants or agents take no steps to enforce any of their purported individual or collective rights arising from the Acquisition Notices published in the government Gazette dated 23rd December 2016, 30th December 2016 and 6th January 2017, respectively relating to the applicant's leasehold interest in 30 acres of land situate at Point Salines, St. Georges, which the applicant is currently in possession of pursuant to a lease between the Government of Grenada, represented by the Governor General, and the applicant, dated 29th July 1991 and which is recorded in the Deeds and Land Registry of Grenada in Liber 1-91 at page 219, by which the applicant was granted a ninety-nine year lease of the said thirty acres and upon which is located the hotel known as the Grenadian by Rex Resorts, which the applicant built, owns and operates, until the hearing and determination of the applicant's appeal against the decision of Adrien-Roberts J which was delivered on 20th December 2016;
2. An interim conservatory order is hereby granted directing that the applicant be permitted to continue to remain in possession of and to continue to operate the hotel known as The Grenadian by Rex Resorts, which the applicant built and owns, until the hearing and determination of the applicant's appeal against the decision of Adrien-Roberts J delivered on 20th December 2016;

3. The Attorney General is to pay to the applicant, the costs of this application to be assessed by a Judge if not agreed within 21 days.

Case Name:

Godfrey John

v

The Queen

[GDAHCRAP2017/0001]

(Grenada)

Date:

Tuesday, 21st February 2017

On paper:

Applicant:

Mr. Darshan Ramdhani (Ramdhani & Associates)

Issue:

Application for extension of time to appeal – Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant is granted an extension of time to apply for leave to appeal against sentence.
2. The applicant is granted leave to appeal against sentence.
3. The applicant is to file his notice of appeal against sentence on or before the 14th March 2017.

Reasons:

The Court was of the view that the applicant had met the threshold requirements for the grant of leave to appeal.

Case Name:

Clifford Robertson

v

H.M.Bhola & Co. Ltd.

**[GDAHCVAP2017/0003]
(Grenada)**

Date: Tuesday, 21ST February 2017

On paper:

Applicant: Mr. Anselm B. Clouden (Grenlaw Chambers)

Respondent: Ms. Lisa Taylor

Issue: Application for extension of time to appeal – Application for leave

Result / Order: **IT IS HEREBY ORDERED THAT:**
The notice of application for extension of time to file an application for leave to appeal and for leave to appeal the decision of Master Taylor-Alexander dated 11th May 2012 is adjourned to the Full Court at its sitting in Grenada, during the week commencing on Monday, 3rd April 2017.

Case Name: **Florence Madina Tweed
(also known as Dolly Tweed)
v
Remeo Tweed**

**[SKBHCVAP2015/0011]
(Federation of Saint Christopher and Nevis)**

Date: Tuesday, 21st February 2017

On paper:

Applicant: Ms. D. Camilla Cato (Cato & Co.)

Issue: Application to be removed from the record

Result / Order: **IT IS HEREBY ORDERED THAT:**

1. The applicant Dollrita Camilla Cato of Cato & Cato is removed from the record as acting for the appellant.
2. The applicant is to comply with Rules 63.6(4) and (5) of the CPR 2000.

Case Name:

Adam Bilzerian

v

1. **Gerald Lou Weiner**
2. **Kathleen Weiner**

[KBHCVAP2016/0021]

(Federation of Saint Christopher and Nevis)

Date:

Tuesday, 21st February 2017

On paper:

Applicant:

In person

Issue:

Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

The notice of application for leave to appeal the order of Ward J, QC dated 6th December 2016 is adjourned to the Full Court at its sitting in the Federation of Saint Christopher and Nevis during the week commencing on Monday, 13th March 2017.

Reasons:

The Court noted that the order being appealed was not filed with the application.

Case Name:

Caribbean Building Systems (St.Kitts) Limited

v

**First Caribbean International Bank (Barbados)
Limited**

**[SKBHCVAP2016/0017]
(Federation of Saint Christopher and Nevis)**

Date: Tuesday, 21st February 2017

On paper:
Applicant: Dr. Dennis Merchant

Issues: Application for leave to appeal

Result / Order: **IT IS HEREBY ORDERED THAT:**
The application for leave to appeal the order of Master Actie is adjourned to the Full Court at its sitting in the Federation of Saint Christopher and Nevis, during the week commencing on Monday, 13th March 2017.

Case Name:

**1. Kevin Andrew Horstwood
2. Exclusive Hotels Limited
v
1. First Caribbean Bank International (Barbados) Limited
2. Belmont Resorts Limited
3. The Registrar of the High Court
4. Attorney General of the Federation of St Kitts and Nevis
5. Kate Walwyn
6. Lemon Grove Company Limited**

**[SKBHCVAP2016/0013]
(Federation of Saint Christopher and Nevis)**

Date: Tuesday, 21st February 2017

On paper:
Applicant: In person

Issue: Application to strike out notice of appeal

Result / Order: **IT IS HEREBY ORDERED THAT:**
The hearing of the application to strike out is adjourned to the Full Court at its sitting in the Federation of Saint Christopher and Nevis during the week commencing 13th March 2017.

Case Name: **Sinead Investments Limited**
v
The Bank of Nova Scotia
[SLUHCVAP2017/0002]
(Saint Lucia)

Date: **Tuesday, 21st February 2017**

On paper:
Applicant: **Mr. Collin Foster**
Respondent: **Mr. Michael DuBoulay (Floissac Fleming & Associates)**

Issue: **Application for extension of time**

Result / Order: **IT IS HEREBY ORDERED THAT:**
The applicant is granted an extension of time to 10th March 2017 to file its notice of appeal against the order of the Honourable Justice Cadie St. Rose-Albertini, dated 24th November 2016 in Claim No. SLUHCV2012/0933.

Reasons: **The Court was of the view that the applicant had met the threshold requirements for the grant of an extension of time to appeal.**

Case Name: **Charthouse Restaurant Limited**
v
The Bank of Nova Scotia

**[SLUHCVAP2017/0003]
(Saint Lucia)**

Date: Tuesday, 21st February 2017

On paper:

Applicant: Mr. Collin Foster

Respondent Mr. Michael DuBoulay (Floissac Fleming & Associates)

Issue: Application for extension of time to appeal

Result / Order: **IT IS HEREBY ORDERED THAT:**
The applicant is granted an extension of time to 10th March 2017 to file a notice of appeal against the order of the Honourable Justice Cadie St. Rose-Albertini of the Commercial Court, St. Lucia, dated 24th November 2016 in Claim No. SLUHCV2012/0934.

The Court was of the view that the applicant had met the threshold requirements for the grant of an extension of time to appeal.

Case Name: Ruth Narcisse
v
Rasheidi Adolph

**[SKUHCVAP2017/0004]
(Saint Lucia)**

Date: Tuesday, 21st February 2017

On paper:

Applicant: Cynthia Hinkson-Ouhla (Pierre and Mondesir)

Issues: Application for leave to appeal – Application for stay of execution – Application to set aside master’s order

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant is to provide proof of service of the application upon the respondent on or before the 21st February 2017.
2. The hearing of the application is adjourned to the next Chamber Hearing scheduled for 28th March 2017.

Reason:

The Court noted that there was no proof of service of the application on the respondent.

Case Name:

Director of Public Prosecutions

v

Caleb Antoine

[SLUHCRAP2017/0001]

(Saint Lucia)

Date:

Tuesday, 21st February 2017

On paper:

Applicant: Mr. Daarsrean Greene (Office of the Director of Public Prosecutions)

Issues:

Referral for sentence to be reviewed

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant is to provide the Court with the transcripts of the proceedings before the High Court and the minute of conviction and sentence on or before the 30th March 2017.
2. The applicant is to file and serve written submissions and authorities on or before the 30th April 2017.
3. The respondent is to file and serve written submissions and authorities on or before 30th May 2017.
4. The matter will come up for hearing at the Court of Appeal sitting in Saint Lucia during the week

commencing 26th June 2017.

Case Name: **The Guyana and Trinidad Mutual Insurance
Company Limited
v
Adnan Mkhul
[SVGHCVAP2016/0031]
(Saint Vincent and the Grenadines)**

Date: **Tuesday, 21st February 2017**

On paper: **Applicant:** **Mr. G.Grahame Bollers (Regal Chambers)**

Issues: **Application for stay pending hearing of appeal**

Result / Order: **IT IS HEREBY ORDERED THAT:
The High Court trial is stayed pending the hearing and
determination of the appeal.**

Reason: **The Court considered all the circumstances, in particular
the death of the applicant's main witness Kendall Durant
and the fact that its other witness cannot be located. The
Court was of the view that in the circumstances there
would be a real risk of injustice to the applicant if a stay
was not granted. Thus, the Court concluded that this was
an appropriate case for the grant of a stay.**

Case Name: **Rico Anderson
v
Commissioner of Police
[SVGMCRAP2017/0001]
(Saint Vincent and the Grenadines)**

Date: Tuesday, 21st February 2017

On paper:
Applicant: In person

Issues: Application for extension of time to appeal

Result / Order: **IT IS HEREBY ORDERED THAT:**
1. The applicant is granted an extension of time to appeal against his sentence.
2. The applicant is to file and serve his notice of appeal on or before 14th March, 2017.

Reason: The Court was of the view that the applicant had met the threshold requirements for the grant of an extension of time to appeal

Case Name: **Desmond Providence**
v
Theodora Joseph
(SVGHCVAP2017/0001)
[Saint Vincent and the Grenadines]

Date: Tuesday, 21st February 2017

On paper:
Applicant: In person

Issues: Application for extension of time to appeal

Result / Order: **IT IS HEREBY ORDERED THAT:**
1. The applicant is to serve the notice of application for extension of time on the respondent on or before the 7th of March, 2017.
2. The matter is adjourned to the next Chamber hearing scheduled on 28th March, 2017 for further

consideration.

Reason: The Court noted the order of Webster JA dated 25th January 2017 directing the applicant to serve the notice of application for extension of time on the respondent on or before 17th February 2017 and to file evidence of service. The Court further noted that there was no consideration as to whether the applicant was seised of the order of Webster JA.

Case Name: **Kishorn Mills**
v
The Commissioner of Police
[SVGMCRAP2016/0065]
(Saint Vincent and the Grenadines)

Date: Tuesday, 21st February 2017

On paper:
Applicant: In person

Issues: Application for extension of time to appeal

Result / Order: **IT IS HEREBY ORDERED THAT:**
1. The applicant is granted an extension of time to file the notice of appeal.
2. The applicant is to file and serve his notice of appeal on or before the 14th March, 2017.

Reason: The Court was of the view that the applicant had met the threshold requirements for the grant of an extension of time to appeal

Case Name: **Duran Gerald**
v
The Commissioner of Police
[SVGMCRAP2016/0066]
(Saint Vincent and the Grenadines)

Date: **Tuesday, 21st February 2017**

On paper:
Applicant: **In person**

Issues: **Application for extension of time to appeal**

Result / Order: **IT IS HEREBY ORDERED THAT:**
1. The applicant is granted an extension of time to file the notice of appeal.
2. The applicant is to file and serve his notice of appeal on or before 14th March, 2017

Reason: **The Court was of the view that the applicant had met the threshold requirements for the grant of an extension of time to appeal.**

Case Name: **Susan John**
v
Andrew Sam
[SVGMCVAP2016/0002]
(Saint Vincent and the Grenadines)

Date: **Tuesday, 21st February 2017**

On paper:
Applicant: **The Law Firm of Marks & Marks**

Issues: **Application for extension of time to appeal – Application for leave to file appeal**

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant is granted leave to appeal the Order of the Magistrate, His Honour Bertie Pompey made on the 21st day of July, 2016.
2. The applicant is granted an extension of time to file the notice of appeal out of time.
3. The applicant is to file and serve the notice of appeal on or before the 8th March, 2017.

Reason:

The Court was of the view that the applicant had met the threshold requirements for the grant of leave to appeal and for the grant of an extension of time to file the appeal.

The Court noted the orders of Michel JA dated 18th and 29th November 2016 and the order of Webster JA dated 24th January 2017 which indicated that the transcript of proceedings before the magistrate had not been provided to the Court. The Court further noted that the transcript of proceedings had still not been provided.

Case Name:

**Travis Caine
v
The Commissioner of Police**

**[SVGMCRAP2016/0063]
(Saint Vincent and the Grenadines)**

Date:

Tuesday, 21st February 2017

On paper:

Applicant: In person

Issues:

Application for extension of time

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant is granted an extension of time to file

- the notice of appeal.
2. The applicant is to file and serve his notice of appeal on or before 14th March, 2017.

Reason: The Court was of the view that the applicant had met the threshold requirements for the grant of an extension of time to appeal

Case Name: **McCarthy Duncan**
v
The Commissioner of Police
[SVGMCRAP2016/0064]
(Saint Vincent and the Grenadines)

Date: Tuesday, 21st February 2017

On paper:
Applicant: In person

Issues: Application for extension of time

Result / Order: **IT IS HEREBY ORDERED THAT:**

1. The applicant is granted an extension of time to file the notice of appeal.
2. The applicant is to file the notice of appeal on or before the 14th March, 2017.

Reason: The Court was of the view that the applicant had met the threshold requirements for the grant of an extension of time to appeal.

Case Name: **Reynold Williams a.k.a. Rene Sandy**
v

Mazeline Gabriel

**(SVGHCVAP2010/0014)
[Saint Vincent and the Grenadines]**

Date: Tuesday, 21st February 2017

On paper:

**Applicant/
Respondent:** Mr. Cecil A. Blazer Williams

**Respondent/A
ppellant** In person

Issues: Application to strike out appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The notice of application to strike out the appeal is dismissed.

Reason: The Court was of the opinion that striking out the appeal for failure to serve skeleton arguments would represent a disproportionate response to the alleged failure.

Case Name: Shawn George
v
The Queen

**(SVGHCRAP2017/0003)
[Saint Vincent and the Grenadines]**

Date: Tuesday, 21st February 2017

On paper:

Applicant: In person

Issues: Application for extension of time to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court is to cause the minute of conviction and sentence to be served on the respondent on or before the 10th March, 2017.
2. The Registrar of the High Court is to serve the notice of application for an extension of time to appeal filed on 25th February, 2017 on the Director of Public Prosecutions on or before the 10th of March, 2017.
3. The matter is adjourned to the next Chamber date scheduled on 28th March, 2017 for further consideration.

Reason:

The Court noted that there was no proof of service of the application on the respondent and that the minute of conviction and sentence was not attached to said application.

Case Name:

Olando Lampkin

v

The Queen

[SVGHCRA2017/0004]

(Saint Vincent and the Grenadines)

Date:

Tuesday, 21st February 2017

On paper:

Applicant:

In person

Issues:

Application for extension of time

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court is to cause the minute of conviction and sentence to be served on the respondent on or before the 10th of March, 2017.
2. The Registrar of the High Court is to serve the notice of application for extension of time within which to appeal on the Director of Public Prosecutions on or before 10th of March, 2017.
3. The matter is adjourned to the next Chamber hearing

scheduled on 28th March, 2017 for further consideration.

Reason: The Court noted that there was no proof of service of the application on the respondent and that the minute of conviction and sentence was not attached to said application.

Case Name: Julius John
v
The Queen

[SLUHCRAP2017/0005]
(Saint Vincent and the Grenadines)

Date: Tuesday, 21st February 2017

On paper: Applicant: In person

Issues: Application for extension of time

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court is to serve the notice of application on the Director of Public Prosecutions on or before the 10th March, 2017.
2. The Registrar of the High Court is to cause the minutes of conviction and sentence to be served on the Director of Public Prosecutions on or before the 10th March, 2017.
3. The matter is adjourned to the next Chamber hearing scheduled on 28th March, 2017 for further consideration.

Reason: The Court noted that there was no proof of service of the application on the respondent and that the minute of conviction and sentence was not attached to said application

Case Name: **Moises Ovalle Almonte**
v
The Commissioner of Police
(BVIHCRAP2016/0005)
[Territory of the Virgin Islands]

Date: **Tuesday, 21st February 2017**

On paper:
Applicant: **In person**

Issues: **Application for leave to appeal**

Result / Order: **IT IS HEREBY ORDERED THAT:**

- 1. The Registrar of the High Court is directed to cause the minute of conviction and sentence to be prepared and to serve filed copies thereof on the applicant and the Director of Public Prosecutions on or before 14th March 2017.**
- 2. The Registrar of the High Court is directed to cause the application for permission to appeal to be served on the Director of Public Prosecutions on or before 14th March 2017.**
- 3. The application is adjourned to the next Chamber sitting of this court on 28th March 2017.**

Reason: **The Court noted the orders of Thom JA and Webster JA made on 29th October 2016 and 25th January 2017 respectively, directing that, the Registrar of the High Court cause the minute of conviction and sentence to be prepared and served on the applicant and the Director of Public Prosecutions. The orders also directed that the Registrar of the High Court cause the application for permission to appeal to be served on the Director of Public Prosecutions. The Court noted that said orders were yet to be complied with.**

Case Name:

**Kazholdings Incorporated
&
Kazholdings LLP**

Applicants/Appellants/Affected Parties

And

John Emmott

Respondent/Applicant

And

Michael Wilson & Partners, Limited

Respondent

Date:

Tuesday, 21st February 2017

On paper:

Applicant:

Mr. Callum McNeil (Campbells)

Issues:

Application for extension of time

Result / Order:

IT IS HEREBY ORDERED THAT:

Unless the applicant serves notice of the application to extend time for filing the notice of appeal on or before the 7th March, 2017, the application will stand dismissed.

Reason:

The Court the order of Webster JA dated 24th January 2017 which directed that the applicant serve the notice of application on the respondent on or before 17th February 2017 and file evidence of service. The Court noted that there is still no proof of service of the notice of application on the respondents.

Case Name:

**Violet Delville Hodge
v
The Commissioner of Police

(BVIMCRAP2015/0005)
[Territory of the Virgin Islands]**

Date:

Tuesday, 21st February 2017

On paper:

Applicant: Mr. Patrick Thompson

Respondent: Ms. Tiffany Scatliffe Espirit

Issues:

Application for bail pending appeal

Result / Order:

**IT IS HEREBY ORDERED THAT:
The application for bail having been withdrawn is
accordingly dismissed.**

Reason:

**The Court noted the correspondence from counsel for
the applicant dated 20th February 2017 requesting a
withdrawal of the application for bail.**