

COURT OF APPEAL SITTING

SAINT VINCENT AND THE GRENADINES

Monday, 21st May, 2007 to Friday, 25th May, 2007

Coram: His Lordship, the Hon. Mr. Denys Barrow, SC - President
His Lordship, the Hon. Hugh A. Rawlins - Justice of Appeal
His Lordship, the Hon. Ola Mae Edwards - Justice of Appeal (Ag.)

Monday, 21st May, 2007

Applications

Alason Walker v Janine Williams
Civil Appeal No.23 of 2003

Appearances:

Appellant: Ms. Samantha Robertson for the Appellant
Respondent: Mr. Grant Connell for the Respondent

Issue: Application to dismiss appeal.

Result: Matter stood down until Wednesday.

High Court Criminal Appeals Against Conviction

Garry Williams v The Queen
Criminal Appeal No.19 of 2005

Appearances:

Appellant: Appellant in Person
Respondent: Mr. Colin Williams, D.P.P. (Ag) for the Respondent.

Issue: Robbery - Appeal against conviction and sentence of 6 years hard labour.

Result: Matter stood down to Tuesday to consider decision.

Gregory Durrant v The Queen

Criminal Appeal No.21 of 2005

Appearances:

Appellant: Mr. Cecil B. Williams for the Appellant

Respondent: Mr. Colin Williams, D.P.P. (Ag.) for the Respondent

Issue: Robbery – Appeal against conviction and sentence of 6 years hard labour.

Result: Judgment reserved.

High Court Civil Appeals

East Caribbean Flour Mills Limited v Ormiston Ken Boyea Civil Appeal No.12 of 2006

Appearances:

Appellant: Sir Henry Forde Q.C.; Barry Gale Q.C.; L.A. Douglas Williams, David di Mambro and Ms. Nadine Worrell for the Appellant.

Respondent: Dr. Joseph Archibald Q.C.; Sydney Bennett Q.C.; Stanley John; R. Akins John for the Respondent.

Issue: Whether certain statements and documents were inadmissible hearsay and properly excluded by the trial judge. Further, whether certain material was relevant to the issues between the parties.

Result: Matter stood down until Tuesday at 9 a.m.

High Court Criminal Appeals Against Conviction

Hassan Mohammed v The Queen Criminal Appeal No.23 of 2005

Appearances:

Appellant: Mr. Richard Williams for the Appellant.

Respondent: Mr. Colin Williams, D.P.P. (Ag.) for the Respondent.

Issue: Aggravated burglary and attempted murder – Appeal against conviction and sentence of five (5) years imprisonment.

Result: Appeal against conviction withdrawn. Matter stood down to Tuesday to Consider decision on sentence.

High Court Civil Appeals

Raphael Kydd v Lorencita Kydd-Hazel Civil Appeal No.8 of 2006

Appearances:

Appellant: Ms. Nicole Sylvester holding for Mr. Olin Dennie for the Appellant

Respondent: Mr. Joseph Delves for the Respondent

Issue: The learned Trial Judge erred when he applied the provisions of the Limitation Act to trust property.

Result: Appeal withdrawn and dismissed. Cost to the Respondent in sum of \$3,500.00.

Reason: Parties consented.

C.K. Greaves & Company Ltd v Osley Baptiste
Civil Appeal No.9 of 2006

Appearances:

Appellant: Mr. Samuel Commissiong for the Appellant
Respondent: Mr. Richard Williams for the Respondent

Issue: Appeal against the decision of Learned Trial Judge in finding that the Claimant experienced pain and suffering and that the finding that the Claimant's monthly earning was \$3,000. Further the Learned Trial Judge erred in that his award of damages to the claimant was excessive.

Result: Matter stood down to Wednesday for discussion and settlement between parties.

Fitz Jackson v Kalique Bailey et al
Civil Appeal No.10 of 2006

Appearances:

Appellant: Mr. Richard Williams for the Appellant
Respondent: Mr. Perry Joseph for the Respondent.

Issue: Whether the learned Trial Judge erred in finding that the Claimant's vehicle was speeding at the time of the accident. Further, whether the learned Trial Judge erred in finding the Claimant 40% to blame for the accident.

Result: Traversed to next sitting of the Court of Appeal.

Frank Cyrus v Curselle Cyrus
Civil Appeal No.11 of 2006

Appearances:

Appellant: Mr. Emery Robertson for the Appellant
Respondent: Mr. Joseph Delves for the Respondent

Issue: Whether the learned Trial Judge erred in law when he awarded to the Respondent the matrimonial home thereby denying the Appellant of any share of monetary interest in the property.

Result: Appeal dismissed. Cost to Respondent in sum of \$4,000.00.

Reason: J.A. Barrow: The Matrimonial Proceedings and Property Act requires the court to consider non-financial contribution made by a wife to the acquisition of property. There was no reason for holding that the master erred in awarding equal shares in the matrimonial home. The loan that the husband guaranteed or got from the bank for the benefit of the Parties' son was his separate and not a family obligation. Costs agreed at \$4,000.00.

Keziah Baptiste v Donald McTAir
Civil Appeal No.15 of 2005

Appearances:

Appellant: Mr. Emery Robertson for the Appellant
Respondent: Mr. Stephen Williams for the Respondent

Issue: Whether the Learned Trial Judge erred in granting a declaration to the Respondent making him the fee simple owner of a parcel of land.

Result: Stood down to Wednesday.

Coram: His Lordship, the Hon. Mr. Brian Alleyne, SC – Chief Justice (Ag.)

Status Hearing (Chambers)

Kenneth Davis v Commissioner of Police
Magisterial Criminal Appeal No. 51 of 2006

Appearances:

Appellant: Appellant in person
Respondent: Mrs. S. Robertson-Drayton, Asst. D.P.P. (Ag.) for the Respondent.

Issue: Stealing – Appeal against sentence of 2 years imprisonment.

Result: Sentence varied to time served.

Reason: Appellant has only 21 days of sentence remaining.

Peter Chandler v Commissioner of Police
Magisterial Criminal Appeal No.7 of 2007

Appearances:

Appellant: No appearance of the Appellant.
Respondent: Mrs. S. Robertson-Drayton, Asst. D.P.P. (Ag.) for the Respondent.

Issue: Appeal against conviction and sentence.

Result: Appeal dismissed.

Reason: Appellant has served sentence.

Alvin Baptiste v Commissioner of Police
Magisterial Criminal Appeal No.13 of 2007

Appearances:

Appellant: Appellant in person.

Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Damage to property – Appeal against sentence of compensation to virtual complainant of \$100.00 by 31st March 2007 or 28 days imprison.

Result: Appeal dismissed.

Reason: Appellant has served sentence.

Anthony Dabreo v Commissioner of Police
Magisterial Criminal Appeal No.14 of 2007

Appearances:

Appellant: Mr. Emery Robertson Jr. for the Appellant

Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Wounding – Appeal against conviction and sentence of 1 year imprisonment, compensation of \$1,508.00 before 30th April 2006 or 6 months imprisonment.

Result: Matter adjourned to Open Court.

Reason:

Vandyke Williams v Commissioner of Police
Magisterial Criminal Appeal No.15 of 2007

Appearances:

Appellant: Mrs. Kay Bacchus-Browne for the Appellant

Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Damage to Property – Appeal against sentence of 18 months imprisonment.

Result: Matter remitted to Open Court.

Reason:

Terrance Joseph v Commissioner of Police
Magisterial Criminal Appeal No.16 of 2007

Appearances:

Appellant: Appellant in person
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Stealing – Appeal against sentence of 3 years imprisonment.

Result: Appeal dismissed. Conviction and sentence stand.

Reason: The Appellant has an extensive list of previous convictions.

Piers Register v Commissioner of Police
Magisterial Criminal Appeal No.17 of 2007

Appearances:

Appellant: No appearance of Appellant.
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Wounding – Appeal against sentence of \$1,000.00 fine forthwith or 6 months imprisonment. Further compensation to the virtual complainant of \$1,500 within 3 months or 6 months imprisonment.

Result: Appeal dismissed.

Reason: No appearance of Appellant.

Hans Maloney v Commissioner of Police
Magisterial Criminal Appeal No.18 of 2007

Appearances:

Appellant: Appellant in person.
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Stealing – Appeal against sentence of 2 years imprisonment.

Result: Appeal dismissed.

Reason: Appellant has served sentence.

Zane Dopwell v Commissioner of Police

Magisterial Criminal Appeal No.19 of 2007

Appearances:

Appellant: Appellant in person
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Trespassing – Appeal against sentence of 2 years imprisonment.

Result: Matter adjourned to Open Court.

Reason:

Clara Wallace v Commissioner of Police
Magisterial Criminal Appeal No.20 of 2007

Appearances:

Appellant: Mr. Jaundy Martin for the Appellant
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Receiving stolen goods – Appeal against conviction and sentence of a fine of \$10,000 in 7 days or 2 years imprisonment.

Result: Matter adjourned to Open Court.

Reason:

Kenton Roberts v Commissioner of Police
Magisterial Criminal Appeal No.21 of 2007

Appearances:

Appellant: No appearance of Appellant.
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.)for the Respondent.

Issue: Possession of controlled drugs – Appeal against sentence of a fine of \$2,000.00 Payable forthwith or 6 months imprisonment.

Result: Appeal dismissed.

Reason: Appellant out of State.

Sean Saunders v Commissioner of Police
Magisterial Criminal Appeal No. 24 of 2007

Appearances:

Appellant: Mr. Bayliss Frederick for the Appellant.
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Stealing – Appeal against sentence of 3 years imprisonment.

Result: Matter adjourned to Open Court.

Reason:

Michael Wilson v Commissioner of Police
Magisterial Criminal Appeal No.25 of 2007

Appearances:

Appellant: Appellant in person

Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Trespassing and possession of weapon – Appeal against sentence of 2 years imprisonment.

Result: Appeal dismissed.

Reason: Appellant has served sentence.

Ashbert Campbell v Commissioner of Police
Magisterial Criminal Appeal No.26 of 2007

Appearances:

Appellant: No appearance of Appellant.

Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Entering premises with intent to commit an offence – Appeal against sentence.

Result: Appeal dismissed.

Reason: Appellant has served sentence.

Clay Edwards v Commissioner of Police
Magisterial Criminal Appeal No.27 of 2007

Appearances:

Appellant: No appearance of Appellant.

Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Possession of controlled drug – Appeal against conviction and sentence of a fine of \$2,500 payable forthwith in default 9 months imprisonment.

Result: Appeal dismissed.

Reason: No appearance of Appellant.

Oswald Brereton v Commissioner of Police
Magisterial Criminal Appeal No.28 of 2007

Appearances:

Appellant: No appearance of Appellant.

Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Obstructing Bailiff, charged with the execution of a warrant - Appeal against conviction and sentence of a fine of \$1,000.00 to be paid in 7 days failure 2 years imprisonment.

Result: Appeal dismissed for want of prosecution.

Reason: No appearance of Appellant.

Jefforn Nanton v Commissioner of Police
Magisterial Criminal Appeal No.29 of 2007

Appearances:

Appellant: Appellant in person.

Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Stealing – Appeal against sentence of 3 years hard labour.

Result: Appeal dismissed.

Anthony Hamilton v Commissioner of Police
Magisterial Criminal Appeal No.31 of 2007

Appearances:

Appellant: Appellant in person.

Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue:

Result: Appeal dismissed.

Reason: Appellant has served sentence.

Cuthbert Herbert v Commissioner of Police
Magisterial Criminal Appeal No. 32 of 2007

Appearances:

Appellant: Appellant in person.

Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Stealing – Appeal against sentence of 28 days imprisonment, 9 months imprisonment and 2 ½ years imprisonment to run concurrently.

Result: Matter adjourned to Open Court.

Reason:

Enson Caine v Commissioner of Police
Magisterial Criminal Appeal No.34 of 2007

Appearances:

Appellant: No appearance of the Appellant.
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Tendering counterfeit currency – Appeal against sentence.

Result: Appeal dismissed for want of prosecution.

Reason: No appearance of the Appellant.

Devon Williams v Commissioner of Police
Magisterial Criminal Appeal No.35 of 2007

Appearances:

Appellant: Mr. Stephen Williams for the Appellant.
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue:

Result: Appeal allowed. Retrial ordered. Bail to continue with the same conditions.

Reason: No record of trial available.

George Francis v Commissioner of Police
Magisterial Criminal Appeal No.36 of 2007

Appearances:

Appellant: No appearance of the Appellant.
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Possession of Drugs – Appeal against sentence.

Result: Appeal dismissed.

Reason: No appearance of the Appellant.

Gregson Mason v Commissioner of Police
Magisterial Criminal Appeal No.37 of 2007

Appearances:

Appellant: Ms. Samantha Robertson for the Appellant.
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Theft – Appeal against conviction and sentence of 2 years imprisonment.

Result: Appeal allowed, retrial ordered. Bail continues with same conditions.

Reason: No record of trial available.

Griffith Glasgow v Commissioner of Police
Magisterial Criminal Appeal No.38 of 2007

Appearances:

Appellant: Ms. Samantha Robertson for the Appellant.
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue:

Result: Appeal dismissed.

Reason: Appellant has served sentence.

Brendford Cruickshank v Commissioner of Police
Magisterial Criminal Appeal No.40 of 2007

Appearances:

Appellant: No appearance of Appellant.
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue:

Result: Appeal dismissed.

Reason: No appearance of the Appellant.

Andrew Nanton v Commissioner of Police
Magisterial Criminal Appeal No.41 of 2007

Appearances:

Appellant: Appellant in person.

Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Wounding – Appeal against conviction and sentence of fine of \$2,000.00.

Reason: No record of trial available.

Result: Appeal allowed. Retrial ordered.

Lenroy King v Commissioner of Police
Magisterial Criminal Appeal No.42 of 2007

Appearances:

Appellant: Appellant in person.

Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue:

Result: Appeal withdrawn and dismissed.

Reason: The appellant has served sentence.

Hudson Henry v Commissioner of Police
Magisterial Criminal Appeal No.43 of 2007

Appearances:

Appellant: No appearance of Appellant.

Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue:

Result: Appeal dismissed for want of prosecution.

Reason: No appearance of the Appellant.

Lenrick Arrington v Commissioner of Police
Magisterial Criminal Appeal No.44 of 2007

Appearances:

Appellant: Appellant in person.

Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Assault – Appeal against conviction and sentence of 5 years imprisonment.

Result: Appeal allowed, retrial ordered.

Reason: No record of trial available.

Frederick Baptiste v Commissioner of Police
Magisterial Criminal Appeal No.45 of 2007

Appearances:

Appellant: No appearance of Appellant.
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue:

Result: Appeal dismissed for want of prosecution.

Reason: No appearance of the Appellant.

Carlos Penniston v Commissioner of Police
Magisterial Criminal Appeal No.52 of 2007

Appearances:

Appellant: Appellant in person
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Theft – appeal against conviction and sentence of 2 years imprisonment.

Result: Appeal dismissed. Retrial ordered.

Reasons: No record of trial available.

George Caesar v Commissioner of Police
Magisterial Criminal Appeal No.53 of 2007

Appearances:

Appellant: No appearance of Appellant.
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue:

Result: On 26th November 2003 appeal was allowed and sentence set aside.

Reason: Matter previously disposed of.

Aaron Roberts v Commissioner of Police
Magisterial Criminal Appeal No.54 of 2007

Appearances:

Appellant: No appearance of Appellant.
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue:

Result: Appeal dismissed for want of prosecution.

Reason: No appearance of Appellant.

Ashley Latchman v Deville Thomas
Magisterial Civil Appeal No.1 of 2007

Appearances:

Appellant: No appearance of the Appellant

Respondent: No appearance of the Respondent.

Issue:

Result: Appeal dismissed for want of prosecution.

Reason: No appearance of parties.

Frank Cropper v Cleve Cropper
Magisterial Civil Appeal No.2 of 2007

Appearances:

Appellant: Mrs. Kay Bacchus-Browne for the Appellant

Respondent: Ms. Rochelle Forde and Mr. Ronald Marks for the Respondent.

Issue: Learned Magistrate erred in decision to evict Appellant.

Result: Matter remitted to Open Court.

Martina Straugh v Naomi Browne
Magisterial Civil Appeal No.3 of 2007

Appearances:

Appellant: Appellant in person

Respondent: Respondent in person

Issue: The decision of the Learned Magistrate was unreasonable having regard to the evidence, the award was excessive.

Result: Appeal withdrawn.

Reason: Matter settled by parties.

Kenroy Richards v Audrey Richards
Magisterial Civil Appeal No.4 of 2007

Appearances:

Appellant: Mr. Emery Robertson for the Appellant
Respondent: Mr. Stephen Williams for the Respondent

Issue: The learned Magistrate erred in law when he held there was no landlord/tenant relationship between the Appellant and Respondent. Further the learned Magistrate failed to make an order of possession of the said properties.

Result: Matter to be heard at next sitting of this Court. It is ordered that the record be prepared in typewritten form for next sitting of this Court. Skeleton arguments to be submitted at least two weeks ahead of date. Magistrate be requested to give reasons for decision.

Rosemarie Lawrence v Deloris Palmer
Magisterial Civil Appeal No.5 of 2007

Appearances:

Appellant: Appellant in person.
Respondent: No appearance of the Respondent.

Issue: The learned Magistrate erred in dismissing the Claimant's claim summarily.

Result: Appeal dismissed.

Reason: Appellant requested that appeal be withdrawn.

Elmore Williams v Doris Edwards
Magisterial Civil Appeal No. 6 of 2007

Appearances:

Appellant: No appearance of the Appellant
Respondent: Mr. Jaundy Martin for the Respondent.

Issue: The learned Magistrate erred in that the amount awarded was exorbitant.

Result: Adjourned to Wednesday.

Philroy Conner v Sonia Williams
Magisterial Civil Appeal No.7 of 2007

Appearances:

Appellant: Appellant in person
Respondent: Mr. Stephen Williams for the Respondent.

Issue:

Result: Appeal allowed.

Reason: By consent, it is ordered that the matter be retried. Magistrate to give notice to Both parties of date of retrial.

Nicole Harper et al v Petra-Ann John
Magisterial Civil Appeal No.8 of 2007

Appearances:

Appellant: No appearance of Appellants.
Respondent: No appearance of Respondent.

Issue:

Result: Appeal dismissed.

Reason: No appearance of parties.

Margot Dehen v Cynthia Ashton
Magisterial Civil Appeal No.9 of 2007

Appearances:

Appellant: No appearance of Appellant.
Respondent: Ms. Samantha Robertson holding for Mr. Emery Robertson for the Respondent.

Issue:

Result: Appeal dismissed for want of prosecution.

Reason: No appearance of the Appellant.

George Cottoy v Keon Garrick
Magisterial Civil Appeal No.11 of 2007

Appearances:

Appellant: No appearance of Appellant.
Respondent: Respondent in person.

Issue:

Result: Appeal dismissed for want of prosecution.

Reason: No appearance of Appellant.

Davidson Webb v Emma John
Magisterial Civil Appeal No.12 of 2007

Appearances:

Appellant: Mr. Jaundy Martin for the Appellant.
Respondent: No appearance of the Respondent.

Issue:

Result: Matter adjourned to Wednesday.

Coram:

His Lordship, the Hon Mr. Denys Barrow, SC - President
His Lordship, the Hon. Mr. Hugh A. Rawlins – Justice of Appeal
Her Ladyship, the Hon. Ms. Ola Mae Edwards – Justice of Appeal (Ag.)

High Court Criminal Appeals Against Conviction

Garry Williams v The Queen
Criminal Appeal No.19 of 2005

Appearances:

Appellant: Appellant in person
Respondent: Mr. Colin Williams, D.P.P. (Ag) for the Respondent

Issue: Robbery- Appeal against conviction and sentence of 6 years hard labour.

Result: Appeal against conviction withdrawn and accordingly dismissed. Appeal against sentence is dismissed.

Reason: Rawlins, J.A.: There was no basis for interfering with the sentence. Unlike a co-accused whose sentence was reduced, the Appellant has multiple convictions for dishonesty. That factor explains why it is just that the sentences should be different.

Hassan Mohammed v The Queen
Criminal Appeal No.23 of 2005

Appearances:

Appellant: Mr. Richard Williams for the Appellant
Respondent: Mr. Colin Williams, D.P.P. (Ag.) for the Respondent

Issue: Aggravated burglary and attempted murder – Appeal against conviction and Sentence of five (5) years imprisonment.

Result: Appeal against conviction withdrawn. Appeal dismissed, sentence upheld.

Reason: Barrow, J.A.: The sentences of 5 years imposed for the offences of aggravated burglary and attempted murder, to run concurrently, were altogether too lenient for such grave offences. While the Appellant was entitled to have the time he spent on remand taken into account and that was not done in this case, because the Appellant deserved a heavier sentence it is appropriate to leave undisturbed the sentence of 5 years imprisonment.

High Court Civil Appeals

East Caribbean Flour Mills Limited v Ormiston Ken Boyea

Civil Appeal No.12 of 2006

Appearances:

Appellant: Barry Gale Q.C.; L.A. Douglas Williams, David di Mambro and Nadine Worrell for the Appellant.

Respondent: Dr. Joseph Archibald Q.C.; Sydney Bennett Q.C.; Stanley John; R. Akins John for the Respondent.

Issue: Interlocutory appeal against the decision of the learned Trial Judge on the ground that she erred in finding that evidence of tapes and records were hearsay evidence and therefore ruled them inadmissible.

Result: Judgment Reserved

Coram: His Lordship, the Hon. Mr. Brian Alleyne, SC – Chief Justice (Ag.)
His Lordship, the Hon. Mr. Denys Barrow, SC - Justice of Appeal
His Lordship, the Hon. Mr. Hugh A. Rawlins - Justice of Appeal

Applications

Alason Walker v Janine Williams

Civil Appeal No.23 of 2003

Appearances:

Appellant: Ms Samantha Robertson for the Appellant

Respondent: Mr. Grant Connell for the Respondent

Issue: Application to dismiss appeal.

Result: No order made.

Reason: There was no appeal filed so the matter is not rightfully before the Court.

Status Hearing (Open Court)

Anthony Dabreo v Commissioner of Police

Magisterial Criminal Appeal No.14 of 2007

Appearances:

Appellant: Mr. Emery Robertson Jr. for the Appellant

Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Wounding – Appeal against conviction and sentence of 1 year imprisonment, compensation of \$1,508.00 before 30th April 2006 or 6 months imprisonment.

Result: Matter remitted to Magisterial Court for retrial.

Vandyke Williams v Commissioner of Police

Magisterial Criminal Appeal No.15 of 2007

Appearances:

Appellant: Mrs. Kay Bacchus-Browne for the Appellant

Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Damage to Property – Appeal against sentence of 18 months imprisonment.

Result: Appeal allowed. Time served is considered a suitable sentence.

Zane Dopwell v Commissioner of Police

Magisterial Criminal Appeal No.19 of 2007

Appearances:

Appellant: Appellant in person

Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Trespassing – Appeal against sentence of 2 years imprisonment.

Result: The sentence is suspended on the condition that the Appellant continues to attend rehabilitation programmes at the Marion House two times per week for 12 months and commits no offence during this period, upon which the sentence is to be discharged.

Clara Wallace v Commissioner of Police

Magisterial Criminal Appeal No.20 of 2007

Appearances:

Appellant: Mr. Jaundy Martin for the Appellant

Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Receiving stolen goods – Appeal against conviction and sentence of a fine of \$10,000 in 7 days or 2 years imprisonment.

Result: Matter is remitted to Magistrates Court for retrial.

Sean Saunders v Commissioner of Police
Magisterial Criminal Appeal No.24 of 2007

Appearances:

Appellant: Appellant in person.

Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Stealing – Appeal against sentence of 3 years imprisonment.

Result: Magistrate to prepare record of hearing. The record is to be duly certified and listed for the next hearing of the Court of Appeal. Bail granted in the sum of \$5,000.00 and 1 surety. Appellant to report to Central Police Station every Friday by 5 p.m. until completion of trial.

Cuthbert Herbert v Commissioner of Police
Magisterial Criminal Appeal No.32 of 2007

Appearances:

Appellant: Appellant in person.

Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Stealing – Appeal against sentence of 28 days imprisonment, 9 months imprisonment and 2 ½ years imprisonment to run concurrently.

Result: Appeal allowed. Time served is considered a suitable sentence.

High Court Civil Appeals

C.K. Greaves & Company Ltd v Osley Baptiste
Civil Appeal No.9 of 2006

Appearances:

Appellant: Mr. Samuel Commissioning for the Appellant

Respondent: Mr. Richard Williams for the Respondent

Issue: Appeal against the decision of Learned Trial Judge in finding that the Claimant suffered pain and suffering and that the finding that the Claimant's monthly earning was \$3,000. Further the Learned Trial Judge erred in that his award of damages to the claimant was excessive.

Result: The Appellant to pay the Respondent special damages in the sum of \$25,244.36.
The Appellant to pay the Respondent general damages in the sum of \$100,000.
The Appellant to pay the Respondent prescribed costs in the sum of \$25,000.00
The Appellant to pay the Respondent interest at the rate of 6% on the judgment from the 10th day of May 2006, until payment.

Reason: By consent.

Kesiah Baptiste v Donald McTAir
Civil Appeal No.15 of 2006

Appearances:

Appellant: Mr. Emery Robertson for the Appellant
Respondent: Mr. Stephen Williams for the Respondent

Issue: Whether the Learned Trial Judge erred in granting a declaration in favour of the Respondent making him the fee simple owner of a parcel of land.

Result: Matter stood down.

Magisterial Criminal Appeals Against Sentence

Arnold Dascent v Commissioner of Police
Magisterial Criminal Appeal No.37 of 2006

Appearances:

Appellant: Appellant in person
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Offence of burglary – appeal against sentence of four (4) years imprisonment.

Result: Appeal dismissed. Conviction and sentence affirmed.

Reason: The Court was of the view that the sentence imposed in this case was reasonable and in keeping with the pattern that has been adopted in this country and therefore saw no reason to disturb the sentence.

Jefforn Nanton v Commissioner of Police
Magisterial Criminal Appeal No.60 of 2006

Appearances:

Appellant: Appellant in person.
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent.

Issue: Burglary – Appeal against sentence of four (4) years hard labour to run concurrently with three (3) years imposed in case 5 of 2005.

Result: Appeal dismissed. Conviction and sentence affirmed.

Reason: The Appellant has an extensive list of previous convictions for similar offences.

Jean Martin v Commissioner of Police
Magisterial Criminal Appeal No.1 of 2007

Appearances:
Appellant: Appellant in person
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent.

Issue: Assault – Appeal against sentence of fine of \$700 or one month imprisonment.

Result: Appeal dismissed. Fine to be paid in 2 months, in default 1 month imprisonment.

Reason: The Court was of the view that the Magistrate was lenient in the circumstances in that a custodial sentence should have been imposed. In addition, the Appellant has an extensive list of previous convictions on similar offences.

Alvin Baptiste v Commissioner of Police
Magisterial Criminal Appeal No.2 of 2007

Appearances:
Appellant: Appellant in person.
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent.

Issue: Theft – Appeal against sentences of fifteen months imprisonment and \$2,810.00 compensation to virtual complainant and 3 months imprisonment and \$60US compensation to virtual complainant. Concurrent sentences.

Result: Appeal allowed. Sentence is reduced from 15 months to 1 year imprisonment

Reason: In keeping with other decisions of the Court and because it is the Appellant's first conviction of this type of offence the Court was minded to reduce the sentence.

Zimroy Guy v Commissioner of Police
Magisterial Criminal Appeal No.5 of 2007

Appearances:

Appellant: Mr. Ronald Marks for the Appellant
Respondent: Mrs. Sandra Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent.

Issue: Possession of 45 lbs of marijuana – Appeal against sentence of fifteen months imprisonment.

Result: Appeal dismissed. Sentence affirmed.

Reason: The sentence handed down by the Magistrate was in keeping with the guidelines laid down by this Court and in the circumstances the Court found the sentence fair.

Andy Craigg v Commissioner of Police
Magisterial Criminal Appeal No.22 of 2007

Appearances:

Appellant: Mr. Richard Williams for the Appellant
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent.

Issue: Possession of Firearm and Ammunition without Licence – Five convictions. Appeal against sentences of five (5) years imprisonment; one (1) year imprisonment; six (6) months imprisonment; five (5) years imprisonment; eighteen (18) months imprisonment; all sentences to run concurrently.

Result: Appeal dismissed. Sentence affirmed.

Reason: The Appellant had several previous convictions for this offence. The Court was of the view that the sentence was adequate.

Charles Constance v Commissioner of Police
Magisterial Criminal Appeal No.23 of 2007

Appearances:

Appellant: Mr. Richard Williams for the Appellant
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Conceal property which represents proceeds of criminal conduct – Appeal against sentence of two and a half years (2 ½) years imprisonment. Forfeiture of all cash and interest.

Result: Appeal allowed. Sentence reduced from 2 ½ years to 15 months.

Reason: The Court considered that this money laundering offence will normally attract a custodial sentence save in exceptional circumstances. For possession of \$26,000.00 a sentence of between 9 to 12 months, depending on the particular facts, would be a suitable starting sentence. In this case the Appellant had a recent previous conviction for the same offence. However, the Court took into consideration the cases R v B and R v Bazra and were of the view that the sentence was excessive in the circumstances.

Preben Lyttle v Commissioner of Police
Magisterial Criminal Appeal No.33 of 2007

Appearances:

Appellant: Appellant in person
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Assault, possession of firearm, possession of controlled drug, possession of ammunition – Appeal against sentence of 4 months imprisonment, 2 ½ years imprisonment, 1 year imprisonment to run concurrently.

Result: Appeal is dismissed.

Reason: The Court was of the view that the sentence imposed was in keeping with the guidelines set down by this Court.

Junior Woods v Commissioner of Police
Magisterial Criminal Appeal No.47 of 2007

Appearances:

Appellant: No appearance of the Appellant
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Possession of controlled drug –Appeal against sentence of 1 year imprisonment.

Result: Appeal dismissed.

Reason: Appellant has served sentence.

Randolph Johnson v Commissioner of Police
Magisterial Criminal Appeal No. 48 of 2007

Appearances:

Appellant: Appellant in person
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Possession of firearm, possession of ammunition – appeal against sentence of 2 years imprisonment and 9 months imprisonment.

Result: Appeal dismissed. Sentence affirmed.

Reason: The Appellant had previous convictions of the same nature. With the increase in such offences in recent times the Court is of the view that the sentence is appropriate, and is in keeping with the guidelines laid down by this Court.

Nizam Williams v Commissioner of Police

Magisterial Criminal Appeal No. 50 of 2007

Appearances:

Appellant: Mr. Ronald Marks for the Appellant

Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Stealing – Appeal against sentence of 18 months, 12 months, 2 ½ years, 3 ½ years, 18 months, 9 months, 6 months and 3 ½ years imprisonment to run concurrently. Restitution orders and deportation.

Result: Appeal dismissed. Sentence affirmed.

Reason: The Court was of the view that the sentences were in keeping with the range.

Rorie Hamlette, Orlando Sergeant v Commissioner of Police

Magisterial Criminal Appeal No.51 of 2007

Appearances:

Appellants: Appellants in person

Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Stealing – Appeal against sentence of 2 ½ years imprisonment for Appellant. No.1.
Appeal against sentence of 4 years imprisonment for Appellant No. 2.

Result: Appellant No. 1 – Appeal dismissed. Sentence affirmed.
Appellant No. 2 – Appeal allowed in part. Sentence reduced from 4 years to 3 years imprisonment.

Reason: The court was of the view that the difference between the two sentences was too great and therefore was minded to reduce the sentence of Appellant No. 2.

Magisterial Criminal Appeals Against Conviction

Marilyn John v Commissioner of Police

Magisterial Criminal Appeal No.11 of 2007

Appearances:

Appellant: Mrs. Kay Bacchus-Browne for the Appellant
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Possession of a controlled drug – Appeal against conviction and sentence of eighteen (18) months imprisonment.

Result: Appeal against conviction is withdrawn. Appeal against sentence allowed. Sentence reduced from 18 months to 12 months in addition to a fine of \$2,500 to be paid within 4 months of release. In default a further 4 months imprisonment.

Reason: The Appellant had several previous convictions for this offence. However, the Court was guided by precedent in earlier cases and was of the view that the sentence was excessive.

Commissioner of Police v Ordan Graham

Magisterial Criminal Appeal No.56 of 2006

Appearances:

Appellant: Mr. Colin Williams, Director of Public Prosecutions (Ag.) and Mr. Saboto Caesar for the Appellant
Respondent: Mr. Emery Robertson for the Respondent.

Issue: Use of seditious words – Appeal against decision of Learned Magistrate to uphold a no case to answer submission.

Result: Traversed to the next sitting of the Court of Appeal.

Reason: In order that the D.P.P. expand his submissions to clarify that the Court had jurisdiction to hear an appeal by way of case started by the D.P.P. against an order upholding no-case submission and for counsel to be briefed and that his cost be borne by the State.

Kaffrey Baptiste v Commissioner of Police

Magisterial Criminal Appeal No.61 of 2006

Appearances:

Appellant: Mr. Ronald Marks for the Appellant
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Possession of firearm – Appeal against conviction and sentence of 3 years Imprisonment and 1 year imprisonment to run concurrently.

Result: Appeal against conviction withdrawn. Sentence is affirmed, taking effect from date of arrest. Remand time to be taken into consideration.

Reason: Court is of the view the Magistrate did not take into account time spent on remand when sentencing the Appellant.

Edrian Haywood v Commissioner of Police
Magisterial Criminal Appeal No.4 of 2007

Appearances:

Appellant: Mr. Richard Williams for the Appellant
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Possession of Drugs – Appeal against conviction and sentence of twenty eight months imprisonment.

Result: Appeal dismissed.

Reason: Court was of the view that the sentence was adequate in the circumstances.

Asbert Williams v Commissioner of Police
Magisterial Criminal Appeal No.6 of 2007

Appearances:

Appellant: Mr. Jaundy Martin for the Appellant
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent.

Issue: Assault – Appeal against conviction and sentence of three (3) months imprisonment.

Result: Appeal allowed on conviction and offence of assault substituted. Sentence varied to time served in addition to a bond to keep the peace for 12 months or a fine of \$250.00.

Reason: The Court was of the view that in the circumstances that is, the Appellant although having a cutlass used restraint and never brandished or threatened the virtual complainant with it, and in addition to the fact that the Appellant was not correctly charged, the Court was of the view that the appeal should be allowed.

Janice Cottle v Commissioner of Police
Magisterial Criminal Appeal No.9 of 2007

Appearances:

Appellant: Mr. Ronald Marks and Ms. Samantha Robertson for the Appellant
Respondent: Mr. Sabato Caesar for the Respondent

Issue: Possession of Ammunition without Licence – Appeal against conviction and sentence of two (2) years imprisonment.

Result: Appeal allowed. Conviction and sentence set aside.

Reason: The Court is of the view that the evidence in this matter was, at best, inconclusive.

Osdale Fergusson v Commissioner of Police
Magisterial Criminal Appeal No.10 of 2007

Appearances:

Appellant: Mr. Stephen Williams for the Appellant
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. for the Respondent.

Issue: Assault – Appeal against conviction and sentence of two (2) years imprisonment

Result: Appeal allowed. Sentence reduced from 2 years to 1 year. Appeal against conviction is dismissed.

Reason: The Court was of the view that the offence is a serious offence which is assault causing actual bodily harm with a maximum penalty of 5 years imprisonment. However, the Court was of the view that because of the extent of injuries inflicted the sentences could be reduced. They further stated that had it not been a firearm used a fine could have been imposed.

Coram: Her Ladyship, the Hon. Ms. Ola Mae Edwards – Justice of Appeal (Ag.)

Status Hearings (Chambers)

Frank Cropper v Cleve Cropper
Magisterial Civil Appeal No.2 of 2007

Appearances:

Appellant: Mrs. Kay Bacchus-Browne for the Appellant
Respondent: Ms. Rochelle Forde and Mr. Ronald Marks for the Respondent.

Issue: Learned Magistrate erred in decision to evict Appellant.

Result: Notice of updated appeal is deemed to have been validly filed pursuant to Section 13 of Magistrate Civil Appeal. Hearing of this appeal is set for the week 15th to 19th October 2007. Skeleton arguments for the Appellant to

be filed and served on or before Tuesday 5th June 2007. The Respondent's Counsel has liberty to file and serve arguments in response on or before 1st June 2007. Parties are to mediate before Mediator, Mrs. Euchrista St. Hilaire-Bruce-Lyle.

Elmore Williams v Doris Edwards
Magisterial Civil Appeal No.6 of 2007

Appearances:

Appellant: No appearance of the Appellant
Respondent: Mr. Jaundy Martin for the Respondent.

Issue: The learned Magistrate erred in that the amount awarded was exorbitant.

Result: Appeal abandoned.

Reason: Appellant has migrated to Canada. Notice of appeal and grounds of appeal have not been served within 14 days pursuant to Section 31(1) of Magistrate's Court Appeal Act Chapter 25.

Davidson Webb v Emma John
Magisterial Civil Appeal No.12 of 2007

Appearances:

Appellant: Mr. Ronald Marks for the Appellant.
Respondent: Respondent in person..

Issue:

Result: Applicant and counsel to file and serve affidavits as to what took place at trial at Magistrate Court on or before 15th June 2007. Respondent and Lawyer Mr. Sylvester Raymond-Cadette to file and serve affidavits as to what took place at trial on or before 15th June 2007. Respondent to file and serve a copy of 'plaint' for slander that was filed in Magistrates Court on January 4, 2006. Adjourned to the next sitting of the Court of Appeal in St. Vincent on 15th to 19th October 2007 for chamber hearing before a single Judge. Leave granted for Appellant to file and serve amended grounds of appeal on or before June 29, 2007. This order to be prepared by Registrar, sealed and served on the Appellant forthwith.

Coram: His Lordship, the Hon. Mr. Denys Barrow, SC - President
His Lordship, the Hon. Mr. Hugh Rawlins - Justice of Appeal
Her Ladyship, the Hon. Ms. Ola Mae Edwards - Justice of Appeal (Ag.)

Kesiah Baptiste v Donald Mc Tair
Civil Appeal No.15 of 2006

Appearances:

Appellant: Mr. Emery Robertson for the Appellant
Respondent: Mr. Stephen Williams for the Respondent

Issue: Whether the Learned Trial Judge erred in granting a declaration to the Respondent making him the fee simple owner of a parcel of land.

Result: Appeal dismissed. Cost to Respondent in the sum of \$9,000.00.

Reason: In accordance with the principle stated in Civil Appeal No. 6 of 1980 from the Belize Court of Appeal *Hulse v Kobitz*, which states that a deed is valid if it is properly executed even though it does not conform with the formal requirements for the deed to be recorded.

Gareth Moses v Commissioner of Police
Magisterial Criminal Appeal No.12 of 2007

Appearances:

Appellant: Mr. Stephen Williams for the Appellant.
Respondent: Ms. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Possession of a controlled drug – Appeal against conviction and sentence of a fine of \$13,000 to be paid by 27th April 2007 in default twelve (12) months imprisonment.

Result: Appeal dismissed.

Reason: The Court did not find any reason to interfere with the Magistrate's decision.

Benedict Mc Lawrence v Commissioner of Police
Magisterial Criminal Appeal No.30 of 2007

Appearances:

Appellant: Richard Williams for the Appellant
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Possession of a controlled drug with intent to supply – Appeal against conviction in respect of five different counts and sentences of \$2,000.00 forthwith or 4 months in prison; thirty-one (31) months in prison; eighteen (18) months imprisonment; order for defendant to serve thirteen (13) months in prison; and four (4) months imprisonment, sentences run concurrently.

Result: Traversed to the next sitting of the Court of Appeal

Rohan Archibald v Commissioner of Police
Magisterial Criminal Appeal No.39 of 2007

Appearances:

Appellant: Mr. Ronald Marks for the Appellant
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Unlawful and malicious wounding – Appeal against conviction and sentence of 2 years imprisonment.

Result: Appeal dismissed. Conviction and sentence affirmed.

Reason: The Court found no reason to interfere with the decision of the Magistrate.

Theodore Matthews v Commissioner of Police
Magisterial Criminal Appeal No. 46 of 2007

Appearances:

Appellant: Mr. Ronald Marks for the Appellant
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Assault – Appeal against conviction and sentence of a fine of \$700.00 or one month imprisonment to be paid by 21st March 2007.

Result: Appeal against conviction dismissed.

Reason: The Court was satisfied that though the Constitution provides that the accused is entitled to legal representation it is not an absolute right. In the circumstances the Court did not believe that the Appellant was entitled to an adjournment as a matter of course simply because a letter was sent by his lawyer. The Magistrate would have exercised her discretion and they could find no reason to disturb that decision.

Maxwell Stowe v Commissioner of Police
Magisterial Criminal Appeal No.49 of 2007

Appearances:

Appellant: Mr. Ronald Marks for the Appellant
Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Assault, causing actual bodily harm – Appeal against conviction and sentence of a fine of \$1,000.00 to be paid in 1 month in default 2 months imprisonment, a fine of \$250.00 to be paid in 1 month in default 2 weeks imprisonment.

Result: Appeal against conviction is dismissed. Appeal against sentence allowed. Fine reduced from \$1,000 to \$700 to be paid within 1 month.

Reason: The Court was satisfied that though the Constitution provides that the accused is entitled to legal representation it is not an absolute right. In the circumstances the Court did not believe that the Appellant was entitled to an adjournment as a matter of course simply because a letter was sent by his lawyer. However, the sentence was unreasonable in the circumstances.

Sheon Veira v Commissioner of Police

Magisterial Criminal Appeal No.55 of 2007

Appearances:

Appellant: Appellant in person

Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Possession of a firearm and rounds of ammunition – appeal against sentences of 1 year in prison and 3 ½ years in prison to run concurrently.

Result: Appeal dismissed. Conviction and sentence affirmed.

Reason: The Court found no reason to disturb the finding of the Magistrate, the sentence was in keeping with the guidelines set down by this Court.

Everton Tannis v Commissioner of Police

Magisterial Criminal Appeal No.56 of 2007

Appearances:

Appellant: Appellant in person.

Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent.

Issue: Unlawful and malicious wounding – Appeal against sentence of 5 years imprisonment.

Result: Appeal dismissed. Conviction and sentence upheld.

Reason: Appellant has extensive previous convictions with some for violence. Court can see no reason to interfere with Magistrate's decision. It is in keeping with the guidelines set down by this Court.

Oswald Thomas v Commissioner of Police

Magisterial Criminal Appeal No.57 of 2007

Appearances:

Appellant: Ms. Samantha Robertson for the Appellant

Respondent: Mrs. S. Robertson-Drayton Asst. D.P.P. (Ag.) for the Respondent

Issue: Discharge of a firearm in a public road and possession of 1 round of ammunition – Appeal against sentences of 7 months and 4 months to run concurrently.

Result: Appeal against conviction withdrawn. Appeal against sentence allowed. A fine of \$2,000.00 imposed to be paid within 6 weeks. The prison terms of 7 months and 4 months are suspended.

Reason: The Court considered that the provocation was extreme in this instance, the appellant had been actually physically hurt and therefore the degree of criminal culpability in his response is significantly reduced. The Court also looked at the fact that the appellant was responding to an attack against him at his home.

Magisterial Civil Appeal

Kenville Bailey v Sylvina Williams
Magisterial Civil Appeal No.10 of 2007

Appearances:

Appellant: Appellant in person
Respondent: Mr. Bertram Stapleton for the Respondent

Issue: The Magistrate erred in awarding for the Respondent.

Result: Appeal dismissed. Cost to the Respondent in the sum of \$500.00.

Reasons: The Court found no reason to interfere with the decision of the Magistrate.