

CHAMBER HEARING

Tuesday 7th April, 2009

BEFORE

The Hon. Mde. Ola Mae Edwards, Chief Justice (Ag.)

SAINT LUCIA

Case Name

**Janice Martyr v Elvin Cox
[Civil Appeal No. 3 of 2006]**

On paper:

Applicant: Mr. Jeannot-Michel Walters

Respondent: Mrs. Wauneen Louis-Harris holding papers for Mr. Vern Gill

Issue:

Application to dismiss appeal for want of prosecution

Result:

It was ordered and directed that:

- 1. The Appellants/Respondents must file with the court office and serve on the Respondent/Applicant a skeleton argument within 42 days from this date hereof.**
- 2. The Respondent/Applicant within 28 days of service of the Appellants/Respondents skeleton arguments must file his skeleton argument and serve a copy on the Appellants/Respondents.**
- 3. The Appellants/Respondents may file and serve a skeleton argument in reply within 14 days of service of the Respondent/Applicant's skeleton argument.**
- 4. The Appellants/Respondents must prepare and file with the court office 6 sets of the record for the use of the court comprising the documents set out in CPR 62.12(3).**
- 5. The appeal is set down for hearing at the next sitting of the Full Court in Saint Lucia during the week of 6th to 10th July 2009.**
- 6. No order as to costs.**

Case Name

**The Attorney General et al v Yannick Joseph
[Civil Appeal No. 6 of 2007]**

On paper:

Appellants: Mr. Leslie Prospere

Respondent: Ms. Diana Thomas

Issue: Application to discontinue appeal

Result: It was ordered that:
1. The Notice of Appeal filed by the Appellants and the Counter Notice of Appeal filed by the Respondent stands dismissed.
2. No order as to costs.

Reason: The parties agreed.

Case Name Gabriel Joseph v The Castries City Corporation
[Civil Appeal No.7of 2009]

On paper:
Applicant: Ms. Diana Thomas with Ms. Rene St. Rose
Respondent: Ms. Beverly Downes on record

Issue: Application for leave to appeal

Result: The matter is stood down.

Reason: To permit Counsel to appear.

Case Name Eagle Construction and Maintenance Services (ECMS) et al v Bob Baksh et al
[Civil Appeal No. 9 of 2009]

On paper:
Applicant: Mrs. Wauneen Louis-Harris
Respondent: Mrs. Carol Gideon-Clovis

Issue: Application for leave to appeal

Result: It was ordered that:
1. The Application is adjourned to the 12th May 2009 for hearing.
2. Counsel for the Applicants to file, serve and transmit to the Court of Appeal office on or before the 4th May 2009 a record containing:
i. the judgment summons,
ii. the affidavit in support of the judgment summons,
iii. the order of the Court on the application,

- iv. the mediation agreement order, and
 - v. a certified copy of the judge's notes or transcript of proceedings, where it exists.
3. Counsel for the Respondent to file, serve and transmit to the Court of Appeal office an affidavit in opposition, where necessary, and opposing skeleton arguments on or the before 28th April 2009.
 4. Counsel for the Applicants to file, serve and transmit to the Court of Appeal submissions in reply, where necessary, on or before the 4th May 2009.

Case Name Gabriel Joseph v The Castries City Corporation
[Civil Appeal No.7of 2009]

On paper:

Applicant: Ms. Diana Thomas with Ms. Rene St. Rose

Respondent: Ms. Beverly Downes on record

Issue: Application for leave to appeal

Result:

It was ordered that:

1. The Application for leave to appeal is hereby granted for the Applicant to file a claim for judicial review on condition that the Applicant file a fixed date claim pursuant to CPR56.7 within 14 days of receipt of the order granting leave.
2. No order as to costs.

Reason:

The underlying claim for judicial review is arguable.

Case Name The Honourable Attorney General v Kenny D. Anthony
[Civil Appeal No. 10 of 2009]

On paper:

Appellant: Mr. Kenneth Monplaisir, QC with Mr. Alberton Richelieu

Respondent : Ms. Rene St. Rose

Issue: Application for extension of time to file an Application for leave
Application for adjournment

Result:

It was ordered and directed that:

1. The Application is adjourned to the 16th April 2009 for hearing by a single judge.
2. The Respondent to file, serve and transmit to the Court of Appeal office

any opposing affidavit with opposing submissions on or before 9th April 2009.

3. The Applicant to file, serve and transmit to the Court of Appeal office any submissions in reply on or before 14th April 2009.

**ANTIGUA AND
BARBUDA**

Case Name Sharon C. Weekes v Glen Weekes
[Civil Appeal No. 2 of 2009]

On paper:

Applicant: Richards & Co.

Respondent: Unrepresented

Issue: Application for extension of time to comply with order of Court

Result: It was ordered that:
1. The time for compliance with the order of the court made on the 9th March 2009 is extended to the 24th April 2009.
2. The matter is adjourned to the 30th April 2009.
3. The parties are granted relief from sanction.
4. No order as to costs.

Reason: CPR 26.8 has been satisfied.
The Draft Consent Order is approved.

**COMMONWEALTH
OF DOMINICA**

Case Name Nicholls Esprit et al v Speaker of the House of Assembly et al
[Civil Appeal No. 5 of 2008]

On paper:

Appellant: Don Christopher & Co.

Respondent: Mrs. Heather Felix-Evans

Issue: Application to strike out appeal

Result: It was ordered that:
1. The Respondents/Applicants application to strike out appeal filed on the 6th February 2009 and Appellants/Respondents application in opposition to strike out the appeal filed on the 9th March 2009 are adjourned to the next sitting of the Court in Dominica commencing the week of 8th June 2009.
2. The record of appeal and skeleton arguments of the Appellants and Respondents are to be filed and served if not already done on or before 8th May 2009.

BEFORE The Hon. Mr. Michael Gordon, QC, Justice of Appeal (Ag.)

**ANTIGUA AND
BARBUDA**

Case Name Errol Porter v The Queen
[Criminal Appeal No. 3 of 2009]

On paper:
Applicant: Watt & Associates
Respondent: The Director of Public Prosecutions

Issue: Application for bail pending appeal

Result: It was ordered that:
The Application for bail is adjourned to the next sitting of the court in Antigua and Barbuda commencing the week of 22nd July 2009.

Reason: A single judge does not have jurisdiction to determine the Application.

**COMMONWEALTH
OF DOMINICA**

Case Name Henry Liu et al v The Attorney General et al
[Civil Appeal No. 1 of 2006]

On paper:
Appellant: Ms. Noelize Knight

Respondent : The Attorney General

Issue: Application to withdraw appeal

Result: It was ordered that:
The Application for withdrawal of the notice of motion for conditional leave to appeal to Her Majesty in Council filed 9th October 2008 is granted.

Reason: The parties agreed.

Case Name The Attorney General of the Commonwealth of Dominica v Gildon Richards
[Civil Appeal No. 15 of 2008]

On paper:

Applicant: The Attorney General

Respondent: Mr. Gildon Richards

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

Result: It was ordered that:
The matter is adjourned to 12th May 2009 for the Applicants to provide proof of service on the Respondent.

Reason: For the Applicant to provide proof of service.

GRENADA

Case Name In the matter of the claim of Lillian Forde to be admitted to practice as an
Attorney-at-law of the Supreme Court of Grenada and the West Indies
[Criminal Appeal No. 14 of 2008]

On paper:

Appellant: Grenlaw

Respondent: Unrepresented

Issue: Application to withdraw appeal

Result: It was ordered that:

The Application to withdraw the appeal is granted.

Reason:

**SAINT VINCENT
AND THE
GRENADINES**

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

On paper:

Applicant: Unrepresented

Respondent: The Director of Public Prosecutions

Issue: Application for extension of time to appeal

Result and Reason:

It was ordered that:

The Application for extension of time to appeal is adjourned to 12th May, 2009 for the Applicant to provide information as to the sentence imposed on him.

Case Name **Ranell Mathurin v The Commissioner of Police
[Magisterial Criminal Appeal No. 6 of 2009]**

On paper:

Appellant: Unrepresented

Respondent: The Director of Public Prosecutions

Issue: Application for extension of time to appeal

Result:

It was ordered that:

- 1. The Application for extension of time to appeal is granted.**
- 2. The Notice of Appeal is to be filed and served on or before the 29th day of April, 2009.**

Reason:

To permit the Applicant to contact surety.

Case Name Alston Woods v The Commissioner of Police
[Magisterial Criminal Appeal No. 7 of 2009]

On paper:

Applicant: Unrepresented

Respondent: The Director of Public Prosecutions

Issue: Application for extension of time to appeal

Result:

It was ordered that:

1. The Application for extension of time to appeal is granted.
2. The Notice of Appeal is to be filed and served on or before the 29th day of April, 2009.

Reason:

To permit Applicant to contact surety.

Case Name Keirdan Simon v The Commissioner of Police
[Magisterial Criminal Appeal No. 9 of 2009]

On paper:

Applicant: Unrepresented

Respondent: The Director of Public Prosecutions

Issue: Application for extension of time to appeal

Result:

It was ordered that:

1. The Application for extension of time to appeal is granted.
2. The Notice of Appeal is to be filed and served on or before the 29th day of April, 2009.

Reason:

To permit Applicant to contact surety.

Case Name Michael George v The Commissioner of Police
[Magisterial Criminal Appeal No. 10 of 2009]

On paper:

Applicant: Unrepresented

Respondent: The Director of Public Prosecutions

Issue: Application for extension of time to appeal

Result: It was ordered that:
1. The Application for extension of time to appeal is granted.
2. The Notice of Appeal is to be filed and served on or before the 29th day of April, 2009.

Reason: To permit Applicant to contact surety.

Case Name Lionel Wilson v The Commissioner of Police
[Magisterial Criminal Appeal No. 11 of 2009]

On paper:
Applicant: Unrepresented
Respondent: The Director of Public Prosecutions

Issue: Application for extension of time

Result: It was ordered that:
1. The Application for extension of time to appeal is granted.
2. The Notice of Appeal is to be filed and served on or before the 29th day of April, 2009.

Case Name Sylvannus Porter v The Commissioner of Police
[Magisterial Criminal Appeal No. 12 of 2009]

On paper:
Applicant: Unrepresented
Respondent: The Director of Public Prosecutions

Issue: Application for extension of time to appeal

Result: It was ordered that:
1. The Application for extension of time to appeal is granted.

2. The Notice of Appeal is to be filed and served on or before the 29th day of April, 2009.

**TERRITORY OF
THE VIRGIN
ISLANDS**

Case Name Belmont Estates Limited v The Registrar of Land
[Civil Appeal No. 11 of 2008]

On paper:

Appellant: Harney, Westwood & Reigels

Respondent: Farara Kerins

Issue: Application for extension of time to file Record of Appeal
Application by the Respondent for the appeal to be struck out

Result and Reason: It was ordered that:
The matter is adjourned to the next sitting of the Full Court in Tortola for
determination of the issue of jurisdiction of the Court in relation to the said
application.

Case Name Excel Mobile Investments Limited v Gerald Nicholas Tan et al
[Civil Appeal No. 26 of 2008]

On paper:

Appellant: Farara Jenkins

Respondent: O'Neal Webster

Issue: Application for Stay of Execution

Result: It was ordered that;
The Application herein for stay of execution of judgment of Olivetti, J dated
11th December 2008 is granted.

Case Name Bett Lou Bailey nee Chalwell v Mark Bailey
[Civil Appeal No. 3 of 2009]

On paper:

Applicant: Farara Kerins

Respondent: Todman & Co.

Issue: Application for leave to appeal and stay of execution

Result: It was ordered that:

1. If leave is required, the Application for leave to appeal is granted.
2. The Application for stay of execution of the Order of Olivettie, J dated 30th January, 2009 pending the determination of the appeal is granted.