

CHAMBER HEARING
Tuesday 22nd September, 2009

BEFORE The Hon. Mr. Michael Gordon, QC, Justice of Appeal [Ag.]

SAINT LUCIA

Case Name Urban Dolor v The Board of Governors, Sir Arthur Lewis Community College [Civil Appeal No. 30 of 2009]

Appearances:

Applicant: Mr. Horace Fraser

Respondent: Mrs. Petra Jeffrey-Nelson

Issue: Application for leave to appeal

Result: The Application was adjourned for hearing on 15th October, 2009.

Reason: Seven clear days notice of the Application for leave to appeal had not been given to the Respondent. The Applicant did not oppose the Application for an adjournment.

Case Name Marius Wilson v Julienne James et al
[Civil Appeal No. 6 of 2009]

Appearances:

**Applicants/
Respondents:** Ms. Diana Thomas instructed by Caribbean Law Offices

**Respondent/
Appellant:** No appearance

Issue: Application for extension of time to apply for reconsideration of decision of a single judge

Result: It was ordered that:
1. The Application is granted.

2. The Application for a reconsideration of the decision of a single judge is deemed to be duly filed.
3. The Application is set down for hearing at the next sitting of the Court of Appeal in Saint Lucia scheduled 19th to 23rd October, 2009.

Case Name Theresa Herman v Joseph Tranquillin
[Civil Appeal No. 18 of 2009]

Appearances:

Applicant: No appearance

Respondent: Mr. Alfred Alcide

Issue: Application for relief from sanctions for late filing of Counter-Notice of Appeal

Result: The Application was withdrawn.

**ANTIGUA AND
BARBUDA**

Case Name American International Bank (In Receivership) v Cecile Hill, Registrar of Lands et al
[Civil Appeal No.26 of 2006]

On paper:

Applicant: Watt & Associates

Respondents: Phillips, Phillips & Archibald

Issue: Application for removal of legal practitioners

Result and Reason: The Application was adjourned to the next Chamber Hearing scheduled for 27th October, 2009 for proof of service.

Case Name Careem Bedminster v The Queen
[Criminal Appeal No. 12 of 2009]

On paper:

Appellant: Steadroy C.O Benjamin & Co.
Respondent: The Director of Public Prosecutions

Issue: Application for Bail pending appeal

Result: The Application was adjourned to the next Chamber Hearing scheduled for 27th October, 2009.

Reason: There was no affidavit of service of the Application on the Respondent.

Case Name Steadroy C. O. Benjamin v Commissioner of Police et al
[Civil Appeal No. 23 of 2009]

On paper:

Applicant: Marshall & Co.
Respondents: The Attorney General's Chambers

Issue: Application for leave to appeal

Result: The Application was set down for hearing by the full court at its next sitting of the Court in Antigua and Barbuda scheduled for the week commencing 7th December, 2009.

Reason: Being minded to refuse leave, the matter was referred to the full court in the exercise of the discretion accorded by rule 62.2(5) of the Civil Procedure Rules 2000.

MONTSERRAT

Case Name University of Science, Arts, Technology (Montserrat) Ltd. v Roberts W. McChesney et al
[Civil Appeal No. 3 of 2009]

On paper:

Applicant: Kelsick v Kelsick
Respondent: Mr. David Brandt

Issue: Application for leave to appeal

Result: It was ordered that:
1. Leave to appeal is granted.
2. Costs to be costs in the appeal.
3. The appeal is to be filed within 14 days of today's date in accordance with CPR Pt. 62.5 and parties are to comply with CPR Pt 62.10.
4. Matter to be heard on paper by a single judge.

**SAINT
CHRISTOPHER
AND NEVIS**

Case Name The Constituency Boundaries Commission et al v Hon. Shawn K. Richards et al
[Civil Appeal No. 10 of 2009]

On paper:
Appellants: Mr. Arudranauth Gossai
Respondents: Ms. Delara MacClure Taylor and Mr. Elliott MacClure

Issue: Application for leave to appeal

Result: It was ordered that:
Leave is granted to the extent that such leave is necessary to the Applicants to file an appeal against the ruling of Olivetti J dated 4th August, 2009.

Reason: Leave is required to appeal from an order granting leave to file judicial review proceedings.

**SAINT VINCENT
AND THE
GRENADINES**

Case Name Adnan Mkhoul v Keith Henry
[Civil Appeal No. 1 of 2009]

On paper:
Appellant: Robertson & Robertson
Respondent: Unrepresented

Issue: Application for leave to file Record of Appeal out of time

Result: The Application was dismissed.

Reason: Time does not run until the Registrar issues a notice of availability of the Transcript which has not yet been done.

Case Name Erlandon Lampkin v The Queen
[Criminal Appeal No. 13 of 2008]

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

Issue: Application for extension of time to appeal

Result: The Application was adjourned for hearing at the sitting of the Court of Appeal in Saint Vincent and the Grenadines scheduled for the 6th to 9th October, 2009.

Reason: To determine whether the sentence was served.

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

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

Issue: Application for discontinuation of appeal

Result: The Application to be placed on the status hearing list for the sitting of the

Court of Appeal in Saint Vincent and the Grenadines scheduled for the 6th to 9th October, 2009.

Reason: The Application was not properly before the Court.

Case Name Jelani John v Commissioner of Police
[Magisterial Criminal Appeal No. 29 of 2009]

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

Issue: Application for extension of time to appeal

Result: The Application for extension of time to appeal was refused.

Reason: There has been protracted delay (2 years) and the excuse proffered is inadequate.

**TERRITORY OF
THE VIRGIN
ISLANDS**

Case Name Keshawn Huggins v The Queen
[Criminal Appeal No. 5 of 2008]

On paper:
Appellant: Farara Kerins
Respondent: The Director of Public Prosecutions

Issue: Abandonment of appeal

Result: Abandonment of appeal – Court notes the same.

Case Name Gloria Rengifo v Rafael Montejo
[Civil Appeal No. 16 of 2002]

On paper:

Appellant: Harney Westwood & Riegels

Respondent: Myers, Fletcher & Gordon, O'Neal, Webster, O'Neal

Issue: Application for discontinuance of appeal

Result: The appeal was withdrawn and accordingly dismissed.