

# COURT OF APPEAL SITTING

MONTSERRAT  
16<sup>TH</sup> MAY 2011

		<b><u>APPLICATIONS AND APPEALS</u></b>
<b>Case Name:</b>		<b>Keithroy Lloyd v The Queen [High Court Criminal Appeal No. 2 of 2010]</b>
<b>Date:</b>		<b>May 16, 2011</b>
<b>Coram:</b>		<b>The Hon. Hugh A Rawlins, Chief Justice The Hon. Davidson Baptiste, Justice of Appeal The Hon. Mario Michel, Justice of Appeal (Ag)</b>
<b>Appearances:</b>		
	<b>Appellant:</b>	<b>Mr. Warren Cassell</b>
	<b>Respondent:</b>	<b>Mr. Oris Sullivan, Senior Crown Counsel</b>
<b>Issues:</b>		<b>Criminal appeal against conviction for rape</b>
<b>Result and Reason:</b>		<b>[Oral delivery]</b> <b><u>Result</u></b>  <b>1. The appeal is allowed and accordingly the conviction and sentence are quashed.</b> <b>2. A retrial is ordered and the appellant is to remain on bail in the meantime.</b> <b>3. Bail is granted in the following conditions:</b> <b>a) Bail with one surety in the sum of \$20,000.00</b> <b>b) All travel documents are to remain with the High court.</b> <b>c) The appellant is to report to the Brades Police Station on every week Mondays and Fridays between the hours of 6:00am and 6:00pm.</b> <b>4. <u>Liberty to the respondent to apply to the High Court in any application concerning bail.</u></b>  <b><u>Reason</u></b>

		The learned trial judge erred in not giving directions to the jury on the issue of recent complaint. Additionally the person to whom the complaint was made was not present to give evidence as a witness in order that the credibility of the complaint could have been ascertained.
<b>Case Name:</b>		<b>Lanval Fergus v The Queen [High Court Criminal Appeal No. 1 of 2011]</b>
<b>Date:</b>		<b>May 16, 2011</b>
<b>Coram:</b>		<b>The Hon. Hugh A Rawlins, Chief Justice The Hon. Davidson Baptiste, Justice of Appeal The Hon. Mario Michel, Justice of Appeal, (Ag)</b>
<b>Appearances:</b>		
	<b>Appellant:</b>	<b>Mr. Warren Cassell</b>
	<b>Respondent:</b>	<b>Mr. Oris Sullivan, Senior Crown Counsel</b>
<b>Issues:</b>		<b>Criminal appeal against conviction for possession of a controlled drug/possession with intent to supply</b>
<b>Result and Reason:</b>		<b>[Oral delivery]</b>  <ol style="list-style-type: none"> <li>1. Grounds 2 and 3 of the appeal having been withdrawn are accordingly dismissed.</li> <li>2. Grounds 1 and 5 of the appeal are dismissed.</li> <li>3. Ground 4 of the appeal is allowed but only to the extent that the conviction for the offence of possession and the sentence thereon is quashed.</li> <li>4. The appeal against conviction and sentence for possession with intent to supply is dismissed and the conviction and sentence are affirmed.</li> <li>5. The fine of \$50,000.00 and sentence in default for possession are quashed.</li> </ol>
<b>Reasons:</b>		<b>The evidence disclosed that possession was for the purpose of supplying the drugs. Accordingly, the</b>

		conviction and sentence should have been for possession with intent to supply rather than for possession and also for possession with intent to supply. The Court was of the view that there was sufficient evidence to sustain the charge for the latter offence and saw no reason for interfering with the sentence imposed by the trial judge for the conviction on that offence.
		<b><u>STATUS HEARING</u></b>
<b>Case Name:</b>		<b>Grace Duberry v Ann Allen [High Court Civil Appeal No. 9 of 2008]</b>
<b>Date:</b>		<b>May 16, 2011</b>
<b>Coram:</b>		<b>The Hon. Hugh A Rawlins, Chief justice The Hon. Davidson Baptiste, Justice of Appeal The Hon. Mario Michel, Justice of Appeal (Ag)</b>
<b>Appearances:</b>		
	<b>Appellant:</b>	<b>Mr. Jean Kelsick</b>
	<b>Respondent:</b>	<b>Mr. David Brandt</b>
<b>Result and Reason:</b>		<b>The hearing of the appeal is to be scheduled as soon as the provisions of Rules 62.11 and 62.12 of the Civil Procedure Rules 2000 have been complied with.</b>