



EASTERN CARIBBEAN
SUPREME COURT

VOLUME 10, NUMBERS 3 & 4
VOLUME 11, NUMBER 1

E-Newsletter

JULY—DECEMBER 2009
JANUARY—MARCH 2010



FROM THE DESK OF THE CHIEF JUSTICE

Dear Readers

It always gives me great pleasure to address you through this medium, and in this publication for July 2009 – March 2010. We of course apologize for not publishing our last scheduled newsletter in December 2009 because of circumstances beyond our control.

The commemoration of the present Law Year 2009/2010 commenced on 15th September 2009. As is customary, there were ceremonial openings in the nine islands, which fittingly began with a Church service followed by a special sitting. The Court of Appeal attended the ceremonial opening in the Commonwealth of Dominica. My address was carried live by simulcast to all the islands of the OECS. The address was also broadcasted live throughout the OECS and in other islands by television and 14 radio stations by way of the OECS News-Link.

On the weekend prior to the ceremonial opening of the law year the OECS Bar Association hosted its Annual Law Fair in Dominica. As in years past the Judicial Education Institute (JEI) participated in the joint educational symposium with the OECS Bar Association and constituent Bars. The theme of the symposium was *Sentencing in Murder Cases*. Suffice it to state that this was a very enlightening and informative session, which generated much interest and discussion. It added to the exceptional standard of debate and exchange of information that is always generated by the Law Fair. The opportunity is taken to commend the OECS Bar Association on its hosting of another very successful event that coincided with the opening of the Law Year.

Since the last publication of the Newsletter the Court continued the reform initiatives, which have become the centre of the administration of justice.

The Criminal Division pilot project for Saint Lucia has now been fully rolled out so that it is no longer 'a pilot' project. This was made possible by the

by the promulgation of the necessary Rules. Some indictable matters filed under these Rules, which would otherwise have taken a minimum of two years before reaching the trial stage, have gone to trial within 6 months after sufficiency hearings. The rate of committals has increased exponentially. This has placed added burdens upon the thinly stretched resources of the Office of the Director of Public Prosecutions. Needless to state, there is a present need for the re-valuation of the resource requirement of this Department and concomitant staff upgrading to meet the requirements of the new ethos.

It is heartening, however, to note the introduction of an orientation video for all defendants and witnesses attending the criminal court. The orientation video provides general information on the court system, protocol, conduct, general decorum and basic information on the trial process. These are shown before trial.

The Halls of Justice project is coming on stream. The Court is moving to establish and staff a Project Management Unit at its headquarters for the commencement of the feasibility phase of the project. It is anticipated that this phase will see the completion of preliminary designs and costing of new court facilities for each island. A Project Director has been recruited and is expected to assume office in April 2010. Meanwhile, the Court has embarked on several funding missions to seek financial assistance with the construction phase of the project.

[continued on Page 14]



Hon Hugh Anthony Rawlins

INSIDE THIS ISSUE:

FROM THE DESK OF THE CHIEF JUSTICE 1

ECSC NEWS 2

JUDICIAL EDUCATION CORNER 3

THOSE WHO SERVE 6

JLSC APPOINTMENTS 15

JUDGMENTS DELIVERED 17

Please send comments, suggestions
and contributions to the Newsletter at
offices@eccourts.org

.....

EASTERN CARIBBEAN SUPREME COURT NEWS

HOST COUNTRY AGREEMENT SIGNED

On Monday, 15th February 2010, the Government of Saint Lucia and the Eastern Caribbean Supreme Court signed two agreements namely, the Agreement between the Government and the Eastern Caribbean Supreme Court (known as the Host Country Agreement) and the Agreement between the Government and the Judicial and Legal Services Commission (JLSC). The Agreements were signed by the Prime Minister Hon. Stephenson King of Saint Lucia, the Chief Registrar, Mrs. Kimberly Cenac-Phulgence on behalf of the Court and the Chief Justice of the Eastern Caribbean Supreme Court, Hon. Justice Hugh Anthony Rawlins on behalf of the Judicial and Legal Services Commission. The Agreements outline the obligations of the Host Government in relation to the Court and the JLSC in terms of provision of adequate accommodation in Saint Lucia, and also sets out the terms and conditions and the privileges and immunities that will govern the operations of the Court and the Commission as well as other obligations of Government.

Such an agreement is a requirement between the host country and the agency which is stationed in the territory in question. The signing of these documents has culminated negotiations between the Court and the Government of Saint Lucia, which have remained outstanding for many years.

The ceremony took place at the Prime Minister's Lounge. Present were the Attorney General, Hon. Nicholas Frederick; Chief Justice, Hon. Hugh Anthony Rawlins; Prime Minister, Hon. Stephenson King and Court of Appeal Judges, among other Government and Court officials.

The signing of this Agreement represents a further milestone in the integration of the OECS Member States.

PUBLICATION

The judgment *Henrietta Tayliam v Felicita Thomas* (HCVAP 2007/016) handed down in St Lucia on 20th November 2009 by Justice Janice George-Creque has been reported in the LexisNexis title *International Trust and Estate Law Reports* (ITEL). The series published six times per year covers leading cases from a range of international jurisdictions.

CONGRATULATIONS

Chief Justice Hugh Anthony Rawlins has been appointed to serve as a member of the Regional Judicial and Legal Services Commission (RJLSC) of the Caribbean Court of Justice (CCJ) for a three-year term commencing 12th January 2010. Article v.1(c) of the Agreement establishing the CCJ provides that one of the members of the Regional Commission shall be "one chairman of the Judicial Services Commission for a Contracting Party select-

ed in rotation in the English Alphabetical order for a period of three years".

Justice Rawlins replaces Mr. Rodney Neil, the Chairman of the Judicial and Legal Services Commission of Belize.

The ECSC congratulates Chief Justice Hugh Anthony Rawlins.

WELCOME

The Eastern Caribbean Supreme Court welcomes the following judges who joined the Court during the months of September and October 2009:

Justice Mario Michel (1st September 2009), Justice Jennifer Remy (1st September 2009), Justice Margaret Price-Findlay (1st October 2009), Justice Rosalyn Wilkinson (1st October 2009), and Justice M. E. Birnie Stephenson-Brooks (25th October 2009). They currently serve in Antigua and Barbuda, St Vincent and the Grenadines, Grenada, Saint Lucia, and the Commonwealth of Dominica respectively.

GOODBYE

The Court said goodbye to Ms. Kit-juelle Frank Amoroso on 15th January 2010. She served as Regional Project Coordinator since 15th January 2008.

Ms. Aloysia Gabriel, will also be relinquishing her duties as Human Resource Manager effective 30th April 2010, having been employed with the Court for the last four years (1st May 2006).

God's richest blessings and continued success as they chart new paths.

[continued on Page 12]

JUDICIAL EDUCATION CORNER



ANNUAL JUDICIAL CONFERENCE

The Judicial Education Institute held its signature event, the Annual Judicial Conference (AJC), not at its usual time in August but in December of 2009 through the financial support of the British and the Canadian High Commissions. Convened in Saint Lucia at the Bay Gardens Beach Resort and Spa (December 3 – 4, 2009), the conference focused on *Asset Confiscation, Forfeiture and Money Laundering* and a symposium on *Sentencing in Capital Cases*. This was followed by an Orientation Programme for Newly Appointed Judges of the Eastern Caribbean Supreme Court (December 4 – 5, 2009).

Present at this year's conference were judges from the Eastern Caribbean Supreme Court, Senior and Chief Magistrates from Antigua and Barbuda, Territory of the Virgin Islands, Saint Lucia and St. Vincent and the Grenadines; and visiting Judges: Justices Gloria Smith and Horace Marsh (Jamaica), Justices Malcolm Holdip and Anthony Carmona (Trinidad and Tobago) and Justice Richard Williams (Turks and Caicos Islands).

The conference commenced with a formal opening ceremony with remarks by the Prime Minister of Saint Lucia, Hon. Stephenson King, Hon. Chief Justice, Hugh Rawlins and Justice Ianthea Leigertwood-Octave, Chairman of JEI. Her Excellency Dame Pearllette Lousiy, the Governor General of Saint Lucia was in attendance.

The Keynote address was delivered via a video presentation by the Right Honourable, Baroness Scotland, QC, the Attorney General of the United Kingdom. Her address set the tone for the conference, spoke to the importance of asset recovery/confiscation on many levels. She stated that asset recovery stops the criminal from accessing money to fund additional crimes. According to her, it strips the criminals of their unjust wealth and power, and disrupts criminal activity and affects the working capital of the criminal. She went further to say that using money laundering legislation is also an effective means of prosecuting those who control the criminal activity but don't get their hands dirty.

Asset recovery enables the public to see that criminals do not get to enjoy the fruits of their illicit activity. It is about allowing reparation and redress to society by ensuring compensation for victims of crime from those who made them victims. She indicated that a 'delicious' irony is that the proceeds of crime can help to develop local police, courts and improve criminal justice systems so it's a double blow for the serious criminal.

She implored the Judiciary to ensure that confiscation is routinely considered as part of the sentencing process - according to the principles of the relevant legislation. She also indicated that asset recovery is a central element to building public confidence. It is one of the few aspects of the criminal justice system that generates a positive story every time it is done successfully unlike

some of the other abstract processes of the criminal justice system. It is easy to communicate to the notion that criminals have been stripped of their assets and if they don't pay to the proceeds of crime they can be sent back to prison. According to the Attorney General, the public needs to be reassured that crime does not pay. In closing, she asserted that asset recovery needs to be made mainstream, it needs to become part of the mind set of police officers, prosecutors and the judiciary, it should not be an afterthought. She stated that Judges need to ask the questions in every case: What assets are there? How can they be recovered? ... then and only then will societies make a quantum leap forward in increasing public confidence in the criminal justice system.

After the official opening ceremony the participants benefitted from a lecture by the Hon. Judge James Wadsworth, QC, an authority in asset recovery and money laundering from the United Kingdom. He currently sits at the Crown Court at Southwark which is the principal court for fraud and "white collar" crime. The participants also heard from Mark Sutherland Williams, an experienced Barrister specialising in proceeds of crime and asset recovery. Mr. Williams is the co-author of one of the main practitioner texts on asset forfeiture, "The Proceeds of Crime: Law and Practice of Restraint, Confiscation, Condemnation and Forfeiture."

After the rigors of the training on day one, the participants ended their evening on the lighter side by enjoying the lovely hospitality of the Resident British High Commissioner, Karl Burrows at his residence in Vigie, Castries.

The second day included a symposium on Sentencing in Capital Cases. The discussions were led by Justices Kenneth Benjamin and Brian Cottle and Ms. Nicole Sylvester, Attorney at law. The discussions were necessary to allow the judges to focus on the procedure and the conditions under which capital punishment sentencing is carried out. The purpose was to bring about consistency in the entire OECS in that area of sentencing and to provide guidelines for Judges to follow.

The participants thought the conference was quite stimulating and they look forward to using the teachings to improve the criminal justice system. It is expected that next year the Conference will revert to its original schedule.

The Orientation Programme for Newly Appointed Judges commenced on Friday afternoon at the headquarters of the Eastern Caribbean Supreme Court in Castries. The new judges toured the Headquarters, and were oriented on topics such as: *Court Administration, Financing, The Role of the Registrar and the Court Offices, Mediation and Judicial Enforcement Management Systems (JEMS), Judicial Ethics, Judicial Protocol, Judicial Communication, Civil Procedure Rules, Case Management, Judgment Writing and Trial Summations.*

JUDICIAL EDUCATION CORNER-

Presenters included Chief Justice, Hugh A. Rawlins, Court of Appeal Judges: Justices Ola Mae Edwards, Michael Gordon, QC and Janice George-Creque; High Court Judges, Justices Kenneth Benjamin, Louise Blenman; Masters Cheryl Mathurin and Pearletta Lanns and Mr. Frank Walwyn, Attorney at law in Canada and St. Kitts and Nevis.



OPENING OF THE LAW YEAR

The Eastern Caribbean Supreme Court commenced the new law year 2009/2010 with its usual pomp and circumstance in the various Member States and Territories, on Tuesday 15th September 2009. The day began with church services attended by the judiciary, the legal fraternity, administrative and support staff of the Court and other officials; after which participants proceeded to the High Courts of Justice for the official opening ceremony.

The Chief Justice's address was given from the Commonwealth of Dominica, and was transmitted via simulcast to the other Member States and Territories. Thereafter proceedings continued with addresses from Attorneys General, Presidents of the Bar Associations, other members of the legal fraternity among others ... presided over by a resident High Court Judge in each Member State and Territory.

Anguilla

It all started at St. Mary's Anglican Church in The Valley where the dignitaries and other representatives gathered at a special service officiated by the Rt. Rev. Errol Brooks and Rev. Menes Hodge.

From the church the judiciary officials and lawyers journeyed to the High Court where His Excellency Governor Alistair Harrison and the Hon. Chief Minister Osbourne Fleming took the salute by a Guard of Honour outside the building. They were followed by Justice Louise Blenman, who inspected the contingent, comprising officers of the Royal Anguilla Police Force, and then proceeded to the Bench. The Court awaited the simulcast address by Chief Jus-

tice Hugh Rawlins from Roseau, Dominica, to open Law Year 2009-2010.

The lawyers then joined in welcoming Justice Blenman. This included: President of the Anguilla Bar Association, Joyce Kentish-Egland; Courtney Abel, who welcomed the Judge on behalf of the OECS Bar Association and his partners of Caribbean Associated Attorneys in Anguilla. He spoke to some extent about the functioning of the OECS Bar, a number of activities in which it is engaged and its benefits for the various Bar Associations in the islands.

Pam Webster of Webster Dyrud and Mitchell gave a commitment that her firm would do its best to ensure that the Judge's job was made easier in what, at times, was a difficult environment. Speaking as a member of the Bar and particularly as a Nominated Member of the House of Assembly, she undertook to communicate to the House any concerns that the Court might have, and expressed her belief in the independence of the three arms of Government, but stressed that there must be cooperation for the society to run smoothly and for the rule of law to be recognised.

Vice President of the Anguilla Bar, Josephine Gumbs-Connor, briefly wished the Judge a satisfactory sojourn in Anguilla and pledged the commitment of the Bar to the administration of justice, to uphold the standards to which it was accustomed and to embrace even further growth in that area.



Members of the judiciary, legal fraternity and other officials



Justice Louise Blenman inspecting the guard of honour

[continued on Page 14]

THOSE WHO SERVE—MAGISTRATES COURT, ST KITTS

Section A: Introduction

The St. Kitts magistracy has as its main objective, *'to dispose matters in a timely and just manner'*; and comprises two Courts: District "A" Court and District "B" Court. The Magistrates Courts derive their jurisdiction from the Magistrates Code of Procedure Act Cap 46 of the 1961 Revised Laws of St. Christopher and Nevis.

The Courts have traditionally been housed in police stations in various parts of the island. The busiest Magistrates Court is the District "A" Court which was housed for decades at the Basseterre Police Station. Following a fire which burnt the premises of the High Court in St. Kitts, a judicial complex was constructed - Sir Lee L. Moore Q.C. Judicial Complex, located at West Independence Square Street, Basseterre - which houses both the High Court and the District "A" Magistrates Court. The ground floor of the Sandy Point Police Station is still used for the sitting of the District "B" Magistrates Court.

There are two magistrates: Magistrate Josephine Mallalieu-Webbe, Senior Magistrate and Mrs. Simone Bullen-Thompson. Mrs. Claudette Jenkins, the High Court Registrar serves as an additional magistrate when required.

Some of the more recent occurrences in the St. Kitts magistracy include the following:

(a) A greater sensitization of the public to the Domestic Violence Act No.3 of 2000 seems to be evident. Many ladies are being referred to the Magistrates Court by the Department of Gender Affairs to take out applications for protection orders under this Act. The statistics indicate that in 2005 there were only 2 applications for protection orders; compared to 19 applications in 2006, 28 in 2007, 58 in 2008 and 60 from January 1st to 20th August 2009. There has thus been a significant and continuous increase in the number of applications for protection orders from 2005 to 2009. One male applied for a protection order thus far in 2009 but persons seeking the Court's intervention continue to be predominantly female. Every effort is made to deal with each case in a speedy manner. Applications are usually heard within two days of filing and in many instances on the same day of filing. Applications are heard *ex parte* with a return date when both parties can be present. The dedicated work of Mrs. Ingrid Charles Gumbs at the Gender Affairs Office has been significant. Her efforts involve counseling and referring many ladies to the Magistrates Court. These ladies deal with daily verbal, emotional, financial and physical abuse from spouses/boyfriends. Gender Affairs also assists victims by filling out their application forms for protection orders.

(b) The Court is currently working with the Director of Archives with a view to establishing a retention and disposal schedule under the National Records and Archives Act number 22 of 2001. Under this legislation, once a retention and disposal schedule is established, the Court will be able to destroy certain documents after a gazetted prescribed period. This schedule will also allow

documents of historical value to be transferred to the national archives after a prescribed period, thereby freeing up space in the already cramped storage rooms at the Court house.

(c) Bailiff Archibald Liburd retired on 16th August 2009, after serving as a Court Bailiff for 22 years. He served in both the High Court and Magistrates Court. The staff at the Magistrates Court held a small farewell ceremony for Bailiff Liburd on Friday, 14th August 2009. The Court staff wishes him well in his future endeavors.

Staff of the St. Kitts Magistrates Court



Left to right: Mrs. Simone Bullen-Thompson, Mrs. Claudette Jenkins, Mr. Archibald Liburd and Mrs. Josephine Mallalieu-Webbe



Magistrates Mallalieu-Webb (left front row) and Bullen-Thompson (right front row) and members of staff

PERFORMANCE OF THE ST KITTS MAGISTRACY

Section B: Statistical Analysis

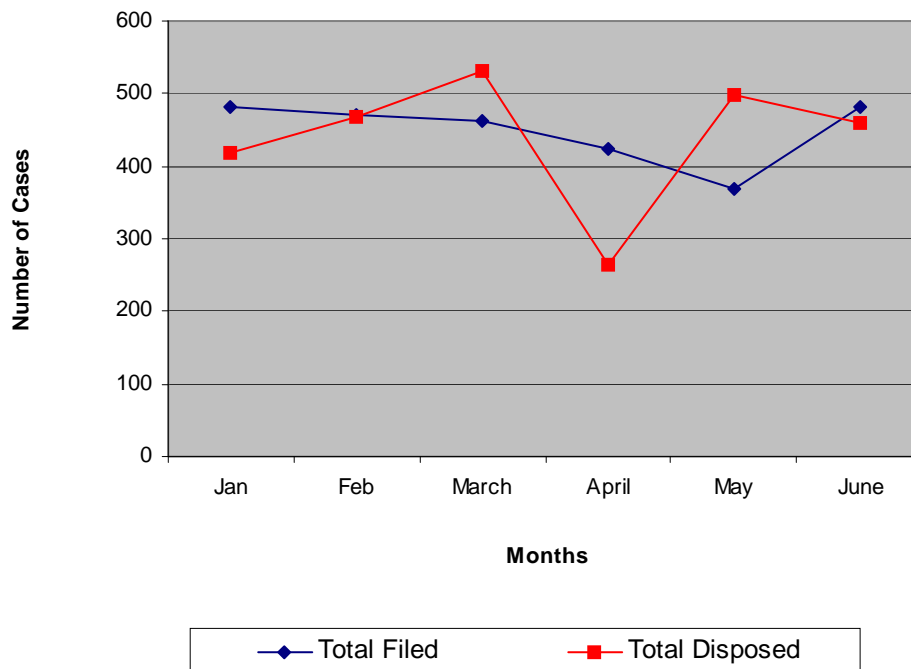
Recent Data for 2009

Table 1 highlights the most recent data submitted by the St. Kitts Magistracy on the number of cases filed and disposed for the period January to June 2009. Total cases filed for the stated period amounted to 2693 while 2639 cases were disposed. This gives a high and commendable disposition rate of approximately 98%. The highest number of cases was filed in the month of June (483), followed closely by January (482). The lowest number of filed cases was recorded in May (368). With reference to disposed cases, the highest number of cases (530) was disposed in the month of March and the lowest (265) in the month of April. Figure 1 depicts the data given in Table 1.

Table 1: Number of Cases Filed and Disposed - January to June 2009

Months	Jan	Feb	March	April	May	June	Total
Total Cases Filed	482	472	463	425	368	483	2693
Total Cases Disposed	417	469	530	265	498	460	2639

Figure 1: Comparison between Filed and Disposed Cases for the period January to June 2009



PERFORMANCE OF THE ST KITTS MAGISTRACY

Table 2 provides data on the Total Cases Filed and Disposed by Case Type for the period January to June 2009. The majority of cases filed were Criminal followed by Maintenance/Affiliation cases which together represented about 52% of total filed cases for the period under consideration. Civil cases were disposed of the most, followed by Maintenance/Affiliation and then Criminal cases. Disposition rates were high for Preliminary Inquiries, Civil cases and "Other" case types, the latter of which encompassed mostly Judgment Summons. The disposition rate was however just over 50% for Juvenile cases.

Table 2: Total Cases Filed and Disposed by Case Type for the period January to June 2009

Case Type	Total Cases Filed	Total Cases Disposed	Disposition Rates by Case Types
Criminal	708	607	85.73
Civil	613	649	105.87
Traffic	284	224	78.87
Domestic/Family	0	0	-
Juvenile	54	29	53.70
Maintenance/Affiliation	702	614	87.46
Inquests	0	0	-
Pre. Inquiries	40	105	262.50
Other	292	411	140.75
Total	2693	2639	97.99

PERFORMANCE OF THE ST KITTS MAGISTRACY

Trend Analysis

Data for this section has been taken from the ECSC Annual Reports: 2008 – 2009, 2007- 2008 and 2005 – 2006. The data showcased represents the years 2004 to 2008.

Table 3 shows the number of cases filed by case type for the years 2004 to 2008. The highest number of filed cases was 6038 in the year 2004. The least cases (4530) were filed in 2006. The general trend on filed cases was that the numbers decreased from 2004 to 2006 and then increased from 2007 onwards. Civil cases were generally the most filed cases throughout the years except in 2006, when Criminal cases were in the majority. Most filed cases were in: Civil, Criminal and Maintenance/Affiliation. These three categories accounted for over 80% of total filed cases for each year under review.

Table 3: Total Cases Filed for the period 2004-2008

Case Type	2008	2007	2006	2005	2004
Criminal	1472	1476	1498	1645	1453
Civil	1646	1812	1444	1875	2247
Traffic	611	561	430	526	566
Domestic/Family	1	2	24	-	-
Juvenile	84	93	104	74	79
Maintenance/Affiliation	1368	1336	1028	1299	1614
Inquests	0	-	-	-	-
Pre. Inquiries	67	38	2	9	13
Other	323	-	-	-	66
Total	5572	5318	4530	5428	6038

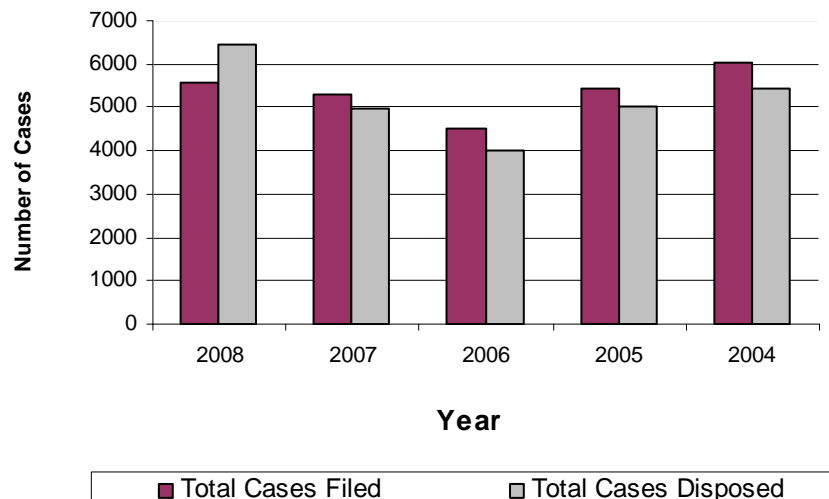
PERFORMANCE OF THE ST KITTS MAGISTRACY

The numbers of cases disposed for the years 2004 to 2008 are displayed in Table 4. Total disposed cases was highest in the year 2008 at 6458, and lowest in 2006 at 4005. Total disposed cases decreased from 2004 to 2006 and thereafter increased; more notably between 2007 and 2008, where an increase of approximately 30% was recorded. The highest numbers of disposed cases fluctuated between Criminal, Civil and Maintenance/ Affiliation cases. The three categories accounted for over 80% of total disposed cases for all years under review except in 2008 where they represented 79% of the total. Figures 2 and 3 illustrate the data given in Tables 3 and 4.

Table 4: Total Cases Disposed for the period 2004-2008

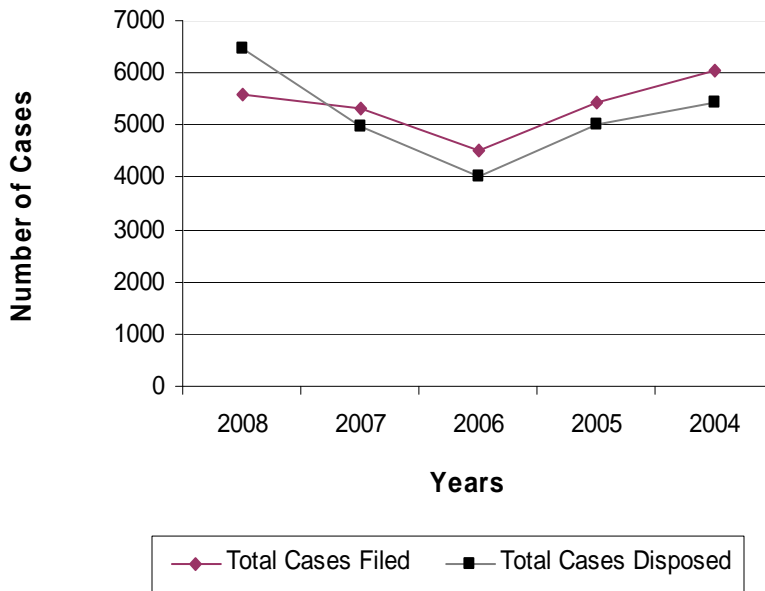
Case Type	2008	2007	2006	2005	2004
Criminal	1982	1467	1269	1264	1563
Civil	1389	1307	1226	1780	1669
Traffic	734	451	360	478	509
Domestic/ Family	0	-	-	-	-
Juvenile	141	61	67	131	91
Maintenance/ Affiliation	1740	1621	948	1297	1577
Inquests	0	-	-	-	-
Pre. Inquiries	157	56	135	48	3
Other	315	-	-	-	12
Total	6458	4963	4005	4998	5424

Figure 2 :Total Filed and Disposed Cases: 2004 to 2008



PERFORMANCE OF THE ST KITTS MAGISTRACY

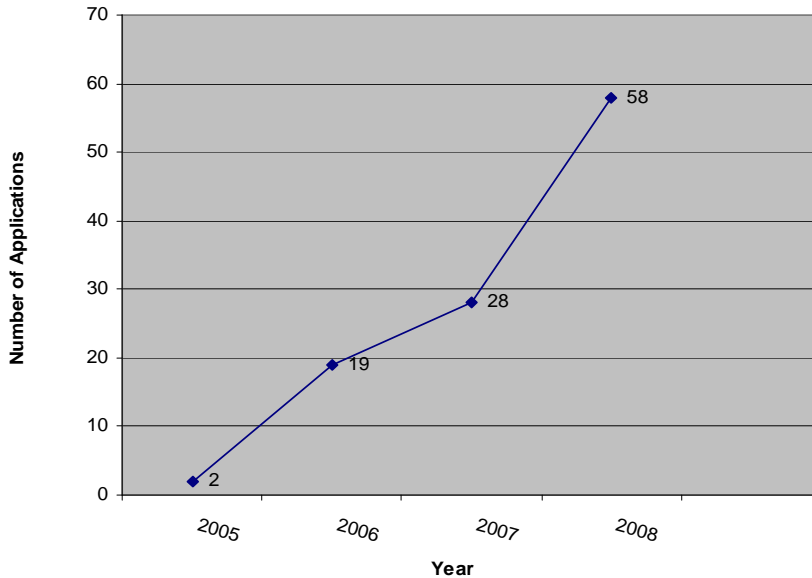
Figure 3: Comparison between Filed and Disposed Cases, 2004 to 2008



Protection Orders

As mentioned in the introduction, the number of applications for Protection Orders has increased significantly over the years. Figure 4 depicts the continuous increase in applications for Protection Orders over the years.

Figure 4: Number of Applications for Protection Orders: 2005 to 2008



LEGAL INTERNSHIP 2008/2009

The legal internship programme, open to students of all accredited Law Schools, began in the early 1990s. Since then it has become an indispensable component in the calendar of activities of the Eastern Caribbean Supreme Court. Tiris Frederick, Shireen Wilkinson, Shamini Chase, Karina Johnson are among the students who have passed through and benefited from the ECSC experience. This year, Ms Lucrezia C M Muller from Trinidad and Ms Antonia Auguste from Saint Lucia participated in the programme during the period June 15 – August 21, 2009. Below, Ms. Muller shares her experience.



Left to right: Ms Lucrezia Muller and Ms Antonia Auguste

“The best legal internship programme can be found at the Eastern Caribbean Supreme Court.”

I am grateful to God for allowing me to complete my legal internship at the Eastern Caribbean Supreme Court, also referred to as the “ECSC”. The experience has been intriguing and wonderful, from the interview with the Honourable Justice Michael Gordon, QC, to my very last day assisting the Chief Registrar, Mrs. Kimberly Cenac-Phulgence, and Chief Justice, the Honourable Hugh Anthony Rawlins, at the Court’s headquarters in beautiful Saint Lucia.

My first thoughts about an internship at the ECSC in Saint Lucia were relaxed ones. Images of climbing the spectacular Pitons entered my mind, along with those of immaculate white sandy beaches with crystal clear waters. I dreamed about immersing myself in the warm mineral bath at the Sulphur Springs and visiting the world’s only “drive-in volcano”. I was glad to get a break after ex-

ams at law school and a trip to Saint Lucia seemed full of positive possibilities. However, a few days before the actual commencement of my internship I felt my stomach fill with butterflies. My palms grew sweaty at the thought of working for the Chief Justice at the Supreme Court of 9 different states. I began to wonder if I was really up for the responsibilities that lay ahead of me. Somehow, I managed to bolster myself with positive thoughts and I began to relax. “I would just do my best and everything would be all right”, I thought.

It pays off to remain calm, I suppose, for I am happy to report that it all worked out much better than I ever expected. The ECSC family is absolutely wonderful. From my very first interactions with the Court, to make arrangements for my service, I was made to feel at home and that I belonged right away. Ms. Lenore St. Croix, the Office Manager, and Ms. Aloysia Gabriel, the Human Resource Manager, never once hesitated to make me feel well taken care of. Indeed, I was always in very capable hands.

On arriving at the office the very first day, I was pleasantly greeted by Ms. Zannia Plummer the Receptionist, a very helpful and efficient team player at the Court. Later on that day I was graciously welcomed and introduced to everyone by Ms. Monica Chandler (now deceased ... she will be dearly missed), the Judicial Clerks, Ms. Sardia Cenac and Ms. Samantha George, and the Chief Registrar, Ms. Kimberly Cenac-Phulgence. It was then that the work of the legal interns began.

We were introduced to assignments in head-noting judgments of the Court, composing bench memorandums to assist the learned judges at sittings of the Court of Appeal, researching and drafting legal papers for presentation at different conferences by the Chief Justice and Justices of Appeal, vetting judgments and just generally assisting the Court in whatever way we could.

Without doubt, every one of our assignments was incredibly helpful to us in terms of learning the law, an ambition which it is said can never completely be mastered, improving our writing, communication and analytical skills, and learning to work well with others within time frames. Fortunately for us, we were invited to attend Chamber Hearings, sittings of the Court of Appeal in Saint Lucia, a meeting of the Attorneys-General of the Eastern Caribbean

LEGAL INTERNSHIP 2008/2009

States and to hold conversations with several of the distinguished members of the judiciary. It was any legal intern's dream come true. These opportunities permitted us to spectate upon the advocacy skills of senior attorneys as well as their junior counterparts. We were encouraged to carefully observe judicial reactions to the different levels of research, preparation and advocacy skills presented by different attorneys. Indeed, the internship provided an intimate vantage point from which we could safely witness much of the inner workings of the court. The experiences allowed us to 'play mas' without getting powdered' as my parents would say back home in Trinidad and Tobago.

Thanks to this internship, I now have a significantly greater level of understanding, appreciation and respect for the work of the Judicial Clerks in particular, the Chief Justice, the Justices of Appeal, the Chief and Deputy Registrars, the Court Administrator and Deputy, and all the members of the various departments and units - Statistics, Mediation, Information Technology, Information Services, Secretarial, and Security. I have also grown accustomed to each of their unique yet equally strong styles of accomplishing their objectives. Throughout my internship I have admired the Court's patient yet firm stance in dealing with issues at large and hope to adopt it in my own life and career.

All in all, I am thoroughly impressed with life at the ECSC. Apart from work, the Social Activities Committee, "SAC", provides an abundance of fun with its well-organized birthday parties, nature trips/outdoor activities and other events, which I was fortunate enough to be a part of. The Committee provides excellent entertainment and does wonders for one's well-being! It is amazing what the Committee achieves with the assistance of its contributors.

The Court's general environment is so pleasant and friendly, yet such great achievements in law reform, for example, are being accomplished and contemplated daily, that it is no surprise that the Court has realised such a thriving jurisprudence. Hopefully, the CCJ back home will soon follow suit and one day even the entire Caribbean will be able to unify as the ECSC has done.

In closing I would like to say that I have enjoyed my stay with the ECSC 'family' and definitely recommend this internship programme to all law students who are looking for a well-balanced internship

experience. I thank everyone for I know you all did your best to make the interns feel welcome and to facilitate us with our learning experience. I have come away with a great deal of academic and practical experience, which I gather not many other legal internships would have been able to offer. The experience has benefited me in so many different respects and I thank the ECSC for a summer I will never forget. I wish you all continued success and the very best in all your future endeavours!

FROM THE DESK OF THE CHIEF JUSTICE

[CONTINUED FROM PAGE 1]

In October 2009 the Commercial Division of the Court was officially opened in the Territory of the Virgin Islands. The building that houses this Court was dedicated and the keys handed over at an official ceremony that was attended by the Governor, Premier, Deputy Premier, Ministers of Government and other officials. Prior to that opening ceremony, a Memorandum of Understanding was signed between the Court and the government of the Territory of the Virgin Islands. The document defines the nature of the arrangement for the Court, including the responsibilities of each party for the operation of the Division. The Commercial Rules as well as Practice Directions and Guides for the Court were completed and promulgated. They are currently in use. The Commercial Division Judge, the Honourable Justice Edward Bannister, QC, has undertaken staff training, which has been aided by the production of a manual.

Work on the Integration of the Magistracy continues. The newly developed implementation plan, which focused specifically on administrative matters, has been developed with assistance from CARICAD. The plan was discussed with the International Development Bank (IDB) at a joint meeting in Barbados and an agreement to fund some of the activities detailed therein are under discussions with that and other institutions. The revision of the final draft 'Integration of the Magistracy Agreement' which will be placed before the OECS Authority for signature in June 2010 is nearing completion.

On Saturday 16th January 2010 the legal fraternity, particularly in Antigua and Barbuda, was devastated by the sudden passing of Attorney at law Mrs. Raquel Walsh-Silston. She died as a result of complications from childbirth. Mrs. Walsh-Silston was in her 37th

year. She has left behind her husband and three children, parents, siblings, other family members, numerous friends and colleagues. The opportunity is taken to express heart-felt condolences to her family.

Profound thanks to all who have made this publication possible, and, in particular, to our contributors. We also thank our readers, for their unwavering support for our newsletters. It is my hope that its contents will be enlightening and informative.

OPENING OF THE LAW YEAR

[CONTINUED FROM PAGE 5]



The Police Community Band in action in Anguilla

St Kitts and Nevis

The new law year opened with a church service at the Zion Moravian Church on Victoria Rd followed by a guard of honour on east Independence Square.

Following the Chief Justice's address, the resident High Court Judge Francis Belle as well as the President of the OECS Bar Association, former Attorney General, Tapley Seaton QC addressed the gathering, and all included in their presentations calls for "the modernization of the practice of law in the Federation through the implementing of laws to protect the public from unscrupulous practices by unethical lawyers".



Justice Francis Belle with the guard of honour in St Kitts

JLSC APPOINTMENTS FOR THE PERIOD JULY 1–DECEMBER 31, 2009**HEADQUARTERS, SAINT LUCIA**

Justice Errol Thomas to *act* as Justice of Appeal, Eastern Caribbean Supreme Court for the period 20th to 24th July, 2009.

His Lordship, Hon. Justice Frederick Bruce-Lyle to *act* as Justice of Appeal, Eastern Caribbean Supreme Court for the period 6th to 19th October, 2009 for the purpose of the sitting of the Court of Appeal in St. Vincent and the Grenadines and to facilitate the attendance at the opening of the Supreme Court in England.

Her Ladyship, Hon. Justice Clare Henry to *act* as Justice of Appeal, Eastern Caribbean Supreme Court for the period 23rd to 27th November, 2009 for the purpose of the sitting of the Court of Appeal in Grenada.

His Lordship, Hon. Justice Errol Thomas to *act* as Justice of Appeal, Eastern Caribbean Supreme Court for the period 7th to 11th December, 2009 for the purpose of the sitting of the Court of Appeal in Antigua and Barbuda.

Justice Errol Thomas to *act* as High Court Judge on contract for a period of two [2] years with effect from 1st September, 2009.

Mr. Peter I. Foster to *act* as High Court Judge, Eastern Caribbean Supreme Court for the period 7th to 11th September, 2009.

Mrs. Sandra Augier as Records and Archives Clerk, Eastern Caribbean Supreme Court with effect from 1st July, 2009.

Mr. Mark Ernest as Information Technology Manager, Eastern Caribbean Supreme Court on contract for a period of three (3) years with effect from 1st July, 2009.

Mrs. Kimberly Cenac-Phulgence as Secretary, Judicial and Legal Services Commission with effect from 27th July, 2009.

Ms. Sardia Cenac as Judicial Clerk, Eastern Caribbean Supreme Court on contract for a period of two [2] years with effect from 1st September, 2009.

Ms. Samantha George as Judicial Clerk, Eastern Caribbean Supreme Court on contract for a period of two [2] years with effect from 1st September, 2009.

Ms. Alana Simmons as *Programme Coordinator, Judicial Education Institute*, Eastern Caribbean Supreme Court on contract for a period of two [2] years with effect from 1st October, 2009.

Mr. Irvin Ferdinand as Accountant, Eastern Caribbean Supreme Court on contract for a period of three [3] years with effect from 17th November, 2009.

Mrs. Kimberly Cenac-Phulgence as Chief Registrar, Eastern Caribbean Supreme Court on contract for a period of three [3] years with effect from 18th December, 2009.

ANTIGUA & BARBUDA

Mrs. Joan Fung as Magistrate, Ministry of Legal Affairs on contract for one [1] year on a three [3] day work week basis with effect from 1st October, 2009.

Ms. Ricki Camacho as Registrar of Intellectual Property and Commerce on contract for one [1] year with effect from 2nd October, 2009.

COMMONWEALTH OF DOMINICA

Mr. Wayne Norde, Junior Clerk to the office of State Attorney, Ministry of Tourism and Legal Affairs with effect from 1st October, 2009.

Mrs. Candia Carrette-George, State Attorney to the office of Magistrate, Ministry of Tourism and Legal Affairs with effect from 1st October, 2009.

Mrs. Pearl Richards-Xavier to act as Chief Parliamentary Counsel for the period 1st October to 31st December, 2009 in a vacant post.

Approval of the temporary appointments: *Ms. Tameka Ruth Hyacinth*, *Ms. Sherma Daurell Dalrymple* and *Ms. Kimala Annestia Alfred*, as State Attorney, Ministry of Tourism and Legal Affairs for the period 1st December, 2009 to 31st March, 2010.

GRENADA

Mr. Rohan Phillip as Attorney General for a period of three [3] months with effect from 28th July, 2009.

Ms. Christine Bowen as *Legal Drafter*, Ministry of Legal Affairs with effect from 1st September, 2009.

Ms. Crisan Greenidge as *Crown Counsel*, Office of the Director of Public Prosecutions, Ministry of Legal Affairs with effect from 1st November, 2009.

Mr. Rohan Phillip as Attorney General for a period of three [3] years with effect from 28th October, 2009.

Mr. Darshan Ramdhanni as Solicitor General, Ministry of Legal Affairs on contract for a period of three [3] years with effect from 5th November 2009.

Mrs. Tahyra Gellineau as Magistrate, Ministry of Legal Affairs on permanent establishment with effect from 9th November 2009.

SAINT LUCIA

Ms. Charon Gardener as Magistrate II, Ministry of Justice on contract for a period of two [2] years with effect from 1st August,

JLSC APPOINTMENTS FOR THE PERIOD JULY 1–DECEMBER 31, 2009

2009.

Mr. Velon John as Magistrate II, First District Court on contract for a period of two [2] years with effect from 1st August, 2009.

Mr. Giovanni James as *Crown Counsel II*, Office of the Director of Public Prosecutions, Ministry of Justice with effect from 1st October, 2009 on permanent establishment.

Ms. Sallyanne Cotter, Deputy Registrar, High Court to act as Registrar of the High Court, for the period 22nd October to 13th November, 2009 in conjunction with her substantive duties.

Ms. Sallyanne Cotter as *Deputy Registrar* of the High Court, on contract for a period of two [2] years with effect from 30th October, 2009

Mr. John Elue Charles as Director of Legislative Drafting, Attorney General's Chambers on contract for one [1] year with effect from 1st December 2009.

Mrs. Cybelle Cenac-Maragh as Registrar of the High Court on contract for a period of two [2] years with effect from 1st December, 2009.

ST VINCENT & THE GRENADINES

Mr. Lester Caesar as Magistrate on contract for a period of two [2] years with effect from 15th July, 2009.

Ms. Ruth-Ann Richards as Crown Counsel I, Attorney General's Chambers with effect from 15th September, 2009 on contract for a period of two [2] years with six [6] months probation in the first instance.

Ms. Ruth-Ann Richards as Crown Counsel I, Attorney General's Chambers from 15th September 2009 to 15th October, 2009.

Ms. Charlene Douglas as Crown Counsel I, Attorney General's Chambers on contract for a period of one [1] year with effect from 1st December, 2009.

JUDGMENTS DELIVERED DURING THE MONTHS OF JULY–DECEMBER 2009 ...CONTINUED FROM PAGE 22

Timothy Horan v Aholdings Ltd
Claim No. BVIHCV 2009/0242
Bannister, J. [Ag.]
Delivered: 10/12/09

Telltop Holdings Ltd v Tarquin Ltd
Claim No. BVIHCV 279/2009
Bannister, J. [Ag.]
Delivered: 16/12/09

Wellgate International Ltd v Crastvell Trading Ltd
Claim No. BVIHCV 2009/0324
Bannister, J. [Ag.]
Delivered: 16/12/09

Yukiyasu Hyashi v Jan Van Haaften
Claim No. BVIHCV 2007/0083
Bannister, J. [Ag.]
Delivered: 18/12/09

INDUSTRIAL COURT

Joshua Fabian v Bank of Nova Scotia
Reference No 6 of 2004
Edward, E.
Delivered: 21/10/09

JUDGMENTS DELIVERED DURING THE MONTHS OF JULY–DECEMBER 2009**COURT OF APPEAL****ANGUILLA**

Commissioner of Police v Percy Thomas
HCVAP 2008/019 and 020
Edwards, J.A.
Delivered: 18/11/09

Michel Magloire v Attorney General
MCRAP 2008/001
Edwards, J.A.
Delivered: 20/11/09

ANTIGUA AND BARBUDA

Marie Makhoul v Cicely Foster
HCVAP 2009/014
George-Creque, J.A.
Delivered: 26/08/09

Antigua Aggregates Ltd v Att. Gen. of Antigua & Barbuda et al
HCVAP 2009/003
George-Creque, J.A.
Delivered: 19/10/09

Ian Peters v Robert Spencer
HCVAP 2009/016
George-Creque, J.A.
Delivered: 22/12/09

GRENADA

The Bank of Nova Scotia v Delano Irvington Gibbs et al
HCVAP 2009/009
Baptiste, J.A. [Ag]
Delivered: 13/11/09

One Call Construction Co Ltd v Grenada SWMA
HCVAP 2009/008
Baptiste, J.A. [Ag]
Delivered: 13/11/09

SAINT LUCIA

Dorina Joseph et al v Nora St Louis et al
HCVAP 2008/025
Gordon, J.A. [Ag]
Delivered: 06/07/09

Francis Phillip et al v The Queen
HCRAP 2003/004
Alleyne, C.J. [Ag]
Delivered: 07/07/09

Marius Wilson v Julienne James et al
HCVAP 2009/006
Edwards, J.A.
Delivered: 06/07/09

Richard Frederick et al v Comptroller of Customs et al
HCVAP 2008/037
George-Creque, J.A., Joseph-Olivetti, J.A. [Ag], Rawlins, C.J.
Delivered: 06/07/09

Samuel Fletcher et al v Attorney General
HCVAP 2009/12
Baptiste, J.A. [Ag]
Delivered: 28/09/09

Ross Bowring v Keith Noel
HCVAP 2008/013
Edwards, J.A.
Delivered: 21/10/09

Henrietta Tayliam v Felicita Thomas
HCVAP 2007/016
George-Creque, J.A.
Delivered: 20/11/09

ST VINCENT & THE GRENADINES

David Roberts v The Queen
HCRAP 2008/008
Baptiste, J.A. [Ag]
Delivered: 16/09/09

TERRITORY OF THE VIRGIN ISLANDS

William Penn v The Queen
HCRAP 2006/001
Edwards, J.A.
Delivered: 28/09/09

Danone Asia PTE Ltd et al v Golden Dynasty Ent Ltd et al
HCVAP 2009/002
George-Creque, J.A.
Delivered: 28/09/09

Alfa Telecom Turkey Ltd v Cukurova Fin. Int Ltd et al
HCVAP 2008/012
George-Creque, J.A.
Delivered: 28/09/09

Alfa Telecom Turkey Ltd v Cukurova Finance International
Ltd et al
HCVAP 2009/001
Gordon, J.A. [Ag]
Delivered: 16/09/09

JUDGMENTS DELIVERED DURING THE MONTHS OF JULY–DECEMBER 2009

CITCO Global Custody NV v Y2K Finance Inc
HCVAP 2008/022
Edwards, J.A.
Delivered: 19/10/09

HIGH COURT

ANGUILLA

Cuthwin Webster v Preston Bryan
Claim No. AXAHCV 2008/0020
Small Davis, J. [Ag]
Delivered: 07/07/09

Shayne Richardson v The Attorney General of Anguilla et al
Claim No. AXAHCV 2008/0012
Small Davis, J. [Ag]
Delivered: 07/07/09

Merle Bailey v Bernadine Huligar et al
Claim No. AXAHCV 2008/0097
Small Davis, J. [Ag]
Delivered: 23/07/09

Thomas Lydon et al v Barnes Bay Development Ltd et al
Claim No. AXAHCV 2008/0051
Michel, J. [Ag]
Delivered: 31/07/09

Alrick Smart v Superintendent of Prisons et al
Claim No. AXAHCV 2009/0029
Small Davis, J. [Ag]
Delivered: 12/08/09

Gina Hodge v Steve Hodge
Claim No. AXAHCV 2007/0036
Small Davis, J. [Ag]
Delivered: 28/08/09

Jared Adams v Commissioner of Police
Claim No. AXAHCV 2009/0089
Small Davis, J. [Ag]
Delivered: 28/08/09

Donna Gumbs v Victor Gumbs
Claim No. AXAHMT/2005/0006
George-Creque, J.A.
Delivered: 23/11/09

Alice Gumbs v Lawrence Gumbs
Claim No. AXAHMT/2007/0022
George-Creque, J.A.
Delivered: 23/11/09

Kenneth Harrigan v Robert Twaron
Claim No. AXAHCV 1999/0113

George-Creque, J.A.
Delivered: 07/12/09

Thelston Connor et al v Scotiabank Anguilla Ltd
Claim No. AXAHCV 2006/0043
George-Creque, J.A.
Delivered: 07/12/09

ANTIGUA AND BARBUDA

Randy James v Leroy Lewis et al
Claim No. ANUHCV 2007/0403
Harris, J.
Delivered: 31/07/09

Steadroy Benjamin v Commissioner of Police et al
Claim No. ANUHCV 2008/0632
Harris, J.
Delivered: 31/07/09

Delcine Thomas v Victor Wilkins
Claim No. ANUHCV 2007/0530
Blenman, J.
Delivered: 29/10/09

Priscilla Leonce v Bernard Leonce
Claim No. ANUHCV 2009/0208
Harris, J.
Delivered: 14/10/09

Money Laundering (Prevention) Act 1996 v Ahmed Williams
Claim No. ANUHCV 2009/0302
Harris, J.
Delivered: 14/10/09

Annie Benn v Community First Cooperative Credit Union Ltd
Claim No. ANUHCV 2007/0725
Mathurin, M.
Delivered: 20/10/09

The Queen v Kevil Nelson
Case No. ANUHCR 2008/0037
Harris, J.
Delivered: 11/12/09

American Intl Bank (in Receivership) v Landmark Ltd et al
Claim No. ANUHCV 2006/0065
Harris, J.
Delivered: 22/12/09

COMMONWEALTH OF DOMINICA

Lena Durand et al v Clemeta Bleau
Claim No. DOMHCV 1994/322
Ross, J. [Ag]
Delivered: 13/07/09

JUDGMENTS DELIVERED DURING THE MONTHS OF JULY–DECEMBER 2009

Frank Watty v Dominica Electricity Services

Claim No. DOMHCV 2005/0347

Ross, J. [Ag]

Delivered: 13/07/09

Andrell Laville v Morris Johnson

Claim No. DOMHCV 2000/096

Ross, J. [Ag]

Delivered: 31/07/09

Marina Marshall v Lenisha Augustine et al

Claim No. DOMHCV 2001/0318

Ross, J. [Ag]

Delivered: 23/09/09

Castaways Development Ltd v Linda Harris et al

Claim No. DOMHCV 2007/0168

Cottle, J.

Delivered: 13/11/09

Victoria Greenaway v Magdalene Augustine

Claim No. DOMHCV 2006/0381

Cottle, J.

Delivered: 18/11/09

GRENADA

Grenada Building and Loan Assoc v Grenada Coop Bank Ltd

Claim No. GDAHCV 2009/0155

Michel, J. [Ag]

Delivered: 02/07/09

Louise Matthias et al v Lennie de Gale

Claim No. GDAHCV 2006/0291

Michel, J. [Ag]

Delivered: 13/07/09

Eric La Qua v James La Qua & Sons

Claim No. GDAHCV 2003/0373

Michel, J. [Ag]

Delivered: 16/07/09

Jacqueline Charles v Herbert Preudhomme et al

Claim No. GDAHCV 2007/0407

Michel, J. [Ag]

Delivered: 21/07/09

Westerhall Point Residents Assoc Ltd v Alvin Dabreo

Claim No. GDAHCV 2008/0622

Michel, J. [Ag]

Delivered: 29/07/09

A'M Track Cons et al v Trustees of the Public Workers Union

Claim No. GDAHCV 2009/0129

Michel, J. [Ag]

Delivered: 28/08/09

Apptn of Cecilia Joseph as next friend of minor children

Claim No. GDAHCV 2009/0199

Michel, J. [Ag]

Delivered: 28/08/09

Cecil Dunn v Paradis Ltd

Claim No. GDAHCV 2007/0108

Michel, J. [Ag]

Delivered: 28/08/09

Doreen Lalgie v Errol Maitland

Claim No. GDAHCV 1999/0608

Michel, J. [Ag]

Delivered: 28/08/09

Grenada Tech & Allied Workers Union v Lalsingh Inv

Claim No. GDAHCV 2008/0292

Michel, J. [Ag]

Delivered: 28/08/09

Patricia Mark v The Attorney General

Claim No. GDAHCV 2008/0223

Michel, J. [Ag]

Delivered: 28/08/09

Stephen De Coteau v New York's Finest Bagles Inc

Claim No. GDAHCV 2009/0137

Michel, J. [Ag]

Delivered: 28/08/09

The Resort Management Company Ltd v Liberty Club Ltd

Claim No. GDAHCV 2006/0438

Michel, J. [Ag]

Delivered: 28/08/09

ST CHRISTOPHER & NEVIS

Eugene Hamilton et al v Joseph Edmeade

Claim No SKBHCV2009/0133 to 0144

Belle, J.

Delivered: 03/07/09

Eugene Hamilton v Cedric Liburd and Denzil Douglas

Claim Nos. SKBHCV1993/0241 and 0246

Belle, J.

Delivered: 31/07/09

Director of Public Prosecutions v Calvester Herbert et al

Claim No. SKBHCR 2004/0053

Belle, J.

Delivered: 16/07/09

NH International (Caribbean) Ltd v Franchette Powell et al

Claim No SKBHCV1996/0072

Belle, J.

Delivered: 11/08/09

JUDGMENTS DELIVERED DURING THE MONTHS OF JULY–DECEMBER 2009

Elceadro Caines v Richard Caines

Claim No SKBHCV2008/0055

Belle, J.

Delivered: 18/08/09

Frederick Kaesmacher v Katherine Kaesmacher

Claim No SKBHMT2008/0017

Belle, J.

Delivered: 14/09/09

Susan Dodge et al v Michael Simanic et al

Claim No SKBHCV2001/0191

Belle, J.

Delivered: 11/10/09

Director of Public Prosecutions v Wycliffe Liburd

Claim No SKBHCR2009/0007

Belle, J.

Delivered: 22/10/09

Eugene Hamilton et al v Joseph Edmeade

Claim No SKBHCV2009/0246 to 0256

Belle, J.

Delivered: 26/10/09

Shawn Richards v SKN Boundaries Commission et al

Claim No SKBHCV2009/0159

Thomas, J. [Ag]

Delivered: 29/10/09 [Reissue]

SAINT LUCIA

The Queen v Urban St Brice

Claim No. SLUHCR 2005/0039

Benjamin, J.

Delivered: 27/07/09

The Queen v Samuel Williams

Claim No. SLUHCR 2009/0010

Benjamin, J.

Delivered: 30/07/09

CPL 443 Montoute v Delvin George

Claim No. SLUHCR 2007/0014

Benjamin, J.

Delivered: 30/07/09

Peter Clarke v Attorney General et al

Claim No. SLUHCV 2001/0242

Cottle, J.

Delivered: 13/07/09

Development Control Authority v Darnley Ishmael et al

Claim No. SLUHCV 2005/0916

Cottle, J.

Delivered: 31/07/09

Kenny Anthony v Attorney General of Saint Lucia

Claim No. SLUHCV 2009/0014

Cottle, J.

Delivered: 03/08/09

Debra Annus v Augustin Williams

Claim No SLUHCV2007/0606

Georges, J. [Ag]

Delivered: 07/09/09

Goddard Darcheville v Lincoln St. Rose et al

Claim No SLUHCV2008/0117

Georges, J. [Ag]

Delivered: 09/10/09

Quality Motors Ltd v Clarke Investments Ltd et al

Claim No SLUHCV2008/0574

Georges, J. [Ag]

Delivered: 13/10/09

Quality Motors Ltd v Clarke Investments Ltd et al

Claim Nos. SLUHCV2008/0261, SLUHCV2008/262

Georges, J. [Ag]

Delivered: 15/10/09

ST VINCENT & THE GRENADINES

Celestina Adams v Coreen Franklyn

High Court Claim No 343 of 1995

Cottle, J.

Delivered: 21/07/09

Kendol Fredericks v Carlton Cunningham

High Court Claim No 475 of 2002

Cottle, J.

Delivered: 21/07/09

Arlington Findlay et al v William Samuel et al

Claim No 130 of 1995

Lanns, M.

Delivered: 03/07/09

Asquith McLean v Sheldon Bynoe

Claim No 463 of 2006

Lanns, M.

Delivered: 03/07/09

Andre Marshall v Public Service Board of Appeal et al

Claim No 260 of 2004

Lanns, M.

Delivered: 03/07/09

Carlson Ferdinand v Enid Ferdinand

High Court Civil Claim No. 101 of 2006

Joseph, J. [Ag]

Delivered: 21/07/09

JUDGMENTS DELIVERED DURING THE MONTHS OF JULY–DECEMBER 2009

Verbina Adams v Othniel Browne
High Court Civil Claim No. 124 of 2005
Joseph, J. [Ag]
Delivered: 21/07/09

Rupert Layne v Gladys Layne and Matthew Dennie v Dexter Deshong
High Court Civil Claim Nos. 38 of 2007 and 333 of 2008
Joseph, J. [Ag]
Delivered: 29/07/09

Diane O'Neal et al v Ivan O'Neal
High Court Civil Claim No 552 of 2002
Joseph, J. [Ag]
Delivered: 06/08/09

Jeanell James v St Vincent and the Grenadines Community College
High Court Civil Claim No 117 of 2008
Joseph, J. [Ag]
Delivered: 06/08/09

Nigel Joslyn v Edward Joslyn
High Court Civil Claim No 1 of 2009
Joseph, J. [Ag]
Delivered: 06/08/09

Lambert Browne v Theresa Adams et al
High Court Civil Claim No 62 of 2008
Joseph, J. [Ag]
Delivered: 25/08/09

Leroy Lewis v Rudy Bailey
High Court Civil Claim No 248 of 2007
Joseph, J. [Ag]
Delivered: 25/08/09

Sylvia McKree v Christobel Burgin
High Court Civil Claim No 211 of 2007
Joseph, J. [Ag]
Delivered: 25/08/09

Sylvia Mulzac v Henry Cox
High Court Civil Claim No 10 of 2009
Joseph, J. [Ag]
Delivered: 25/08/09

Worsley Cambridge v Esther Cambridge
High Court Civil Claim No 114 of 2004
Joseph, J. [Ag]
Delivered: 25/08/09

Dexter Chance et al v Superintendent of Prisons et al
High Court Civil Claim No SVGHCV 2009/189
Joseph, J. [Ag]
Delivered: 00/08/09

Carlos Maloney & Co Ltd v First Caribbean International Bank (Barbados) Ltd
Claim No SVGHCV 2007/0356
Lanns, M.
Delivered: 20/08/09

Eileen Snagg v Urcella King
High Court Civil Claim No 237 of 2006
Bruce-Lyle, J.
Delivered: 18/09/09

Rudolph Harry v Noel Durrant et al
High Court Civil Claim No 250 of 2002
Bruce-Lyle, J.
Delivered: 18/09/09

Charles Cordice v Kenroy George
High Court Civil Claim No 54 of 2008
Thom, J.
Delivered: 17/09/09

Ivan O'Neal et al v Supervisor of Elections of SVG et al
Claim No 349 of 2009
Remy, J.
Delivered: 13/11/09

Dr Ralph Gonsalves v Matthew Thomas et al
High Court Civil Claim No 64 of 2007
Remy, J.
Delivered: 16/11/09

Jacinth Mitchell v Winston Allick
Civil Suit No. SVGHCV 2007/0392
Remy, J.
Delivered: 24/11/09

TERRITORY OF THE VIRGIN ISLANDS

Pioneer Freight Futures Co Ltd v Worldlink Shipping Ltd, Samoa
Claim No. BVIHCV 135 of 2009 and 152 of 2009
Bannister, J. [Ag]
Delivered: 01/07/09

Janet Chiang v Versa Die Cast Ince et al
Claim No. BVIHCV 341 of 2008
Bannister, J. [Ag]
Delivered: 10/07/09

Elena Rybolovleva v Dmitri Rybolovleva et al
Claim No. BVIHCV 2008/403
Bannister, J. [Ag]
Delivered: 20/07/09

Aran Ventures Holdings Ltd v Zwirn Special Opportunities

JUDGMENTS DELIVERED DURING THE MONTHS OF JULY–DECEMBER 2009

- Fund Ltd et al
Claim No. BVIHCV 251 of 2008
Bannister, J. [Ag]
Delivered: 30/07/09
- The Queen v Ricky Powell
Claim No BVIHCV2009/0162
Hariprashad-Charles, J.
Delivered: 10/08/09
- Ocean Conversion (BVI) Ltd v Attorney General
Claim No BVIHCV 2007/0277, 2008/0192
Bannister, J. [Ag]
Delivered: 17/09/09
- Citco Global Custody NV v Y2K Finance Inc
Claim No BVIHCV 2009/0020A
Bannister, J. [Ag]
Delivered: 18/09/09
- Virgin Islands Environmental Council v Attorney General
Claim No. BVIHCV 2007/0185
Hariprashad-Charles, J.
Delivered: 21/09/09
- Bernice Greene v Marguerite Hodge
Claim No. BVIHCV 2008/0362
Ross, J. [Ag]
Delivered: 23/09/09
- Hugh Smith et al v Winston Molyneux
Claim No. BVIHCV 2007/0069
Ross, J. [Ag]
Delivered: 24/09/09
- Rich Victory Investment Ltd v Sino Union (Caribbean Holding) Ltd et al
Claim No BVIHCV 2008/0053
Bannister, J. [Ag]
Delivered: 09/10/09
- Chiverton Construction Ltd v Scrub Island Dev Group Ltd
Claim No BVIHCV 2007/0159
Bannister, J. [Ag]
Delivered: 28/10/09
- Ocean Conversion (BVI) Ltd v Attorney General
Claim No BVIHCV 2008/0192
Bannister, J. [Ag]
Delivered: 28/10/09
- Satyaprakash Rajmangal v BVI Electricity Corporation
Claim No BVIHCV 2006/0270
Joseph-Olivetti, J.
Delivered: 01/10/09
- Bettito Frett v Flagship Properties Ltd
Claim No BVIHCV 0189 of 2007
Joseph-Olivetti, J.
Delivered: 28/10/09
- Sino Union (Caribbean) Holding Ltd v Shangri-La International Dev Holding Ltd et al
Claim No 76 of 2008
Bannister, J. [Ag.]
Delivered: 11/11/09
- Pioneer Freight Futures Co Ltd v Map Marine Ltd
BVIHCV 2009/308
Bannister, J. [Ag.]
Delivered: 16/11/09
- Black Swan Investments v Harvest View Ltd et al
Claim No BVIHCV 2009/348
Bannister, J. [Ag.]
Delivered: 25/11/09
- Citco Global Custody v Y2K Finance Inc
Claim No BVIHCV 2009/0020A
Bannister, J. [Ag.]
Delivered: 25/11/09
- The Queen v David Swain
Case No 17 of 2009
Hariprashad-Charles, J.
Delivered: 10/11/09
- Margaret Findlay v Donald Findlay
Claim No BVIHMT 2006/0070
Foster, J. [Ag]
Delivered: 13/11/09
- The Queen v Andrew Milton et al
Case No 18 of 2007
Hariprashad-Charles, J.
Delivered: 23/11/09
- The Queen v Andrew Milton et al
Case No 18 of 2007
Hariprashad-Charles, J.
Delivered: 26/11/09
- Vincent Pickering et al v Jerry Wilkins et al
Claim No. BVIHCV2007/0008
Hariprashad-Charles, J.
Delivered: 30/11/09
- Ocean Conversion (BVI) Ltd v Attorney General
BVIHCV2008/0192
Bannister, J. [Ag.]
Delivered: 01/12/09
- Wesley Bork v Tamarind Club II Ltd
Claim No. BVIHCV 245/2009
Bannister, J. [Ag.]
Delivered: 01/12/09

**EASTERN CARIBBEAN
SUPREME COURT**

Heraldine Rock Building
Waterfront
Castries

Phone: 758-457-3600
Fax: 758-457-3601
E-mail: offices@eccourts.org

MISSION

To serve its Member States by providing access to a system of justice that is accountable and independent, and administered by officers in a prompt, fair, efficient and effective manner.

ECSC JUDICIAL OFFICERS AS AT 31ST MARCH 2010

THE CHIEF JUSTICE

His Lordship, the Hon. Chief Justice, Hugh Rawlins – Saint Lucia

JUSTICES OF APPEAL

Her Ladyship, the Hon. Justice Ola Mae Edwards – Saint Lucia

Her Ladyship, the Hon. Justice Janice George-Creque – Saint Lucia

His Lordship, the Hon. Justice Davidson Baptiste [Ag] – Commonwealth of Dominica

HIGH COURT

His Lordship, the Hon. Justice Kenneth Benjamin – Saint Lucia

Her Ladyship, the Hon. Justice Indra Hariprashad-Charles – Territory of the Virgin Islands

His Lordship, the Hon. Justice Frederick Bruce-Lyle – St Vincent & The Grenadines

Her Ladyship, the Hon. Justice Rita Joseph-Olivetti [Ag]– Territory of the Virgin Islands

Her Ladyship, the Hon. Justice Louise Blenman – Anguilla

Her Ladyship, the Hon. Justice Clare Henry – Grenada

His Lordship, the Hon. Justice Francis Belle - St Christopher & Nevis

Her Ladyship, the Hon. Justice Gertel Thom - St Vincent & the Grenadines

Her Ladyship, the Hon. Justice lanthea Leigertwood-Octave – St Christopher & Nevis/ Montserrat

His Lordship the Hon Justice Brian Cottle—Commonwealth of Dominica

His Lordship the Hon Justice Courtenay Harris—Antigua & Barbuda

His Lordship the Hon Justice Francis Cumberbatch—Grenada

His Lordship the Hon Justice Mario Michel —Antigua & Barbuda

Her Ladyship the Hon Justice Jennifer Remy - St Vincent & the Grenadines

Her Ladyship the Hon Justice Margaret Price Findlay - Grenada

Her Ladyship the Hon. Justice Rosalyn Wilkinson—Saint Lucia

Her Ladyship the Hon Justice Birnie Stephenson Brooks - Commonwealth of Dominica

His Lordship, the Hon. Justice Edward Bannister, QC [Ag] – Territory of the virgin Islands

His Lordship the Hon Errol Thomas [Ag] - Antigua & Barbuda

His Lordship the Hon Justice Ephraim Georges [Ag] - Saint Lucia

Master Cheryl Mathurin – Antigua & Barbuda

Master Pearletta Lanns—St Christopher & Nevis

Mrs. Kimberly Cenac Phulgence, Chief Registrar - Saint Lucia

Ms Agnes Actie, Deputy Chief Registrar— Saint Lucia