



**EASTERN CARIBBEAN  
SUPREME COURT**

**VOLUME 12, NUMBER 3**

# *E-Newsletter*

**JULY—SEPTEMBER 2011**



## **TRADITION AND CEREMONY IN THE COURT**

Tradition and ceremony are an important part of the practice of the law; evident more-so in the opening of the Law Year.

The Law Year is the period during which the judges sit in court, and comprises three terms September – December (Michaelmas); January – March (Hilary); and April – July (Easter/Trinity).

On 15th September 2011, the Eastern Caribbean Supreme Court convened its traditional ceremonial activity to signal the opening of the Law Year 2011/2012.

But where did this tradition come from?

The pomp and ceremony that accompanies the opening of the law year dates back to the Middle Ages, where the day's activities would begin with the judges arriving in a procession from the Temple Bar to Westminster Abbey for a religious service during which they prayed for guidance, followed by a reception known as the Lord Chancellors' breakfast which was held in Westminster Hall. Although in former times the judges walked the two-mile distance from Temple to Westminster, they now mostly arrive by car.

The service was held by the Dean of Westminster with the reading performed by the Lord Chancellor.



The ceremony has been held continuously since the Middle Ages, with the exception of the years 1940 to 1946 because of World War II. In 1953 it was held in the Saint Margaret's Church because Westminster Abbey was still decorated for the Coronation of Queen Elizabeth II.

Today, courts worldwide commence the law year with some adaptation of this proceeding.

[See pages 4—7 for this year's activity.]

<b>INSIDE THIS ISSUE:</b>	
<b>TRADITION &amp; CEREMONY IN THE COURT</b>	<b>1</b>
<b>ECSC NEWS</b>	<b>2</b>
<b>JUDICIAL QUOTES</b>	<b>3</b>
<b>THOSE WHO SERVE</b>	<b>8</b>
<b>JLSC APPOINTMENTS</b>	<b>12</b>
<b>JUDGMENTS DELIVERED</b>	<b>13</b>

Please send comments, suggestions and contributions to the Newsletter at [offices@eccourts.org](mailto:offices@eccourts.org)

## EASTERN CARIBBEAN SUPREME COURT NEWS



Francois de la Rochefoucauld, French classical author (1613 – 1618) noted that *“The only thing constant in life is change”*. A change was about to happen at the Eastern Caribbean Supreme Court – Justice Kenneth Benjamin who served the Court as a judge for the past eighteen years was saying goodbye to the Eastern Caribbean Court as he anticipated his welcome to the Belize judiciary as Chief Justice of the Supreme Court. So on Friday, 26th August 2011, at a Special Sitting at the High Court of Justice in Saint Lucia (where he was assigned as Head of the Criminal Division, since 2007), colleagues from the judicial and legal fraternities, and government officials gathered to pay tribute to a man who served well.

Rich accolades were bestowed on Justice Kenneth Benjamin by speakers from the bench and the bar. Terms used to describe the judge included: hardworking, diligent, Super Judge, passionate for the law, mentor, change-agent, an energy source, an excellent example, efficient, sharp, intelligent and wise.

His contributions have been creditable and will long be remembered. The Chief Justice indicated that Justice Benjamin's main contribution to the Court was within the Criminal Justice system. His Lordship is credited with giving that Division new life, energy, vision in Saint Lucia. The Director of Public Prosecutions (DPP) of Saint Lucia, Mrs. Victoria Charles-Clarke, stated that the judge's leaving would be a great loss of legal knowledge and experience to the island.

Justice Kenneth Andrew Charles Benjamin served the Eastern Caribbean Supreme Court in Antigua and Barbuda, the British Virgin Islands, St. Vincent and the Grenadines, Grenada and Saint Lucia.

As Justice Kenneth Benjamin vacates his position to assume another, the Eastern Caribbean thanks him for his eighteen years of unbroken service to the sub-region, and prays that God will bless him as he continues to make significant contributions to the

development of regional jurisprudence.

Rest in Peace  
Dame Bernice Lake

Dame Bernice Lake, QC, (1933 – 2011), legal luminary, trailblazer, one of the region's foremost jurists; was born in Anguilla, schooled in St. Kitts and Nevis and later migrated to Antigua and Barbuda where she practiced law from her Chambers – Lake and Kentish up until her retirement in --- 2011. She died on Saturday, September 10, 2011, at Mount St John's Medical Centre after a brief illness and was 78 years old.

Her mark is indelibly engraved in regional constitutional law and human rights, Dame Bernice taught in St Kitts. She then travelled to Jamaica to pursue studies in History at a newly-established University College of the West Indies. The college would later be known as the University of the West Indies. She graduated, with honours, and began a career in the diplomatic service of the West Indies Federation.

**Milestones**

After the 1962 collapse of the Federation, Dame Bernice opted to study law at University College of London.

1967, she earned an Honours Degree in Law, was called to the Bar in St Kitts and moved on to launch a distinguished career, establishing herself as a thorough and formidable attorney with a deep sense of passion for justice.

She was still active in Anguilla however, as she was the main brain behind the Anguilla constitution in 1975. Her constitutional work was also relevant in Antigua as she was a member of the team that drafted the Antigua and Barbuda constitution in 1981.

Her extensive work on constitutions within the Leewards made her an expert in the field. Not only was she the main architect of the Anguilla Constitution in 1975, she was part of the team that framed Antigua & Barbuda's Constitution in 1981.

## EASTERN CARIBBEAN SUPREME COURT NEWS

As a respected attorney, Dame Bernice. She was the first woman in the Eastern Caribbean and the first University of the West Indies graduate to be bestowed the distinguished title of Queens Counsel.

She was knighted in 2004 by the Antigua & Barbudan government for her contribution to the legal field, her stance on women's issues, civil and political rights and her personal integrity. Three years later, she was awarded an Honourary Doctorate of Law Degree from her Alma Mater – The University of the West Indies. In July, Lake was honoured by the Eastern Caribbean Supreme Court, the Anguilla and OECS Bar Associations and other members of the legal fraternity.

At that event, Justice Louise Blenman applauded the jurist for fearlessly championing the causes of the ordinary man and woman who were being disadvantaged.

She was held in high regard by all who associated with her:

*"Dame Bernice had an enormous influence on everyone in the office. She demanded excellence from all of us and she inspired the unwavering loyalty of her staff. Her loss is a void that could never be filled,"* Kendrickson Kentish, Lake and Kentish partner

*"I was privileged to meet her there (University College of the West Indies) in 1964 as a humble freshman while she was a queen of the Students Union and as I remember her, she brought real class to ... student agitation in the days of anti-apartheid and other student protests,"* Henry Fraser, UWI Professor

*"In respect of Caribbean jurisprudence, she has certainly left her mark; I think her loss is a great loss to OECS territories, since this is where her practice was mainly based. Miss Lake was a very formidable person, disciplined; ... very thorough; she had an intense love of the law... and she treated every matter very, very seriously."* Justin Simon, QC, Attorney General, Antigua and Barbuda

*"She was very much in the forefront of the fight for constitutional law and she was always very aggressive in her defence of the Constitution here in Antigua,"* Sydney Christian, QC

*"She was in the forefront of several struggles which earned her a reputation as one of the finest minds in the entire Caribbean. In fact, throughout the entire Caribbean, Dame Bernice is known for her scholarship... and for her very high ethical standards. She has an impenetrable integrity and strength of conviction that is unparalleled and with all of this, she is epiphany of dignity."* Hon. Justice Louise Blenman, High Court Judge and Chairman, JEI, Eastern Caribbean Supreme Court

*"At the end of the day, the legacy, as far as I am concerned, would be in the person who you are. That cannot be erased and so we thank you for your pioneering work in the law in the OECS jurisdiction. We thank you for your constancy... your bravery, your honesty, your integrity, your love for the law."* Hon. Hugh Anthony Rawlins, Chief Justice, Eastern Caribbean Supreme Court



### JUDICIAL QUOTES

*"Morality cannot be legislated but behavior can be regulated. Judicial decrees may not change the heart, but they can restrain the heartless."* **Martin Luther King, Jr.**

*"Although the need for judicial reforms must be balanced with other reform needs in our society, it must be borne in mind that an effective justice system is at the center of all economic and social development."* **Sir Dennis Byron, Address to the St. Kitts Chamber of Industry and Commerce and Foundation for National Development, 17<sup>th</sup> June 2000**

*"I believe the most pervasive and often the most eloquently articulated point made about a code of ethics is that there is a risk that the existence of a code with strict prohibitions and imperatives may imply the establishment (or the perception thereof) of limitations upon the independence of the judiciary. ... one of the very purposes of a properly drafted code is to assure, or at least to assist judges in maintaining, judicial independence and to identify for judges the standards and criteria that should be met in order for their independence to be truly secured. If this is the case, how then can such a document have the very opposite effect?"* **Justice Adrian Saunders, The Controversial Code**

*"With respect to the custody of children, traditionally it was the practice of the courts to award custody, care and control to the mother. However, Caribbean Judges must apply the overriding principle that the child's welfare is of first and paramount importance. Judges in the past had loathed to award custody to the father as it was accepted that the role of the wife or mother was in the home and that of caring for the children. Fortunately, there has been growing awareness that this is not always in the best interest of the child and there have been instances where the father was deemed to be the better parent."* **Justice Indra Hariprashad Charles, Changing Face of the Court: Gender and Family Issues, 31<sup>st</sup> July 2006**

## EASTERN CARIBBEAN SUPREME COURT NEWS

### OPENING OF THE NEW LAW YEAR

September 2011 to July 2012

The Eastern Caribbean Supreme Court, once again recognized the start of its New Law Year with church celebrations and Special Sittings in the various High Courts of Justice across the sub-region.

This year the Chief Justice, the Hon. Hugh Anthony Rawlins presided at the sitting in the island of Antigua and Barbuda, where he presented his message that was carried via simulcast technology to the other eight Member States/ Territories.

The last time the Chief Justice's Opening Address was delivered in Antigua was 15th September 2003; so it will be at least another 8 years before this island gets another turn to host this auspicious occasion.

The church service was convened at the Ebenezer Methodist Church, and this was followed by the usual parade of officers of the judiciary and the legal fraternity, led by the police band and brigade. The final destination was Parliament Drive for the inspection of the guards by the Hon. Chief Justice.



Chief Justice Hugh Rawlins inspecting the police platoon that formed part of the parade. In the rear are: Police Commissioner Vere Brown and Head of the Defence Force, Trevor Thomas.

The Chief Justice's opening address delivered at the High Court of Justice signaled the official opening of the 2011/2012 Law Year. He spoke of the achievements and challenges of the Court and exhorted officers of the Court including the legal fraternity to be mindful of their tasks and the oath that they took to facilitate timely justice, and to do so well. Full text of the speech may be accessed under [Speeches and Presentations](#) on the Court's website.

### THE EVENT IN OTHER ISLANDS

#### ANGUILLA



Justice Louise Esther Blenman, Resident Judge, presided at the sitting in Anguilla.

In her address she lauded the support the Court received over the past year from the Governor and his Deputy, the Chief Minister, the Department of Public Administration, the registrar and Court staff, the Commissioner of Police and the public and private bar. She anticipated that this goodwill would continue into the new law year.

Attorney General James Wood and Vice President of the Anguilla Bar Association, Josephine Gumbs-Connor, among others, also addressed the gathering



VP Josephine Gumbs-Connor



Attorney General James Wood

## EASTERN CARIBBEAN SUPREME COURT NEWS

## TERRITORY OF THE VIRGIN ISLANDS



Justice Indra Hariprashad, Resident Judge, High Court of Justice (forefront) and Justice Edward Bannister, QC, Resident Judge, Criminal Division inspect guard of honor following church service.

The special sitting was presided over by Justice Indra Hariprashad-Charles, one of the Resident Judges of the Territory of the Virgin Islands. Government officials in attendance at Tuesday's sitting included Governor Boyd McCleary, Deputy Premier Dancia Penn and Deputy Governor V. Inez Archibald. Leader of the Opposition D. Orlando Smith was also in attendance.

Remarks were delivered by the acting Attorney General Baba Aziz, Director of Public Prosecutions Elizabeth Hinds, Member of the Inner Bar Dr. J. S. Archibald, Member of the Utter Bar Richard Arthur and President of the local Bar Association, Keisha Durham. Queens Counsels Gerald Farara and Paul Webster also delivered remarks.

## GRENADA

The church service, an important component of the ceremonial proceedings that signal the start of a new law year was convened at the Cathedral of the Immaculate Conception and was conducted by His Lordship Bishop Vincent Darius. Following this, Resident Judge Justice Clare Henry inspected the ranks of the Police, who were gathered in the Court Yard in the usual ceremonial fashion.

At the end of the parade inspection the Special Sitting was held in the number 1 High Court, and was presided over by Justice Clare Henry.

## SAINT LUCIA

Members of the bench and bar accompanied by administrative and support staff of the High Court of Justice and the Court's Headquarters gathered at the Castries Seventh Day Adventist Church to begin the round of proceedings to mark the opening of the 2011/2012 Law year. The timely sermon was presented by Pastor Chernus Isidore, one of the Resident Pastors of the Church.

Following the service the procession marched to the High Court of Justice on Peynier Street, where the special sitting was convened under the direction of Resident Judge Francis Belle. Among the persons in attendance was Her Excellency, the Governor General of Saint Lucia, Dame Pearlette Louisy.

After listening to the Hon. Chief Justice's address, the gathering heard from Attorney General Rudolph Francis, Director of Public Prosecutions, Victoria Charles –Clarke, and representatives of the Inner and Utter bars.



L—R (on the bench): Justice Ephraim Georges, Justice Francis Cumberbatch, Justice Francis Belle, Justice Rosalyn Wilkinson, and Master Georgis Taylor-Alexander

**EASTERN CARIBBEAN SUPREME COURT NEWS**

Members of the Bar in front of the Nevis High Court of Justice

**ST KITTS & NEVIS**

Lawyers, magistrates, and high-ranking police officials in St. Kitts and Nevis gathered at the Emmaus Chapel in Charlestown, Nevis, on Tuesday for a special service, then proceeded to the High Court of Justice for a special sitting to mark the opening of the new Law Year.

The Attorney General of St. Kitts and Nevis, The Hon. Patrice Nisbett and Director of Public Prosecution, Pauline Hendrickson were among persons who addressed the gathering. The Attorney General remarked that the counsel will continue to play a major role in the affairs of the country particularly in strengthening the administration of justice and ensuring that the rules of law are upheld and that there is good governance in the country.

Resident Judge Errol Thomas presided over the proceedings.

**MONTSERRAT**

Justice Albert Redhead (far left) presided at the special sitting in Montserrat. Here he is being escorted to inspect the guard of honor.



**EASTERN CARIBBEAN SUPREME COURT NEWS**



(Left) Justice Albert Redhead inspecting the guard of honor



(Right) Members of the armed force stand at attention in preparation for the inspection of the guard of honor by Justice Albert Redhead.



(Left) Local attorneys at law of the Montserrat Bar Association.

## THOSE WHO SERVE—HIGH COURT OF JUSTICE, GRENADA

### Section A: Introduction

#### MISSION AND VISION

##### MISSION STATEMENT

To facilitate the efficient functioning of the Supreme Court including the Deeds and Land Registry by promptly processing all documents and competently managing all processes in accordance with relevant legislation while maintaining professionalism through co-operation, teamwork and confidentiality.

##### VISION

To constantly aspire to higher levels of competency, efficiency and productivity through utilization of technology within the framework of our Legal Operations.

#### STAFF TRAINING AND DEVELOPMENT

In assessing the Court's priority areas, the training and development of staff members is considered to be of paramount importance. A high priority has been placed on formal and informal training strategies to increase the output and productivity levels of staff members. In October 2010, a training workshop was held focusing on workplace etiquette. Participants were encouraged to approach their varying tasks with a higher level of professionalism and in general to raise the standard of service given to customers. This approach proved generally successful, as employees have taken a more serious and professional approach to the work that they do.

Additional training in the Civil Procedure Rules, Probate Rules and Matrimonial Rules is anticipated. This will be a key focus area for the first term of the New Law Year – 2011/2012.

#### REORGANIZATION OF THE VAULT

At the Supreme Court Registry, the need to ensure that documents are properly stored to avoid the misplacing of important court files is always at the forefront of every action of every member of staff. In view of this, a strategy has been employed to "purge" the vault at least twice a year to ensure that there is sufficient room for the storage of new and pending matters. Over a one month period the dedicated case managers, court clerks and driver spent their Saturdays clearing the vault, which have resulted in easier and timelier access to the Civil Files. Additionally, dedicated staff from the Deeds and Lands Registry assisted the Probate Clerk in properly shelving and labelling all probate files.

In the area of reorganization of the vault there is much more to be done because space is a critical issue. However, the improvements so far have proven valuable and it is anticipated that with the employment of new strategies for this reorganisation and management, many of the problems associated with the issue of storage will be alleviated.

**Members of Staff:** (Front row – left to right): Ms. Patrice Lambert, Case Manager; Ms. Franka Crowe, Court Clerk; Ms. Rena Pierre, Probate Clerk; Ms. Lisa Telesford, Registrar (Ag.); Mrs. Alana Twum – Barimah, Deputy Registrar (Ag.); Mrs. Yvonne Rattoo-Thomas, Head of Court Reporting Unit; Ms. Michelle James, Senior Case Manager

(Back row – left to right): Mr. Peter English, IT Manager; Mr. Karlson Mc Queen, Driver; Mr. Augustine Bernard, Bailiff; Ms. Tiffany Campbell, Court Reporting Unit; Mr. Myrvin Toussaint, Court Clerk; Mr. Ronald Thompson, Execution Bailiff; Ms. Laurel Sylvester, Office Attendant; Mr. Prince Johnson, (Chief Clerk (Ag.)); Mr. Hycenth Clarke, Accounts Clerk



## PERFORMANCE OF THE COURT

### OTHER PRIORITY AREAS

In addition to the areas mentioned other areas of priority for planning and development include: (1) Hiring Judicial Clerks for Judges (2) Establishing a fully functioning Court Reporting Unit (3) The building of Court No. 3 and refurbishment of the Law Library.

### SOCIAL EVENTS AND FAREWELLS

Crucial to the development of camaraderie and team spirit is the engagement in out-of-office, social events that would give persons an opportunity to interact in an informal setting. Over the past few years the Court has hosted an annual Christmas social, which has proven to be very successful. Additionally, at more festive times of the year members of staff share a pot of the island's national dish "Oil Down", which is generally welcomed by all.

The departure of two regular participants of these affairs has created some degree of sadness: the Hon. Justice Francis Cumberbatch, who has always been generous in allowing the use of his house for the staging of the Christmas social, and Ms. Dennies Burris (Court Administrator) who has been the mastermind and planning strategist for most of these social events. Their presence and contributions will be surely missed.

### CONCLUSION

As we say farewell to the Hon. Justice Francis Cumberbatch and Ms. Dennies Burris, we welcome the new law year and notwithstanding possible challenges embrace all that is in store. We anticipate improvements and higher levels of excellence as we work together as a team to build the Supreme Court Registry in Grenada.

## Section B: Statistical Outlook

Table 1: Summary of Criminal cases filed in the Grenada Registry from 2007 to 2010

Offence	2010	2009	2008	2007	Total
Sexual Offences	34	37	35	25	131
Murder	12	18	13	12	55
Aggravated Assault	29	37	33	41	140
Housebreaking/ Burglary	19	34	28	37	118
Robbery	8	5	3	7	23
Forgery/Fraud	5	8	4	2	19
Stealing	2	6	2	3	13
Arson	2	2	1	1	6
Escaping Lawful Custody	2	2	1	0	5
Damage to Property	1	1	1	1	4
Death by Dangerous Driving	0	1	2	0	3
Bigamy	0	0	2	0	2
Threats of Death	0	0	2	0	2
Possession of Fire- arm/Drug	0	0	0	2	2
<b>Totals</b>	<b>114</b>	<b>151</b>	<b>127</b>	<b>131</b>	<b>523</b>

## PERFORMANCE OF THE COURT

Figure 1: Total Criminal Cases Filed in the Grenada Registry by Year (2007 to 2010)

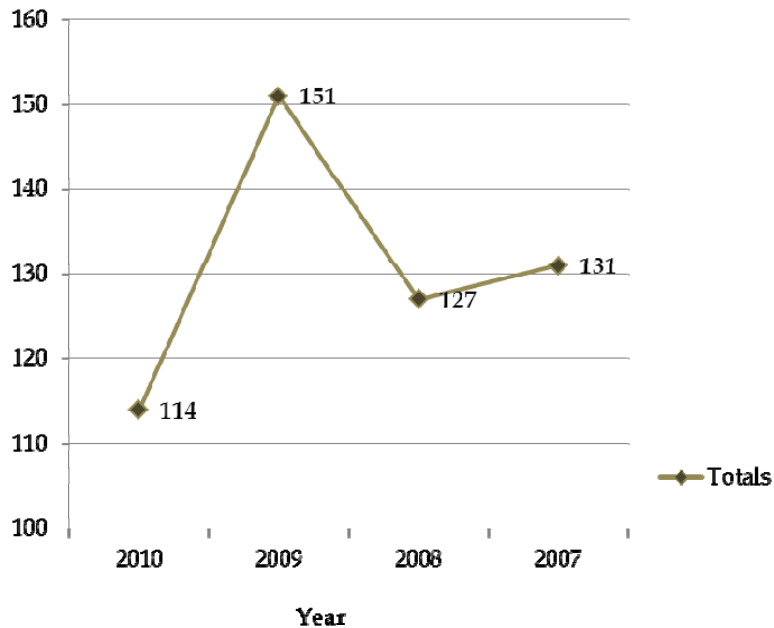


Table 1 gives a summary of the number of Criminal Cases by subtype which were filed in the Grenada Registry for the period 2007 to 2010. The following observations are made from the data.

The bulk of filed Criminal cases were three types: Aggravated Assault, Sexual Offences and Housebreaking /Burglary; each had totals of over 100.

Cases on Aggravated Assault recorded the highest total of 140 for the four-year period. These were followed closely by Sexual Offences which amounted to 131 cases and then Housebreaking/Burglary of which there were 118 offences. They represented, respectively, about 26.8%, 25.0% and 22.6% of total cases and together accounted for approximately three quarters of total cases

The total number of Murder cases was high, relative to the remaining case types (that is apart from those previously mentioned) and accounted for roughly 10% of total Criminal cases. Cases on Bigamy, Threats of Death and Possession of Firearm/Drugs were least common (totalling 2 cases each over the 4 years)

The number of Criminal cases which were filed fluctuated over the years, with the highest total of 151 cases recorded in the year 2009. Conversely the least filed Criminal cases were in 2010 (114 cases)

There was a notable decline in the number of Criminal cases from 2009 to 2010 by 37 cases or about 24.5%

## PERFORMANCE OF THE COURT

Table 2 gives an indication of the numbers of Criminal cases filed in the Grenada Registry in the year 2011; up to September. Note that data from table 2 are not reflective of an entire year and for this reason are not compared with that in Table 1.

However it is worthy to note that thus far the trend appears to continue, where the three dominant types of Criminal cases filed are Sexual Offences, Aggravated Assault and Housebreaking/Burglary.

Table 2: Summary of Criminal cases filed in the Grenada Registry in 2011 (January to September)

Offence	Frequency	Offence	Frequency
Sexual Offences	31	Arson	2
Murder	6	Escaping Lawful Custody	1
Aggravated Assault	26	Damage to Property	1
Housebreaking/Burglary	24	Death by Dangerous Driving	5
Robbery	3	Bigamy	0
Forgery/Fraud	4	Threats of Death	0
Stealing	3	Possession of Firearm/Drug	1

### JLSC APPOINTMENTS FOR THE PERIOD JULY 1–SEPTEMBER 30, 2011

..... Continued from page 13



#### SAINT LUCIA

*Mr. Seryozha Cenac* as Crown Counsel III, Crown Prosecution Unit, Ministry of Justice and Attorney General's Chambers on contract for a period of two [2] years with effect from 1<sup>st</sup> July 2011.

*Mr. Anwar Brice* as *Adjudicator* attached to the Registry of the High Court, Ministry of Justice on contract for a further period of one [1] year with effect from 3<sup>rd</sup> August 2011.

#### ST VINCENT & THE GRENADINES

*Mr. Rickie Burnett* to the post of Magistrate with effect from 18<sup>th</sup> July 2011.

*Ms. Lekeicha Caesar* to the post of Deputy Registrar, High Court

## JLSC APPOINTMENTS FOR THE PERIOD JULY 1–SEPTEMBER 30, 2011

### HEADQUARTERS, SAINT LUCIA

#### Court of Appeal

*Justice Louise Blenman* to act as Justice of Appeal of the Eastern Caribbean Supreme Court for the period 3<sup>rd</sup> to 9<sup>th</sup> July 2011.

*Justice Ola Mae Edwards* to act as Chief Justice, Eastern Caribbean Supreme Court for the period 15<sup>th</sup> to 31<sup>st</sup> August 2011.

*Justice Ian Donaldson Mitchell, CBE, QC* to act as Justice of Appeal, Eastern Caribbean Supreme Court on contract for two [2] years with effect from 1<sup>st</sup> September 2011.

#### High Court

*Justice Errol Thomas* to act as High Court Judge of the Eastern Caribbean Supreme Court on contract for a further period of three [3] years with effect from 1<sup>st</sup> September 2011.

*Justice Ephraim Georges* to act as High Court Judge, Eastern Caribbean Supreme Court for the period 1<sup>st</sup> July to 30<sup>th</sup> September 2011.

*Justice Monica Joseph* to act as High Court Judge, Eastern Caribbean Supreme Court for the period 1<sup>st</sup> September 2011 to 31<sup>st</sup> July 2012.

*Justice Albert Redhead* to act as High Court Judge, Eastern Caribbean Supreme Court for the period 1<sup>st</sup> September to 31<sup>st</sup> December 2011.

*Justice Lyle St. Paul, OBE, CBE* to act as High Court Judge, Eastern Caribbean Supreme Court for the period 1<sup>st</sup> September to 31<sup>st</sup> December 2011.

*Mrs. Vivian Georgis Taylor-Alexander* as *Master*, Eastern Caribbean Supreme Court with effect from 1<sup>st</sup> September, 2011.

#### Administrative/Support

*Mrs. Cynthia Ramjeawan* as Project Coordinator, Eastern Caribbean Supreme Court with effect from 1<sup>st</sup> July 2011 on permanent establishment.

*Mr. Francis Compton* as Regional Mediation Coordinator, Eastern Caribbean Supreme Court on contract for a period of one [1] year with effect from 1<sup>st</sup> July 2011.

*Mr. Craig Gabriel*, Registry Clerk to act as Case Manager I vice Mrs. Choyce Walcott-Mathurin for the period 6<sup>th</sup> August to 28<sup>th</sup> November 2011 in conjunction with his substantive duties.

### ANTIGUA & BARBUDA

*Mrs. Kerry-Ann Noella Knowles-Charles* as *Crown Counsel II*, Legal Aid and Advice Centre, Ministry of Legal Affairs with effect from 1<sup>st</sup> September 2011.

### COMMONWEALTH OF DOMINICA

*Mr. Michael Bruney* as Magistrate on contract for the period 1<sup>st</sup> August to 31<sup>st</sup> December 2011.

*Mr. Wayne Norde* as Magistrate for a period of six (6) months for three (3) days per week in the first instance with effect from 1<sup>st</sup> August, 2011.

*Ms. Pearl Williams, Ms. Tameka Hyacinth, Ms. Sherma Dalrymple, Mr. Clement Joseph, and Ms. Kimala Alfred* as State Attorneys, Ministry of Tourism and Legal Affairs for the period 1<sup>st</sup> October to 31<sup>st</sup> December 2011 in vacant posts.

### GRENADA

*Ms. Kim George*, Attorney at Law to act as Magistrate, Ministry of Legal Affairs for the period 1<sup>st</sup> to 31<sup>st</sup> August, 2011 vice Her Worship Karen Noel.

*Mr. Teddy St. Louis*, Attorney at Law to act as Magistrate, Ministry of Legal Affairs for the period 27<sup>th</sup> July to 9<sup>th</sup> September, 2011.

*His Worship, Henry Paryag*, Magistrate Eastern District – transfer to the Magistrate's Court No.1, Southern District as Chief

*Ms Alana Brathwaite* now Alana Twum-Barimah as Deputy Registrar, Supreme Court Registry with effect from 15<sup>th</sup> July 2011 vice Ms. Lisa Telesford, who is currently acting as Registrar.

*Ms. Alana Brathwaite* now Alana Twum-Barimah, Deputy Registrar of the Supreme Court to act as registrar of Companies and Intellectual Property in conjunction with her substantive duties for the period 15<sup>th</sup> August to 7<sup>th</sup> September 2011.

*Ms. Alana Rita Brathwaite*, now Alana Twum-barimah to act as Registrar of the Supreme Court for the period 4<sup>th</sup> August to 16<sup>th</sup> September 2011 vice Ms. Lisa Telesford, Acting Registrar in conjunction with her duties as Deputy Registrar.

### ST KITTS & NEVIS

*Mrs. Simone Bullen-Thompson* as *Magistrate* for District A and Additional Magistrate for Districts B and C, St. Kitts on contract for two (2) years with effect from 1<sup>st</sup> August, 2011.

### SAINT LUCIA

*Mr. Deale Lee, Senior Crown Counsel* to act as Registrar of Companies and Intellectual Property (ROCIP), Ministry of Justice and Attorney General's Chambers vice Ms. Desma Charles for the period 11<sup>th</sup> July to 2<sup>nd</sup> August 2011 in conjunction with his substantive duties.

*Mrs. Karen Gray Bernard* as *Crown Counsel III*, Ministry of Justice and Attorney General's Chambers on contract for two [2] years with effect from 26<sup>th</sup> July 2011.

..... Continued on page 12

**JUDGMENTS DELIVERED DURING THE MONTHS OF JULY–SEPTEMBER 2011****COURT OF APPEAL****ANGUILLA**

**A, B, C & D v E**  
HCVAP 2011/001  
Pereira, J.A.  
Delivered: 19/09/11

**ANTIGUA & BARBUDA**

**American International Bank Ltd v Landmark Ltd et al**  
**HCVAP 2010/003**  
Pereira, J.A.  
Delivered: 04/07/11

**Steadroy Benjamin v The Commissioner of Police et al**  
HCVAP 2009/023  
Baptiste, J.A.  
Delivered: 19/09/11

**GRENADA**

**Cromwell Scott & Co Ltd v The Appeal Commissioners**  
GDAHCV 2010/0108  
Rawlins, C.J.  
Delivered: 24/08/11

**Bank of Nova Scotia v The Appeal Commissioners**  
HCVAP 2011/012  
Mitchell, J.A. [Ag]  
Delivered: 19/09/11

**Michael McIntyre et al v Grace Steele**  
HCVAP 2011/002  
Mitchell, J.A. [Ag]  
Delivered: 19/09/11

**SAINT LUCIA**

**Carlos Augustin v Uni-V (St. Lucia) Ltd**  
HCVAP 2010/044  
Pereira, J.A.  
Delivered: 27/07/11

**Elias George v The Queen**  
HCVAP 2009/026  
Rawlins, C.J.  
Delivered: 25/07/11

**White Construction Co. Ltd. v DCG Properties Ltd**  
HCVAP 2010/022  
Rawlins, C.J.  
Delivered: 26/09/11

**TERRITORY OF THE VIRGIN ISLANDS**

**Alfa Telecom Turkey Ltd v Cukurova Finance International Ltd. Et al**  
HCVAP 2010/018, 2010/024  
Gordon, J.A. [Ag]  
Delivered: 20/07/11

**Quorum Island (BVI) Ltd v Virgin Islands Environmental Council**  
BVIHCV 2009/021  
Rawlins, C.J.  
Delivered: 12/08/11

**Chiverton Construction Ltd et al v Scrub Island Development Group Ltd**  
HCVAP 2009/028  
Baptiste, J.A.  
Delivered: 19/09/11

**Yukos CIS Investments Ltd et al v Yukos Hydrocarbons Investments Ltd et al**  
HCVAP 2010/028  
Redhead, J.A. [Ag]  
Delivered: 26/09/11

**Betteto Frett v Flagship Properties Limited**  
HCVAP 2009/026  
[Judgment of the Court]  
Delivered: 27/09/11

**David Swain v The Queen**  
HCRAP 2009/008  
[Judgment of the Court]  
Delivered: 29/09/11

**JUDGMENTS DELIVERED DURING THE MONTHS OF JULY–SEPTEMBER 2011****HIGH COURT****ANTIGUA AND BARBUDA****Sonia Grant v Maynard Williams**

Claim No ANUHCV 2009/0346

Remy, J.

Delivered: 20/07/11

**Ian Peters v Robert Spencer et al**

Claim No ANUHCV 2008/0445

Michel, J.

Delivered: 24/08/11

**Ottis Payne et al v Zenroy Athill et al**

Claim No ANUHCV 2008/0506

Michel, J.

Delivered: 31/08/11

**Dean Jonas v James Rose**

Claim No. ANUHCV 2010/0434

Marthurn, M.

Delivered: 21/09/11

**Martin Roopnarine v Andrew Michelin**

Claim No. ANUHCV 2009/0135

Michel, J.

Delivered: 19/09/11

**Osbert Browne v Joycelyn Browne**

Claim No. ANUHMT 2010/0128

Michel, J.

Delivered: 23/09/11

**Eliza Paul v Donald Davis et al**

Claim No. ANUHCV 2009/0432

Michel, J.

Delivered: 29/09/11

**COMMONWEALTH OF DOMINICA****Layo Improvement Committee et al v Development and Planning Corporation**

DOMHCV 2010/0127

Cottle, J.

Delivered: 06/07/11

**Martha LeBlanc v Augustus Thomas et al**

DOMHCV 2009/0296

Cottle, J.

Delivered: 06/07/11

**Violetta Richards v James Richards**

Suit No. DOMHMT 2007/0020

Stephenson Brooks, J.

Delivered: 29/07/11

**Mcperson Barber v Meyona Samuel**

DOMHCV 2009/0101

Cottle, J.

Delivered: 12/09/11

**Levie Maximea v Cpl. Nicholas Gordon et al**

DOMHCV 2009/0054

Cottle, J.

Delivered: 12/09/11

**The Development and Planning Corporation v Gifford Irish**

DOMHCV 2009/0399

Cottle, J.

Delivered: 12/09/11

**Roy Andrew v Susan Heitz et al**

DOMHCV 2009/0410

Cottle, J.

Delivered: 15/09/11

**Joseph Leblanc v James Cyrille**

DOMHCV 2005/0089

Cottle, J.

Delivered: 15/09/11

**Daniel Marie-Sante et al v Trans National Engineering Consultant Inc. et al**

DOMHCV 2009/0438

Cottle, J.

Delivered: 15/09/11

**Maria Yard v Paul Charles**

Claim No DOMHCV 2002/0417

Stephenson-Brooks, J.

Delivered: 30/09/11

**GRENADA****James Bristol v Andre Bernard**

Claim No. GDAHCV 2009/0499

Price-Findlay, J.

Delivered: 07/07/11

**The Minister of Communications, Works et al v Anthea De Bellotte**

Claim No. GDAHCV 2010/0310

Price-Findlay, J.

Delivered: 07/07/11

**George Donald Barclay et al v Hilda Clement**

Claim No. GDAHCV 2003/0177

Price-Findlay, J.

Delivered: 13/07/11

**Ann Blackman v Kenny Forrester**

Claim No. GDAHCV 2005/0469

Price-Findlay, J.

Delivered: 13/07/11

**JUDGMENTS DELIVERED DURING THE MONTHS OF JULY–SEPTEMBER 2011****The Attorney General of Grenada v Seaview Corporation Ltd et al**

Claim No GDAHCV 2009/0229

Price Findlay, J.

Delivered: 29/08/11

**Joel Horsford v The Attorney General of Grenada**

Claim No GDAHCV 2009/0423

Price Findlay, J.

Delivered: 22/09/11

**Kishola Levine v Kenny Smart et al**

Claim No GDAHCV 2007/0296

Price Findlay, J.

Delivered: 22/09/11

**Grenada Technical and Allied Workers Union v Hon. Karl Hood**

Claim No GDAHCV 2010/0370

Price Findlay, J.

Delivered: 22/09/11

**MONTSERRAT****Lester Greenaway v David Taylor**

Claim No. MNIHCV 2009/0007

Redhead, J. [Ag]

Delivered: 26/07/11

**Nigel Lindsey v James Allen**

Claim No. MNIHCV 2009/0021

Redhead, J. [Ag]

Delivered: 26/07/11

**ST LUCIA****First Caribbean International Bank (Barbados) Ltd v Eugene Nelson et al**

Claim No. SLUHCV 2007/0197

Belle, J.

Delivered: 14/07/11

**Godfrey Aurelien v Johny Chitolie**

Claim No. SLUHCV 2008/0946

Belle, J.

Delivered: 21/07/11

**The Queen v Aldrick William**

Claim No. SLUCRD 2009/1690

Benjamin, J.

Delivered: 05/07/11

**The Queen v Claudius Edward**

Case No. SLUHCRD 2009/0025

Benjamin, J.

Delivered: 11/07/11

**The Queen v Andrew Richardson**

Claim No. SLUCRD 2009/0122

Benjamin, J.

Delivered: 13/07/11

**The Queen v Markenzee Hunte**

Claim No. SLUHCR 2009/0018

Benjamin, J.

Delivered: 28/07/11

**The Queen v Marlon Charles**

Claim No. SLUHCRD 2007/1340

Benjamin, J.

Delivered: 29/07/11

**The Queen v Lenzie Polemis**

Criminal Case No. SLUCRD 2008/1147

Benjamin, J.

Delivered: 29/07/11

**Albert Augustin v WPC 152 Bertie Ferdinand**

Claim No. SLUHCV 2008/0647

Wilkinson, J.

Delivered: 26/07/11

**Suzanna Isidore v Norton Gaspard et al**

SLUHCV 1996/0400

Georges, J. [Ag]

Delivered: 12/08/11

**Raoul Odlum v Catherina Jean Jacques et al**

SLUHCV 2007/0015

Georges, J. [Ag]

Delivered: 12/08/11

**Bay View Proprietors v Phillipe Chalano et al**

SLUHCV 2009/0592

Georges, J. [Ag]

Delivered: 12/08/11

**Christine Samuel v Bernard Serieux et al**

SLUHCV 2008/0859

Georges, J. [Ag]

Delivered: 15/08/11

**Alicia Francois v Moses Joseph et al**

SLUHCV 2004/0611

Georges, J. [Ag]

Delivered: 15/08/11

**Sabina Alcide v Marguerite Desir**

SLUHCV 2007/0486

Georges, J. [Ag]

Delivered: 22/08/11

**JUDGMENTS DELIVERED DURING THE MONTHS OF JULY–SEPTEMBER 2011****Sonia Hippolyte v Cletus Hippolyte**

SLUHCV 2004/0078

Georges, J. [Ag]

Delivered: 22/08/11

**Jessica Myers v David Myers**

Claim No. SLUHMT 2009/0160

Wilkinson, J.

Delivered: 25/08/11

**Patrick Smith v Willy Vasson et al**

SLUHCV 2008/0026

Belle, J.

Delivered: 28/09/11

**Garnat George et al v Claudius Etienne**

SLUHCV 2007/0698

Georges, J. [Ag]

Delivered: 01/09/11

**Josephat Small v PC 711 Lester Byron et al**

SLUHCV 2007/0866

Georges, J. [Ag]

Delivered: 05/09/11

**Marcia Polius v The Attorney General**

SLUHCV 2009/0178

Georges, J. [Ag]

Delivered: 05/09/11

**Bryan Felix v The Attorney General et al**

SLUHCV 2005/0941

Georges, J. [Ag]

Delivered: 21/09/11

**Sonia Johnny v The Cabinet et al**

Claim No SLUHCV 2010/0931

Wilkinson, J.

Delivered: 26/09/11

**Norma Louisien v Matthew Louisien**

Claim No SLUHMT 2010/0008

Wilkinson, J.

Delivered: 29/09/11

**ST VINCENT & THE GRENADINES****Ulric Charles et al v Kristy Antoine et al**

High Court Civil Claim No 37 of 2010

Joseph, J. [Ag]

Delivered: 14/07/11

**Fletcher Goodluck v The Superintendent of Prisons et al**

High Court Civil Claim No 125 of 2011

Thom, J.

Delivered: 20/07/11

**The Incorporated Trustees of the Seventh Day Adventist Church v Delores Jordan**

High Court Claim No 48 of 2009

Joseph, J. [Ag]

Delivered: 21/07/11

**Irma Ollivierre v The Vessel "Bequia Express 1" et al**

Claim No 472 of 2010

Lanns, M.

Delivered: 26/07/11

**Jacqueline Chance v Jane Sutherland et al**

High Court Civil Claim No 90 of 2008

Thom, J.

Delivered: 28/07/11

**Adina Garnes et al v Beatrice Gumbs and John Gumbs**

High Court Civil Claim Nos 52 of 2009 &amp; 53 of 2009

Thom, J.

Delivered: 10/08/11

**Alan Straker v Marcia Stephens**

High Court Civil Claim No 130 of 2008

Thom, J.

Delivered: 15/08/11

**Hyon Ellis v Constable Orandy Chapman et al**

High Court Civil Claim No 36 of 2010

Thom, J.

Delivered: 17/08/11

**Olin Dennie v Cecil McKie et al**

Claim No SVGHCV 2010/0206

Actie, M. [Ag]

Delivered: 30/09/11

**TERRITORY OF THE VIRGIN ISLANDS****Anju Dhar et al v Glenford David et al**

Claim No. BVIHCV2009/0384

Hariprashad-Charles, J.

Delivered: 19/07/11

**Eileen Papone et al v James Anthony**

Claim No. BVIHCV2010/0113

Hariprashad-Charles, J.

Delivered: 28/07/11

**The Queen v Camillus Paris**

Claim No. BVIHCR2010/0014

Hariprashad-Charles, J.

Delivered: 29/08/11

**Elisabeth Robertson v Christina Washburn et al**

Claim No. BVIHCV 2011/0158

Hariprashad-Charles, J.

Delivered: 23/09/11

**EASTERN CARIBBEAN  
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**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 SEPTEMBER 30, 2011**

**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 Pereira – Saint Lucia

His Lordship, the Hon. Justice Davidson Baptiste – Saint Lucia

His Lordship, the Hon. Justice Don Mitchell, CBE, QC [Ag] – Anguilla

**HIGH COURT JUDGES**

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

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

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

Her Ladyship, the Hon. Justice Louise Blenman – Anguilla

Her Ladyship, the Hon. Justice Clare Henry – Grenada

His Lordship, the Hon. Justice Francis Belle - Saint Lucia

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

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

His Lordship the Hon Justice Brian Cottle—Commonwealth of Dominica

His Lordship the Hon Justice Francis Cumberbatch—Saint Lucia

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

His Lordship the Hon Justice Mario Michel —Antigua & Barbuda

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

Her Ladyship the Hon Justice Jennifer Remy - Antigua & Barbuda

His Lordship the Hon. Richard Floyd—Antigua & Barbuda

His Lordship the Hon Errol Thomas [Ag] - St Christopher & Nevis

Her Ladyship the Hon Justice Monica Joseph [Ag] - St Vincent & the Grenadines

His Lordship the Hon Justice Albert Redhead [Ag] - Nevis/Montserrat

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

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Master Cheryl Mathurin – Antigua & Barbuda

Master Pearletta Lanns—St Christopher & Nevis

Master Georgis Taylor-Alexander—Saint Lucia

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