

**IN THE COURT OF APPEAL OF THE  
EASTERN CARIBBEAN SUPREME COURT  
SAINT KITTS & NEVIS  
FINAL CAUSE LIST  
[15<sup>th</sup> to 19<sup>th</sup> MARCH 2010]**

**I. JUDGMENTS**

- |     |   |                            |
|-----|---|----------------------------|
| [1] | Millennium Financial Limited v Thomas Mc Namara et al<br><b>St. Kitts &amp; Nevis</b>   | [Civ. App. No. 12 of 2008] |
| [2] | Lester Charles et al v The Commissioner of Police<br><b>Antigua and Barbuda</b>         | [Crim. App. No. 1 of 2009] |
| [3] | Kevin Whitten v Financial Services Commission<br><b>Territory of the Virgin Islands</b> | [Civ. App. No. 6 of 2009]  |

**II. APPLICATIONS**

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|-----|---|----------------------------|
| [1] | Arnold Smith et al v Shelburn Diane Hercules<br><i>Appeal be heard as a Summary Appeal,<br/>Extension of Time to File Record of Appeal<br/>and Stay of Execution of Proceedings</i> | [Civ. App. No. 1 of 2010]  |
| [2] | Nevis Island Administration et al v Cable<br>Communication (Nevis) Limited<br><i>Case Management</i>  | [Civ. App. No. 16 of 2009] |

**III. HIGH COURT CRIMINAL APPEALS AGAINST SENTENCE**

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|-----|---|-----------------------------|
| [1] | Lawton Forbes v The DPP<br><i>Armed Robbery</i> | [Crim. App. No. 12 of 2007] |
| [2] | Esrette Henville v the DPP<br><i>Robbery</i>    | [Crim. App. No. 24 of 2008] |
| [3] | Vernon Simon v The DPP<br><i>Burglary</i>       | [Crim. App. No. 9 of 2009]  |
| [4] | Ourtic Gillard v The DPP<br><i>Burglary</i>     | [Crim. App. No. 10 of 2009] |
| [5] | Denville Newman v The DPP<br><i>Rape</i>        | [Crim. App. No. 20 of 2009] |

\* *Adjourned from the last sitting*

#### IV. HIGH COURT CRIMINAL APPEALS AGAINST CONVICTION

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|-----|--|-----------------------------|
| [1] | Roosevelt Brown v The DPP<br><i>Rape</i>   | [Crim. App. No. 7 of 2005]  |
| [2] | Kemba Swanston v The DPP<br><i>Murder/Attempted Murder</i>                       | [Crim. App. No. 21 of 2006] |
| [3] | Everette Allen v The DPP<br><i>Robbery</i>                                       | [Crim. App. No. 23 of 2006] |
| [4] | Arthur Galloway v The DPP<br>Unlawful Carnal Knowledge                           | [Crim. App. No. 2 of 2007]  |
| [5] | Mervin Maloney v The DPP<br><i>Indecent Assault</i>                              | [Crim. App. No. 6 of 2007]  |
| [6] | Wayne Matthew v The DPP<br><i>Robbery/Possession of Firearm with Intent</i>      | [Crim. App. No. 6 of 2008]  |
|     | Maluska Williams v The DPP<br><i>Robbery/Possession of a Firearm with Intent</i> | [Crim. App. No. 8 of 2008]  |
| [7] | Thomas Simmonds v The DPP<br><i>Robbery</i>                                      | [Crim. App. No. 9 of 2008]  |
| [8] | Osborne Hewitt v The DPP<br><i>Incest</i>  | [Crim. App. No. 35 of 2008] |

#### V. HIGH COURT CIVIL APPEALS

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|-----|--|----------------------------|
| [1] | Earl A. Martin v The Democrat Printing Company Limited et al | [Civ. App. No. 23 of 2007] |
| [2] | Earl Clarke v The Democrat Printing Company Limited et al    | [Civ. App. No. 24 of 2007] |
| [3] | Dawud Byron v The Democrat Printing Company Limited et al    | [Civ. App. No. 25 of 2007] |
| [4] | Katherine Anne Kaesmacher v Frederik Carl Kaesmacher         | [Civ. App. No. 12 of 2009] |

#### VI. MAGISTERIAL CRIMINAL APPEALS AGAINST CONVICTION

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|-------|---|---------------------------------|
| [1]   | Casimir Herbert v The Chief of Police<br><i>Driving without Insurance and Licence</i> | [Mag. Crim. App. No. 3 of 2009] |
| * [2] | Beresford Byron v Sandra Roberts<br><i>Maintenance</i>                                | [Mag. Crim. App. No. 4 of 2009] |

\* Adjourned from the last sitting

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|-----|---|---------------------------------|
| [3] | Ames Liburd v The Chief of Police<br><i>Possession of Ammunition without Licence</i><br><i>/Possession of Firearm without Licence</i> | [Mag. Crim. App. No. 5 of 2009] |
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| [4] | Livingston Martin v The Chief of Police<br><i>Battery</i>  | [Mag. Crim. App. No. 6 of 2009] |
| [5] | Kimbell Williams v The Chief of Police<br><i>Possession of Ammunition without Licence</i><br><i>/Possession of Firearm without Licence</i> | [Mag. Crim. App. No. 9 of 2009] |
| [6] | Kasim Liburd v The Chief of Police<br><i>Possession of Firearm without Licence</i>   | Mag. Crim. App. No. 1 of 2010]  |
| [7] | Dornel Bernier v The Chief of Police<br>Possession of a Controlled Drug  | [Mag. Crim. App. No. 3 of 2010] |

**VII. MAGISTERIAL CIVIL APPEALS**

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|-----|--|--------------------------------|
| [1] | Elvis Mills v Tracy Thompson   | [Mag. Civ. App. No. 4 of 2009] |
| [2] | Alvin J. Richardson v St. Kitts-Nevis-Anguilla<br>National Bank Ltd. | [Mag. Civ. App. No. 5 of 2009] |

*\* Adjourned from the last sitting*

ECSC  
Finalised 11<sup>th</sup> March, 2010