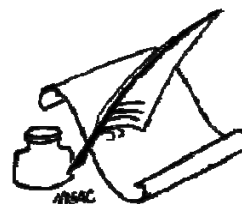




# E-Newsletter

OCTOBER–DECEMBER 2012



## FIRST LADY OF THE OECS JUDICIARY

The Hon. Justice Janice M. Pereira, native of the British Virgin Islands, was sworn in as Acting Chief Justice of the Eastern Caribbean Supreme Court on Tuesday, 31<sup>st</sup> July 2012 in a historic ceremony convened at the residence of Her Excellency Madame Dame Pearlette Louisy, GCMG Governor General of Saint Lucia. She is the first female to assume the prestigious position as the head of the Court that has judicial responsibility over the nine countries of the Organization of Eastern Caribbean States (OECS).

To mark this momentous occasion, a special sitting was convened at the High Court of Justice in Tortola, BVI on 1<sup>st</sup> October 2012. BV-Islanders gathered to celebrate the rise of a native to the highest seat in the judicial system.

Those present included Governor Boyd McCleary; Premier Dr. the Hon. Orlando Smith, OBE; Attorney General Dr. Christopher Malcolm; Director of Public Prosecution, Mr. Wayne Rajbansie; President of the local Bar Association, Ms. Keisha Durham; Justices of Appeal Louise Blenman and Mario Michel; and Justice Albert Redhead who presided over the special sitting.

Wednesday 24<sup>th</sup> October 2012 saw Her Ladyship Justice Janice M. Pereira returning to the residence of Saint Lucia's Governor General Dame Pearlette Louisy where she was officially sworn in as Chief Justice of the Eastern Caribbean Supreme Court. The Ceremony began with the reading of the Letters of Patent by Dame Pearlette Louisy; followed by the signing of the Oath of Allegiance and Oath of Due Execution of Office by Chief Justice Pereira.

Dr Orlando Smith, Premier of the British Virgin Islands led a delegation to witness this momentous occasion. Other members included the Hon. Ronnie W. Skelton, Minister for Health and Social Development; the Hon. Vivian Inez Archibald, Deputy Governor; the Hon. Ingrid Moses-Scatliffe, Speaker of the House of Assembly;

and the Hon. Alvin Christopher, Member for the Second District. The Premier noted that the occasion was a "historic moment that brings pride to the Virgin Islands and the Caribbean."

The Chief Justice in her remarks registered the fact that she felt truly honored and special that there were representatives from the British Virgin Islands to share in the occasion, and that it was a moment she would never forget.

Others in attendance included judges, representatives of the administrative and support staff of the Court's Headquarters in Castries, Saint Lucia and members of the legal profession.

In demonstration of the Government's pride in the achievement of a daughter and the resultant contribution to the Territory and the wider Caribbean, the Premier of the British Virgin Islands, Dr the Hon. Orlando Smith extended an invitation to the Chief Justice to visit the Territory, in her official capacity, so that "Virgin Islanders can get the opportunity to share in the historic occasion of her appointment".

The four-day visit began on 18<sup>th</sup> November 2012. She received an official welcome by BVI officials upon her arrival at the Terrance B. Lettsome International Airport. The official welcome party comprised of Premier and Minister of Finance Dr. the Hon. Orlando Smith and his wife, Mrs. Lorna Smith, OBE; Government's Director of Communication, Mrs. Arlene T. Penn; Acting Executive Director of the International Affairs Secretariat, Mrs. Sylvia Moses; BVI Tourist Board (BVITB) Niche Marketing Manager, Ms.



Hon Janice Mesadis Pereira

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**EASTERN CARIBBEAN SUPREME COURT NEWS**

Lynette Harrigan; BVITB Visitor Relations Coordinator, Mrs. Fravern Collins; the Premier's Private Secretary, Mrs. Desary Cameron-McDowell; and Dr. Joseph Archibald, QC.

An official welcome from public officers and other well-wishers was staged at the Central Administration Building, East Atrium.

During the visit the Hon. Chief Justice met with students of the Robinson O'Neal and Bregado Flax Educational primary schools. She also met with a group of students of the Elmore Stoutt High School at the Court House for a pep talk and autograph session and attended a service of thanksgiving in her honour at the North Sound Methodist Church in Virgin Gorda.

Courtesy calls were made on Premier the Hon. D. Orlando Smith; His Excellency the Governor, Mr. Boyd McCleary, CMG, CVO; Deputy Governor; Mrs. Inez V. Archibald and Chairman of the Bar Association, Ms. Keisha Durham.

Other activities included: a cocktail reception at the Olde Yard Village; and a joint press briefing on the occasion of her visit hosted by the Premier and Her Ladyship.



Chief Justice Janice Pereira outside the High Court of Justice following the Special Sitting (top left)



A section of the audience at the Special Sitting (top right)

L-R – Premier Dr. Orlando Smith and Governor Boyd McCleary in attendance at the Special Sitting (bottom)





**EASTERN CARIBBEAN SUPREME COURT NEWS**

The Hon. Chief Justice (seated) being sworn into office by Her Excellency Dame Pearlette Louisy, Saint Lucia's Governor General (top); and being congratulated (left)

A section of the audience who attended the Swearing-in Ceremony; Justice of Appeal Louise Blenman stands in forefront (right)



## EASTERN CARIBBEAN SUPREME COURT NEWS



The Hon. Chief Justice Janice M Pereira (right) being greeted by Premier Orlando Smith on her official four-day visit to the British Virgin Islands



The Hon. Chief Justice Janice Pereira (2nd left) pose with members of the official welcome party.



**EASTERN CARIBBEAN SUPREME COURT NEWS**



The Hon. Chief Justice Janice Pereira visits with students at the Robinson O'Neal Primary School and the Bregado Flax Educational Center.



**EASTERN CARIBBEAN SUPREME COURT NEWS****HALLS OF JUSTICE PROJECT**

The Halls of Justice Project, the plan to establish a Hall of Justice Complex in each Member State/Territory of the Eastern Caribbean Supreme Court (ECSC), is part of the wider court reform and modernization project. Discussions with the relevant stakeholders and potential funding sources are ongoing.

A small delegation comprising of Mr. Gregory Girard, Court Executive Administrator and Mr. Francis Letang, Director of Projects visited Canada during the week of 23<sup>rd</sup> to 28<sup>th</sup> September 2012 to hold discussions with key groups and agencies to explore the possibility of funding for the Project, and to identify areas of collaboration with those interest groups on funding the Courts' reform project in general. The meetings were directed at public and private sector agencies including the Courts and judicial institutions in Canada.

The delegation met with interest groups in Toronto and Ottawa, including the OECS Liaison office in Toronto, where a meeting was held with five Consuls General from the OECS representing: Antigua – Ms. Janil Greenaway, Grenada – Ms. Jenny Gumbs, St. Kitts and Nevis – Mr. John Allen, St. Vincent and the Grenadines – Mr. Steve Phillips, and Saint Lucia – Mr. Michael Willius.

Talks were held with Turner and Townsend, a Management Consultant Group, specializing in P3 projects in Canada and North America and providing advisory services to like organizations seeking to implement P3 projects. Persons in attendance considered the concept of 'marrying' a P3 model with the development of court houses, an interesting one.

Other discussions were held with Retired judge Gregory Regis, Senior Judge in the Ontario Province (a national of Saint Lucia); National Judicial Council, Ottawa; Fairness Commissioner, Dr. Jean Augustin, a former Parliamentarian and national of Grenada.

Apart from the Halls of Justice Project, an area that was found to offer great potential for assistance was judicial education training through the Ministry of Attorney General in the Ontario Province.



**Left to right: Dr. Jean Augustin, Fairness Commissioner; Mr. Gregory Girard, Court Administrator, ECSC ; Ms. Jenny Gumbs, Consul General, Grenada**

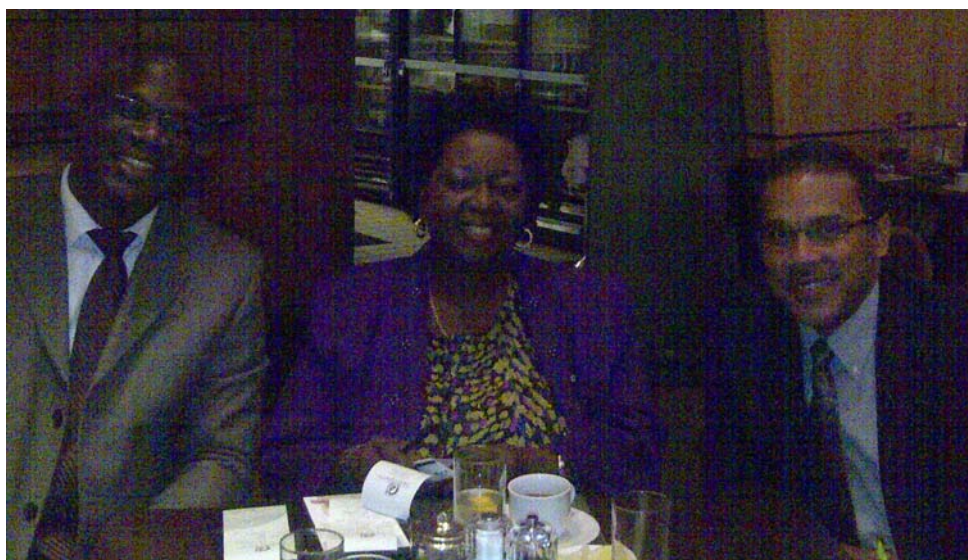


## EASTERN CARIBBEAN SUPREME COURT NEWS



Meeting with OECS Consuls General (above)

Left—Right: Mr. Francis Letang, Director of Projects, ECSC; Dr. Jean Augustin, Fainess Commissioner; Mr. Gregory Girard, Court Administrator, ECSC (right)



## JUDICIAL EDUCATION CORNER



## Making a Case for Domestic Violence Legislation in Anguilla



Hon. Ivenia Benjamin  
*Senior Magistrate, Anguilla*

When Mrs. Bovary appeared at the police station bleeding from a wound to her head that left her deaf in one ear and with a cracked jaw bone, Mr. Bovary was right by her side. He admitted to the police that while he had indeed perpetrated the violent act, the resulting injury was not his fault. Mrs. Bovary, who was quietly sitting on a bench absorbing her pain, was quick to refute his version of the events. She was later transported to the hospital and he to the police cells. Fourteen days later when Mr. Bovary's bail application came up for hearing, Mrs. Bovary appeared at court still in her bandages, to inform the court that she was no longer interested in pursuing the case against the defendant. The prosecutor, under the circumstances, was left with little choice but to offer no evidence in the matter, with the court dismissing the Grievous Bodily Harm complaint against Mr. Bovary, for want of prosecution.

This is the typical way in which the average domestic violence matter would end in the courts in Anguilla. Records of the Royal Anguilla Police Force show that in the year 2010, 326 domestic disputes were reported and filed into the police system. In 2011, 279 cases were reported and in 2012, 236 cases were reported.

The difference between Anguilla and many other territories of the Eastern Caribbean is that in Anguilla there is no domestic violence legislation enacted to protect family members from other family members who become abusive. There is however a draft Bill which has been idling around for a number of years now, awaiting parliamentary approval and its passage into law.

Mrs. Bovary like many other women, feels that if she is going to continue living under the same roof as Mr. Bovary, who is the main bread winner and prime financial supporter of the family including the children, then she has nothing left to do but discontinue the matter against him, thereby perpetuating the cycle of abuse which in some instances can escalate, even resulting in death. Mr. Bovary in the meantime is confident, that regardless of how open and ugly the abuse of his wife gets, Mrs. Bovary will never go the full nine yards with the matter.

The proposed Domestic Violence Bill for Anguilla is very comprehensive in its approach to the various forms of domestic violence that exist. It has sought to adopt the OECS harmonized legislation model which ensures that all the Territories have similar provisions and offer the same level of protection to victims.

Domestic Violence in the proposed Bill is defined as, "controlling or abusive behavior that harms the health, safety or well-being of the applicant or any child in the care of the applicant"; and includes, but is not limited to the following:

- physical abuse or threats of physical abuse
- sexual abuse or threats of sexual abuse
- emotional, verbal or psychological abuse
- economic abuse
- intimidation
- harassment
- stalking
- damage to or destruction of property
- entry into the applicant's residence without consent, where the parties do not share the same residence.

The proposed bill defines a domestic relationship as a relationship between an applicant and a respondent in any of the following ways:

- they are or were married to each other, including marriage according to any law, custom or religion
- they were cohabitants or former cohabitants
- they are the parents of a child or are persons who have or had parental responsibility for that child, whether or not at the same time
- they are family members related by consanguinity, affinity or adoption
- they would be family members related by affinity if they were, or were able to be married to each other
- they are or were in an engagement, dating or visiting relationship which includes but is not limited to an actual or perceived romantic, intimate or sexual relationship of any duration
- they share or shared the same household or residence

Victims of domestic violence may be disempowered and intimidated, therefore, an application for a protection order may be brought on behalf of the victim by any person, including a police officer or an approved social worker, who has a material interest in the well-being of the victim.

Since the most dangerous time for any domestic violence victim is the time of separation from the perpetrator of the violence, the Bill



## JUDICIAL EDUCATION CORNER

makes provisions for an interim protection order. A protection order may prohibit the respondent from:

- committing any act of domestic violence
- enlisting the help of any person to commit any such act of domestic violence
- entering the shared household (the Court shall impose this prohibition only if it appears to be in the interests of the applicant or any child or dependent)
- entering a specified part of the shared household
- entering the residence of the applicant
- entering the place of employment of the applicant
- preventing the applicant or any child or dependent who normally resides or has resided in the shared household from entering or remaining in the shared household or a specified part of the shared household
- taking possession of, damaging, converting or otherwise dealing with property that the applicant may have an interest in, or is reasonably used by the applicant
- approaching the applicant within a specified distance
- committing any other act as specified in the order.

In addition to these conditions the Court may:

- direct that any or all of the conditions of an interim protection order or a final protection order be applied for the benefit of a child or dependant;
- direct that the respondent:

return to the applicant, specified property that is in his or her possession or under his or her control

pay emergency monetary relief to the applicant

pay interim monetary relief to the applicant for the benefit of a child or dependant, where there is no existing order relating to maintenance until such time as an obligation for support is determined

immediately vacate any shared household for a specified period, whether or not the shared household is owned or leased by the respondent and the applicant, or solely owned or leased by the respondent or the applicant;

make or continue to make payments in respect of rent or mortgage payment for premises occupied by the applicant having regard to the financial needs and resources of the parties

or the applicant or both, receive professional counseling or therapy from any person or agency or from a programme which is approved by the Minister of Social Development in writing.

The law makes it mandatory for a police officer to respond to every complaint or report which alleges domestic violence whether or not the person making the complaint or report is the victim. The police

officer must complete a domestic violence report which shall form part of a Domestic Violence Register to be maintained by the Commissioner of Police.

Anguilla has long attempted to prepare for the passage of such a much needed piece of legislation. In November of 2012, The Family Law Reform Committee of Anguilla in collaboration with the Ministry of Home Affairs and Social Development held a four-day training workshop on the island to expose key persons such as police officers, health care providers, counselors, social workers, legal personnel and other public officials involved in domestic violence issues, to the provisions of the draft Bill. The training among other things, focused on highlighting the procedures to be utilized in responding to domestic violence reports and taking them forward into the judicial system.

In addressing the gathering the Honourable Attorney General, James Wood, informed the participants that the training was vital in order to assist the victims and the courts with the enforcement of the Bill, when it becomes law. He stated further that the problem of domestic violence was one that *"devastates families and inflicts a high degree of physical harm and perhaps a higher degree of psychological and emotional harm on its victims."*

The Minister of Social Development, the Honourable Edison Baird, who also addressed the gathering, noted that *"domestic violence does not pay any regard to social status, culture, ethnicity, religion, age, class or family type and can be perpetuated on any person in a family."* He further stated that when this occurs the abused party must have access to the court for redress since domestic violence is *"violence perpetuated in a domestic setting."*

The workshop which was sponsored by UNICEF and UNWomen, was facilitated by Mrs. Jacqueline Sealy- Burke an attorney at Law who has worked with the Commonwealth Secretariat, The world Bank as well as NCH for children. In her remarks to the participants Mrs. Sealy-Burke noted that domestic violence has compromised the lives of women and is often considered to be the number one public health issue affecting women. She noted further that *"if not responded to effectively it has the power to affect the generations to come."*

## THOSE WHO SERVE—THE MAGISTRATES COURT, ANGUILLA

### Section A: Introduction

The success of Anguilla's judicial system, like that of the other Member States and Dependent Territories of the OECS, depends to a large extent on the tireless efforts of the Magistracy.

Senior Magistrate Ivenia Benjamin, ably assisted by Magistrate Keithly Benjamin and supported by the requisite administrative staff daily display dedication and commitment to working together as a team to facilitate the delivery of justice and judicial services in a prompt, efficient and effective manner.

Domestic violence is one of the matters that comes before the Magistrates on a frequent basis. Anguilla unlike other OECS Member States and Territories has no legislation that addresses domestic violence and thus protect the victims of the heinous crime that constantly plagues societies world over. Senior Magistrate Ivenia Benjamin addresses this matter in her article "Making a Case for Domestic Violence Legislation in Anguilla." See [page 8](#)



Some Members of the Team at the Anguilla Magistrates Court

From left to right: Ms. Deanna Hodge, Judicial Enforcement Management System (JEMS) Clerk; Hon. Keithly Benjamin, Magistrate; Hon. Ivenia A Benjamin, Senior Magistrate and Ms. Perrinet Hodge, Court Clerk

## PERFORMANCE OF THE COURT

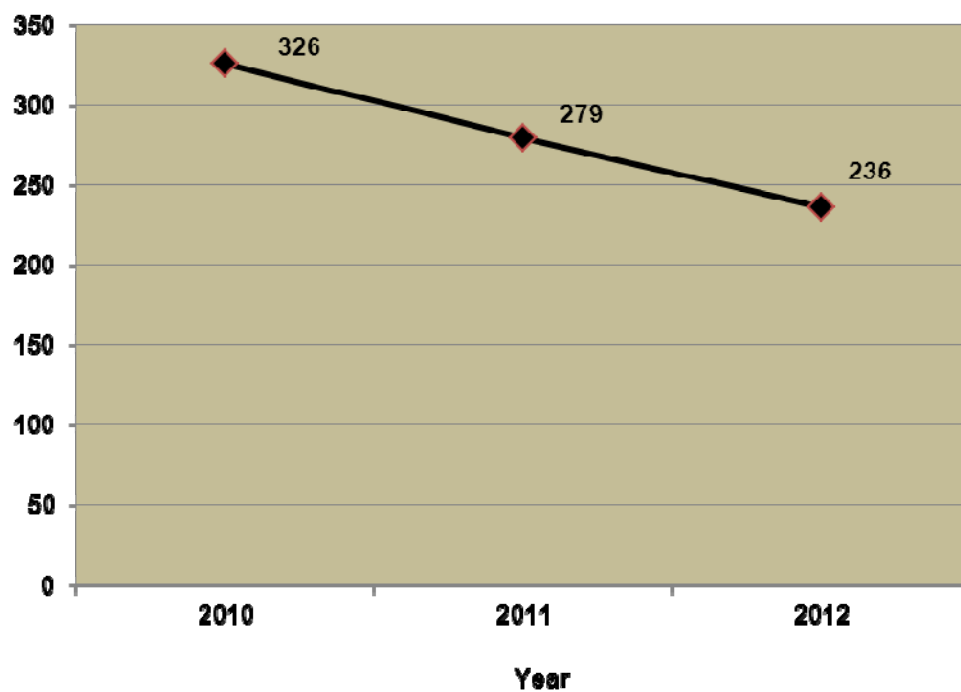
### Section B

Records of the Royal Anguilla Police Force show that the numbers of domestic disputes reported and filed in the years 2010, 2011 and 2012 were 326, 279 and 236 cases respectively. Notably, the numbers of reported domestic dispute cases continually decreased from 2010 to 2012. However this is not necessarily an indication that the occurrences are decreasing; one must also consider the possibility that less cases of domestic disputes/violence are being reported.

Table 1: Number of reported and filed Domestic Dispute Cases at the Royal Anguilla Police Force, 2010 to 2012

Year	Number of cases
2010	326
2011	279
2012	236
<b>Total</b>	<b>841</b>

Figure 1: Number of reported and filed Domestic Dispute Cases at the Royal Anguilla Police Force, 2010 to 2012





## JLSC APPOINTMENTS FOR THE PERIOD OCTOBER 1–DECEMBER 31, 2012

### HEADQUARTERS, SAINT LUCIA

#### Court of Appeal

*Mr. John E. Carrington* to act as Justice of Appeal of the Eastern Caribbean Supreme Court for the period 28<sup>th</sup> October to 1<sup>st</sup> November 2012.

*Mr. Tyrone Chong, QC* to act as Justice of Appeal of the Eastern Caribbean Supreme Court for the periods 28<sup>th</sup> October to 3<sup>rd</sup> November and 25<sup>th</sup> November to 1<sup>st</sup> December 2012 respectively.

*Mr. Paul A. Webster, QC* to act as Justice of Appeal of the Eastern Caribbean Supreme Court for the period 25<sup>th</sup> to 29<sup>th</sup> November 2012.

#### High Court

*Mr. Septimus Rhudd* to act as High Court Judge, Eastern Caribbean Supreme Court for the period 1<sup>st</sup> to 31<sup>st</sup> October 2012.

*His Lordship, the Hon. Justice Lionel Jones, SC. CMT* to act as High Court Judge, Eastern Caribbean Supreme Court for the period 14<sup>th</sup> October to 30<sup>th</sup> November 2012.

*Mr. Paul Dennis* to act as High Court Judge, Eastern Caribbean Supreme Court for the period 15<sup>th</sup> October to 31<sup>st</sup> December 2012.

*Mr. Thomas W.R. Astaphan* to act as High Court Judge of the Eastern Caribbean Supreme Court for the period 29<sup>th</sup> October to 30<sup>th</sup> November 2012.

*Mrs. Veronica Barnard* to act as Master of the Eastern Caribbean Supreme Court for the period 9<sup>th</sup> to 14<sup>th</sup> December, 2012.

*Mr. Gerhard Wallbank* to act as High Court Judge of the Eastern Caribbean Supreme Court for the period 21<sup>st</sup> December 2012 to 13<sup>th</sup> January 2013.

#### Administrative/Support

*Mr. Armani Brice as Judicial Clerk*, on contract for a period of two [2] years with effect from 1<sup>st</sup> October 2012.

*Mr. Francis Letang* as Director of Projects, Eastern Caribbean Supreme Court on contract for a further period of two (2) years with effect from 1<sup>st</sup> October 2012.

*Mr. Irvin Ferdinand* as *Accountant*, Eastern Caribbean Supreme Court on contract for a further period of three (3) years with effect from 17<sup>th</sup> November 2012.

*Ms. Myrtene Cenac as Statistician*, on contract for a period of two [2] years with effect from 25<sup>th</sup> November 2012.

*Mrs. Kimberly Cenac-Phulgence* as *Chief Registrar*, Eastern Caribbean Supreme Court for a further period of three [3] years with effect from 18<sup>th</sup> December 2012.

### ANTIGUA & BARBUDA

*Ms. Ricki Camacho* as Registrar, Intellectual Property and Commerce, Ministry of Legal Affairs on contract for two (2) years with effect 2<sup>nd</sup> October 2012.

*Mrs. Jo-Anne Walsh*, Chief Magistrate to act as Registrar, Commerce and Intellectual Property vice Ms. Ricki Camacho for the period 8<sup>th</sup> to 13<sup>th</sup> October 2012 in conjunction with her substantive duties.

### COMMONWEALTH OF DOMINICA

The continuation of the acting appointment of *Mr. Ossie Walsh*, Deputy Registrar (Qualified), in the office of Registrar/Companies and Intellectual Property for the period 15<sup>th</sup> October to 31<sup>st</sup> December 2012 in a vacant post; and

The appointment of *Ms. Joanne Commodore*, State Attorney, in the Office of Deputy Registrar (Qualified) for the period 15<sup>th</sup> October to 31<sup>st</sup> December 2012.

### GRENADA

*Mrs. Kinna Marrast-Victor*, Crown Counsel to act as Registrar of Companies and Intellectual Property, Attorney General's Chambers for the periods 1<sup>st</sup> to 9<sup>th</sup> and 18<sup>th</sup> to 29<sup>th</sup> October 2012 in conjunction with her substantive duties.

*Mr. Teddy St. Louis*, Attorney at Law, to act as Magistrate, Eastern and Western Districts (St. David and St. Patrick), Ministry of Legal Affairs for a period of one (1) year with effect from 1<sup>st</sup> November 2012.

*Her Honour, Nevlyn John* as *Magistrate*, Eastern and Western Districts to the Eastern District with effect from 1<sup>st</sup> November, 2012.

### ST KITTS & NEVIS

*Ms. Nisharma Rattan-Mack* as *Crown Counsel* on permanent establishment with effect from 1<sup>st</sup> November 2012.

*Mr. Philmore Warner* as *Senior Crown Counsel*, Ministry of Justice and Legal Affairs with effect from 1<sup>st</sup> November, 2012.

*Ms. Rhonda Nisbett-Browne*, *Crown Counsel* to act as *Director of Public Prosecutions*, Ministry of Justice and Legal Affairs for the period 1<sup>st</sup> November to 31<sup>st</sup> December 2012.

*Ms. Yasmine Clarke* as *Magistrate for District C, Nevis and Additional Magistrate for District A and B*, on contract for two [2] years with effect from 22<sup>nd</sup> November, 2012.

## JLSC APPOINTMENTS FOR THE PERIOD OCTOBER 1–DECEMBER 31, 2012

*Ms. Violet Williams* as *Crown Counsel*, Ministry of Justice and Legal Affairs with effect from 1<sup>st</sup> December 2012.

### SAINT LUCIA

*Mrs. Cybelle Cenac-Maragh* as *Registrar*, Registry of the High Court, on contract for a period of one [1] year with effect from 1<sup>st</sup> December 2012.

*Mr. Robert Innocent* as *Magistrate II*, District Court on contract for a period of one [1] year with effect from 1<sup>st</sup> December 2012.

*Mrs. Brender Portland-Reynolds* as *Senior Crown Counsel*, Attorney General's Chambers on contract for two [2] years with effect from 15<sup>th</sup> December 2012.

### ST VINCENT & THE GRENADINES

*Mr. Colin O'Brien John* as *Assistant Director of Public Prosecutions*, Office of Director of Public Prosecutions with effect from 25<sup>th</sup> October 2012.

*Mr. Carl Grantley Eric Williams* as *Crown Counsel II*, Office of Director of Public Prosecutions with effect from 25<sup>th</sup> October 2012.

*Mr. Karim Nelson* as *Crown Counsel I*, Office of the Director of Public Prosecutions with effect from 25<sup>th</sup> October 2012.

*Ms. Renee Valencia L. Simmons* as *Parliamentary Counsel I*, Ministry of Legal Affairs on contract for one [1] year with effect from 3<sup>rd</sup> December 2012 with a probationary period of three (3) months in the first instance.



Mistakes in grammar, spelling, or punctuation in a contract should not be permitted to alter, contravene, or vitiate manifest intention of the parties as gathered from the language employed.

*Banco Espirito Santo, S.A. v. Concessionaria Do Rodoanel Oeste S.A.*, 951 N.Y.S.2d 19 (App. Div. 2012)

Trial courts, as well as appellate courts, have the duty of preventing trials from degenerating into "catch-as-catch-can, no-holds-barred spectacle not unlike a modern wrestling match."

*Hemmenway v. Skibo*, 498 S.W.2d 9 (Tex. Civ. App. 1973)

Courts have no authority to impose banishment on a person as condition of probation as an alternative to imprisonment.

*Butler v. Com.*, 304 S.W.3d 78 (Ky. Ct. App. 2010)

The doctrine of comity does not stand boldly in the armor of unyielding obedience but is rather arrayed in the vestments of persuasion.

*Rouse v. Texas Capital Bank, N.A.*, 2011 WL 5975235 (Tex. App. Nov. 30, 2011)

[The] Court's inherent power to sanction is not a broad reservoir of power, ready at the imperial hand, but a limited source, an implied power squeezed from need to make the court function.

*In re Pastran*, 2011 WL 5835726 (Bankr. N.D. Tex. Nov. 21, 2011)

## JUDGMENTS DELIVERED DURING THE MONTHS OF OCTOBER–DECEMBER 2012

## COURT OF APPEAL

## ANTIGUA &amp; BARBUDA

Stanford International Bank Ltd v Robert Stanford et al  
HCVAP 2012/026  
Mitchell, J.A. [Ag]  
Delivered: 30/11/12

## GRENADA

National Insurance Board v Ann Marie Duncan-Mason et al  
HCVAP 2009/002  
Gordon, J.A. [Ag]; Pereira, C.J. [Ag]; Baptiste, J.A  
Delivered: 01/10/12

George Blaize v Bernard La Mothe et al  
HCVAP 2012/004  
Baptiste, J.A.  
Delivered: 9/10/12

## TERRITORY OF THE VIRGIN ISLANDS

Sheikh Mohamed Ali M Alhamrani et al v Sheikh Abdullah Ali Alhamrani  
HCVAP 2012/026  
Blenman, J.A  
Delivered: 03/10/12

Calvin Todman v Marguerite Hodge  
HCVAP 2012/002  
Mitchell, J.A. [Ag]  
Delivered: 04/10/12

Fairfield Sentry Ltd V Alfredo Migani et al  
HCVAP 2011/041-052, HCVAP 2011/054-056, HCVAP 2011/058-062  
Pereira, C.J. [Ag]  
Delivered: 04/10/12

Andrew Milton et al v The Queen  
HCVAP 2009/006, HCVAP 2009/007  
Baptiste, J.A.  
Delivered: 12/11/12

Cukurova Holding A S v Sonera Holding  
HCVAP 2012/029  
Baptiste, J.A.  
Delivered: 05/12/12

## HIGH COURT

## ANTIGUA AND BARBUDA

Wayne Esannason v Dora Waithe  
Claim No. ANUHCv 2009/0273  
Remy, J.  
Delivered: 16/10/12

Treetops Garden Centre Ltd v St John's Development Corporation  
Claim No. ANUHCv 2011/0176  
Remy, J.  
Delivered: 25/10/12

Lestroy Charles v The Financial Secretary  
Claim No. ANUHCv 2012/0661  
Lanns, J. [Ag]  
Delivered: 21/11/12

Trevor Greenaway et al v Vernon Dowdy  
Claim No. ANUHCv 2011/0474  
Lanns, J. [Ag]  
Delivered: 21/11/12

Eustace Armstrong v The Attorney General  
Claim No. ANUHCv 2012/0152  
Lanns, J. [Ag]  
Delivered: 28/11/12

Teckla Edwards v Alvin Edwards  
Claim No. ANUHCv 2011/0635  
Michel, J.  
Delivered: 05/11/12

Reyes Morales v Flat Point Development Ltd  
Claim No. ANUHCv 2009/0613  
Michel, J.  
Delivered: 29/11/12

Kori Emanuel v The Commissioner of Police  
Claim No. ANUHCv 2012/0646  
Remy, J.  
Delivered: 13/11/12

Fabrice Chassaing v The Owners of the Sailing Vessel « Aschanti IV »  
Claim No. ANUHCv 2012/0002  
Remy, J.  
Delivered: 20/11/12

Delon Charles v The Commissioner of Police  
Claim No. ANUHCv 2011/0623  
Remy, J.  
Delivered: 22/11/12

Saffron Ltd v Angel estates Ltd  
Claim No. ANUHCv 2008/0641



**JUDGMENTS DELIVERED DURING THE MONTHS OF OCTOBER–DECEMBER 2012**

Remy, J.  
Delivered: 13/11/12

**CPR Equipment Services Ltd v Keithlyn Samuel**  
Claim No. ANUHCV 2011/0841  
Tabor, M. [Ag]  
Delivered: 07/11/12

**Anton Tonge v The Attorney General et al**  
Claim No. ANUHCV 2011/0167  
Lanns, J. [Ag]  
Delivered: 11/12/12

**Hollis Henry v Everette Jonas**  
Claim No. ANUHCV 2010/0304  
Remy, J.  
Delivered: 19/12/12

**Ashley Benta v Martin Hicks**  
Claim No. ANUHCV 2010/0007  
Remy, J.  
Delivered: 13/12/12

**OBM Development Co Ltd v Stanford Development Co Ltd**  
Claim No ANUHCV 2012/0531  
Tabor, M [Ag]  
Delivered: 11/12/2012

**COMMONWEALTH OF DOMINICA**

**Jeremy Winston et al v Timothy Williams et al**  
DOMHCV 2011/001  
Cottle, J.  
Delivered: 22/11/12

**The State v Albert Steven Jr.**  
Case No DOMHCR 2012/0006  
Cottle, J.  
Delivered: 03/12/12

**First Caribbean International Bank (Barbados) Ltd v Marinor Enterprises Ltd et al**  
DOMHCV 2011/0097  
Cottle, J.  
Delivered: 13/12/12

**Archibald Samuel v Ronelta Dailey**  
DOMHCV 2012/0005  
Cottle, J.  
Delivered: 13/12/12

**Michael Fadelle et al v Anthony Burnette-Biscombe et al**  
DOMHCV 2010/0022  
Cottle, J.  
Delivered: 18/12/12

**Barrington Pond v Netherland Antilles General Insurance Corp NV**  
DOMHCV 1998/0530  
Cottle, J.  
Delivered: 18/12/12

**The State v Albert Stevens**  
DOMHCR 2012/007  
Stephenson, J.  
Delivered: 05/12/12

**GRENADA**

**Liberty Club Ltd v Beacon Insurance Company**  
Claim No. GDAHCV 2011/0293  
Ellis, J.  
Delivered: 24/10/12

**Rita Richards v Attorney General of Grenada et al**  
Claim No. GDAHCV 2010/0083  
Ellis, J.  
Delivered: 24/10/12

**James Bristol v Margaret Blackburn**  
Claim No. GDAHCV 2005/0144  
Price Findlay, J.  
Delivered: 15/10/12

**Kenita Paul v Shem Telesford**  
Claim No. GDAHCV 2006/0126  
Price Findlay, J.  
Delivered: 15/10/12

**Carib Trace Ltd v Simon Corion**  
Claim No. GDAHCV 2011/0180  
Rhudd, J. [Ag]  
Delivered: 31/10/12

**One Call Construction Co Ltd v Grenada Solid Waste**  
Claim No. GDAHCV 2008/0197  
Henry, J.  
Delivered: 06/11/12

**Dawn Noel v Don John**  
GDAHCV 2011/0568  
Cenac-Phulgence, M [Ag]  
Delivered: 21/12/12

**Ignatius Karl Hood v Tillman Thomas et al**  
Suit No GDAHCV 2012/0463  
Mohammed, J  
Delivered : 20/12/12

**JUDGMENTS DELIVERED DURING THE MONTHS OF OCTOBER–DECEMBER 2012****MONTSERRAT**

**Jon Miller et al v The Attorney General et al**  
Claim No. MNIHCV 2012/00028  
Astaphan, J. [Ag]  
Delivered: 28/11/12

**ST KITTS & NEVIS**

**Travia Douglas v Shivoughn Warde et al**  
Claim No. SKBHCV 2008/0128  
Thomas, J. [Ag]  
Delivered: 16/10/12

**Development Bank of St Kitts-Nevis v Mervyn Richardson**  
Claim No. SKBHCV 2011/0196  
Thomas, J. [Ag]  
Delivered: 17/10/12

**Joseph Gatton v Frederick Mike**  
Claim No. SKBHCV 2011/0165  
Thomas, J. [Ag]  
Delivered: 17/10/12

**Shannoid Bass v Attorney General**  
Claim No. SKBHCV 2010/0312  
Thomas, J. [Ag]  
Delivered: 17/10/12

**Evan Davis v Nicolander Davis**  
Claim No. NEVHMT 2012/0004  
Wallace, J. [Ag]  
Delivered: 10/10/12

**Kenneth Williams v Leslie Chang et al**  
Claim No. NEVHCV 2010/0153  
Wallace, J. [Ag]  
Delivered: 10/10/12

**Jasper Qvist v Commissioner of Police et al**  
Claim No. NEVHCV 2012/0136  
Wallace, J.  
Delivered: 10/10/12

**Marlene Liburd v Steven Liburd**  
Claim No. SKBHMT 2011/0065  
Thomas, J. [Ag]  
Delivered: 28/11/12

**Social Security Board v Cllico International Insurance Ltd**  
Claim No. SKBHCV 2012/0212  
Thomas, J. [Ag]  
Delivered: 12/12/12

**Natasha Thomas v Gabriel Thomas**  
Claim No. SKBHMT 2012/0038  
Thomas, J. [Ag]

Delivered: 21/12/12

**SAINT LUCIA**

**Kaim Sexius v The Attorney General of Saint Lucia**  
SLUHCV 2010/0909  
Wilkinson, J.  
Delivered: 02/10/12

**Denys Barrow v The Attorney General**  
SLUHCV 2011/0025  
Wilkinson, J.  
Delivered: 12/12/12

**ST VINCENT & THE GRENADINES**

**Ian Spencer v Ronald Greaves et al**  
Claim No. SVGHCV 2001/0047  
Thom, J.  
Delivered: 10/10/12

**Andrew Popely v Ayton Ltd et al**  
Claim No. SVGHCV 2005/0001  
Thom, J.  
Delivered: 31/10/12

**Eric Hackshaw v Mira Commissiong**  
Claim No. SVGHCV 2010/0081  
Thom, J.  
Delivered: 16/11/12

**Cauldric Fraser v Eric Audain et al**  
High Court Civil Claim No. 479 of 2005  
Bruce-Lyle, J.  
Delivered: 10/12/12

**TERRITORY OF THE VIRGIN ISLANDS**

**JIPFA Investments Ltd v Natalie Brewley et al**  
Claim No. BVIHCV 2011/0038  
Lanns, M.  
Delivered: 31/10/12

**Microsoft Corporation v Vadem Ltd**  
Claim No. BVIHC(COM) 2012/0048  
Bannister, J. [Ag]  
Delivered: 09/11/12

**Somers Dublin Ltd v Monarch Pointe Fund Ltd et al**  
Claim No. BVIHCV 2008/97  
Bannister, J. [Ag]  
Delivered: 16/11/12

**JUDGMENTS DELIVERED DURING THE MONTHS OF OCTOBER–DECEMBER 2012****Vendort Traders Inc v Evrostroy Grupp LLC**

Claim No. BVIHCV(COM) 2012/0052

Bannister, J. [Ag]

Delivered: 22/11/12

**China NTG Investments Ltd v Great River Corporation Ltd et al**

Claim No. BVIHC(COM) 63 of 2012

Bannister, J. [Ag]

Delivered: 22/11/12

**Ciban Management Corporation v Citco (BVI) Ltd et al**

Claim No. BVIHCV 2007/301

Bannister, J. [Ag]

Delivered: 27/11/12

**Diepak Paul v Douglas Blyden**

BVIHCV 2011/0262

Tabor, M (Ag.)

Delivered: 28/11/12

**Chemtrade Ltd v Fuchs Oil Middle East Ltd et al and Sheikh****Abdullah Ali Alhamrani v Sheikh Mohamed Ali Alhamrani**

Claim No BVIHC (COM) 158 of 2010 &amp; 89 of 2011

Bannister, J.

Delivered: 21/12/12

**HSBC International Trustee Ltd v Jetfield (PTC) Inc et al**

Claim No BVIHC (COM) 88 of 2011

Bannister, J.

Delivered: 21/12/12



## EASTERN CARIBBEAN SUPREME COURT

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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 DECEMBER 31, 2012

### THE CHIEF JUSTICE

Her Ladyship, the Hon. Chief Justice, Janice Pereira – Saint Lucia

### JUSTICES OF APPEAL

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

His Lordship, the Hon. Justice Ian Don Mitchell – Anguilla

Her Ladyship, the Hon. Justice Louise Esther Blenman – Saint Lucia

His Lordship, the Hon. Justice Mario Michel – Saint Lucia

### HIGH COURT JUDGES

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

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/ Montserrat

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 – Territory of the VI

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

Her Ladyship the Hon. Justice Vicki Ann Ellis - Territory of the VI

His Lordship the Hon Justice Keith Thom - Antigua & Barbuda

Her Ladyship the Hon. Justice Margaret Mohammed - Grenada

His Lordship the Hon Justice Wesley Alexander James - St Vincent & the Grenadines

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

His Lordship the Hon Albert Redhead [Ag] - Territory of the VI

Her Ladyship the Hon Justice Cheryl Mathurin [Ag] - Anguilla

Her Ladyship the Hon Justice Pearletta Lanns [Ag] - Antigua & Barbuda

Her Ladyship the Hon Justice Vivian G Taylor Alexander [Ag] - Grenada

His Lordship the Hon Justice Paul Dennis [Ag] - Nevis

### MASTERS

Master Charlesworth Tabor [Ag] – Anguilla/Antigua & Barbuda/TVI

Master Agnes Actie [Ag] —SKN/ Montserrat/Dominica

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### REGISTRAR

Mrs Kimberly Cenac Phulgence, Chief Registrar — Saint Lucia