

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
CHAMBER HEARING

Tuesday, 18th March 2025

MATTERS DEALT WITH ON PAPER

Case Name:

Karl Warner

v

The King

**[ANUHCRAP2024/0011]
Antigua and Barbuda**

Date:

Tuesday, 18th March 2025

Before:

The Hon. Mr. Eddy Ventose, Justice of Appeal

Appearances:

Applicant:

In person

Respondent:

Mrs. Shannon Jones-Gittens

Issues:

Application for leave to appeal against conviction and sentence — Application for a waiver of transcript fees

Result/Order:

IT IS HEREBY ORDERED THAT:

1. The application for leave to appeal against conviction and sentence is granted.
2. The notice of application filed on 6th December 2024 is deemed to be the notice of appeal.
3. The applicant shall within 14 days of the date of this order (i.e. on or before 2nd April 2025) provide this Court with detailed affidavit

evidence setting out his financial means or lack thereof.

4. The Registrar of the High Court at the court's office in Antigua and Barbuda shall arrange for a staff member to explain to the applicant what is required and to facilitate the filing of the said affidavit evidence within the time prescribed.
5. The applicant's application seeking a waiver of the transcript fees is adjourned to the next chamber sitting of this Court scheduled for 29th April 2025, for further consideration.
6. The Registrar of the High Court shall serve a copy of this order on the applicant and respondent and provide proof of service within 7 days of the date of this order.

Reason:

The Court found that, having noted the result of criminal assizes filed on 27th January 2025, the return of service showing that the application for leave to appeal and for a waiver of transcript fees were served on the respondent on 19th February 2025 and that there was no opposition to the application by the respondent, in the circumstances the applicant had met the threshold for the grant of leave to appeal and ought to be granted leave to appeal against his conviction and sentence.

The court also had regard to Rule 55 of the Eastern Caribbean Supreme Court, Court of Appeal Rules which empowers the court, when it is minded to grant leave to appeal, to deem the application for leave as the notice of appeal.

The Court also satisfied that, having considered Rule 48(10) of the Court of Appeal Rules and the applicant's desire to prosecute his appeal for which the transcript of proceedings are necessary, the applicant had not provided any or any cogent evidence of his means, and as to why he would not be in a position to pay the transcript fees.

Case Name:

- 1. Eva Kachelriess-Aban**
- 2. William Aban**
- 3. Palm Trees Immo Ltd**

v

- 1. Hans Paulig**
- 2. Marlen Paulig**

**[GDAHCVAP2021/0027]
Grenada**

Date: **Tuesday, 18th March 2025**

Before: **The Hon. Mr. Eddy Ventose, Justice of Appeal**

Appearances:

Appellants: **Ms. Navindra Ramnanan**

Respondent: **Mr. Derick Sylvester**

Issue: **Application for appointment as personal representative — Substitution as respondents for the purposes of continuing the claim — Application for an extension of time to file submissions**

Result / Order: **IT IS HEREBY ORDERED:**

- 1. The application for an extension of time to file submissions and authorities is granted.**
- 2. The submissions with authorities filed by the applicants/respondents on 10th February 2025 are deemed properly filed.**
- 3. The applicants/respondents are granted leave to file and serve on or before 16th April 2025 additional affidavit evidence in support of the application for the appointment of a personal representative.**
- 4. The affidavit evidence of Renney Grant filed on 18th March 2025 in support of the application for**

the appointment of personal representative is deemed properly filed.

- 5. The respondents/appellants are at liberty to file and serve submissions in response on or before 1st May 2025 which must address specifically liability for costs in the event that the appeal is dismissed and also the issue of whether the circumstances of this case engage the role of the Public Trustee.**
- 6. The application for the appointment of a personal representative is adjourned to the chamber sitting of this Court scheduled for 27th May 2025.**

Reason:

The Court noted the certificate of exhibit to the affidavit of Shem Buckmire labeled 'SB1' exhibiting what are described as death certificates of Hans Paulig and Marlen Paulig and that these documents were not in English language but in what appears to be German and there being no certified translation accompanying the said death certificates or authentication of the documents in accordance with Part VI or Part VII of the Evidence Act Cap. 92 of the Laws of Grenada.

Further, the Court noted the affidavit of Renney Grant filed on 18th March 2025 with certificate of exhibits filed on 7th February 2025 in support of the application, and consenting to being substituted as a party to the proceedings as representative of the applicants'/respondents' estates.

The Court also noted that the applicants/respondents did not file written submissions on or before 31st January 2025 as directed by Ventose JA; but instead filed on 31st January 2025 a notice of application with supporting affidavit of Shem Buckmire filed on even date for a leave to file a further affidavit in support of the original application and variation of the court's timetable to facilitate filing by the respondents on or before 7th February 2025 of submissions and additional evidence.

Further, the court noted the submissions with bundle authorities filed on 10th February 2025 by legal practitioner Caryn Adams for the

applicants/respondents and noted that the respondents/appellants have not filed submissions in response or in opposition to the application upon receipt of the applicants' submission on 10th February 2025. The court was therefore minded to vary the timetable to facilitate the filing of submissions by the respondents/appellants.

Having considered rule 62.19(1)(c) of the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023 and the principles for the grant of an extension of time, the court took the view that the length of the delay was not inordinate; there were good reasons proffered for the delay and in the circumstances there was likely to belittle prejudice suffered by the respondent/appellants if the extension of time was granted and much prejudice to the applicants/respondents if it was denied.

Therefore, the court was satisfied that the threshold for the grant of an extension of time and that leave should be granted to file further affidavit evidence; and that in all the circumstances it would be just to extend time for the respondents/appellants to file written submissions in response.

Case Name:

Kirth Stapleton

v

The King

[SVGHCRA2024/0004]

Saint Vincent and the Grenadines

Date:

Tuesday, 18th March 2025

Before:

The Hon. Mr. Eddy Ventose, Justice of Appeal

Appearances:

Appellant:

In person

Respondent:

No appearance

Issues:

Application for legal aid

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall file with the court office, affidavit evidence of his financial means within 14 days of the date of this order.**
- 2. The Registrar of the High Court in Saint Vincent and the Grenadines shall arrange for a member of staff to explain to the applicant what is required to satisfy the stipulation in paragraph 1 of this order.**
- 3. Subject to the applicant complying with the order at paragraph 1 above, the legal aid application is adjourned to the next Chamber Hearing of the Court scheduled for 29th April 2025 for consideration; failing which, the application for legal aid filed by way of handwritten letter on 9th December 2024 shall stand dismissed.**
- 4. The Registrar of the High Court shall serve a copy of this order on the appellant within 7 days of the date of this order and provide this Court with proof of service thereof.**

Reason:

The Court noted the affidavit of service filed on 13th February 2025 which deposes that Erickson Hillocks, bailiff of the High Court, served the applicant on 10th February 2025 with the order of this Court dated 21st January 2025 directing inter alia that the applicant provides this Court with affidavit evidence of his financial means within 14 days of the order and the order of this Court dated 18th February 2025 which directed inter alia, that the applicant shall file with the court, affidavit evidence of his financial means within 14 days of the date of the said order along with the affidavit of service filed on 28th February 2025.

The Court however noted that to date the applicant had not complied with the order of the court dated 21st January 2025 and 18th February 2025.

