

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
CHAMBER HEARING

Wednesday, 29th April 2025

MATTERS DEALT WITH ON PAPER

Case Name:

Allan LeBlanc

v

Althea James Attorney for Sylvia Benoit

**[ANUHCVP2025/0004]
Antigua and Barbuda**

Date:

Tuesday, 29th April 2025

Before:

**The Hon. Mr. Gerard St. C Farara, Justice of Appeal
[Ag.]**

Appearances:

Applicant:

Ms. Talia N. Dacosta

Respondent:

No appearance

Issue:

**Application to deem submissions properly filed and
served**

Result/Order:

IT IS HEREBY ORDERED THAT:

1. The application for leave to appeal filed on 12th March 2025 is granted.
2. The submissions on behalf of the applicant filed on 7th April 2025 are deemed properly filed.
3. The applicant shall file and serve the notice of appeal within 21 days of the date of this order.

4. Thereafter, the appeal shall proceed in accordance with the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023.

Reason:

The Court considered rule 62.2(8) of the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023 (“CPR”) which states that leave to appeal may be granted only where – (a) the court considers that the appeal would have a realistic prospect of success; or (b) there is some other compelling reason why the appeal should be heard.

Having considered the applicant’s grounds of appeal and the submissions filed in support thereof, the Court was of the view that the threshold for the grant of leave to appeal was met.

Accordingly, leave to appeal was granted and the submissions filed on 7th April 2025 deemed properly filed.

The applicant was directed to file and serve the notice of appeal within 21 days of the date of the order and the appeal to thereafter proceed in accordance with the CPR.

Case Name:

Denison George

v

Nigel Dominic Stewart

**[GDAHCVAP2025/0004]
Grenada**

Date:

Wednesday, 29th April 2025

Coram:

**The Hon. Mr. Gerard St. C Farara, Justice of Appeal
[Ag.]**

Appearances:

Appellant:

Ms. Sandina A. Date

Respondent:

No appearance

Issues: Application for a stay of the proceedings

Result/Order: IT IS HEREBY ORDERED THAT:

1. The respondent shall file its response to the stay application on or before 27th May 2025, with liberty to the applicant to file any reply thereto on or before 3rd June 2025.
2. The application for a stay of execution of the judgment of Actie J dated 17th January 2025 and a stay of all proceedings in the court below pending the hearing and determination of the appeal is adjourned to the next Chamber Sitting of this Court scheduled for 24th June 2025.
3. No order as to costs.

Reason: The Court noted that the respondent had not responded to the application for a stay and was of the view that the respondent ought to be given an opportunity to file and serve written submissions in response thereto.

Accordingly, the Court gave directions for the respondent to file a response to the said application and adjourned the application for a stay of execution of the judgment of the learned judge for further consideration.

Case Name: Tabari Roberts

v

The Director of Public Prosecutions

[SKBHCRA2025/0002]
Saint Christopher and Nevis

Date: Tuesday, 29th April 2025

Before: The Hon. Mr. Gerard St. C Farara, Justice of Appeal
[Ag.]

Appearances:

Applicant: In person

Respondent: No appearance

Issue: Application for legal aid

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application for legal aid is granted.
2. The applicant be assigned counsel from the legal aid roster of legal practitioners kept by the Registrar of the High Court and selected by the Registrar of the High Court to assist the appellant in the conduct of the appeal.
3. The Registrar of the High Court shall furnish counsel selected from the roster, with the Record of Appeal.
4. The Registrar of the High Court shall provide a copy of the transcript of the proceedings to the appellant free of charge.
5. The Registrar of the High Court shall serve a copy of this order on the applicant and provide proof of service within 7 days of the date of this order.

Reason:

The Court considered that a judge of the Court is empowered under section 6 and section 60(c) of the Eastern Caribbean Supreme Court (Saint Christopher and Nevis) Act Cap. 3.11 of the Laws of Saint Christopher and Nevis to assign legal aid to an appellant, where in the opinion of the Court it appears desirable in the interests of justice that the appellant should have legal aid.

The Court was of the view that the appellant is indeed impecunious and therefore unable to meet the cost of prosecuting his appeal.

The Court was also of the view that although the applicant failed to comply with its Order dated 18th March 2025 within the stipulated time period, it was in

the interest of justice that the applicant be allowed to prosecute his appeal and thus be granted legal aid.

Thus, the application for legal aid was granted and the Court gave directions therefor.

The Court was of the view that although the appellant failed to comply with the order of the Court dated 18th March 2025 to provide the Court with detailed affidavit evidence clearly setting out his financial means within 14 days of the date of the order, and that the applicant filed the schedule 30 days after the date of the order, it was in the interest of justice that the applicant be allowed to prosecute this appeal and thus be granted legal aid.

Case Name:

Jelani Duncan

v

The Director of Public Prosecutions

**[SKBHCRAP2025/0001]
Saint Christopher and Nevis**

Date:

Tuesday, 29th April 2025

Before:

**The Hon. Mr. Gerard St. C Farara, Justice of Appeal
[Ag.]**

Appearances:

Applicant:

In person

Respondent:

No appearance

Issues:

Application for legal aid

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The application for legal aid is granted.**
- 2. The applicant be assigned counsel from the legal aid roster of legal practitioners kept by the Registrar of the High Court and selected by the**

Registrar of the High Court to assist the appellant in the conduct of the appeal.

- 3. The Registrar of the High Court shall furnish counsel selected from the roster, with the Record of Appeal.**
- 4. The Registrar of the High Court shall provide a copy of the transcript of the proceedings to the appellant free of charge.**
- 5. The Registrar of the High Court shall serve a copy of this order on the applicant and provide proof of service within 7 days of the date of this order.**

Reason:

The Court considered that a judge of the Court is empowered under section 55 and section 60(c) of the Eastern Caribbean Supreme Court (Saint Christopher and Nevis) Act Cap. 3.11 of the Laws of Saint Christopher and Nevis to assign legal aid to an appellant, where in the opinion of the Court it appears desirable in the interests of justice that the appellant should have legal aid.

The Court was of the view that the appellant is indeed impecunious and therefore unable to meet the cost of prosecuting his appeal.

The Court was also of the view that although the applicant failed to comply with the order of the Court dated 18th March 2025 within the stipulated time period, it was in the interest of justice that the applicant be allowed to prosecute this appeal and thus be granted legal aid.

Case Name:

Orvis Kasim Pogson

v

The Director of Public Prosecutions

[SKBHCRAP2022/0006]

Saint Christopher and Nevis

Date: **Wednesday, 29th April 2025**

Coram: **The Hon. Mr. Gerard St. C Farara, Justice of Appeal
[Ag.]**

Appearances:

Appellant/Applicant: **In person**

Respondent: **The Director of Public Prosecutions**

Issues: **Application for Legal Aid**

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

- 1. The application for legal aid is granted.**
- 2. The applicant shall be assigned counsel from the legal aid roster of legal practitioners kept by the Registrar of the High Court and selected by the Registrar of the High Court to assist the appellant in the conduct of the appeal.**
- 3. The Registrar of the High Court shall furnish counsel selected from the roster, with the Record of Appeal.**
- 4. The Registrar of the High Court shall provide a copy of the transcript of proceedings to the appellant free of charge.**
- 5. The Registrar of the High Court shall serve a copy of this order on the applicant and provide proof of service within 7 days of the date of this order.**

Reason: **The Court considered that a judge of the Court is empowered under sections 55 and 60(c) of the Eastern Caribbean Supreme Court (Saint Christopher and Nevis) Act Cap. 3.11 of the Laws of Saint Christopher and Nevis to assign legal aid to an appellant, where in the opinion of the Court it appears desirable in the interests of justice that the appellant should have legal aid.**

The Court was of the view that the appellant was indeed impecunious and therefore unable to meet the cost of prosecuting his appeal.

The Court was also of the view that despite the applicant's failure to comply with its Order dated 18th March 2025 within the stipulated time, it was in the interests of justice that the applicant be allowed to prosecute his appeal.

Therefore, the application for legal aid was granted and directions given therefor.

Case Name:

Khalid Vanterpool

v

The Director of Public Prosecutions

**[SKBHCRA2024/0009]
Saint Christopher and Nevis**

Date:

Wednesday, 29th April 2025

Coram:

**The Hon. Mr. Gerard St. C Farara, Justice of Appeal
[Ag.]**

Appearances:

Appellant:

In person

Respondent:

Director of Public Prosecutions

Issues:

Application for Legal Aid

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The application for legal aid is denied.**
- 2. The Registrar of the High Court shall serve a copy of this order on the applicant and provide proof of service within 7 days of the date of this order.**

Reason:

The Court considered that a judge of the Court is empowered under sections 55 and 60(c) of the

Eastern Caribbean Supreme Court (Saint Christopher and Nevis) Act Cap. 3.11 of the Laws of Saint Christopher and Nevis to assign legal aid to an appellant, where in the opinion of the Court it appears desirable in the interests of justice that the appellant should have legal aid.

The Court also considered that, per the schedule, the applicant had earned \$700 per week during the last 12 months and had not indicated therein that the said amount was subject to any deductions.

The Court was of the view that the appellant had not established to the satisfaction of the Court that he is impecunious and unable to meet the cost of prosecuting his own appeal.

Therefore, the Court was of the view that it would not be in the interests of justice that the applicant be granted legal aid in the circumstances.