

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
CHAMBER HEARING

23rd June 2026

MATTERS DEALT WITH ON PAPER

Before: The Hon. Mde. Cadie St. Rose-Albertini, Justice of Appeal

Case Name: Harold Mickle

v

The King

[ANUHCRAP2025/0014]
(Antigua and Barbuda)

Date: Tuesday, 23rd June 2026

On paper:

Applicant: Mr. Warren Cassell

Respondent: No appearance

Issue: Application for extension of time, leave to appeal and notice of appeal to be deemed properly filed

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application filed on 16th December 2026 is further adjourned for consideration on 23rd July 2026.
2. The applicant shall, within 14 days of the date of this order, serve the authorization code for this matter on the Director of Public Prosecutions and shall thereafter file proof of such service. In the event that the authorization code was previously served on the Director of Public Prosecutions, the applicant shall, within the same period, file an affidavit clarifying the documents served and exhibiting proof of such service.

Reasons:

The Court considered the applicant's requests for an extension of time to file a notice of appeal, leave to appeal against sentence, and for the notice of appeal to be deemed properly filed. The Court noted that, although the application and supporting affidavit had been served on the Director of Public Prosecutions, there was no evidence that the authorization code for the matter had been served on the Director of Public Prosecutions. The Court considered such service necessary to ensure that the respondent had proper access to the electronic proceedings and a fair opportunity to participate in the determination of that part of the application.

The Court further observed that the applicant had not utilized Form 1 prescribed by rule 55 of the Court of Appeal Rules for applications seeking leave to appeal. In the circumstances, the Court considered it inappropriate to determine the application at that stage and adjourned the matter to allow the applicant to regularise the procedural deficiencies and provide proof of compliance.

Case Name:

Dylan Simon

v

The King

[ANUHCRA2026/0002]
(Antigua and Barbuda)

Date:

Tuesday, 23rd June 2026 2026

On paper:

Applicant: Warren Cassell

Respondent: No appearance

Issue:

Application for leave to appeal against conviction and sentence

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant shall regularize all discrepancies in the application and supporting documents and comply

with paragraph 1 of the order dated 26th May 2026 within 14 days of the date of this order.

2. The application for leave to appeal against conviction and sentence is adjourned for further consideration on 23rd July 2026.

Reasons:

The Court was unable to determine the application for leave to appeal against conviction and sentence due to material discrepancies in the record. The Court noted that the minute of conviction and sentence filed on 13th March 2026 did not relate to the conviction identified in the application and appeared to have been filed in error. Additionally, the judgment exhibited in support of the application was incomplete and did not correspond with the conviction reflected in the minute of conviction. The Court further noted that a subsequent minute of conviction filed on 15th June 2026 similarly contained convictions, counts, and/or sentences that did not correspond with those identified in the application.

The Court considered that these inconsistencies created uncertainty as to the convictions and sentences being challenged, such that the factual basis of the proposed appeal could not be ascertained. The Court further noted the applicant's failure to comply with paragraph 1 of the order dated 26th May 2026. In the circumstances, the Court adjourned the application to permit the applicant to regularize the discrepancies in the application and supporting documents and to comply with the earlier order.

Case Name:

Alexander Grant Enterprises Limited

v

Antigua Isle Company Limited

**[ANUHCVP2025/0008]
(Antigua and Barbuda)**

Date:

Tuesday, 23rd June 2026

On paper:

Applicant: Mr. Adlai David Dorsett

Respondent: Mr. Hugh C. Marshall Jnr.

Issue: Application to add additional grounds of appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application for permission to add Grounds 6, 7, 8 and 9 to the Notice of Appeal, as set out in the application dated 17th April 2026, is granted.
2. The appellant shall file and serve an amended notice of appeal incorporating Grounds 6, 7, 8 and 9 within fourteen (14) days of the date of this Order.
3. The costs of this application shall be costs in the appeal.
4. The hearing of the substantive appeal scheduled for the week commencing 29th June 2026 is vacated.
5. The appellant is at liberty to file and serve supplemental submissions together with authorities on or before 22nd July 2026.
6. The respondent is at liberty to file supplemental submissions together with authorities on or before 19th August 2026.
7. The appellant is at liberty to file submissions together with authorities in reply if necessary on or before 2nd September 2026.
8. The hearing of the substantive appeal shall be scheduled on a date to be fixed by the Chief Registrar.

Reasons: The Court granted the appellant permission to amend the notice of appeal to include Grounds 6, 7, 8 and 9. In exercising its discretion under rule 20.1 of the Civil Procedure Rules 2023, the Court was satisfied that the application had been made promptly following the engagement of new counsel and that all four proposed grounds were arguable. The Court noted in particular that Grounds 6 and 7 raised jurisdictional issues, which could not be waived and could properly be raised at any stage of the proceedings. The Court further found that Ground 6 was distinct from, and had not been determined by, the interlocutory ruling delivered on 3rd May 2023.

The Court also observed that Grounds 8 and 9 were unopposed and fell within the existing scope of the appeal. In addition, the respondent had not asserted that the claim form had been served within time. Having regard to the

absence of any prejudice to the respondent that could not be adequately compensated, by an award of costs, the Court concluded that it was in the interests of justice to grant the application.

Case Name:

Luchiano Roberts

v

Loanda Laudat

**[DOMMCVAP2026/0001]
(Commonwealth of Dominica)**

Date:

Tuesday, 23rd June 2026

On paper:

Applicant: Ms. Shanice Henry

Respondent: No appearance

Issue:

Application for service by alternative means and costs

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The application filed on 9th April 2026 for an order granting permission to serve the notice of appeal and all accompanying documents by specified service is dismissed.

Reasons:

The Court dismissed the applicant's application for permission to serve the notice of appeal and accompanying documents by way of advertisement. The Court noted that the appeal arose from a decision of a Magistrate and was therefore governed by the provisions of the Magistrate's Code of Procedure Act. Pursuant to section 145(1)(a) of the Act, an appellant is required to enter into a recognizance within fourteen days of the judgment appealed against as a condition precedent to prosecuting an appeal. The Court observed that the applicant had failed to enter into the requisite recognizance within the time prescribed by the Act or in accordance with the Court's order dated 26th May 2026.

Relying on *Lester Charles et al v The Commissioner of Police* [ANUMCRAP2009/0001] (delivered 15th March 2010,

unreported), the Court held that entry into a recognizance or the provision of security is a mandatory prerequisite to the prosecution of an appeal. The Court further considered that a copy of the duly executed recognizance constituted a material document which ought to accompany the notice of appeal when served on the respondent. In the circumstances, the Court concluded that the applicant had not satisfied the conditions necessary to prosecute the appeal and that this procedural deficiency ought to be remedied before any further steps in the appeal could be taken. The application was therefore dismissed.

Case Name: **Brent Edwards**
v
The Director of Public Prosecutions
[NEVHCRAP2024/0003]
(Saint Christopher and Nevis)

Date: **Tuesday, 23rd June 2026**

On paper:
Applicant: **In person**
Respondent: **No appearance**

Issue: **Application to be assigned legal aid**

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

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

Reason: **The Court considered the outstanding issue of the applicant's request for the assignment of legal aid. In considering the application, the Court had regard to section 55 of the Eastern Caribbean Supreme Court (Saint Christopher and Nevis) Act, which empowers the Court to assign counsel to an appellant where it is satisfied that it is**

desirable in the interests of justice and that the appellant lacks sufficient means to obtain legal representation.

The Court noted that the applicant had failed to comply with the order requiring the provision of evidence demonstrating an inability to pay for counsel. In the absence of cogent evidence of impecuniosity, the Court was not satisfied that the applicant lacked sufficient means to secure legal representation. Accordingly, the application for legal aid was dismissed.

Case Name: Mayers Printing Company Limited

v

Invest Saint Lucia

**[SLUHCVAP2026/0013]
(Saint Lucia)**

Date: Tuesday, 23rd June 2026

On paper:

Applicant: Ms. Leslie Prospere

Respondent: No appearance

Issue: Application for leave to appeal and costs

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application for leave to appeal is granted.
2. The applicant shall file and serve the notice of appeal within 21 days of the date of this order.
3. Thereafter, the appeal shall proceed in accordance with the Civil Procedure Rules (Revised Edition) 2023.
4. Costs of the application shall be costs in the appeal.

Reasons: The Court granted the application for leave to appeal, having considered the applicable principles governing the grant of leave to appeal under rule 62.2(8) of the Civil Procedure Rules 2023 and the authorities of Othneil Sylvester v Faelleseje Civil Appeal No. 5 of 2005 (delivered 20th February 2006, unreported) and Cage St. Lucia Limited

v Treasure Bay (St. Lucia) Limited Saint Lucia Civil Appeal No. 45 of 2011 (delivered on 23rd January 2012, unreported). Upon a preliminary assessment of the proposed grounds of appeal and the submissions filed in support of the application, the Court was satisfied that the proposed appeal had a realistic prospect of success and that the threshold for the grant of leave had therefore been met.

The Court noted, however, that the applicant had failed to comply with Practice Direction 62(D) No. 2 of 2014 by filing written submissions extending to 22 pages, substantially exceeding the prescribed page limit, without first obtaining the Court's permission. Notwithstanding this procedural non-compliance, the Court considered that it was in the interests of justice for leave to be granted and directed that the appeal proceed in accordance with the Civil Procedure Rules 2023.

Case Name:

Anwar Jack

v

The King

[SVGHCRA2020/0017]

(Saint Vincent and The Grenadines)

Date:

Tuesday, 23rd June 2026

On paper:

Applicant: In person

Respondent: No appearance

Issue:

Application to be assigned legal aid

Result / Order:

IT IS HEREBY ORDERED THAT:

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

Reasons:

The Court considered the applicant's request for legal aid in relation to his appeal against sentence for the offence of

murder. In doing so, the Court had regard to section 51 of the Eastern Caribbean Supreme Court (Saint Vincent and the Grenadines) Act, which empowers the Court to assign counsel where it is satisfied that it is desirable in the interests of justice and that the appellant lacks sufficient means to obtain legal representation.

The Court noted that, although the applicant asserted in his application that neither he nor his family could afford legal representation, he had indicated in his notice of appeal that he had retained a solicitor. Further, notwithstanding the Court's order dated 26th May 2026 directing him to provide evidence of his inability to pay for counsel, the applicant failed to adduce any cogent evidence in support of his claim of impecuniosity. In the absence of sufficient evidence demonstrating that the applicant lacked the means to obtain legal representation, the Court was not satisfied that the statutory requirements for the grant of legal aid had been met and accordingly dismissed the application.