

EASTERN CARIBBEAN SUPREME COURT

COURT OF APPEAL SITTING

**CHAMBER HEARING
TUESDAY 31ST MARCH 2026**

MATTERS DEALT WITH ON PAPER

Case Name:

**The Attorney General
V
Taj Connor
[AXAHCVAP2025/0004]
(Anguilla)**

Date:

Tuesday 31st March 2026

Before:

The Hon. Mde. P. Nicola Byer, Justice of Appeal

Appearances:

Applicant: Ms. Renee Joseph

Respondent: No appearance

Issues:

**Application for an extension of time – Application for
stay of execution**

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The application for an extension of time is granted.**
- 2. The notice of appeal filed on 17th June 2025 is deemed properly fit.**
- 3. The application for a stay of execution is refused.**

Reason:

The Court considered rule 62.19(1)(c) of the Civil Procedure Rules (Revised Edition) 2023 which empowers a single judge to extend time for compliance with any time limit prescribed under the Rules, together with the principles governing the grant of an extension of time as enunciated in Carleen Pemberton v Mark Brantley SKBHCVAP2011/0009 (delivered 14th October 2011, unreported) and John Cecil Rose v Anne Marie Uralis Rose SLUHCVAP2011/0013 (delivered 22nd September 2003, unreported), namely the length of the delay, the reasons for the delay, the prospects of success of the appeal, and the degree of prejudice to the parties.

The Court noted that although no good or sufficient reason was provided for the delay, the delay was not inordinate and the proposed appeal disclosed a real prospect of success. In the circumstances, the Court was satisfied that it was just to grant the application for an extension of time and to deem the notice of appeal properly filed.

The Court further considered the principles governing the grant of a stay of execution as established in C-Mobile Services Ltd. v Huawei Technologies Co. Ltd. BVIHCMAP2014/0017 (delivered 2nd October 2014, unreported), including that a stay is the exception rather than the general rule and that the applicant must

provide cogent evidence that the appeal would be rendered nugatory unless a stay is granted. The Court was of the view that the applicant failed to provide sufficient or cogent evidence to satisfy this threshold. The application for a stay of execution was therefore refused.

Case Name: **Gemoy Shaw**
v
Unicomer
[ANUMCVAP2026/0001]
(Antigua and Barbuda)

Date: **Tuesday 31st March 2026**

Before: **The Hon. Mde. P. Nicola Byer, Justice of Appeal**

Appearances:

Applicant:	In person
Respondent:	In person

Issues: **Application for an extension of time**

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

1. The applicant shall, on or before 24th April 2026, file and serve a supplemental affidavit setting out the following:
 - a. The reasons for the delay in seeking an extension of time to appeal;

b. The proposed grounds of appeal; and

c. The basis upon which it is contended that the appeal has a realistic prospect of success.

2. The application for an extension of time to appeal the order of Magistrate Hamilton dated 11th August 2025 is adjourned to the next Chamber Hearing of the Court scheduled for 26th May 2026.

Reason:

The Court considered rule 62.19(1)(c) of the Civil Procedure Rules (Revised Edition) 2023 which empowers a single judge to extend time for compliance with any time limit prescribed under the Rules together with the principles governing the grant of an extension of time as enunciated in Carleen Pemberton v Mark Brantley SKBHCVAP2011/0009 (delivered 14th October 2011, unreported) and John Cecil Rose v Anne Marie Uralis Rose SLUHCVAP2011/0013 (delivered 22nd September 2003, unreported), namely the length of the delay, the reasons for the delay and the prospects of success of the appeal.

The Court noted that there had been a substantial delay in seeking an extension of time, the order having been delivered on 11th August 2025 and the application not having been filed until 5th February 2026, and that the reasons advanced for the delay were not fully particularised. The Court further noted that the applicant, being a litigant in person, asserted that the judgment was unfair and that he was not afforded sufficient time to respond.

In the circumstances and having regard to the overriding objective of dealing with cases justly, the Court was of the view that the applicant ought to be

afforded a further opportunity to properly particularise the reasons for the delay and to set out the proposed grounds of appeal and the basis upon which the appeal has a realistic prospect of success. The application was therefore adjourned with directions.

Case Name: **Global Bank of Commerce Limited (In Official Administration)**
v
Noreen Phillips Staines
[ANUHCVP2026/0004]
(Antigua and Barbuda)

Date: **Tuesday 31st March 2026**

Before: **The Hon. Mde. P. Nicola Byer, Justice of Appeal**

Appearances:
Applicant: **Dr. David Dorsett**
Respondent: **No appearance**

Issues: **Application for leave to appeal**

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The application for leave to appeal the order of Drysdale J dated 22nd January 2026 is granted.**
- 2. The applicant shall file and serve his notice of appeal within 21 days of the date of this order.**
- 3. Thereafter, the appeal shall proceed in accordance with Part 62 of the Civil Procedure Rules (Revised Edition) 2023.**

Reason:

The Court considered rule 62.2(8) of the Civil Procedure Rules (Revised Edition) 2023, which states that leave to appeal may be given 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, together with the principles for the grant of leave to appeal as stated in Othneil Sylvester v Faelleseje Civil Appeal No. 5 of 2005 (delivered 20th February 2006, unreported) and in Cage St. Lucia Limited v Treasure Bay (St. Lucia) Limited Saint Lucia Civil Appeal No. 45 of 2011 (delivered on 23rd January 2012, unreported), most notably that an applicant must show that the intended appeal has a realistic prospect of success, which is a heavier burden than showing only that he has an arguable appeal.

The Court was of the view that the applicant had met the threshold for the grant of leave to appeal. The application was therefore granted.

Case Name:

Eric David Shargel

v

- 1. Attorney General of Dominic**
- 2. The Physical Planning Division**
- 3. China Railway No. 5 Engineering Group
Caribbean Ltd**
- 4. Montreal Management Consultants
Development Ltd**
- 5. Dominica Water and Sewage Company
(DOWASCO)**
- 6. Minister of Housing and Urban
Development**

**[DOMHCVAP2026/0002]
(Commonwealth of Dominica)**

Date:

Tuesday 31st March 2026

Before:

The Hon. Mde. P. Nicola Byer, Justice of Appeal

Appearances:

Applicant: In person

Respondents: In person

Issues:

**Application for an extension to file and/or serve the
notice of appeal**

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall file his skeleton argument
within 7 days of this Order, that is on or before
14th April 2026.**

2. The respondent shall file their skeleton argument in response within 7 days of the applicant filing and serving his skeleton argument.
3. The application for an extension of time to file and/or serve the notice of appeal is adjourned for further consideration to the next Chamber Sitting of this Court scheduled for 28th April 2026.

Reason:

The Court considered rule 3(a) of Practice Direction 62 B No. 3 of 2008 Appeals Interlocutory Applications, Standard Directions which states that an applicant shall file and serve along with his notice of application the evidence in support on which he intends to rely, if any, and his skeleton arguments.

The Court noted that the applicant had not complied with rule 3(a) of Practice Direction 62 B No. 3 of 2008 Appeals Interlocutory Applications, Standard Directions in that he failed to file his skeleton argument in support of the extension of time application.

In the circumstances, the Court was of the view that the application could not be properly considered and that it was just to adjourn the application to afford the applicant an opportunity to comply with the applicable procedural requirements. The application was therefore adjourned with directions.

Case Name:

Gennilyn Ettienne
v
Elizabeth Cameron
[GDAHCVAP2022/0016]
(Grenada)

Date: Tuesday 31st March 2026

Before: The Hon. Mde. P. Nicola Byer, Justice of Appeal

Appearances:

Applicant: Mr. Ian Sandy

Respondent: Mr. David Edmund

Issues: Application for an extension of time

Result/Order: IT IS HEREBY ORDERED THAT:

1. The application for an extension of time to comply with clause 2 of the certificate of result of application dated January is granted.
2. The parties are therefore to file their draft order with the court on or before the 30th April 2026.

Reason: The Court considered rule 62.19(1)(c) of the Civil Procedure Rules (Revised Edition) 2023 which outlines that a single judge of the Court may make orders for extension or abridgement of any time limit prescribed in this Part, together with the principles upon which an extension of time is granted as enunciated in *Carleen Pemberton v Mark Brantley* SKBHCVAP2011/0009 (delivered 14th October 2011, unreported) and *John Cecil Rose v Anne Marie Uralis Rose* SLUHCVAP2011/0013 (delivered 22nd September 2003, *unreported*) which are the length of delay, the reasons

for delay, and the chances of the appeal succeeding if the extension is granted.

The Court was of the view that the delay was not inordinate, that the respondent had provided a sufficient explanation for the delay, that no prejudice would be caused to any party, particularly as this was a joint application, and that the grant of the application accords with the overriding objective. The application was therefore granted.

Case Name:

**1. George Worme
2. Impact Printers Grenada Limited
v
Karen Layne
[GDAHCVAP2026/0004]
(Grenada)**

Date:

Tuesday 31st March 2026

Before:

The Hon. Mde. P. Nicola Byer, Justice of Appeal

Appearances:

Applicants: Mr. Anselm Clouden

Respondent: Mr. Ruggles Ferguson

Issues:

Application for a stay of execution

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The application for a stay of execution of the decision of Glasgow J dated 13th January 2026 is dismissed.**

2. The applicant is to file submissions with authorities specifically on the principles of law applicable to a stay of proceedings before this Court on or before 22nd April 2026.
3. The respondent is at liberty to file submissions with authorities in response on or before 13th May 2026.
4. The portion of the application in relation to the stay of proceedings will come on for further consideration in Chambers on 26th May 2026.
5. Costs in the application is reserved until the final determination of the application.

Reason:

The Court considered the principles governing the grant of a stay of execution as elucidated in *C-Mobile Services Ltd. v Huawei Technologies Co. Ltd.* BVIHCMAP2014/0017 (delivered 2nd October 2014, unreported).

The Court noted that there was no present order for damages capable of execution, damages not having yet been assessed, and that the applicants failed to provide any cogent evidence that the denial of a stay of execution would render the appeal nugatory. The Court was further of the view that the balance of harm favoured the respondent. The application for a stay of execution was therefore dismissed.

The Court further noted that the applicants failed to address the threshold for a stay of proceedings and was of the view that the applicants ought to file submissions specifically addressing the principles governing the grant of a stay of proceedings.

Case Name:

**1. Andrew Barnard
2. Rebecca Hyde
v
Valentine Vitalis
[SLUHCVAP2026/0003]
(Saint Lucia)**

Date:

Tuesday 31st March 2026

Before:

The Hon. Mde. P. Nicola Byer, Justice of Appeal

Appearances:

Applicant: Ms. Shari-Ann Walker

Respondent: No appearance

Issues:

Application for leave to appeal

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant is to file a supplemental affidavit exhibiting the judgment of Saunders M from which he is seeking leave to appeal, that is the judgement of the 15th March 2025;**
- 2. Such supplemental affidavit is to be filed by the 24th April 2026.**
- 3. The application for leave to appeal the Learned Master's decision of the 15th March 2025 is adjourned for further consideration to the next Chamber Sitting of this Court scheduled for 26th May 2026.**

Reason:

The Court considered rule 3(a) of Practice Direction 62 B No. 3 of 2008 Appeals Interlocutory Applications, Standard Directions which states that an applicant shall file and serve along with his notice of application the evidence in support on which he intends to rely, if any, and his skeleton arguments, together with rule 62.2(8) of the Civil Procedure Rules (Revised Edition) 2023 which states that leave to appeal may be given 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, and the principles for the grant of leave to appeal as stated in Othneil Sylvester v Faelleseje Civil Appeal No. 5 of 2005 (delivered 20th February 2006, unreported) and in Cage St. Lucia Limited v Treasure Bay (St. Lucia) Limited Saint Lucia Civil Appeal No. 45 of 2011 (delivered on 23rd January 2012, unreported).

The Court noted that the applicants failed to provide the judgment dated 15th March 2025 from which leave to appeal was sought and further failed to comply with Practice Direction 62 B No. 3 of 2008 in relation to the timely filing of skeleton arguments.

In the circumstances, the Court was of the view that further information was required to determine the application and that it was just to adjourn the application with directions for the filing of a supplemental affidavit exhibiting the relevant judgment.

Case Name:

1. Velita Heholt
2. Dauvel Heholt
v
Jeanille St. Jean
[SLUHCVP2026/0002]

(Saint Lucia)

Date: Tuesday 31st March 2026

Before: The Hon. Mde. P. Nicola Byer, Justice of Appeal

Appearances:

Applicants: Ms. Diana Thomas Hunte and Ms. Cleopatra McDonald

Respondents: No appearance

Issues: Application for leave to appeal

Result/Order: IT IS HEREBY ORDERED THAT:

1. The applicant is to file a supplemental affidavit exhibiting the judgment of Saunders M on or before the 14th April 2026.
2. The application for leave to appeal is adjourned for further consideration to the next Chamber Sitting of this Court scheduled for 28th April 2026.

Reason: The Court considered rule 62.2(8) of the Civil Procedure Rules (Revised Edition) 2023 which states that leave to appeal may be given 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, together with the principles for the grant of leave to appeal as stated in Othneil Sylvester v Faelleseje Civil Appeal No. 5 of 2005 (delivered 20th February 2006,

unreported) and in *Cage St. Lucia Limited v Treasure Bay (St. Lucia) Limited* Saint Lucia Civil Appeal No. 45 of 2011 (delivered on 23rd January 2012, unreported), most notably that an applicant must show that the intended appeal has a realistic prospect of success, which is a heavier burden than showing only that he has an arguable appeal.

The Court noted that the applicants failed to provide the judgment from which leave to appeal was sought and was of the view that in order to assess whether the application meets the threshold for the grant of leave to appeal it is necessary to have all the requisite documents before the Court.

In the circumstances, the Court was of the view that further information was required to determine the application and that it was just to adjourn the application with directions for the filing of a supplemental affidavit exhibiting the relevant judgment.

Case Name:

Xavier Corey Francis

v

The Director of Public Prosecutions

[SKBHCRA2024/0005]

(Saint Christopher and Nevis)

Date:

Tuesday 31st March 2026

Before:

The Hon. Mde. P. Nicola Byer, Justice of Appeal

Appearances:

Applicant:

In person

Respondent: No appearance

Issues: Application for leave to appeal

Result/Order: IT IS HEREBY ORDERED THAT:

1. The High Court in St. Kitts and Nevis shall assist the applicant in serving a copy of the Criminal Form 1: Notice of Application for leave to appeal against conviction or sentence, the minute of conviction and sentence and authorisation code in this matter on the Office of the Director of Public Prosecutions within 7 days of the date of this order and provide proof of service thereafter.
2. The application for leave to appeal against sentence is adjourned for further consideration to the next chamber hearing of this Court scheduled for 28th April 2026.

Reason: The Court noted that there was no evidence of service of the notice of application for leave to appeal, the minute of conviction and sentence and the authorisation code on the Office of the Director of Public Prosecutions.

In the circumstances, the Court was of the view that the application could not be properly considered in the absence of proof of service and that it was just to direct that service be effected with the assistance of the High Court and to adjourn the application for further consideration.

Case Name:

**1. SKN Choice Times Limited
2. Dwight Cozier
v
Josephine Huggins**

**[SKBHCVAP2024/0009]
(Saint Christopher and Nevis)**

Date:

Tuesday 31st March 2026

Before:

The Hon. Mde. P. Nicola Byer, Justice of Appeal

Appearances:

Applicant/Respondent:

Mr. Victor C. Elliot-Hamilton

Respondents/Appellant:

Ms. Maria Angela Cozier for the first and second respondents

Issues:

Application for an order that the application be heard together with Appeal No. SKBHCVAP2024/0016 – Application for a stay of the appeal unless outstanding costs orders are satisfied – Application for an order that the appeal be struck out upon non-compliance – Application for costs

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The application filed in SKBHCVAP2024/0009 on 17th February 2026 shall be listed to be heard together with the hearing before the Full Court on the preliminary issue raised in SKBHCVAP2024/0016 scheduled for the next**

sitting of the Court of Appeal in St. Kitts and Nevis commencing the week of 20th April 2026.

2. The appeal in these proceedings shall be stayed pending the hearing and determination of the preliminary issue in SKBHCVAP2024/0016.

Reason:

The Court considered its general case management powers under Part 26 of the Civil Procedure Rules (Revised Edition) 2023, in particular rule 26.1(2)(t) which provides that the Court may try two or more claims on the same occasion.

The Court noted that the appellants' affidavit in opposition did not address the applicant's request that the application be heard together with Appeal No. SKBHCVAP2024/0016 and further noted that the said appeal had been adjourned to allow the Court to determine a preliminary issue as to whether it is in the interests of justice to permit the appellants to prosecute an appeal while in default of outstanding costs orders. The Court was of the view that the resolution of that preliminary issue directly affects the present application.

The Court further noted that a previous application for a stay of execution of the judgment of Gill J dated 8th July 2024 had been refused and that the applicant now seeks a stay of the same proceedings. The Court also noted the order made in Appeal No. SKBHCVAP2024/0016 staying proceedings below pending the determination of the preliminary issue.

In the circumstances, the Court was of the view that it was just to list this application to be heard together with Appeal No. SKBHCVAP2024/0016 and to stay the appeal pending the determination of the preliminary issue.

Case Name:

1. Lincoln Pemberton

2. Troy Douglass

v

St. Kitts Nevis-Anguilla National Bank Limited

[SKBHCVAP2025/0004]

(Saint Christopher and Nevis)

Date:

Tuesday 31st March 2026

Before:

The Hon. Mde. P. Nicola Byer, Justice of Appeal

Appearances:

**Respondents/
Intended
Appellants:**

**Dr. Henry LOS Browne KC for the first and second
respondents/intended appellants**

**Applicant/
Intended
Respondent:**

Ms. Natika Rawlins

Issues:

**Application to deem the prospective appeal
abandoned for failure to comply with CPR 62.6(1)(b) –
Alternatively, application for an unless order pursuant
to CPR 26.4 requiring the filing and service of a notice
of appeal – Application to discharge the stay as an
abuse of process – Application for costs**

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The respondents/ intended appellants shall file
their notice of appeal with the due application for**

an extension of time within 14 days of today's order failing which the respondents/intended appellants shall be debarred from continuing to pursue their appeal.

- 2. If the respondents/intended appellants shall fail to adhere to the order of the court noted above, the order of 24th June 2025 shall fall away and the stay pending the hearing of the appeal shall be discharged.**
- 3. Costs to the applicant/respondent of this application to be assessed by a judge of the High Court if not agreed within 14 days of today's date.**

Reason:

The Court considered CPR 62.6(1)(b) of the Civil Procedure Rules (Revised Edition) 2023 which states that in an interlocutory appeal where leave is required, the notice of appeal must be filed within 21 days of the date when such leave was granted, together with the provisions of Part 62 of the CPR governing the commencement of an appeal.

The Court noted that the respondents/appellants were granted leave to appeal by order dated 24th June 2025 and were required to file their notice of appeal by 16th July 2025 but had failed to do so and had not filed any application for an extension of time. The Court further determined that an application for leave to appeal and a notice of appeal are distinct processes and that the filing of an application for leave to appeal does not constitute the commencement of an appeal.

The Court rejected the respondents' contention that CPR 62.13(3) was engaged in the absence of a filed notice of appeal and was of the view that there was no extant appeal before the Court. The Court further noted that while the Court does not have jurisdiction to strike

out an intended appeal, it retains the power to protect its processes from abuse.

In the circumstances, and having regard to the respondents' continued failure to comply with the rules of court and to take any steps to remedy the default, the Court was of the view that it was just to make an unless order requiring compliance, failing which the respondents would be debarred from pursuing the appeal and the stay previously granted would be discharged.

Case Name: **Adrian Bart**
v
The Director of Public Prosecutions
[SKBHCRA2024/0002]
(Saint Christopher and Nevis)

Date: **Tuesday 31st March 2026**

Before: **The Hon. Mde. P. Nicola Byer**

Appearances:

Applicant:	In person
Respondent:	No appearance

Issues: **Application for an extension of time to apply for leave to appeal – Application for leave to appeal against conviction and sentence – Application for legal aid**

Result/Order:

IT IS HEREBY ORDERED THAT:

1. The applicant is granted an extension of time within which to file his application for leave to appeal.
2. The applicant's application for leave to appeal against conviction and sentence filed on 16th May 2024 is granted.
3. The notice of application filed on 16th May 2024 is deemed to be the notice of appeal.
4. The High Court in St. Kitts and Nevis shall assist the applicant with filing at the court office, affidavit evidence of his financial means within 14 days of the date of this order.
5. The request for legal aid is adjourned for further consideration to the next chamber hearing of this Court scheduled for 28th April 2026.

Reason:

The Court considered rule 9 of the Eastern Caribbean Supreme Court, Court of Appeal Rules 1968 which provides that the Court may enlarge or abridge the time appointed by these Rules for doing any act or taking any proceeding, upon such terms as the justice of the case may require, and that such enlargement may be ordered although the application is made after the expiration of the prescribed time.

The Court noted that the application for leave to appeal was filed almost five months outside of the prescribed time, which was inordinate, however the applicant provided good reasons for the delay, that there would be little to no prejudice occasioned to the respondent, and that the applicant had not yet been afforded an opportunity to have his appeal heard. The Court was of the view that in all the circumstances it was in the

interests of justice to grant the extension of time and that the applicant met the threshold for the grant of leave to appeal.

The Court further considered 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 to appeal as the notice of appeal and was of the view that it was just to do so.

The Court also considered section 55 of the Eastern Caribbean Supreme Court (Saint Christopher and Nevis) Act in relation to the grant of legal aid and noted that the applicant had not provided cogent evidence of his impecuniosity. In the circumstances, the Court was of the view that further evidence was required to determine the request for legal aid and adjourned that aspect of the application.

Case Name:

Shauvere Hanley

v

**The Director of Public Prosecutions
[SKBHCRAP2026/0001]
(Saint Christopher and Nevis)**

Date:

Tuesday 31st March 2026

Before:

The Hon. Mde. P. Nicola Byer, Justice of Appeal

Appearances:

Appellants: In person

Respondent: No appearance

Issues:

Application for an extension of time to file application for leave to appeal – Application for leave to appeal against conviction and sentence – Whether non-compliance with service requirements ought to be waived – Whether the application meets the threshold for the grant of leave to appeal

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The Senior Magistrate shall cause a supplemental Record of Appeal, including the reasons for decision to be prepared and served on the parties by no later than 31st July 2026, failing which an affidavit giving reasons for the non-compliance shall be filed.**
- 2. The matter is adjourned to the next status hearing of the Court of Appeal for Saint Lucia scheduled for 12th October 2026.**
- 3. The Registrar of the High Court shall serve a copy of this order on the appellant and provide proof of service thereafter.**

Reason:

The Court considered section 11 of the Eastern Caribbean Supreme Court, Court of Appeal Rules 1968 which permits the Court to waive non-compliance in criminal matters where such non-compliance is not wilful and it is in the interests of justice to do so, and noted that although there was no evidence of personal service of the minute of conviction on the respondent, there was evidence of service of the authorisation code for the E-Litigation Portal prior to the filing of the minute of conviction and sentence, such that the

respondent could reasonably be presumed to have had notice of the proceedings.

The Court further considered rule 9 of the Eastern Caribbean Supreme Court, Court of Appeal Rules 1968 which empowers the Court to extend time even after the expiration of the prescribed period. The Court noted that the delay of 8 days in filing the application was not inordinate, that good reasons were provided for the delay, that there would be little to no prejudice to the respondent, and that it was in the interests of justice to grant the extension of time.

In considering the application for leave to appeal, the Court was satisfied that the applicant met the applicable threshold and that the appeal ought to be allowed to proceed. The Court also had regard to rule 55 of the Eastern Caribbean Supreme Court, Court of Appeal Rules 1968 which empowers the Court, where leave is granted, to deem the application for leave to appeal as the notice of appeal, and accordingly made orders to give effect to the continuation of the appeal.

Case Name:

**Aaron Miller
v
The King
[SVGHCRAP2026/0002]
(Saint Vincent and the Grenadines)**

Date:

Tuesday 31st March 2026

Before:

The Hon. Mde. P. Nicola Byer, Justice of Appeal

Appearances:

Appellant: In person

Respondent: Mr. Cornelius Tittle

Issues: Application for leave to appeal against conviction and sentence – Whether the applicant has met the threshold for the grant of leave to appeal – Whether the notice of application should be deemed the notice of appeal – Application for legal aid – Whether the applicant has demonstrated insufficient means to obtain legal representation

Result/Order: IT IS HEREBY ORDERED THAT:

1. The applicant's application for leave to appeal against conviction and sentence filed on 5th February 2026 is granted.
2. The notice of application filed on 5th February 2026 is deemed to be the notice of appeal.
3. The High Court in St. Vincent and the Grenadines shall assist the applicant with filing at the court office, affidavit evidence of his financial means within 14 days of the date of this order.
4. The request for legal aid is adjourned for further consideration to the next chamber hearing of this Court scheduled for 28th April 2026.
5. The Registrar of the High Court shall serve a copy of this order on the applicant and the Director of Public Prosecutions and shall provide proof of service within 7 days of the date of this order.

Reason: The Court considered the applicant's application for leave to appeal against conviction and sentence and

was of the view that it is in the interests of justice that the applicant be afforded an opportunity to be heard on his appeal and that he has met the threshold for the grant of leave to appeal.

The Court also considered rule 55 of the Eastern Caribbean Supreme Court, Court of Appeal Rules which empowers the Court, where leave to appeal is granted, to deem the application for leave to appeal as the notice of appeal and accordingly deemed the notice of application to be the notice of appeal.

In relation to the request for legal aid, the Court considered section 55 of the Eastern Caribbean Supreme Court (Saint Christopher and Nevis) Act which provides that the Court may assign legal representation where it appears desirable in the interests of justice and where the applicant lacks sufficient means. The Court, however, was not satisfied that the applicant had provided any cogent evidence of his impecuniosity or inability to obtain legal representation and therefore adjourned the request for legal aid to allow the applicant an opportunity to provide affidavit evidence of his financial means.

Case Name:

**John Antoine
v
The King
[SVGHCRA2025/0003]
(Saint Vincent and the Grenadines)**

Date:

Tuesday 31st March 2026

Before:

The Hon. Mde. P. Nicola Byer, Justice of Appeal

Appearances:

Appellant: In person

Respondent:

Issues:

Application for bail pending the hearing and determination of the appeal

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The application for bail pending the hearing and determination of the appeal filed on 28th January 2026 is refused.**
- 2. The Registrar of the High Court shall serve a copy of this order on the applicant and the Director of Public Prosecutions and shall provide proof of service within 7 days of the date of this order.**

Reason:

The Court considered the principles governing the grant of bail pending appeal as established in *The State v Lynette Scantlebury* (1976) 27 WIR 103 and reaffirmed by this Court in *Warren Cassell v The King* MNIHCRAP2022/0003, namely that bail pending appeal is granted only in exceptional circumstances, such as where the appellant is likely to serve his sentence before the appeal is heard or where the grounds of appeal are so strong that prima facie the appeal is likely to succeed.

The Court noted that the applicant relied on his confidence that the appeal would succeed and his complaint of chronic joint pain allegedly exacerbated

by the conditions at the correctional facility. The Court further noted that the grounds of appeal advanced were that the conviction was unsafe, the sentence manifestly excessive and any additional grounds arising upon receipt of the transcript.

The Court was not satisfied that the applicant had demonstrated exceptional circumstances warranting his release on bail. In particular, the Court was unable to conclude that the grounds of appeal were so strong that the appeal was likely to succeed, that the applicant was serving a sentence of such short duration that it was unlikely the appeal could be heard before its completion, or that his medical condition, unsupported by medical evidence, was of such severity as to justify admission to bail. The Court therefore refused the application for bail pending the hearing and determination of the appeal.

Case Name:

**Sergey Gudko
v
Viktor Yehupov
[SVGHCVAP2026/0001]
(Saint Vincent and the Grenadines)**

Date:

Tuesday 31st March 2026

Before:

The Hon. Mde. P. Nicola Byer, Justice of Appeal

Appearances:

Appellant/Applicant: Mr. Maxron D.M. Holder

Respondents: Mr. Mikhail A.X. Charles

Issues:

Application for a stay of execution

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall file submissions and any authorities they wish to rely on in response to the respondent's note of opposition filed on 5th February 2026 by 17th April 2026.**
- 2. The respondent is at liberty to file a reply thereto by 24th April 2026.**
- 3. The application for the stay of execution of the decision of Cenac-Dantes J dated 4th December 2025 pending the appeal is adjourned for further consideration to the next Chamber Sitting of this Court scheduled for 28th April 2026.**

Reason:

The Court considered the principles governing the grant of a stay of execution as set out in C-Mobile Services Ltd. v Huawei Technologies Co. Ltd. BVIHCMAP2014/0017 (delivered 2nd October 2014, unreported), namely that the Court must consider all the circumstances of the case; that a stay is the exception rather than the general rule; that the applicant must provide cogent evidence that the appeal will be stifled or rendered nugatory unless a stay is granted; that the likely prejudice to the successful party must be carefully considered; and that the prospects of success on appeal become relevant where strong grounds of appeal or a strong likelihood of success is shown.

The Court noted that the respondent had filed a note in opposition to the application and that substantial grounds had been advanced therein in opposition to the stay sought by the applicant. The Court was of the view that the applicant ought to be afforded an

opportunity to respond to those contentions before the application was determined.

The Court therefore directed the filing of submissions and authorities by the applicant in response to the note of opposition, granted the respondent liberty to file a reply and adjourned the application for further consideration at the next Chamber Sitting of the Court.

Case Name:

**Lendon Abraham
v
The Commissioner of Police
[SVGMCRAP2025/0011]
(Saint Vincent and the Grenadines)**

Date: **Tuesday 31st March 2026**

Before: **The Hon. Mde. P. Nicola Byer, Justice of Appeal**

Appearances:

Applicant:	In person
Respondent:	Mr. Cornelius Tittle

Issues: **Application for an extension of time within which to appeal – Further consideration of the application for an extension of time to appeal**

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

- 1. The Registrar of the High Court shall provide a report to the Court as to the allegations**

contained in the application of the applicant within 10 days of today's Order.

2. Further consideration of the application for an extension of time within which to appeal is adjourned to the next Chamber Hearing of this Court scheduled for 28th April 2026.
3. The Registrar of the High Court shall serve a copy of this Order on the Applicant and the Director of Public Prosecutions and provide proof of service within 7 days of the date of this Order.

Reason:

The Court considered the applicant's application for an extension of time within which to appeal and noted the applicant's contention that he had completed and submitted the necessary appeal forms to the High Court following his sentence but received no correspondence from the Court and was only informed shortly before filing the application that the paperwork had not been processed by the Registry.

The Court further considered the respondent's submissions in opposition to the application and noted the concerns raised regarding the applicant's explanation for the delay in filing the appeal. The Court was nevertheless cognisant of section 48(2) of the Eastern Caribbean Supreme Court (Saint Vincent and the Grenadines) Act which empowers the Court of Appeal to extend the time within which a notice of appeal or an application for leave to appeal may be filed.

The Court was of the view that the delay may have been occasioned by an administrative oversight within the Registry and determined that a report from the Registrar of the High Court was necessary before the application could be fairly determined. The Court therefore directed the Registrar to provide a report

addressing the applicant's allegations and adjourned further consideration of the application to the next Chamber Hearing of the Court.

Case Name:

**Shone Bynoe
v
The King
[SVGHCRAP2025/0007]
(Saint Vincent and the Grenadines)**

Date:

Tuesday 31st March 2026

Before:

The Hon. Mde. P. Nicola Byer

Appearances:

Applicant:	In person
Respondent:	Mr. Cornelius Tittle

Issues:

Application for an extension of time within which to appeal – Application for leave to appeal against conviction and sentence

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The application for extension of time within which to appeal is denied.**
- 2. Leave to appeal against conviction and sentence is hereby denied.**

3. The Registrar of the High Court shall serve a copy of this Order on the Applicant and the Director of Public Prosecutions and provide proof of service within 14 days of the date of this Order.

Reason:

The Court considered the applicant's application for an extension of time within which to appeal and his application for leave to appeal against conviction and sentence. The Court was cognisant of section 31(2) of the Eastern Caribbean Supreme Court (Saint Vincent and the Grenadines) Act which empowers the Court to extend the time within which to appeal and considered rule 27(1)(e) of the Eastern Caribbean Supreme Court, Court of Appeal Rules. The Court also noted rule 55 of the Court of Appeal Rules which empowers the Court, where leave to appeal is granted, to deem the application for leave to appeal as the notice of appeal.

The Court noted that the applicant sought an extension of time to appeal his conviction and sentence imposed on 7th July 2022 and considered the respondent's submissions in opposition to the application.

The Court was of the view that the applicant had failed to provide any explanation for his failure to file the appeal within the prescribed time and had not advanced any basis upon which the Court could conclude that he met the threshold for the grant of leave to appeal. The Court further noted that the applicant had pleaded guilty to the offences and had not demonstrated any grounds capable of justifying either an extension of time or leave to appeal against conviction and sentence. The applications were therefore refused.

Case Name:

Tevin Bobb

V
The King
[SVGHCRA2025/0006]
(Saint Vincent and the Grenadines)

Date: **Tuesday 31st March 2026**

Before: **The Hon. Mde. P. Nicola Byer, Justice of Appeal**

Appearances:

Applicant **In person**

Respondent: **Mr. Devon S. Bute**

Issues: **Application for leave to appeal against conviction and sentence**

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

- 1. The Application for leave to appeal is denied it having been filed out of time and there being no application for an extension of time filed by the applicant.**
- 2. The Registrar of the High Court shall serve a copy of this order on the applicant and the Office of Director of Public Prosecutions within 7 days of today's date.**

Reason: **The Court considered the applicant's application for leave to appeal against conviction and sentence together with the grounds of appeal advanced by the applicant and the submissions in opposition filed by the respondent. The Court further considered section**

48(1) and (3) of the Eastern Caribbean Supreme Court (Saint Vincent and the Grenadines) Act which requires an application for leave to appeal to be filed within 14 days of the date of conviction.

The Court noted that the applicant was sentenced on 4th July 2025 but did not file his application for leave to appeal until 29th July 2025, outside the prescribed period. The Court further noted that no application for an extension of time had been filed by the applicant.

The Court was of the view that the application for leave to appeal was filed out of time and that, in the absence of an application for an extension of time, the procedural irregularity was fatal to the application. The application for leave to appeal was therefore denied.

Case Name:

**Rosanno Theobalds
v
The King
[SVGHCRA2025/0004]
(Saint Vincent and the Grenadines)**

Date:

Tuesday 31st March 2026

Before:

The Hon. Mde. P. Nicola Byer, Justice of Appeal

Appearances:

Applicant: In person

Respondent: Ms. Maria Jackson

Issues:

Application for leave to appeal against conviction and sentence – Request for legal aid

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The application for leave to appeal against conviction and sentence is adjourned for further consideration, pending the filing of the Minute of Conviction by the Registrar of the High Court, to the next Chamber Hearing of this Court scheduled for 28th April 2026.**
- 2. The Registrar of the High Court shall file the Minute of Conviction within 7 days of the date of this Order.**
- 3. The Registrar of the High Court shall assist the Applicant with filing at the court office, affidavit evidence of his financial means within 14 days of the date of this Order.**
- 4. The request for legal aid is adjourned for further consideration to the next Chamber Hearing of this Court scheduled for 28th April 2026.**

Reason:

The Court considered the applicant's application for leave to appeal against conviction and sentence together with his request for legal aid. The Court was cognisant of rule 53 of the Eastern Caribbean Supreme Court, Court of Appeal Rules and section 51 of the Eastern Caribbean Supreme Court Act Cap. 24 of Saint Vincent and the Grenadines concerning the grant of legal aid in criminal appeals.

The Court noted that the respondent had filed submissions in opposition to the application. However, the Court was of the view that the submissions were more appropriately directed to the hearing of the substantive appeal should the matter proceed. The Court further noted that the Minute of Conviction had not been filed.

The Court was of the view that the Minute of Conviction was necessary in order to properly determine the application for leave to appeal. The Court therefore adjourned the application for leave to appeal pending the filing of the Minute of Conviction by the Registrar of the High Court. The Court further directed that affidavit evidence of the applicant's financial means be filed to facilitate consideration of the request for legal aid and adjourned that request for further consideration at the next Chamber Hearing of the Court.

Case Name: **Uranus Cabral**
v
The King
[SVGHCRA2025/0002]
(Saint Vincent and the Grenadines)

Date: **Tuesday 31st March 2026**

Before: **The Hon. Mde. P. Nicola Byer, Justice of Appeal**

Appearances:

Applicant: **In person**

Respondent: **Ms. Renee Simmons**

Issues: **Application for leave to appeal against conviction and sentence – Request for legal aid**

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

- 1. Leave to appeal against conviction and sentence is hereby granted.**
- 2. The Notice of Application filed on 22nd January 2025 is deemed to be the Notice of Appeal.**
- 3. The Registrar of the High Court shall serve a copy of this Order on the Applicant and the Director of Public Prosecutions and provide proof of service within 7 days of the date of this Order.**
- 4. The Registrar of the High Court shall assist the Applicant with filing at the court office, affidavit evidence of his financial means within 14 days of the date of this Order.**
- 5. The request for legal aid is adjourned for further consideration to the next Chamber Hearing of this Court scheduled for 28th April 2026.**

Reason:

The Court considered the applicant's application for leave to appeal against conviction and sentence, including the grounds of appeal advanced by the applicant. The Court also considered the respondent's submissions in opposition to the application and was of the view that the arguments raised therein were more appropriately directed to the hearing of the appeal itself.

The Court further considered rule 55 of the Eastern Caribbean Supreme Court, Court of Appeal Rules which empowers the Court, where it is minded to grant leave to appeal, to deem the application for leave to appeal as the notice of appeal. The Court was satisfied that the applicant had met the threshold for the grant of leave to appeal against conviction and sentence and accordingly granted leave to appeal.

The Court also noted the applicant's request for legal aid and considered rule 53 of the Eastern Caribbean Supreme Court, Court of Appeal Rules and section 51 of the Eastern Caribbean Supreme Court (Saint Vincent and the Grenadines) Act. The Court determined that affidavit evidence of the applicant's financial means was required before the request could be properly determined and therefore adjourned the application for legal aid for further consideration at the next Chamber Hearing of the Court.

Case Name: Lesha Johnson
v
The King
[SVGHCRAP2024/0015]
(Saint Vincent and the Grenadines)

Date: Tuesday 31st March 2026

Before: The Hon. Mde. P. Nicola Byer, Justice of Appeal

Appearances:

Applicant: In person

Respondent: Mr. Cornelius Tittle

Issues: Application for leave to appeal against conviction and sentence

Result/Order: IT IS HEREBY ORDERED THAT:

- 1. Leave to appeal against conviction and sentence is hereby granted.**
- 2. The Notice of Application filed on 20th June 2024 is deemed to be the Notice of Appeal.**
- 3. The Registrar of the High Court shall serve a copy of this Order on the Applicant and the Director of Public Prosecutions and provide proof of service within 7 days of the date of this Order.**

Reason:

The Court considered the applicant's application for leave to appeal against conviction and sentence, including the grounds of appeal advanced by the applicant. The Court also considered the respondent's submissions in opposition to the application and was of the view that the grounds of opposition raised by the respondent were more appropriately dealt with at the hearing of the appeal itself.

The Court further noted that, although the grounds of appeal were bare in their assertions, they raised matters which, in the Court's view, the applicant ought to be afforded an opportunity to fully ventilate on appeal. The Court was therefore satisfied that the applicant had met the threshold for the grant of leave to appeal against conviction and sentence.

The Court also considered rule 55 of the Eastern Caribbean Supreme Court, Court of Appeal Rules which empowers the Court, where it is minded to grant leave to appeal, to deem the application for leave to appeal as the notice of appeal. The Court accordingly granted leave to appeal and deemed the notice of application filed on 20th June 2024 to be the notice of appeal.

Case Name:

**Ronald Isaacs
V
The King
[SVGHCRA2024/0018]
(Saint Vincent and the Grenadines)**

Date:

Tuesday 31st March 2026

Before:

The Hon. Mde. P. Nicola Byer, Justice of Appeal

Appearances:

Applicant: In person

Respondent: Ms. Maria Jackson

Issues:

Application for leave to appeal against conviction and sentence

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. Leave to appeal against conviction and sentence is hereby granted.**
- 2. The Notice of Application filed on 12th August 2024 is deemed to be the Notice of Appeal.**
- 3. The Registrar of the High Court shall serve a copy of this Order on the Applicant and the Director of Public Prosecutions and provide proof of service within 7 days of the date of this Order.**

Reason:

The Court considered the applicant's application for leave to appeal against conviction and sentence together with the grounds of appeal advanced by the applicant. The Court also considered the submissions filed by the respondent in opposition to the application and noted that, notwithstanding that the respondent had been served with the authorisation code since 14th August 2024, the submissions in opposition were filed on 27th March 2026. The Court was of the view that the arguments raised therein were more appropriately dealt with at the hearing of the appeal itself.

The Court further considered the grounds of appeal set forth by the applicant and was satisfied that the applicant ought to be granted leave to appeal against conviction and sentence.

The Court also considered rule 55 of the Eastern Caribbean Supreme Court, Court of Appeal Rules which empowers the Court, where it is minded to grant leave to appeal, to deem the application for leave to appeal as the notice of appeal. The Court therefore granted leave to appeal and deemed the notice of application filed on 12th August 2024 to be the notice of appeal.

Case Name:

**Sergey Vladimirovich Maksimov
v
WWRT Limited
[BVIHCMAP2025/0016]
(Territory of the Virgin Islands)**

Date:

Tuesday 31st March 2026

Before:

The Hon. Mde. P. Nicola Byer

Appearances:

Appellant	In person
Applicant/Respondent	Mr. Charles Goldblatt

Issues:

Application for a stay of the appeal pending compliance with outstanding court orders – Application for a debarring order – Application for an extension of time to file and serve written submissions in response to the appeal

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The application filed by the applicant/respondent on 17th February 2026 is granted.**
- 2. The appeal is stayed unless and until the appellant complies with his asset disclosure obligations and pays all outstanding costs orders made against him in Claim No. BVIHCOM2021/0190.**
- 3. The appellant shall comply with paragraph 2 of this Order within 30 days of the date of this Order, that is on or before 30th April 2026.**
- 4. In the event that the appellant fails to comply with paragraph 2 within the time ordered, the appellant shall be debarred from being heard, making representations in, or otherwise participating in the appeal and the appeal shall stand dismissed without further order.**

5. The applicant/respondent is granted an extension of time to file and serve its written submissions in response to the appeal 21 days after the appellant has complied with paragraph 2 of this Order upon such compliance having been confirmed by the Registrar of the High Court.
6. The appellant shall pay the applicant/respondent's costs of this application, to be assessed if not agreed by a judge of the commercial court.

Reason:

The Court considered the applicant/respondent's application seeking a stay of the appeal pending the appellant's compliance with outstanding asset disclosure obligations and costs orders made in the court below, together with the request for a debarring order and an extension of time to file and serve written submissions. The Court considered the decisions in *Oscar Trustee Limited v MBS Software Solutions Limited* BVIHCP2021/0024 and *Lunan Pharmaceutical Group Corporation v Zhao Long et al* BVIHCV2021/0007, which affirm the Court's inherent jurisdiction and broad case management powers to prevent abuse of its process, including the power to stay proceedings and make unless orders where a party has failed to comply with outstanding court orders.

The Court was of the view that, notwithstanding that the appeal had already been filed and the timetable under Part 62 of the Civil Procedure Rules (Revised Edition) 2023 had been engaged, the Court retained jurisdiction to ensure that its processes were not abused by a party seeking to pursue an appeal whilst remaining in continuing default of orders of the court below. The Court noted the appellant's ongoing failure to comply with his asset disclosure obligations and

outstanding costs orders and was not satisfied that any substantial or supported explanation had been advanced for that non-compliance.

The Court further considered that the provision of security for costs would not remedy the appellant's continuing non-compliance and that permitting the appeal to proceed in those circumstances would occasion prejudice to the applicant/respondent and allow the appellant to benefit from his failure to comply with the Court's orders. The Court was therefore satisfied that it was just to stay the appeal pending compliance and to make a debarring order in default of such compliance.

The Court also considered the principles governing the grant of an extension of time as enunciated in *Lindsay F.P. Grant et al v Tanzania Tobin Tanzil SKBHCVAP2020/0004* and was satisfied that an extension of time for the respondent to file and serve its written submissions should be granted in order to avoid the incurring of unnecessary costs while the progression of the appeal remained contingent upon the appellant's compliance with the outstanding orders.

Case Name:

Myrna Herbert

v

[1]Wong Ling Pan

[2]Team Building Limited (in Liquidation)

[BVIHCMAP2025/0025]

(Territory of the Virgin Islands)

Date:

Tuesday 31st March 2026

Before: The Hon. Mde. P. Nicola Byer, Justice of Appeal

Appearances:

Applicant Mr. John Carrington, KC with him Ms. Valerie Georges-Thomas

Respondent: No appearance

Issues: Application for an extension of time within which to file a notice of appeal

Result/Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall file a supplemental affidavit exhibiting the draft notice of appeal within 7 days of the date of this order.
2. The first respondent is at liberty to file written submissions in response to the application for an extension of time within 14 days of the supplemental affidavit.
3. The applicant shall be at liberty to file written submissions in reply, if necessary, within 7 days of the filing of the respondent's submissions, if any.
4. The application for an extension of time is adjourned for further consideration to the Chamber Hearing scheduled for 26th May 2026.
5. The Registrar of the High Court shall cause a copy of this order to be served on the respondents within 7 days of the date of this order and shall provide proof of service thereafter.

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Reason:

The Court considered the applicant's application for an extension of time within which to appeal the order of Wallbank J (Ag.) dated 18th March 2025 and was cognisant of CPR 62.6(3), which empowers the Court to extend the time for filing a notice of appeal. The Court also considered the principles governing the grant of an extension of time as enunciated in *Lindsay F.P. Grant et al v Tanzania Tobin Tanzil SKBHCVAP2020/0004*, *ECCO v Mega-Plex Entertainment Corporation SLUHCVAP2013/0012* and *Joseph Hyacinth v Allan Joseph* (2016) 89 WIR 303, including the length of the delay, the reasons for the delay, the prospects of success of the appeal and the degree of prejudice to the respondent.

The Court noted that the applicant sought to challenge the winding up order made in respect of the second respondent company on the basis that the court below lacked jurisdiction to make that order. The Court further noted that, notwithstanding the second respondent's status as a dissolved company, the winding up order and the appointment of the joint liquidators remained in force unless and until set aside by the Court.

The Court was, however, of the view that it was unable properly to assess the prospects of success of the proposed appeal, as the applicant had not filed a draft notice of appeal. The Court therefore directed the applicant to file a supplemental affidavit exhibiting the draft notice of appeal, granted the first respondent liberty to file submissions in response and adjourned the application for further consideration at the next Chamber Hearing of the Court.

Case Name:

The King

v
Nodu Emelandu
[BVIHC RAP2026/0001]
(Territory of the Virgin Islands)

Date: **Tuesday 31st March 2026**

Before **The Hon. Mde. P. Nicola Byer, Justice of Appeal**

Appearances:

Applicant: **Ms. Tiffany Scatliffe**

Respondent: **Ms. Valerie Gordon**

Issues: **Application for leave to appeal – Application for an extension of time to file an application for leave to appeal – Application for an extension of time to file skeleton arguments in opposition**

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

- 1. The Applicant shall file and serve an application for an extension of time to file the application for leave to appeal, supported by an affidavit explaining the delay, within 7 days of the date of this Order.**
- 2. The Respondent is at liberty to file and serve a response to the application for extension of time within 7 days of service of the said application.**
- 3. The Respondent is granted an extension of time to file and serve skeleton arguments in opposition to the application for Leave to**

Appeal, such skeleton arguments to be filed and served within 7 days of the date of this Order.

- 4. The Applicant shall be at liberty to file and serve skeleton arguments in reply within 7 days of service.**
- 5. The Application for Leave to Appeal shall thereafter be listed for the next Chamber Hearing of this Court scheduled for 28th April 2026.**
- 6. The Registrar of the High Court shall serve a copy of this Order on the Applicant and the Respondent and provide proof of service within 7 days of the date of this Order.**

Reason:

The Court considered the applicant's application for leave to appeal against the decision of Schneider J [Ag.] granting a permanent stay of proceedings and noted the respondent's contention that the application for leave to appeal had been filed out of time and that no application for an extension of time had been made. The Court further considered the applicant's revised skeleton arguments in which a point of law was raised for reference pursuant to section 52 of the Criminal Procedure Act.

The Court was mindful of the statutory time limits applicable to applications for leave to appeal by the Director of Public Prosecutions and further considered the principles governing the grant of leave to appeal as stated in Othneil Sylvester v Faellleseje Civil Appeal No. 5 of 2005 and Cage St. Lucia Limited v Treasure Bay (St. Lucia) Limited.

The Court was of the view that the issue of whether the application for leave to appeal had been filed out of

time ought first to be addressed before consideration could be given to the substantive application for leave to appeal. The Court therefore directed the applicant to file an application for an extension of time supported by affidavit evidence explaining the delay, granted the respondent liberty to respond to that application, granted the respondent an extension of time to file skeleton arguments in opposition to the application for leave to appeal, and adjourned the application for leave to appeal for further consideration at the next Chamber Hearing of the Court.