



# The Court of Appeal for Bermuda

Ref. A/50

Tuesday, 13<sup>th</sup> January 2015

**CIRCULAR NO: 1 of 2015**

**TO ALL COUNSEL**

**COURT OF APPEAL CALENDAR: 2<sup>nd</sup> March 2015 to 20<sup>th</sup> March 2015 SESSION**

I enclose herewith a Draft Cause List for the forthcoming session. The Honorable President, Sir Scott Baker, has directed that Appellants and Respondents should be prepared to proceed with their appeals on very short notice at any time during the appeal period, and not only on the listed date. This also applies to those on the "Reserve List" as other appeals may collapse. Kindly note Item 8 as it refers to reducing needless duplication of authorities.

**New this session and going forward, there will be a day set aside to review/give direction on future Criminal appeals.**

1. The Draft Cause List constitutes a '*Notice of Hearing*' of the upcoming dates to all involved in the appeals.
2. The session will begin on **Monday, 2<sup>nd</sup> March 2015** and will probably end on or about **Friday, 20<sup>th</sup> March 2015**. The President of the Court of Appeal has directed me to say that if there are changes to the list, they will be made for the convenience of the Court and not at the convenience of Counsel.
3. Appellants (including anyone acting "In Person") are reminded that they are to observe the ***Rules of the Court of Appeal*** as well as what is set out in this Circular, when submitting further applications or documentation.
4. **CIVIL APPEALS:** Counsels are reminded to provide their Submissions and Authorities in accordance with the dates ordered by the Registrar at the Settling of the Record hearing. As the Court of Appeal Judges are travelling from overseas, it is necessary to have all Submissions received in a timely manner. This allows all appeals to proceed expeditiously. Counsels are reminded of **Circular No. 1 of 2007**, wherein only Core Bundles are to be submitted for "big" Civil Appeals.
5. **CRIMINAL APPEALS:** Ensure that you have filed your Legal Aid Certificate with us.
6. **Appellants'** Submissions and Authorities must be submitted to the Registry on or before **Wednesday, 11<sup>th</sup> February 2015**; the **Respondents'** Submissions and Authorities are to be submitted by close of business on **Friday, 20<sup>th</sup> February 2015**. This supersedes any and all prior Circulars. The fact that there are negotiations ongoing between the parties is not a good reason for refraining from submitting the Submissions.
7. Kindly notify the Court of Appeal Officer when you are ready to file your submissions. This will ensure acknowledgement of their receipt, appropriate filing and direction thereafter.
8. The Justices have requested that the Authorities provided in the bundles only contain the head note and the relevant pages/passages that are being cited. More than that will be extraneous. *With consideration now being given to the UK Practice Direction 52C Section 29, counsel are advised to consult with each other and exchange authorities. These authorities (no more than 10 each) shall be combined in one binder, preferably the Appellant's, for the Court to have at their disposal during the hearing. This will reduce duplicated authorities.*

9. If there are to be any changes to the filed Submissions, the onus is on the Appellant/ Respondent to update their filed documents at the convenience of the Court Officer.

10. If an adjournment of an appeal must be sought, the Appellant must notify the Registrar and the Respondent of this intension prior to filing the documents. In no less than **four days** prior to the start of the session, the Appellant must file a Notice of Motion with Affidavit in support to request the adjournment of the appeal and appear before the Court when duly summoned. This does not guarantee that the request will be granted.

11. Once an appeal is listed, please rectify your calendars of any conflicting cases in the Courts below.

12. Finally, because of the schedule and the pressure of work that will be on the Court of Appeal Judges while they are here, Appellants are asked to notify the Registrar of the Court and the Respondent(s) as soon as possible if they intend to abandon an appeal. The Notice of Abandonment should be filed shortly after said notification.

Copy: Attorney General's Chambers  
Department of Corrections  
Director of Public Prosecutions  
Legal Aid  
Bermuda Bar Association  
Senior Magistrate



Registrar of the Court





# In The Court of Appeal for Bermuda

## DRAFT CAUSE LIST- MARCH 2015

### **N.B.**

DATES HAVE NOT YET BEEN ASSIGNED - THE LISTING PRESENTED IS ONLY A LIST - NOT AN INDICATION OF ANY ORDER IN WHICH THE APPEALS MAY BE HEARD BETWEEN MARCH 2, 2015 AND MARCH 20, 2015!!  
**PLEASE KEEP YOUR CALENDARS FLEXIBLE!!!**

### **CIVIL**

**Delvin Bean -v- CICB**

**(NOA against the decision of CICB on 3 April 2014) (1)**

Charter Chambers (S Smith-Bean) - Applicant

AGC (W Greenidge) - Respondent

Civil Appeal No. 4 of 2014

**LAEP Investments Ltd-v- Emerging Markets Special Situations 3 Ltd**

**(NOA against the decision of Hellman J on 1 April 2014) (1.5)**

TD (N Tovey) – Appellant

Appleby (J Wasty/H Tucker) - Respondents

CHW (D Kessaram) - JPL

Civil Appeal No. 6 of 2014

**Elaine Charles v Roderick Pearman et al**

**(NOA against the decision of Hellman J on 24 April 2014) (2)**

PLC (R Woolridge) - Appellant

TD (N Tovey) – 2<sup>nd</sup> Respondent

Canterbury (P Harshaw) – 3<sup>rd</sup> Respondent

Civil Appeal No. 7 of 2014

**Bermuda Hospitals Board v Dr. Christopher Johnson**

**(NOA against the decision of Hellman J on 15 May 2014) (.5)**

CDP (B Adamson) – Appellant

PLC (R Woolridge) – Respondent

Civil Appeal No. 11 of 2014

**Aircare Limited v Wyatt Sellyeh**

**(NOA against decision of Hellman J on 20 May 2014) (1)**

CDP (B Adamson) - Appellant

MDM (T Marshall) - Respondent

Civil Appeal No.13 of 2014

**A Barrister v BBC**

**(NOA against the decision of 22 April 2014) (.5)**

Browne Scott (M Scott) - Appellant

Isis Law (S Froomkin, QC) - Respondent

\*\*IN CAMERA\*\*

Civil Appeal No. 15 of 2014

**Dwight Lambert v The Broadcasting Commissioners et al**

**(NOM for Leave to Appeal to the COA) (.5)**

Applicant in Person

AGC (M Taylor) -1<sup>st</sup> & 2<sup>nd</sup> Respondents

DPP (G Byrne) – 3<sup>rd</sup> Respondent

Civil Appeal No. 16 of 2014

**Curtis Richardson v Bda Police Service et al**

**(NOM for Leave to Appeal to the COA) (.5)**

Applicant in Person

MDM (J Hindess) - Respondent

Civil Appeal No. 18 of 2014

13 January 2015

**CRIMINAL**

**R v Jahkeil Samuels et al**  
**(Acquittal – Attempted Murder, et al – Hellman, J) (2)**

DPP – Appellant  
Charter Chambers Bermuda (M Daniels) - Samuels  
Christopher's (E Christopher) – Saltus

**Criminal Appeal No. 18 of 2013**

C. Craig Attridge – Burchall  
Compass Law Chambers (C Richardson) - Vanderpool

**Wayne Smith v R**

**(Sentence – Burglary/Assault – Greaves, J) (.5)**

Lions Chambers (K Worrell) - Appellant  
DPP - Respondent

**Criminal Appeal No. 25 of 2013**

**Xavier Douglas v R**

**(Sentence – Theft – Greaves, J) (.5)**  
Apex Law (A Hodgson/B Swan) - Appellant  
DPP - Respondent

**Criminal Appeal No. 4 of 2014**

**Shuja Muhammad v R**

**(Conviction – Sexual Exploitation – Greaves, J) (1)**

Savory & Associates (K Savory) - Appellant  
DPP - Respondent

**Criminal Appeal No. 6 of 2014**

**Kristopher Gibbons v R**

**(Conviction/Sentence – Sexual Assault – Scott, AJ) (1)**

Mussenden Subair (D Williams) - Appellant  
DPP - Respondent

**Criminal Appeal No. 10 of 2014**

**John Wardman v R v John Wardman**

**(Conviction/Sentence – Causing GBH while Driving under the Influence, et al – Simmons, J) (1)**

Isis Law (S Froomkin, QC) – Wardman  
DPP – Crown

**Criminal Appeals Nos. 11 & 13 of 2014**

**Darronte Dill v R**

**(Sentence – Murder – Ground CJ) (.5)**

Charter Chambers (M. Daniels) – Appellant  
DPP – Respondent

**Criminal Appeal No. 14 of 2014**

**R v N.M**

**(NOA from the decision of 24 November 2014 – Simmons, J) (.5)**

DPP (M Sofianos) – Appellant  
Christopher's (E Christopher) – Respondent

**Criminal Appeal No. 19 of 2014**

**Milton Richardson v R v Milton Richardson**

**(Conviction/Sentence – Sexual Exploitation – Kawaley, CJ) (1)**

Browne Scott (M Scott) - Richardson  
DPP (M Sofianos) - Crown

**Criminal Appeals Nos. 20 & 21 of 2014**

**REVIEW/DIRECTIONS**

**Bilal Shakir v R**

**(Sentence – Handling a Controlled Drug with Intent – Greaves, J)**

Compass Chambers (C Richardson) - Appellant  
DPP – Respondent

**Criminal Appeal No. 9 of 2012**

**Norris Simpson v R**

**(Conviction – Murder – Simons, J)**

Lions Chambers (K Worrell) - Appellant  
DPP – Respondent

**Criminal Appeal No. 13 of 2013**

**Sharon Smith v R**

**(Conviction – Importation and Possession – Kawaley, CJ)**

Lions Chambers (K Worrell) - Appellant  
DPP - Respondent

**Criminal Appeal No. 14 of 2013**

**Andre Blackstock & Kenton Butterfield-Smith v R**

**(Conviction/Sentence – Conspiracy to Import – Greaves, J)**

Mussenden Subair (L Mussenden) – Blackstock  
Compass Law Chambers (C Richardson) – Butterfield-Smith  
DPP - Respondent

**Criminal Appeals Nos. 26 & 27 of 2013**

**Vincent Outerbridge v R**

**(Conviction – Wounding – Greaves, J)**

Mussenden Subair (L Mussenden) - Appellant  
DPP - Respondent

**Criminal Appeal No. 1 of 2014**

**Ramano Mills v R**

**(Sentence – Possession of a Firearm – Simmons, J)**

Charter Chambers (M Daniels) - Appellant  
DPP - Respondent

**Criminal Appeal No. 9 of 2014**

**R v Cleveland Rogers**

**(Sentence – Unlawful Carnal Knowledge – Greaves, J)**

DPP (K King) - Appellant  
Mussenden Subair (J Rogers) - Respondent

**Criminal Appeal No. 18 of 2014**

13 January 2015