



# The Court of Appeal for Bermuda

Ref. A/50

Friday, 11<sup>th</sup> January 2013

**CIRCULAR NO: 2 of 2013**

**TO ALL COUNSEL**

**COURT OF APPEAL CALENDAR: 4<sup>th</sup> March 2013 to 22<sup>nd</sup> March 2013 SESSION**

I enclose herewith a Draft Cause List for the forthcoming session. The Honorable President 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.

- The Draft Cause List constitutes a ‘*Notice of Hearing*’ of the upcoming dates to all involved in the appeals.
- The session will begin on **Monday, 4<sup>th</sup> March 2013** and will probably end on or about **Friday, 22<sup>nd</sup> March 2013**. 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.
- 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.
- **CIVIL APPEALS:** Counsels are reminded to provide their Submissions and Authorities in accordance with the dates ordered by the Registrar. 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.
- **CRIMINAL APPEALS:** When Notices of Appeal are submitted for Criminal matters, the Notices of Appeal should be accompanied by a letter or a certificate from the Legal Aid Office stating that the Appellant’s legal aid coverage is extended to cover the appeal. If the extension of Legal Aid is not received within a month of filing, the appeal process may be delayed until fees are paid or the certificate is presented. (Kindly refer to the *Court of Appeal for Bermuda Rules, Third Schedule*.)
- **Appellants’** Submissions and Authorities must be submitted to the Registry on or before **Wednesday, 13<sup>th</sup> February 2013**; the **Respondents’** Submissions and Authorities are to be submitted by close of business on **Friday, 22<sup>nd</sup> February 2013**. 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.
- Kindly notify the Court of Appeal Officer when you are ready to file your submissions. This will ensure their receipt, appropriate filing and direction thereafter.
- 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.
- 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.
- 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.
- 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





# In The Court of Appeal for Bermuda

## DRAFT CAUSE LIST- MARCH 2013

**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 4, 2013 AND MARCH 22, 2013!  
**PLEASE KEEP YOUR CALENDARS FLEXIBLE!!!**

### **CIVIL**

**Dilton Martin Robinson -v- The Bank of Bermuda**

Civil Appeal No. 9 of 2010

(NOA against decision 16 June 2010) (1)

Phoenix Law Chambers (G. Ricky Woolridge) - Appellant  
Marshall Diel & Myers (Timothy Marshall/Katie Tornati) - Respondent

**Gerova Financial -v- Maxim LLC**

Civil Appeal No. 11 of 2012

(NOA against decision 6 Sept 2011) (3)

Trott & Duncan (Nicole Tovey) - Appellants  
Sedwick Chudleigh (Cameron Hill) - Respondent

**Pereira Engineering Ltd v Aptech Grante & Marble Ltd**

Civil Appeal No. 5 of 2012

(NOA against decision 29 Feb 2011) (.5)

Wakefield Quin (R. Horseman) - Appellants  
In Person - Respondent

**Telecommunications (Bda & WI) Ltd et al v Bda Digital Communications Ltd et al**

Civil Appeal No. 2 of 2012

(NOA against decision 28 Feb 2011) (1)

Attride-Stirling & Woloneicki (V Lyon/ N Turner) - Appellants  
Mussenden/Subair (L Mussenden) - (R1); Marshall Diel & Myers (Diel/Taylor) - (R2); Liberty Law (V. Memari) - (R3&R4)

**Director of Land Valuation v Samuel Andrew Banks**

Civil Appeal No. 12 of 2012

(NOA against decision 27 Jul 2012) (1.5)

Attorney-General Chambers (M. Johnson) - Appellant  
Conyers Dill & Perman (J Elkinson) - (Respondent)

### **CRIMINAL**

**Derek Spalding v R**

Criminal Appeal No. 6 of 2012

(Conviction – Premeditated Murder/Firearm)

Charter Chambers (M Daniels) - Appellant  
DPP - Respondent

**Jahmel Glen Blakney v R**

Criminal Appeal No. 20 of 2011

(Conviction – Attempted Murder/Firearm)

Compass Law (C Richardson) - Appellant  
DPP - Respondent

**Sanchey Winslow Kaijuan Grant v R**

Criminal Appeal No. 21 of 2011

(Conviction/Sentence – Attempted Murder/Firearm)

C. Craig Attridge - Appellant  
DPP - Respondent

**Antoine Anderson v R**

Criminal Appeal No. 14 of 2012

(Sentence – GBH with Intent)

Stewart Law (G. Stewart) - Appellant  
DPP - Respondent

### **RESERVED LIST**

**Vincent J Best v Warren Jensen & The Market Place Ltd**

Civil Appeal No. 13 of 2012

(NOA against decision 28 Aug 2012)

Mussenden Subair (L Mussenden) - Appellants  
Wakefield Quin (J Pachai) - Respondent

**Marico Colin Derek Bassett v R**

Criminal Appeal No. 14 of 2011 & 3 of 2012

(Conviction/Sentence – Attempted Murder/Firearm)

Isis Law (S Froomkin) - Appellant

DPP - Respondent

**Jaron Roberts v R**

Criminal Appeal No. 1 of 2012

(Sentence—Robbery, Handling stolen goods, Imitation Firearm)

Isis Law (S Froomkin) - Appellant

DPP - Respondent