



The Court of Appeal for Bermuda

Ref. A/50

Wednesday, 15th January 2014

CIRCULAR NO: 1 of 2014

TO ALL COUNSEL

COURT OF APPEAL CALENDAR: 3rd March 2014 to 26th March 2014 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. Kindly note Item 8 as it refers to reducing needless duplication of authorities.

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, 3rd March 2014** and will probably end on or about **Wednesday, 26th March 2014**. 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:** 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*.)
6. **Appellants' Submissions and Authorities** must be submitted to the Registry on or before **Wednesday, 12th February 2014**; the **Respondents' Submissions and Authorities** are to be submitted by close of business on **Friday, 21st February 2014**. 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 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. 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 2014

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 3, 2014 AND MARCH 21, 2014!!
PLEASE KEEP YOUR CALENDARS FLEXIBLE!!!

CIVIL

Marvin E. Paynter -v- Criminal Injuries (Compensation) Board
(NOA against decision 5 December 2012) (.5)
Phoenix Law Chambers (G. Ricky Woolridge) - Appellant
Attorney-General Chambers (Martin Johnson) - Respondent
Civil Appeal No. 8/8B of 2012

Hiram Edwards v The Minister of Finance et al
(NOA against decision 5 April 2013 – Hellman, J) (1)
James & Associates (Kendrick James) - Appellant
Attorney-General's Chambers (Shakira Dill) - Respondent
Civil Appeal No. 10 of 2013

Saturn Petrochemicals Hldgs Ltd v Titan Petrochemicals Group Ltd
(NOA against decision 10 May 2013 – Kawaley, CJ) (2)
Attride-Stirling & Woloneicki (Kehinde George) – Appellant
Marshall Diel & Myers (Kevin Taylor) - Respondent
Sedgwick Chudleigh (Cameron Hill) – Supporting Creditor
Civil Appeal No. 11 of 2013

Jermaine M. Smith -v- Criminal Injuries (Compensation) Board
(NOA against decision 19 June 2013) (.5)
Appellant in Person
Attorney-General's Chambers (Martin Johnson) - Respondent
Civil Appeal No. 12 of 2013

PWC v SAAD Investments Holdings Ltd & Singularis Holdings Ltd
(Application for Leave to the Privy Council) (.5)
ASW Law Ltd (Rod Attride-Stirling) - Applicant
Conyers Dill & Pearman (Scott Pearman) - Respondent
Civil Appeal No. 7 of 2013

In the Matter of Titan Petrochemicals Group Limited
(Application for Leave to Appeal) (.5)
Marshall Diel & Myers (Kevin Taylor) - Applicant
Attride-Stirling & Woloneicki (Kehinde George) – Respondent
Sedgwick Chudleigh (Cameron Hill) – Supporting Creditor
Civil Appeal No. 16 of 2013

CRIMINAL

Anwar Muhammad v R
(Conviction – Attempted Murder/Firearm – Greaves, J)
Mussenden Subair (Shade Subair) - Appellant
DPP - Respondent
Criminal Appeal No. 5 of 2012

Janis Zegelis v R
(Conviction – Importation and Possession – Greaves, J)
Lions Chambers (Kamal Worrell) - Appellant
DPP - Respondent
Criminal Appeal No. 10 of 2012

Zharrin Frankie Simmons v R
(Conviction/Sentence – Robbery – Wolfe, AJ)
Charter Chambers (Simone Smith-Bean) - Appellant
DPP - Respondent
Criminal Appeal No. 15 of 2012

Jahmel Glen Blakney & Sanchey Winslow Kaijuan Grant v R
(Conviction/Sentence – Attempted Murder/Firearm – Greaves, J)
Compass Law (C Richardson) – Blakeney
C. Craig Attridge - Grant
DPP - Respondent
Criminal Appeals Nos. 20 & 21/21A of 2011

Everette Jahni Bean & Randolph Anthony Simons v R
(Conviction/Sentence – Conspiracy to Import – Greaves, J)
Charter Chambers (Marc Daniels) - Bean
Mussenden Suabir (Larry Mussenden) – Simons
DPP - Respondent
Criminal Appeal Nos. 2 & 10 of 2012

Tracey Pitt v R v Tracey Pitt
(Conviction/Sentence – GBH, Failing to take a Breath Sample – Wolfe, AJ)
Christopher's (Elizabeth Christopher) - Appellant
DPP - Respondent
Criminal Appeal Nos. 21/21A & 23 of 2013

Noet Alexander Barnett v R
(Application for Additional Transcripts)
Christopher's (Elizabeth Christopher) - Applicant
DPP - Respondent
Criminal Appeal No. 4 of 2012

Delroy Duncan v R
(Application to Adduce Evidence)
Christopher's (Elizabeth Christopher) - Applicant
DPP - Respondent
Criminal Appeal No. 4 of 2013

RESERVES

Craig Damien Hatherley & Lorenzo Lottimore v R
(Conviction/Sentence – Conspiracy to Import – Simmons, J)
Mussenden Subair (Larry Mussenden) – Hatherley
Juris Law Chambers (Victoria Pearman) - Lottimore
DPP – Respondent
Criminal Appeal Nos. 12 of 2012 & 1 of 2013

R v Jennifer Franks
(Sentence – Endangering the Life of a Child – Greaves, J)
DPP - Appellant
ISIS Law (Saul Froomkin, QC) - Respondent
Criminal Appeal No. 5 of 2013