



# The Court of Appeal for Bermuda

Ref. A/50

Monday, 31<sup>st</sup> March 2014

**CIRCULAR NO: 4 of 2014**

**TO ALL COUNSEL**

**COURT OF APPEAL CALENDAR: 27<sup>th</sup> May 2014 to 13<sup>th</sup> June 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 these 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 **Tuesday, 27<sup>th</sup> May 2014** and will probably end on or about **Friday, 13<sup>th</sup> June 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 or whomever is appealing.
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, 14<sup>th</sup> May 2014**; the **Respondents'** Submissions and Authorities are to be submitted by close of business on **Friday, 23<sup>rd</sup> May 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.

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| Copy: | Attorney General's Chambers<br>Department of Corrections<br>Director of Public Prosecutions<br>Legal Aid<br>Bermuda Bar Association |
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Registrar of the Court



# In The Court of Appeal for Bermuda

## DRAFT CAUSE LIST- JUNE 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 MAY 27, 2014 AND JUNE 13, 2014!! **PLEASE KEEP YOUR CALENDARS FLEXIBLE!!!**

### **CIVIL**

**Bermuda Hospitals Board v GeneAnne Woods-Forde**

[Civil Appeal No. 17 of 2013](#)

*(NOA against decision 13 November 2013) (1)*

Appleby Bermuda (A Collieson) - Appellant  
Wakefield Quin (P Sanderson) - Respondent

**Barbara Lambert et al v Darnell Todd-Wynn**

[Civil Appeal No. 1 of 2013](#)

*(NOA against decision 17 January 2013) (1)*

Appellant In Person  
Wakefield Quin(J Pachai) - Respondent

**Saturn Petrochemicals Hldgs Ltd v Titan Petrochemicals Group Ltd**

[Civil Appeal No. 11 of 2013](#)

*(NOA against decision 10 May 2013 – Kawaley, C.J) (2)*

Attride-Stirling & Woloneicki (Kehinde George) – Appellant  
Marshall Diel & Myers (Kevin Taylor) - Respondent  
Sedgwick Chudleigh (Cameron Hill) – Supporting Creditor

**MFP-2000, LP v Viking Capital Ltd & Misa Investments Ltd**

[Civil Appeal No. 1 of 2014](#)

*(NOA against decision 7 February 2014)*

Trott & Duncan- Appellants ( N Tovey)  
CDP – Respondent (N Hargun)

### **CRIMINAL**

**Craig Damien Hatherley & Lorenzo Lottimore v R**

[Criminal Appeal Nos. 12 of 2012 & 1 of 2013](#)

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

Mussenden Subair (Larry Mussenden) – Hatherley  
Juris Law Chambers (Victoria Pearman) – Lottimore  
DPP – Respondent

**Dameko Dublin v R**

[Criminal Appeal No. 6/6A of 2013](#)

*(Conviction/Sentence — Handling a Firearm)*

Mussenden Subair (L Mussenden) - Appellant  
DPP - Respondent

**Delroy Duncan v R**

[Criminal Appeal No. 4 of 2013](#)

*(Conviction/Sentence – Conspiracy to Import/Importation)*

Christopher's (Elizabeth Christopher) - Appellant  
DPP - Respondent

**Kenneth Burgess v R**

[Criminal Appeal No. 16 of 2013](#)

*(Time in Custody)*

Mussenden Subair (L Mussenden) - Appellant  
DPP (C Clarke) - Respondent

**George Liburd v R**

[Criminal Appeal No. 15 of 2013](#)

*(Time in Custody)*

Mussenden Suabir (Larry Mussenden) – Appellant  
DPP (C Clarke)- Respondent

**Vernon Simons v R**

[Criminal Appeal No. 19 of 2013](#)

*(Time in Custody)*

Mussenden Subair (L Mussenden) - Appellant  
DPP (C Clarke) - Respondent

**Phillip Bradshaw v R**

[Criminal Appeal No. 22 of 2013](#)

*(Time in Custody)*

Mussenden Subair (L Mussenden) - Appellant  
DPP - Respondent

**Norris Simpson v R**

[Criminal Appeal No. 13 of 2013](#)

*(Conviction - Murder)*

Lion's Chambers (K Worrell) - Appellant  
DPP - Respondent

**Ramon Smith v R**

[Criminal Appeal No. 3 of 2014](#)

*(Sentence — Unlawful Carnal Knowledge)*

Christopher's (E Christopher) - Appellant  
DPP – Respondent

**Jonathan Cumberbatch v R**

[Criminal Appeal No. 2 of 2014](#)

*(Conviction/Sentence — Serious Sexual Assault/Exploitation)*

Mussenden Subair (L Mussenden) - Respondent  
DPP - Appellant