



The Court of Appeal for Bermuda

Ref. A/50

Wednesday, September 17, 2014

CIRCULAR NO: 8 of 2014

TO ALL COUNSEL

COURT OF APPEAL CALENDAR: 3rd November 2014 to 21st November 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 **Monday, 3 November, 2014** and will probably end on or about **Friday, 21 November, 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. **CRIMINAL APPEALS:** Appellants' Submissions and Authorities must be submitted to the Registry on or before **Wednesday, 15th October 2014**; the Respondents' Submissions and Authorities are to be submitted by close of business on **Friday, 24th October 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. **CRIMINAL & CIVIL APPEALS:** 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. Any filing on the day of the appeal hearing must be taken to Sessions House after being filed at the Registry at the direction of the Court of Appeal Officer.
8. **CIVIL APPEALS:** 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 and after the first Draft Calendar has been issued, 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
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Registrar of the Court



In The Court of Appeal for Bermuda

DRAFT CAUSE LIST- NOVEMBER 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 NOVEMBER 3, 2014 AND NOVEMBER 21, 2014!!
PLEASE KEEP YOUR CALENDARS FLEXIBLE!!!

CIVIL

Samporena Strategic Holdings Ltd v Huawei Tech Investments Co. Ltd. et al <i>(NOA against decision 14 February 2014) (1.5)</i> Isis Law Chambers (S. Froomkin, QC) - Appellant Cox Hallet Wilkinson (D. Kessaram) - Respondent	Civil Appeal No. 2 of 2014
Allison Thomas v Fort Knox. et al <i>(NOM for Leave to Appeal to the COA) (.5)</i> Marshall Diel & Myers (M. Diel) - Applicant Conyers Dill & Pearman (B. Adamson) - Respondent	Civil Appeal No. 10 of 2014
Kevin Derosa -v- CICB <i>(NOM for Leave to Appeal to the COA) (.5)</i> Mussenden SUBair (S. Subair) - Applicant Attorney-General's Chambers (W. Greenidge) - Respondent	Civil Appeal No. 14 of 2013
Flannery -v- Flannery <i>(NOM for Leave to Appeal to the COA) (.5)</i> Applicant in Person Marshall Diel & Myers (G. Marshall) - Respondent	Civil Appeal No. 9 & 12 of 2014
Calko v Calko <i>(NOM for Leave to Appeal to the COA) (.5)</i> Marshall Diel & Myers (A. Richards) - Applicant Cox Hallet Wilkinson (L. Charleston) – Respondent	Civil Appeal No. of 2014
A Barrister v BBC <i>(NOM for Leave to Appeal to the COA) (.5)</i> Applicant in Person **IN CAMERA**	Civil Appeal No. 15 of 2014
Trustee 1 et al v the Attorney-General et al <i>(NOM for Leave to Appeal to the PC) (.5)</i> Conyers Dill & Pearman (S. Pearman) - Applicant ASW Law Ltd (R. Attride-Stirling) – 2 nd Respondent Cox Hallet Wilkinson (D. Kessaram) – 3 rd Respondent	Civil Appeal No. 3 of 2014
Bermuda Hospitals Board v GeneAnne Woods-Forde <i>(NOM for Leave to Appeal to the PC) (.5)</i> Appleby Bermuda (H. Tucker) - Applicant Wakefield Quin (P Sanderson) - Respondent	Civil Appeal No. 17 of 2013
MFP-2000, LP v Viking Capital Ltd & Mlsa Investments Ltd <i>(NOM for Leave to Appeal to the PC) (.5)</i> Trott & Duncan (D. Duncan/N. Tovey) - Applicant Conyers Dill & Pearman (N Hargun) – Respondent	Civil Appeal No. 1 of 2014
CRIMINAL	
Dameko Dublin v R <i>(Conviction/Sentence – Handling a Firearm – Greaves, J)</i> Mussenden Subair (L Mussenden) - Appellant DPP - Respondent	Criminal Appeal No. 6/6A of 2013
Delroy Duncan v R <i>(Conviction/Sentence – Conspiracy to Import/Importation – Kawaley, CJ)</i> Charter Chambers Bermuda (M. Daniels) - Appellant DPP - Respondent	Criminal Appeal No. 4 of 2013
Craig Damien Hatherley & Lorenzo Lottimore v R <i>(Conviction/Sentence – Conspiracy to Import – Simmons, J)</i> Mussenden Subair (L. Mussenden) – Hatherley Compass Law Chambers (C. Richardson) - Lottimore DPP – Respondent	Criminal Appeal Nos. 12 of 2012 & 1 of 2013
Jamar Dill v R <i>(Conviction/Sentence – Robbery – Greaves, J)</i> Lions Chambers (K. Worrell) - Appellant DPP - Respondent	Criminal Appeal No. 7 of 2013
Natalie Simpson v R <i>(Sentence – Unlawful Wounding – Simmons, J)</i> Charter Chambers (M Daniels) - Appellant DPP - Respondent	Criminal Appeal No. 7 of 2014
Jomar Caines v R <i>(Sentence – Sexual Exploitation of a Young Person, et al – Simmons, J)</i> Mussenden Subair (L. Mussenden) - Appellant DPP - Respondent	Criminal Appeal No. 17 of 2013
R v Winston Burgess <i>(Sentence – Conspiracy to Supply – Simmons, J)</i> DPP - Appellant Charter Chambers (M. Daniels) - Respondent	Criminal Appeal No. 24 of 2013
John Wardman v R v John Wardman <i>(Conviction/Sentence – Causing GBH while Driving under the Influence, et al – Simmons, J)</i> Charter Chambers (M. Daniels) – Appellant/Respondent DPP – Respondent/Appellant	Criminal Appeal No. 24 of 2013

RESERVES

Norris Simpson v R

(Conviction - Murder)

Lion's Chambers (K Worrell) - Appellant

DPP - Respondent

Criminal Appeal No. 13 of 2013

R v Jahkeil Samuels et al

(Acquittal – Attempted Murder, et al – Hellman, J)

DPP – Appellant

Charter Chambers Bermuda (M. Daniels) - Samuels

Christopher's (E. Christopher) – Saltus

Criminal Appeal Nos. 21/21A & 23 of 2013

C. Craig Attridge – Burchall

Compass Law Chambers (C. Richardson) - Vanderpool
