



The Court of Appeal for Bermuda

Ref. A/50

Monday, 18th January 2016

CIRCULAR NO: 2 of 2016

TO ALL COUNSEL

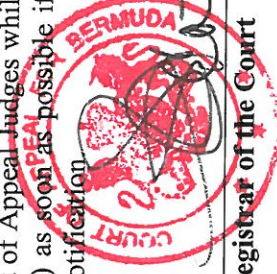
COURT OF APPEAL CALENDAR: 29th February 2016 to 18th March 2016 SESSION

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 any appeal on the "Reserve List" as other appeals may collapse. Kindly note Item 8 as it refers to reducing needless duplication of authorities.

REMINDER: The last day in the March Session (18th March) will be reserved for directions on Criminal appeals and any outstanding Civil appeals. Mark your calendars now.

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, 29th February 2016** and will probably end on or about **Friday, 18th March 2016**. 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. Submission dates were provided by the Court to counsel at the Review/Directions Hearing in the November 2015 Session. Please adhere to these Directions.
6. **IF A DATE HAS NOT BE GIVEN TO FILE SUBMISSIONS BY EITHER THE COURT OR THE REGISTRAR:** Appellants' Submissions and Authorities must be submitted to the Registry on or before **Wednesday, 10th February 2016**; the Respondents' Submissions and Authorities are to be submitted by close of business on **Friday, 19th February 2016**. 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 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. Once an appeal is listed, please rectify your calendars of any conflicting cases in any and all of 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, Appellant(s) 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 2016

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 FEBRUARY 29TH, 2016 AND MARCH 18, 2016!!
PLEASE KEEP YOUR CALENDARS FLEXIBLE!!!

CIVIL

Corporation of Hamilton -v- The Attorney General et al
(NOA against the decision of Kawaley CJ on 5 November 2014) (1)
MDM (M Diel) - Appellant
AGC (G Howard) - Respondent
SC (C Foley) – Intervener

Civil Appeal No. 21 of 2014

The Attorney General et al -v- Leighton Griffiths
(NOA against the decision of Kawaley CJ on 13 August 2015) (1)
AGC (S Dill) - Appellant
J2 Chambers (E Johnston) - Respondent

Civil Appeal No. 16 of 2015

Minister of Home Affairs et al -v- Melvern Williams
(NOA against the decision of Kawaley CJ on 15 July 2015) (1)
AGC (P Perinchief) - Appellant
WQ (P Sanderson) - Respondent

Civil Appeal No. 15 of 2015

Tinee Harvey -v- Dennika Warren
(NOA against the decision of Kawaley CJ on 22 June 2015) (1)
CHW (C Rothwell) - Appellant
WQ (J Pachai) - Respondent

Civil Appeal No. 13 of 2015

Colonial Insurance Co. Ltd -v- Kate Thomson et al
(NOA against the decision of Kawaley CJ on 22 June 2015) (1)
CHW (C Rothwell) - Appellant
Canterbury Law (P Harshaw) - Respondent

Civil Appeal No. 14 of 2015

CRIMINAL

Wolde Gardner v R
(Conviction – Premeditated Murder et al – Greaves, J) (1.5)
WQ (R Horseman) - Appellant
DPP - Respondent

Criminal Appeal No. 12 of 2014

George Darrin Virgil v R
(Conviction – Conspiracy to Import – Greaves, J) (1)
MS (L Mussenden) - Appellant
DPP - Respondent

Criminal Appeal No. 2 of 2015

R v Umdae Woolridge
(Sentence – Aggravated Burglary, et al – Simmons, J) (.5)
DPP - Appellant
C Craig Attridge - Respondent

Criminal Appeal No. 12 of 2015

Tariq Clarke v R
(Sentence – Aggravated Burglary, et al – Simmons, J) (.5)
Compass Law Chambers (C Richardson) – Appellant
DPP – Respondent

Criminal Appeal No. 8 of 2015

Julian Washington v R
(Conviction/Sentence – Premeditated Murder et al – Greaves, J) (1.5)
MG (M Daniels) - Appellant
DPP - Respondent

Criminal Appeal No. 8 of 2014

Devon Hewey & Jay Dill v R
(Conviction/Sentence – Premeditated Murder et al – Greaves, J) (2)
Christopher's (S Mulligan) – 1st Appellant
MG (M Daniels) – 2nd Appellant
DPP – Respondent

Criminal Appeals Nos. 9 & 11 of 2013

Joeshun Russell v R
(Sentence – Burglary, et al – Greaves, J) (.5)
Karios Philanthropy (A Cassidy) – Appellant
DPP – Respondent

Criminal Appeal No. 9 of 2015

Norris Simpson v R
(Conviction – Murder – Simmons, J) (1)
Smith Bean & Co (S Smith-Bean) - Appellant
DPP - Respondent

Criminal Appeal No. 13 of 2013

REVIEW/DIRECTIONS

Christoph Duerr & Le-Veck Roberts v R

(Conviction/Sentence – Premeditated Murder, et al – Greaves, J)

MS (L Mussenden) – 1st Appellant

Compass Law Chambers (C Richardson) – 2nd Appellant

DPP - Respondent

Criminal Appeals Nos. 3 & 4 of 2015

Woide Gardner v R

(Conviction – Premeditated Murder – Simmons, J)

WQ (R Horseman) – Appellant

DPP – Respondent

Criminal Appeal No. 6 of 2015

Jahkeo Leshore & Darrion Simons v R

(Conviction – Premeditated Murder – Simmons, J)

Compass Law Chambers (C Richardson) – 1st Appellant

Christopher's (E Christopher) – 2nd Appellant

DPP - Respondent

Criminal Appeals Nos. 15 & 16 of 2014

Shannon Lawrence v R

(Conviction/Sentence – Sexual Exploitation, et al – Greaves, J)

MG (M Daniels) - Appellant

DPP - Respondent

Criminal Appeal No. 13 of 2015

Javon Weeks v R

(Conviction – Wounding w/Intent, Bladed Article – Greaves, J)

C Craig Attridge - Appellant

DPP - Respondent

Criminal Appeal No. 11 of 2015

Kiahna Trott-Edwards v R v Kiahna Trott-Edwards

(Conviction/Sentence – Murder – Simmons, J)

Browne Scott (C Griffiths QC & M Scott) – Trott-Edwards

DPP – The Crown

Criminal Appeals Nos. 14 & 20 of 2015