

**IN THE CARIBBEAN COURT OF JUSTICE
Appellate Jurisdiction**

ON APPEAL FROM THE COURT OF APPEAL OF BARBADOS

**CCJ Application No AL 11 of 2010
BB Civil Appeal No 18 of 2007**

BETWEEN

JOHN WAYNE SCANTLEBURY

INTENDED APPELLANT/APPLICANT

AND

**THE ATTORNEY GENERAL
CLYDE NICHOLLS**

**FIRST RESPONDENT
SECOND RESPONDENT**

Before The Honourables:

**Mr Justice Nelson
Mr Justice Saunders
Mr Justice Wit
Mr Justice Hayton
Mr Justice Anderson**

Appearances

Mr Hal Gollop for the Intended Appellant/Applicant

Mr Leslie Haynes QC with Ms Donna Brathwaite and Mr McWatt for the First Respondent

Ms Roslind Jordan for the Second Respondent

JUDGMENT

of

The Honourable Justices Nelson, Saunders, Wit, Hayton and Anderson

Delivered by

The Honourable Mr Justice Adrian Saunders

on the 17th day of February, 2011

[1] The applications of John Wayne Scantlebury (“the Applicant”) for a) an extension of time within which to seek special leave to appeal to this Court, b) special leave to appeal and c) leave to appeal to this Court as a poor person, were heard by us via audio conference on 28th January, 2011. These applications were heard simultaneously with identical applications of Sean Gaskin and Frederick Christopher Hawkesworth. All three men had been arrested in May, 2004 in connection with extradition proceedings initiated by the Government of the United States of America.

[2] The underlying issues giving rise to the litigation before this Court, the course taken by that litigation and the submissions advanced by each of the men to this Court were in all instances the same. We dismissed each of their applications immediately after receiving the oral submissions of counsel. We undertook then to give in due course written reasons for our decision. In light of the reasons we have given in the case of Sean Gaskin¹ it is unnecessary for us to go over the same ground in this judgment. It suffices to say that the reasoning we applied in the case of Gaskin is also applicable in every material respect to the Applicant and in all the circumstances we had no choice but to dismiss this application and to order costs to the Respondents.

/s/

The Hon. Mr. Justice Rolston Nelson

/s/

The Hon. Mr. Justice A. Saunders

/s/

The Hon. Mr. Justice Wit

/s/

The Hon. Mr. Justice D. Hayton

/s/

The Hon. Mr. Justice W. Anderson

¹ [2011] CCJ 1 (AJ)