

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
STATUS HEARING

COMMONWEALTH OF DOMINICA
VIDEOCONFERENCE
Monday 2nd DECEMBER 2024

Case Name: Pamela Green-Lander

V

Andrew Green
Arnold Green

[DOMHCVAP2014/0023]

Date: Monday 2nd December 2024

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: No appearance

Issues: The status of the matter

Type of Order: Adjournment

Result/Order: IT IS HEREBY ORDERED THAT:

1. The matter is adjourned to the next status hearing of the court of appeal for the Commonwealth of Dominica scheduled for 31st March 2025 to allow the parties to give an update on the progress of the matter.

2. The Registrar of the High Court shall serve a copy of this order on the parties and shall provide proof of service thereafter.

Reason: There was no appearance by or on behalf of either party therefore the matter was adjourned to allow the parties to give an update on the progress of the matter.

Case Name: Derwin Melrose Peltier
V
Jacinter Peltier nee Jno. Lewis
[DOMHCVAP2019/0001]

Date: Monday 2nd December 2024

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In Person

Respondent: Mr. Jeffrey Douglas-Murdock holding papers for Ms. Heather Felix-Evans

Issues: The status of the matter

Type of Order: Adjournment

Result/Order: IT IS HEREBY ORDERED THAT:

1. The matter is adjourned to the next status hearing of the court of appeal for the Commonwealth of Dominica scheduled for 31st March 2025 for the appellant to retain legal counsel and make a decision as to whether he is still interested in prosecuting the appeal.

2. The registrar of the High Court shall serve a copy of this order on the parties and provide proof of service thereafter.

Reason:

The appellant requested an adjournment to allow him to retain counsel and to evaluate whether he should still pursue this appeal. The respondent had no objection to the request. Accordingly, the matter was adjourned to the next status hearing.

Case Name:

1. John Augustine
2. Mitch Augustine
v

Damien Joseph Thomas
[DOMHCVAP2019/0002]

Date:

Monday 2nd December 2024

Before

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants: Ms. Shanice Henry holding papers for Ms. Singoalla Blomqvist-Williams

Respondent: In Person

Issues:

The status of the matter

Type of Order:

Adjournment

Result/Order:

1. The matter is adjourned to the next status hearing of the court of appeal for the Commonwealth of Dominica scheduled for

31st March 2025, unless a Notice of Discontinuance is sooner filed.

- 2. The Registrar of the High Court shall serve a copy of this order on the respondent and shall provide proof of service thereafter**

Reason:

The court noted that this is the third time that this matter has come up for hearing and that on each occasion counsel has indicated that a notice of discontinuance would be filed yet no such filing has been made. Counsel for the appellant assured the court that the notice of discontinuance would be filed. The respondent was unsure as to the status of this matter nor could he recall being served.

Case Name:

Jennifer Hooper nee Magloire

v

Phyllis Jayne Magloire

[DOMHCVAP2021/0002]

Date:

Monday 2nd December 2024

Before

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms Jilane–Milani Prevost

Respondent: No appearance

Issues:

The status of the matter

Type of Order:

Adjournment

Result/Order:

IT IS HEREBY ORDERED THAT:

The matter is adjourned to the next status hearing of the court of appeal for the Commonwealth of Dominica scheduled for 31st March 2025 to allow counsel for the appellant to make contact with the appellant to inquire about her interest in the prosecution of the appeal and to provide proof of service of the Notice of appeal on the respondent

Reason:

Counsel for the appellant has not filed a request to be removed from the record, as she was waiting to see if new counsel would take over the case. Since this has not happened, and she has had no contact with the appellant for the past 2 years, she made a final request for an adjournment to investigate the matter further and attempt to contact the appellant regarding the appeal. Additionally, counsel was not certain whether the respondent was properly served. Accordingly, the matter was adjourned to the next status hearing to allow counsel for the appellant to take the appropriate steps in the circumstances.

Case Name:

**1. Patrick Simeon
2. Franklyn Browne
v**

**1. Financial Secretary
2. The Public Service Commission**

[DOMHCVAP2022/0003]

Date:

Monday 2nd December 2024

Before

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Ms. Dawn Yearwood-Stewart

Respondent: Ms. Tameka Burton

Issues: The status of the matter

Type of Order: Adjournment

Result/Order: IT IS HEREBY ORDERED THAT:

The matter is adjourned to the next status hearing of the court of appeal for the Commonwealth of Dominica scheduled for 31st March 2025 to allow for the completion of the formatting of the notes of evidence in the court below.

Reason: The notes of evidence were passed on to a transcriptionist for formatting, however this has not been completed. Accordingly, the matter was adjourned to the next status hearing for the formatting of the notes of evidence to be completed.

Case Name: Dexter Ducreay
v
Gifford Charles
[DOMHCVAP2021/0001]

Date: Monday 2nd December 2024

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Francine Baron

Respondents: Mr. David Bruney

Issues: The status of the matter

Type of Order: Directions

Result/Order: IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall inform the parties of the unavailability of the transcript of proceedings and the judge's notes of evidence in the court below, on or before 20th December 2024.
2. The matter is adjourned to the next status hearing of the court of appeal for the Commonwealth of Dominica scheduled for 31st March 2025 to allow the parties to hold discussions indicate how they intend to proceed with the appeal.

Reason: The Court noted that counsel for the appellant has been recently retained. Further the Court noted that the High Court has not informed the parties of the unavailability of the transcript of proceedings and the judge's notes of evidence. The court indicated that the best course of action would be for the parties to engage in interim discussions on how they intend to proceed, as the appellant remains interested in prosecuting the appeal.

Case Name:

**Avandale Robinson Griffith
Marvelene Griffith
v
The Bank of Nova Scotia
Ascendancy Caribbean Ltd.**

Date: Monday 2nd December 2024

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	Mr. David Bruney
Respondent:	Ms. Noelize Knight-Didier for 2nd Respondent There is no appearance of the 1st respondent who is the Bank of Nova Scotia and no longer operates in the island

Issues: The status of the matter

Type of Order: Adjournment

Result/Order: IT IS HEREBY ORDERED THAT:

Upon noting the indication from counsel that the 1st appellant Avandale Robinson Griffith is deceased, the matter is removed from the status hearing list until the Court has been notified that a personal representative has been appointed.

Reason:

The court noted that paragraph 2 of the order made on 27th May 2024 has not been complied i.e. 'the parties did not indicate to the court in writing their position in relation to the unavailability of the transcript on or before 5th July 2024'.

Counsel for the appellant informed the Court that the first appellant had recently passed away. Counsel has asked the second appellant, the first appellant's wife, to come to Chambers for discussions on the way forward, which are expected

to take place once the burial is complete. Counsel therefore requested an adjournment to allow for these discussions. The respondent raised no objection to the request for adjournment.

Case Name: **Public Works Corporation**
Elton Darwton
v
Matthew Nelson
[DOMHCVAP2021/0003]

Date: **Monday 2nd December 2024**

Before **Mrs. Michelle John-Theobalds, Chief Registrar**

Appearances:
Appellants: **Mrs. Lisa De Freitas**
Respondent: **Ms Janae Jackson holding papers for Ms. Cara Shillingford Marsh**

Issues: **The status of the matter**

Type of Order: **Directions**

Result/Order: **The matter is adjourned to the next status hearing of the court of appeal for the Commonwealth of Dominica scheduled for 31st March 2025, unless Notices of Discontinuance have been filed by the parties.**

Reason: **The parties were informed of the unavailability of the audio recordings and transcript from the Court below but were provided with a copy of the Master's**

notes of evidence by letter dated 29th May 2024. However, the parties are currently in discussions and have agreed on a course of action, which involves each filing a Notice of Discontinuance, (a counter appeal having been filed.)

Case Name: **Mable M. Joseph**
v
1. The Attorney General
2. The Director of Public Prosecutions
3. Romaine Rivierre
[DOMHCVAP2012/0020]

Date: **Monday 2nd December 2024**

Before **Mrs. Michelle John-Theobalds, Chief Registrar**

Appearances:
Appellants: **Ms. Zena Moore-Dyer holding papers for Mrs. Gina Dyer Munroe**
Respondent: **Ms Tameka Burton**

Issues: **The status of the matter**

Type of Order: **Directions**

Result/Order: **IT IS HEREBY ORDERED THAT:**

Upon noting the indication from counsel that the appellant Mable M. Joseph is deceased, the matter is removed from the status hearing list until the Court has been notified that a personal representative has been appointed.

Reason: The appellant is deceased, and a representative party has not been appointed.

Case Name: Presley Boyd

V
1. The Attorney General
2. The Chief of Police
[DOMHCVAP2021/1004]

Date: Monday 2nd December 2024

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants: Mr. David Bruney
Respondent: Ms. Tameka Burton

Issues: The status of the matter

Type of Order: Directions

Result/Order: IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall inform the parties of the unavailability of the transcript of proceedings in the court below on or before 20th December 2024.
2. The matter is adjourned to the next status hearing of the Court of Appeal for the Commonwealth of Dominica scheduled for 31st March 2025 to allow the Registrar of the High Court to inquire about and accordingly

inform the parties of the availability of the judge's notes of evidence in the court below.

Reason: The transcript and the recording is unavailable. On 12th October 2022, the appellant requested the transcript from the High Court but has not received a response. The court office has been asked to notify the parties about the unavailability of the transcript. Additionally, the court office will inquire with the judge regarding the status of notes of evidence.

Case Name: Paul Joseph
v
Bank of Nova Scotia
[DOMHCVAP2014/0017]

Date: Monday 2nd December 2024

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Mr. David Bruney
Respondent: Mr. Kondwani Williams

Issues: The status of the matter

Type of Order: Adjournment

Result/Order: IT IS HEREBY ORDERED THAT:

The matter is adjourned to the next status hearing of the Court of appeal for the Commonwealth of Dominica scheduled for 31st March 2025 to allow the

parties to hold discussions on the notes of evidence in the court below in an attempt to agree to the same.

Reason:

The respondent no longer operates in the Commonwealth of Dominica. Counsel has reached out to the head office in Canada but without any success.

The appellant has prepared notes of evidence to be agreed by the respondent. Counsel can get this across to the respondent by the end of the week to allow the matter to progress. The respondent agreed to holding discussions to agree the notes of evidence.

Case Name:

**Asher James
v
The State
[DOMHCRAP2016/0005]**

Date:

Monday 2nd December 2024

Before

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Geoffrey Letang

Respondent: Ms. Daina Matthew

Issues:

The status of the matter

Type of Order:

Adjournment

Result/Order:

IT IS HEREBY ORDERED THAT:

The matter is adjourned to the next status hearing of the Court of Appeal for the Commonwealth of Dominica scheduled for 31st March 2025 to allow the appellant to make the necessary arrangements to pay for the transcript of proceedings in the court below, notice having been given of its availability on 3rd May 2022.

Reason:

The transcript is complete and available. The parties were informed of its availability on May 3, 2022. However, the fees required to collect it have not yet been paid. Counsel for the appellant stated that the appellant's family is attempting to raise the necessary funds, as the cost of obtaining the transcript is quite high. Counsel is requesting an adjournment to allow time for this.

The respondent did not object to the request for the adjournment. The court reminded counsel that if the issue is financial, there are applications that can be made to address this matter.

Case Name:

**Uranus Carbon
v
The State
[DOMHCRAP2014/0007]**

Date:

Monday 2nd December 2024

Before

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person
Respondent: Ms. Daina Matthew

Issues: The status of the matter

Type of Order: Adjournment

Result/Order: IT IS HEREBY ORDERED THAT:
1. The matter is adjourned to the next status hearing of the Court of Appeal for the Commonwealth of Dominica scheduled for 31st March 2025 to allow the respondent to file and serve the necessary submissions in relation to the progress of the appeal.
2. The Registrar of the High Court shall serve a copy of this order on the appellant and shall provide proof of service thereafter.

Reason: Counsel for the respondent informed that they intend to file the submissions ahead of the next Court of Appeal Sitting recommending a certain course of action to the court.

Case Name: Francoise Williams Robin
v
The Police
[DOMMCRAP2016/0011]

Date: Monday 2nd December 2024

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Kondwani Williams

Respondents: Ms. Daina Matthew

Issues: The status of the matter

Type of Order: Directions

Result/Order: IT IS HEREBY ORDERED THAT:

1. The appellant shall file and serve written submissions with authorities on or before 31st January 2025.
2. The respondent shall file and serve written submissions with authorities on or before 28th February 2025.
3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 14th March 2025.
4. This appeal will be heard together with DOMMCRAP2016/0010.
5. This appeal will be listed for hearing at a Court of Appeal sitting for the Commonwealth of Dominica, on a date to be fixed by the Chief Registrar on the matter being ready for hearing.

Reason: The Record of Appeal is available and appears to be complete.

Case Name: Lennox Robin
v
The Police
[DOMMCRAP2022/0010]

Date: Monday 2nd December 2024

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Kondwani Williams

Respondent: Ms. Daina Matthew

Issues:

The status of the matter

Type of Order:

Adjournment

Result/Order:

IT IS HEREBY ORDERED THAT:

1. The appellant shall file and serve written submissions with authorities on or before 31st January 2025.
2. The respondent shall file and serve written submissions with authorities on or before 28th February 2025.
3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 14th March 2025.
4. This appeal will be heard together with DOMMCRAP2016/0011.
5. This appeal will be listed for hearing at a Court of Appeal sitting for the Commonwealth of Dominica, on a date to be fixed by the Chief Registrar on the matter being ready for hearing.

Reason:

The Record of Appeal is available and complete.

Case Name:

**Addison Matthew
v
The Police
[DOMMCRAP2022/0006]**

Date: Monday 2nd December 2024

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	Ms. Zena Moore Dyer holding papers for Ms. Gina Dyer-Munro
Respondent:	Ms. Daina Matthew

Issues: The status of the matter

Type of Order: Adjournment

Result/Order: IT IS HEREBY ORDERED THAT:

The matter is adjourned to the next status hearing of the court for the Commonwealth of Dominica scheduled for 31st March 2025 to allow the appellant to make an application in relation to the failure of the magistrate to provide written reasons in this matter.

Reason:

The reasons for sentencing have not been included in the Record of Appeal. It appears that the magistrate has left the bench, and no reasons for the sentence were provided. During the last hearing, counsel for the appellant indicated an intention to make an application to the court regarding this matter, but this has not yet been done. Counsel requested another adjournment to make the application. The respondent had no objection to the adjournment.

Case Name:

Jones Samson Telemaque
v
The Police

Date: Monday 2nd December 2024

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Kathy Buffong Royer

Respondent: Ms. Daina Matthew

Issues: The status of the matter

Type of Order: Directions

Result/Order: IT IS HEREBY ORDERED THAT:

1. Upon noting that the reasons for the decision have not been forthcoming in this matter, the respondent shall file and serve written submissions in relation to their position on this issue on or before 31st January 2025.
2. The appellant shall file and serve written submissions with authorities in reply, if necessary, on or before 21st February 2025.
3. The matter shall thereafter be listed for hearing at a Court of Appeal sitting for the Commonwealth of Dominica, on a date to be fixed by the Chief Registrar upon the receipt of such submissions.

Reason: The reasons for sentencing have not been included in the Record of Appeal. There is a note that the magistrate has left the bench and no reasons for sentence were given.

Case Name:

**John Hillman Julien
V
The Police
[DOMMCRAP2022/0011]**

Date:

Monday 2nd December 2024

Before

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Wayne Norde

Respondent:

Ms. Daina Matthew

Issues:

The status of the matter

Type of Order:

Directions

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The appellant shall file and serve written submissions with authorities on or before 31st January 2025.**
- 2. The respondent shall file and serve written submissions with authorities on or before 28th February 2025.**
- 3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 14th March 2025.**
- 4. This appeal will be listed for hearing at a Court of Appeal sitting for the Commonwealth of Dominica, on a date to be fixed by the Chief Registrar on the matter being ready for hearing.**

Reason: The Record of Appeal was uploaded on the E-Litigation Portal on 2nd December 2024. Counsel informed that it appeared to be in order.

Case Name: Thembar Hinds
V
The Police
[DOMMCRAP2022/0003]

Date: Monday 2nd December 2024

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: Ms. Daina Matthew, DPP

Issues: The status of the matter

Type of Order: Adjournment

Result/Order: IT IS HEREBY ORDERED THAT:

1. Upon noting that the appellant has not taken the necessary steps to progress the appeal, the matter is adjourned to the next status hearing of the court for the Commonwealth of Dominica scheduled for 31st March 2025 for the appellant to indicate whether he is still interested in prosecuting the appeal.
2. The Registrar of the High Court shall serve a copy of this order on the appellant and shall provide proof of service thereafter.

Reason: On the previous occasion, the counsel for the appellant informed the court of their intention to file two statements: one from a witness and the other from the appellant, in addition to written submissions. However, neither the appellant nor their counsel was present to provide an update on the matter.

Case Name: Linden Nareen Lewis
V
The Police
[DOMMCRAP2013/0039]

Date: Monday 2nd December 2024

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Mrs. Zena Moore-Dyer
Respondent: Ms. Daina Matthew

Issues: The status of the matter

Type of Order: Adjournment

Result/Order: IT IS HEREBY ORDERED THAT:

1. Upon noting that the court's file has been destroyed and that the parties are unable to reconstruct the same, the respondent shall file and serve written submissions in relation to their position on this issue on or before 21st February 2025.

2. The appellant shall file and serve written submissions with authorities in reply, if necessary, on or before 7th March 2025.
3. The matter shall thereafter be listed for hearing at a Court of Appeal sitting for the Commonwealth of Dominica, on a date to be fixed by the Chief Registrar upon the receipt of such submissions.

Reason:

The file in the lower court was destroyed during Hurricane Maria, and the parties are unable to reconstruct it. During the last hearing, the respondent's counsel requested more time to submit recommendations for a proposed course of action. However, these submissions have not yet been filed. As a result, the respondent asked for additional time to file them before the next hearing. The appellant raised no objection to this request.

Case Name:

**Crawford Williams
v
The Police
[DOMMCRAP2021/1001]**

Date:

Monday 2nd December 2024

Before

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	Mr. Julien Prevost
Respondent:	Ms. Daina Matthew

Issues:

The status of the matter

Type of Order:

Directions

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The appellant shall file and serve written submissions with authorities on or before 31st January 2025.**
- 2. The respondent shall file and serve written submissions with authorities on or before 7th March 2025.**
- 3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 21st March 2025.**
- 4. This appeal will be listed for hearing at a Court of Appeal sitting for the Commonwealth of Dominica, on a date to be fixed by the Chief Registrar on the matter being ready for hearing.**

Reason:

The appellant was not present due to illness. The Record of Appeal is complete.

Case Name:

Chris Boston

v

The Police

[DOMMCRAP2022/0004]

Date:

Monday 2nd December 2024

Before

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Wayne Norde

Respondent:

Ms. Daina Matthew

Issues: The status of the matter

Type of Order: Directions

Result/Order: IT IS HEREBY ORDERED THAT:

1. Upon noting the indication from counsel for the appellant that the appellant no longer wishes to prosecute the appeal, the appellant shall take the necessary steps to file a Notice of Abandonment in accordance with section 59(1), Court of Appeal Rules 1968.
2. If paragraph 1 of the order is not complied with, the matter shall be listed for the next status hearing of the court of appeal for the Commonwealth of Dominica scheduled for 31st March 2024.

Reason: The Court noted that the appellant intends to file a notice of abandonment in this matter on or before 4th December 2024 and accordingly granted time to do so.

Case Name: Daryl Samuel
v
The Police
[DOMMCVAP2022/0008]

Date: Monday 2nd December 2024

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Wayne Norde
Respondent: Ms. Daina Matthew

Issues: The status of the matter

Type of Order: Directions

Result/Order: IT IS HEREBY ORDERED THAT:

1. The appellant shall file and serve written submissions with authorities on or before 13th December 2024.
2. The respondent shall file and serve written submissions with authorities on or before 24th January 2025.
3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 7th February 2025.
4. This appeal will be listed for hearing at a Court of Appeal sitting for the Commonwealth of Dominica, on a date to be fixed by the Chief Registrar on the matter being ready for hearing.

Reason: The appellant indicated that he intends to file written submissions by 3rd December 2024.

Case Name: Isaline Carbon
V
Lestrade Lamouthe
[DOMMCVAP2020/0003]

Date: Monday 2nd December 2024

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: No appearance

Issues:

The status of the matter

Type of Order:

N/A

Result/Order:

IT IS HEREBY ORDERED THAT:

Upon noting that the respondent Lestrade Lamouthe is deceased, the matter is removed from the status hearing list until the court has been notified that a personal representative has been appointed for the respondent.

Reason:

Mr. Lestrade Lamothe, the respondent is deceased, enquiries have been made to determine if a representative of the estate would like to proceed with the matter however a representative for the respondent has not been located/served.

Case Name:

**Murphy George
V
Winston Warrington
[DOMMCVAP2019/0005]**

Date:

Monday 2nd December 2024

Before

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: No appearance

Issues: The status of the matter

Type of Order: Adjournment

Result/Order: IT IS HEREBY ORDERED THAT:

1. Upon noting that the parties were served to be present at today's hearing but are not, the matter is adjourned to the next status hearing for the Court for the Commonwealth of Dominica scheduled for 31st March 2025.
2. The Registrar of the High Court shall serve a copy of this order on the parties and shall provide proof of service thereafter.

Reason: The parties are absent, although they were both served to be present.