

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
STATUS HEARING

ANTIGUA AND BARBUDA
VIDEOCONFERENCE
Monday, 23rd September 2024

Case Name: **Brit Syndicates Limited**

v

Ashley Hanley

[ANUHCVAP2024/0009]

Date: **Monday, 23rd September 2024**

Coram: **Mrs. Michelle John-Theobalds, Chief Registrar**

Appearances:

Applicant: **Mr. Kendrickson Kentish**

Respondent: **Ms. Sherrie-Ann Bradshaw holding a watching brief**

Issues: **Status of the Matter**

Type of Order: **Adjournment**

Result / Order:
IT IS HEREBY ORDERED THAT:

- 1. The application for leave to appeal filed on 29th February 2024 is adjourned to the next status hearing of the Court of Appeal for Antigua and**

Barbuda scheduled for 17th February 2025, for report, to allow the parties to engage in settlement discussions.

Reason: Counsel for the applicant indicated that the parties were attempting to resolve the issues in dispute through mediation and sought an adjournment pending the filing of a report from the outcome of mediation.

Case Name: Police Service Commission

v

Wendell Glenroy Robinson

[ANUHCVP2018/0037]

Date: Monday, 23rd September 2024

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Dr. David Dorsett
Respondent: In person

Issues: Status of the Matter

Type of Order: Adjournment

Result / Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The appellant shall take the necessary steps to request the transcript of proceedings in the

court below from the Registrar of the High Court on or before 30th September 2024.

2. The matter shall thereafter proceed in an accordance with the Civil Procedure Rules (Revised Edition) 2023.

Reason:

Counsel for the appellant indicated that the parties are awaiting a judgment from the court below in relation to another matter involving the parties which would have bearing on this matter, and requested that the matter be adjourned to the next Status Hearing. The respondent objected to this request and asked that the court give directions to progress the matter. Ultimately, the Court determined that the matter should proceed.

Case Name:

Carmen Antonio

v

Antigua Public Utilities Authority

[ANULTAP2018/0003]

Date:

Monday, 23rd September 2024

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Dr. David Dorsett

Respondent:

Mr. Kyle Nicholson holding papers for Ms. Michelle Sterling

Issues:

Status of the Matter

Type of Order:

Directions

Result / Order:

[Oral Delivery]

IT IS HEREBY ORDERED THAT:

- 1. The appellant shall take the necessary steps to collect the transcript of proceedings from the Registrar of the High Court, on or before 8th October 2024, notice having been given of its availability.**
- 2. The respondent shall inform the appellant of the documents they wish to be included in the record of appeal in accordance with rule 62.15(2) Civil Procedure Rules, (Revised Edition) 2023 on or before 22nd October 2024.**
- 3. The matter shall thereafter proceed in accordance with the Civil Procedure Rules (Revised Edition) 2023.**

Reason:

Counsel for the appellant indicated that he had only recently been retained and that he would take the necessary steps to obtain the transcript for the preparation of the record of appeal.

Case Name:

Shenett Jacobs

v

The Attorney General of Antigua and Barbuda

[ANUHCVP2018/0049]

Date:

Monday, 23rd September 2024

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: No appearance

Issues: Status of the Matter

Type of Order: Adjournment

Result / Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. Upon noting that there was no appearance of the parties, the matter is adjourned to the next status hearing of the court scheduled for 17th February 2025 for the appellant to be present to indicate whether she is still interested in prosecuting this appeal.
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 Court noted that there was no appearance by the parties and adjourned the matter to the next status hearing to allow the appellant to indicate whether she is still interested in prosecuting the appeal.

Case Name: Antigua Commercial Bank

v

Oliver Christian

[ANUHLTAP2020/0004]

Date: Monday, 23rd September 2024

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Kema Benjamin

Respondent: In person

Issues: Status of the Matter

Type of Order: Adjournment

Result / Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The matter is adjourned to the next status hearing of the court for the state of Antigua and Barbuda scheduled for 17th February 2025 to allow counsel for the appellant to take instructions in relation to the progress of the appeal and for the respondent to seek legal representation.
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 Court adjourned the matter to the next status hearing to allow counsel for the appellant to take further instructions and to allow the respondent to regularise his legal representation.

Case Name:

**[1] Flat Point Development Limited
[2] Emerald Cove Consortium Limited**

v

Fairlight Limited

[ANUHCVP2020/0040]

Date: Monday, 23rd September 2024

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants:	No appearance
Respondent:	No appearance

Issues: Status of the Matter

Type of Order: N/A

Result / Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The matter is removed from the court's list until the appellant shows proof of service of the notice of appeal filed on 11th December 2020 on the respondent.
2. The registrar shall serve a copy of this order on the appellant and provide proof of service thereafter.

Reason: The Court noted that it had not been provided with proof of service of the notice of appeal on the respondent and the matter was removed from the status hearing list pending receipt of such proof.

Case Name: Colin Murraine

v

The King

[ANUHCRA2020/0003]

Date: Monday, 23rd September 2024

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Lawrence Daniels

Respondent: Mrs. Shannon Jones-Gittens, DPP (Ag.)

Issues: Status of the Matter

Type of Order: Adjournment

Result / Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

The matter is adjourned to the next status hearing of the court of appeal for Antigua and Barbuda scheduled for 17th February 2025 to allow the appellant to take the necessary steps to make an application for the waiver of fees for the transcript of proceedings in the court below.

Reason: Counsel for the appellant indicated that he wished to make an application for a waiver of fees for the transcript and the matter was adjourned to allow him to do so.

Case Name: Errol Barnes

v

The King

[ANUHCRA2017/0003]

Date: Monday, 23rd September 2024

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Lawrence Daniels

Respondent: Mrs. Shannon Jones-Gittens, DPP (Ag.)

Issues: Status of the Matter

Type of Order: Directions

Result / Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The appellant shall file and serve written submissions with authorities on or before 20th November 2024.
2. The respondent shall file and serve written submissions with authorities on or before 17th January 2025.
3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 3rd February 2025.
4. The appeal will be listed for hearing at a Court of Appeal sitting for the State of Antigua and Barbuda, on a date to be fixed by the Chief Registrar on the matter being ready for hearing.

Reason: Counsel for the parties indicated that they were ready to receive directions to progress the appeal.

Case Name: Facundo Guerrero

v

The King

[ANUHCRA2018/0012]

Date: Monday, 23rd September 2024

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Wendel Alexander

Respondent: Mrs. Shannon Jones-Gittens, DPP (Ag.)

Issues: Status of the Matter

Type of Order: Directions

Result / Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The appellant shall file and serve written submissions with authorities on or before 6th December 2024.
2. The respondent shall file and serve written submissions with authorities on or before 31st January 2025.
3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 13th February 2025.

4. The appeal will be listed for hearing at a Court of Appeal sitting for the State of Antigua and Barbuda, on a date to be fixed by the Chief Registrar on the matter being ready for hearing.

Reason: Counsel for the appellant requested directions to allow the appeal to be heard at the next sitting of the Court of Appeal.

Case Name: Joseph Peters

v

The King

[ANUHCRA2018/0001]

Date: Monday, 23rd September 2024

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Wendel Alexander

Respondent: Mrs. Shannon Jones-Gittens, DPP (Ag.)

Issues: Status of the Matter

Type of Order: Directions

Result / Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The appellant shall file and serve written submissions with authorities on or before 6th December 2024.

2. The respondent shall file and serve written submissions with authorities on or before 31st January 2025.
3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 10th February 2025.
4. The appeal will be listed for hearing at the Court of Appeal sitting for the State of Antigua and Barbuda, during the week commencing 24th February 2025.
5. This is the final adjournment for the purpose of filing written submissions.

Reason: Counsel for the appellant requested that fresh directions be given for the filing of submissions.

Case Name: **Shelton Hunte**
v
The King
[ANUHCRA2018/0004]

Date: **Monday, 23rd September 2024**

Coram: **Mrs. Michelle John-Theobalds, Chief Registrar**

Appearances:

Appellant: **In person**

Respondent: **Mrs. Shannon Jones-Gittens, DPP (Ag.)**

Issues: **Status of the Matter**

Type of Order: N/A

Result / Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. Upon noting that the appellant has failed to comply with the order of Ellis JA dated 28th May 2024, the appellant shall complete and file a copy of the form set out in the Schedule to this Order on or before 8th October 2024.
2. The Registrar of the High Court shall assist the appellant in ensuring that the form is received from the appellant for filing.
3. The matter is removed from the status hearing list pending the hearing of the applications for a waiver of fees for the transcript of proceedings, advanced by Sandra Hunte the mother of appellant, filed on 21st September 2020; and the application for an extension of time to pay for the transcript of proceedings filed on 27th November 2020.

Reason: The Court noted that the appellant had failed to comply with a previous order of the Court and the matter was removed from the status hearing list to allow him to comply. The Form was attached as a Schedule to the order.

Case Name: Alex Joseph

v

**The Commissioner of Police
[ANUMCRAP2018/0003]**

Date: Monday, 23rd September 2024

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: No appearance

Respondent: No appearance

Issues: Status of the Matter

Type of Order: N/A

Result/Order: IT IS HEREBY ORDERED THAT:

1. The matter is removed from the court's list until the appellant shows proof of service of the notice of appeal filed on 14th June 2018 on the respondent.
2. The registrar shall serve a copy of this order on the appellant and provide proof of service thereafter.

Reason: The Court removed the matter from the status hearing list pending receipt of proof of service of the notice of appeal on the respondent.

Case Name: Marwan Chehadeh

V

The Commissioner of Police

[ANUMCRAP2019/0001]

Date: Monday, 23rd September 2024

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: No appearance

Issues: Status of the Matter

Type of Order: N/A

Result / Order: IT IS HEREBY ORDERED THAT:

1. The matter is removed from the status hearing list until the appellant provides proof of service of the Notice of appeal filed on 7th March 2019 on the respondent.
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: The Court noted that the notice of appeal had not been served on the respondent and the matter was removed from the list until such service is effected.

Case Name: Anderson Carty

v

Gentiste Christian

[ANUMCVAP2019/0005]

Date: Monday, 23rd September 2024

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person

Respondent: Mr. Arthur Bryan Thomas

Issues: **Status of the Matter**

Type of Order: **N/A**

Result / Order: **[Oral Delivery]**

IT IS HEREBY ORDERED THAT:

Upon noting the order of Blenman JA dated 22nd September 2020, whereby the application for an extension of time within which to appeal filed by the appellant on 23rd September 2019, was dismissed, there is no proper appeal before this court.

Reason: The Court noted that the application filed by the appellant for an extension of time within which to appeal was dismissed by the court. Therefore, there is no proper appeal before this Court. The matter was accordingly removed from the list.

Case Name: **Careem Bedminister**

v

[1] Arlene Simmons
[2] Damian Simmons

[ANUMCVAP2021/0001]

Date: **Monday, 23rd September 2024**

Coram: **Mrs. Michelle John-Theobalds, Chief Registrar**

Appearances:

Appellant: **Ms. Cherissa Roberts Thomas**

Respondents: **In person**

Issues:

Status of the Matter

Type of Order:

Adjournment

Result / Order:

[Oral Delivery]

IT IS HEREBY ORDERED THAT:

- 1. The Chief Magistrate shall provide the High Court Office with the Record of Appeal in this matter on or before 29th November, 2024, failing which an affidavit shall be provided stating the reason for non-compliance.**
- 2. The matter is adjourned to the next status hearing of the court of appeal for Antigua and Barbuda scheduled for 17th February 2025.**
- 3. The Registrar of the High Court shall serve a copy of this order on the respondents and shall provide proof of service thereafter.**

Reason:

Counsel for the appellant indicated that the parties have yet to receive the transcript and the written judgment from the Magistrate's Court. The matter was accordingly adjourned.

Case Name:

Kharim Baptiste

v

Narissa Browne

[ANUMCVAP2020/0002]

Date:

Monday, 23rd September 2024

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Kyrrah Carr

Respondent: Ms. Sherrie-Ann Bradshaw

Issues:

Status of the Matter

Type of Order:

Adjournment

Result / Order:

[Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The Director of the Family and Social Services Division in Antigua and Barbuda shall provide an affidavit giving an update on the status of the social inquiry reports for the appellant and the respondent on or before 17th January 2025.
2. The matter is adjourned to the next status hearing of the court of appeal for Antigua and Barbuda scheduled for 17th February 2025.
3. The Registrar of the High Court shall serve a copy of this order on The Director of Family and Social Services Division in Antigua and Barbuda and provide proof of service thereafter.

Reason:

Counsel for the parties indicated that they have still not received the social inquiry reports and the matter was adjourned to allow the Director of the Family and Social Services Division to provide an update.

Case Name:

**[1] Hakeem Joseph
[2] June Joseph**

v

Meryl Ferracho

[ANUMCVAP2019/0016]

Date: Monday, 23rd September 2024

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants: Dr. David Dorsett

Respondent: Ms. Kyrah Carr holding papers for Ms. Arnelle Michael

Issues: Status of the Matter

Type of Order: Directions

Result / Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The appellant shall file and serve written submissions with authorities on or before 15th November 2024.
2. The respondent shall file and serve written submissions with authorities on or before 16th December 2024.
3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 6th January 2025.
4. The appeal will be listed for hearing at a Court of Appeal sitting for the State of Antigua and Barbuda, on a date to be fixed by the Chief Registrar on the matter being ready for hearing.

Reason: Counsel for the parties indicated that they were ready to receive directions to progress the appeal.

Case Name:

Delvia Pierre

v

[1] Tywann Morris

[2] Tenjiah Morris

[ANUMCVAP2018/0004]

Date:

Monday, 23rd September 2024

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Ms. Eunica Anthony Victor

Respondent:

Mr. Kyle Nicholson

Issues:

Status of the Matter

Type of Order:

Adjournment

Result / Order:

[Oral Delivery]

IT IS HEREBY ORDERED THAT:

- 1. The Registrar of the High Court shall serve a copy of the Record of Appeal on the parties on or before 27th September 2024.**
- 2. The matter is adjourned to the next status hearing of the court of appeal for the state of Antigua and Barbuda scheduled for 17th February 2025.**

Reason:

The Court noted that it was necessary to make an order for service of the notice of appeal.