

**EASTERN CARIBBEAN SUPREME COURT**  
**COURT OF APPEAL**

**CHAMBER HEARING DIGEST**

**20<sup>th</sup> July 2023**

**MATTERS DEALT WITH ON PAPER**

**Before:** The Hon. Mr. Gerard St. C Farara, Justice of Appeal  
[Ag.]

**Case Name:** [1] Akeem Benjamin  
[2] Mark Mansoor  
[3] Martin Mansoor

**v**

[1] Novella Phillip  
[2] Wayne Phillip

[ANUHCVP2023/0014]  
(Antigua and Barbuda)

**Date:** Thursday, 20<sup>th</sup> July 2023

**On Paper:**

**Appearances:**

**Applicants:** Ms. C. Debra Burnette

**Issues:** Application for a stay of execution

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

1. The appellants shall serve the notice of appeal and the application for a stay of execution on the respondents at 1289 Nepperham Ave, 1<sup>st</sup> Floor, Yonkers, New York, USA, 10703 by courier or registered post and provide proof of such service within 21 days of the date of this order.
2. The consideration of the application for a stay of execution is adjourned to the next Chamber Sitting of this Court scheduled for 26<sup>th</sup> September 2023.

**Reason:**

The Court noted that the application for a stay of execution could not be determined until the respondents had been served with the application and the consideration of the matter was accordingly adjourned.

**Case Name:**

**Petrona Jno. Baptiste**

**v**

**Royer George**

**[DOMMCVAP2023/0002]  
(Commonwealth of Dominica)**

**Date:**

**Thursday, 20<sup>th</sup> July 2023**

**On Paper:**

**Appearances:**

**Applicant:**

**In person**

**Issues:**

**Application for an extension of time**

**Result/Order:**

**IT IS HEREBY ORDERED THAT:**

1. The applicant shall serve a copy of the application filed on 24th April 2023 together with the affidavit in support and other documents on the respondent within 14 days of the date of this order.
2. The applicant shall file and serve skeleton arguments with authorities in support of the application for an extension of time within which to appeal within 14 days of the date of this order.
3. The respondent is at liberty to file and serve skeleton arguments with authorities in response within 21 days of the date of this order.
4. The Registrar of the High Court shall serve a copy of this order on the applicant within 7 days of the date of this order.
5. The consideration of the application for an extension of time within which to appeal is adjourned to the next Chamber Sitting of this Court scheduled for 26th September 2023.

**Reason:**

The Court noted that the application for an extension of time had not been served and adjourned the consideration of the application pending service on the respondent.

**Case Name:**

**[1] Lennox Honore**

**[2] Tino Victor**

**v**

**[1] Hubert Alexander**

**[2] Marcel Coipel**

**[DOMMCVAP2019/0001]**

**(Commonwealth of Dominica)**

**Date:**

**Thursday, 20<sup>th</sup> July 2023**

**On Paper:**

**Appearances:**

**Applicants:**

**Mr. Bernard Wilthire**

**Issues:**

**Application for substitution of a party**

**Result/Order:**

**IT IS HEREBY ORDERED THAT:**

- 1. The application for Fama Honore also known as Sophie Honore, to be substituted as the appellant in the appeal in lieu of Lennox Honore, deceased is granted.**
- 2. Fama Honore also known as Sophie Honore shall act as the legal personal representative of the estate of Lennox Honore, deceased for the purposes of this appeal only.**
- 3. The applicants shall serve a copy of this order on Fama Honore also known as Sophie Honore within 14 days of the date of this order.**
- 4. The appeal shall proceed in accordance with the Civil Procedure Rules 2000 and the appellant shall be “Fama Honore also known as Sophie Honore, Legal personal representative of the estate of Lennox Honore”.**

**Reason:**

**The Court was satisfied that Fama Honore, also known as Sophie Honore, the wife of the deceased, ought to be appointed as the legal personal representative of the estate of Lennox Honore for the purposes of furthering this appeal.**

**Case Name:**

**Penelope Beaumont  
(In Her Capacity as Administratrix of The  
Estate of Martin Beaumont, Deceased)**

**v**

**Michael Radix**

**[GDAHCVAP2019/0014]  
(Grenada)**

**Date:** Thursday, 20<sup>th</sup> July 2023

**On Paper:**

**Appearances:**

**Applicant:** Ms. Aloytha Thomas

**Issues:** Application for appointment of a legal personal representative – Application for notes to be adopted as transcript

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

The application filed on 6th April 2023 shall be set down for hearing before the Full Court on a date to be fixed by the Chief Registrar.

**Reason:** The Court noted that the issues raised in the application required ventilation before the Full Court.

**Case Name:** Shad David

**v**

**The King**

**[GDAHCRAP2023/0007]  
(Grenada)**

**Date:** Thursday, 20<sup>th</sup> July 2023

**On Paper:**

**Appearances:** **Applicants:** In person

**Issues:** Application for leave to appeal against conviction and sentence – Application for extension of time

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

1. The application for an extension of the time within which to appeal is granted.
2. The application for leave to appeal against conviction and sentence is granted.
3. The application filed on 21st April 2023 is deemed to be the notice of appeal.
4. The Registrar of the High Court shall serve a copy of this order on the applicant and the Director of Public Prosecutions and provide proof of service within 14 days of the date of this order.

**Reason:** The Court was satisfied that the applicant provided cogent reasons for the delay and that the delay was not inordinate. The Court was also satisfied that the applicant had met the threshold for the grant of leave to appeal.