

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
STATUS HEARING

ANTIGUA AND BARBUDA
VIDEOCONFERENCE
Tuesday, 30th May 2023

Case Name: **George Kaersenhout**

v

Domitilia James

[ANUHLTAP2018/0010]

Date: **Tuesday, 30th May 2023**

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: **[Oral Delivery]**

IT IS HEREBY ORDERED THAT:

1. Upon noting the application by counsel to be removed as counsel on record for the appellant filed on 22nd March 2023, the matter is removed from the status hearing list pending the determination of the application.
2. The Registrar of the High Court shall serve a copy of this order on the appellant and the respondent and shall provide proof of service thereafter.

Reason:

The Court noted that an application was filed by counsel for the appellant to be removed from the record and the matter was removed from the status hearing list pending the determination of the application.

Case Name:

Police Service Commission

v

Wendell Glenroy Robinson

[ANUHCVP2018/0037]

Date:

Tuesday, 30th May 2023

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:

The matter is adjourned to the next status hearing of the Court of Appeal for Antigua and Barbuda scheduled for 13th November 2023 to allow the parties to provide an update on the progress of this appeal.

Reason: Counsel for the appellant was not present and the Court adjourned the matter to allow the parties to provide an update on the progress of the appeal.

Case Name: Sharon Philip

v

Cecil Phillip

[ANUHCVP2021/0006]

Date: Tuesday, 30th May 2023

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. E. Ann Henry, KC

Respondent: Mrs. Tracy Benn-Roberts

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 13th November 2023 to allow the parties to engage in discussions.

Reason: The Court noted that both parties were willing to engage in settlement discussions and the matter was adjourned to facilitate those discussions.

Case Name: Telly Cornelius

v

The Attorney General

[ANUHCVP2021/0009]

Date: Tuesday, 30th May 2023

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Kendrickson Kentish

Respondent: Mrs. Carla Brookes-Harris

Issues: Status of the Matter

Type of Order: N/A

Result / Order: [Oral Delivery]

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 appeal is hereby withdrawn and discontinued.
2. No order as to costs.

Reason: Counsel for the appellant indicated an intention to discontinue the appeal and the notice of appeal was withdrawn.

Case Name: Sylvia O'Marde

v

[1] ABI Bank Ltd
[2] The Eastern Caribbean Central Bank
[3] The Attorney General

[ANUHCVP2021/0010]

Date: Tuesday, 30th May 2023

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: Mr. Justin Simon, KC for the first respondent
Ms. E. Ann Henry, KC for the second respondent
Mrs. Carla Brookes-Harris for the third respondent

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 13th November 2023 to allow counsel for the appellant to provide a report in relation to the progress of the appeal.

Reason: The Court noted that counsel for the appellant was not present and the matter was adjourned to allow him to provide a report in relation to the progress of the appeal.

Case Name: **Everton Welsh**

v

The Attorney General

[ANUHCVP2021/0011]

Date: **Tuesday, 30th May 2023**

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

Appearances:

Appellant: **No appearance**

Respondent: Mrs. Carla Brookes-Harris

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 of appeal for Antigua and Barbuda scheduled for 13th November 2023 to allow the parties to hold discussions in relation to proceeding with the appeal in the absence of the transcript of proceedings.
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 matter was adjourned to allow counsel for the parties to discuss whether they are prepared to proceed with the appeal in the absence of the transcript.

Case Name: Antigua Flight Training Center Inc

v

**[1] Anthony Greer
[2] Greer and Co. Solicitors**

Norman Aviation Flight Training Academy Inc

V

**[1] Anthony Greer
[2] Greer and Co. Solicitors**

[ANUHC VAP2020/0016]

Date: Tuesday, 30th May 2023

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Lawrence Daniels appearing amicus curiae

Respondent: No appearance

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 Antigua and Barbuda scheduled for 13th November 2023 to allow counsel for the appellant to continue to review the file and for the appellant to sort out her legal representation.
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: Counsel for the appellant indicated that he has not been properly briefed by the appellant and that

changes are likely to be made to the notice of appeal. He therefore requested an adjournment for that purpose.

Case Name:

Antigua Flight Training Center Inc

v

[1] Eric Philip

[2] Pauline Grayman

Antigua Flight Training Center Inc

v

[1] Enique Williams

[2] Laetitia Nathaniel

Antigua Flight Training Center Inc

v

[1] Anse Henry

[2] Shirrine Gillon

[ANUHCVP2020/0021]

Date:

Tuesday, 30th May 2023

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Lawrence Daniels

Respondent:

**Mrs. Lisa John-Weste holding papers for Loy Weste for the 2nd respondent, Pauline Grayman
Mr. Lenworth Johnson for the 5th and 6th respondents, Anse Henry and Shirrine Gillon**

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 status hearing list to allow the appellant to get its affairs in order to progress the appeal.
2. The matter will be relisted upon the request of the parties or on a date to be fixed by the Chief Registrar.
3. The Registrar of the High Court shall serve a copy of this order on the respondents Enique Williams and Laetitia Nathaniel and shall provide proof of service thereafter.

Reason: The Court noted that the appellant was not in a position to progress the appeal and removed the matter from the cause list to allow the appellant to get its affairs in order.

Case Name: Lawrence Daniels

v

**[1] The Disciplinary Committee
[2] The Registrar of the High Court**

[ANUHCVP2022/0003]

Date: Tuesday, 30th May 2023

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person
Respondent: Mrs. Carla Brookes-Harris

Issues: Status of the Matter

Type of Order: N/A

Result / Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall continue efforts to cause the completed transcript of the proceedings to be prepared and served on the parties.
2. The matter is removed from the status hearing list pending the availability of the transcript.
3. The matter will be relisted at the next status hearing upon availability of the transcript or on a date to be fixed by the Chief Registrar.

Reason: The appellant indicated that he received an incomplete transcript and has requested the missing portions. Accordingly, the matter was removed from the cause list pending the availability of the completed transcript.

Case Name: Treetops Garden Centre

v

St. John's Development Corporation

[ANUHCVAP2014/0033]

Date: Tuesday, 30th May 2023

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Joanne Messiah

Respondent: Mr. Damien Benjamin

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 13th November 2023, to allow the parties to continue settlement discussions, unless a consent order is sooner filed.

Reason: The parties indicated that they are very close to reaching an agreement and the matter was adjourned to allow them to continue settlement discussions unless a consent order is filed.

Case Name: Ian Hughes

v

The King

[ANUHCRA2018/0003]

Date: Tuesday, 30th May 2023

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	No appearance
Respondent:	Mrs. Shannon Jones-Gittens

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 of Appeal for Antigua and Barbuda scheduled for 13th November 2023 to allow counsel for the appellant to file an application to amend the Notice of Appeal.
2. This is the final adjournment for this purpose.
3. The Registrar of High Court shall serve a copy of this order on the appellant and shall provide proof of service thereafter.

Reason: The Court noted that counsel for the appellant indicated an intention to amend the notice of appeal on the last occasion, but this has not been done. The Court accordingly adjourned the matter for a final time to allow the amendment to be made.

Case Name: **Shelton Hunte**

v

The King

[ANUHCRA2018/0004]

Date: **Tuesday, 30th May 2023**

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

Appearances:

Appellant: **No appearance**

Respondent: **Mrs. Shannon Jones-Gittens**

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 of Appeal for Antigua and Barbuda scheduled for 13th November 2023 for**

the appellant to be present 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 personally and shall provide proof of service thereafter.

Reason:

The Court noted that the appellant was unable to be present as the prison was not aware that the Court was sitting. Accordingly, the matter was adjourned to allow the appellant to indicate whether he is still interested in prosecuting the appeal.

Case Name:

Colin Murraine

v

The King

[ANUHCRA2020/0003]

Date:

Tuesday, 30th May 2023

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Pete Semaj-McKnight holding papers for Mr. Lawrence Daniels

Respondent:

Mrs. Shannon Jones-Gittens

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 13th May 2023 to allow the appellant to take the necessary steps to make payment for the transcript of proceedings.

Reason: The Court noted that the appellant has not paid for the transcript and the matter was adjourned to allow the payment to be made.

Case Name: Dorian Marshall

v

The King

[ANUHCRA2020/0001]

Date: Tuesday, 30th May 2023

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: Mrs. Shannon Jones-Gittens

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 21st July 2023.**
- 2. The respondent shall file and serve written submissions with authorities on or before 1st September 2023.**
- 3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 22nd September 2023.**
- 4. The appeal is fixed for hearing at the next sitting of the Court of Appeal for the State of Antigua and Barbuda scheduled for the week commencing 20th November 2023.**

Reason:

The Court noted that directions were necessary to further the progress the appeal.

Case Name:

De Andre Henry

v

The King

[ANUHCRA2022/0004]

Date:

Tuesday, 30th May 2023

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Pete Semaj-McKnight appearing amicus curiae holding papers for Mr. Warren Cassell

Respondent: Mrs. Shannon Jones-Gittens

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 31st July 2023.
2. The respondent shall file and serve written submissions with authorities on or before 31st August 2023.
3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 15th September 2023.
4. The appeal is fixed for hearing at the next sitting of the Court of Appeal for the State of Antigua and Barbuda scheduled for the week commencing 20th November 2023.

Reason:

The Court noted that directions were necessary to further the progress of the appeal.

Case Name:

Omari Phillip

V

The King

[ANUHCRA2016/0008]

Date: Tuesday, 30th May 2023

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Pete Semaj-McKnight appearing amicus curiae holding papers for Mr. Warren Cassell

Respondent: Mrs. Shannon Jones-Gittens

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 13th November 2023 to allow counsel for the appellant to review the Record of Appeal.

Reason: Counsel for the appellant requested an adjournment to allow him to peruse the file and to be in a better position to file submissions in this matter.

Case Name: Tejah Armstrong

v

The King

[ANUHCRAP2016/0003]

Date: Tuesday, 30th May 2023

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	In person
Respondent:	Mrs. Shannon Jones-Gittens

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 31st July 2023.
2. The respondent shall file and serve written submissions with authorities on or before 15th September 2023.
3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 3rd October 2023.
4. The appeal is fixed for hearing at the next sitting of the Court of Appeal for the state of Antigua

and Barbuda scheduled for the week commencing 20th November 2023.

Reason: The Court noted that directions were necessary to further the progress of the appeal.

Case Name: Joseph Peters

v

The King

[ANUHCRA2018/0001]

Date: Tuesday, 30th May 2023

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: Mrs. Shannon Jones-Gittens

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 of Appeal for Antigua and Barbuda scheduled for 13th November 2023 for

the appellant to indicate whether he is still interested in 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: The Court adjourned the matter to allow the appellant to indicate whether he is still interested in prosecuting the appeal.

Case Name: Director of Public Prosecutions

v

[1] Dalianne Richardson

[2] Shanique Dwyer

[3] Shimmea Welsh

[4] Larsheka Gray

[ANUHCRA2020/0002]

Date: Tuesday, 30th May 2023

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mrs. Shannon Jones-Gittens

Respondent: Mr. Pete Semaj-McKnight holding papers for Mr. Lawrence Daniels for the 1st and 4th respondents
3rd 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 status hearing of the Court of Appeal for the State of Grenada scheduled for 26th June 2023 for the respondents to be present to indicate their position in relation to the appeal.**
- 2. The Registrar of the High Court shall serve a copy of this order on the respondents and shall provide proof of service thereafter.**

Reason: **The Court noted that due to the closure of the court office, the appellants could not be provided with the zoom link to attend and were therefore not able to be present.**

Case Name: **Alston Gregory Rodney**

v

[1] Magistrate Ngaio Emmanuel
[2] Commissioner of Police

[ANUMCRAP2019/0002]

Date: **Tuesday, 30th May 2023**

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

Appearances:

Appellant: **No appearance**

Respondent: Mrs. Shannon Jones-Gittens

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 of Appeal for Antigua and Barbuda scheduled for 13th November 2023.
2. The Registrar of the High Court shall serve a copy of this order on the appellant and shall file an affidavit of service thereafter.

Reason: The Court noted that the appellant was not present and the matter was adjourned to allow him to be served to appear.

Case Name: Alex Joseph

v

The Commissioner of Police

[ANUMCRAP2018/0003]

Date: Tuesday, 30th May 2023

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Pete Semaj-McKnight holding papers for Mr. Warren Cassell

Respondent: Mrs. Shannon Jones-Gittens

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 13th November 2023.

Reason: Counsel for the appellant intends to take the necessary steps to withdraw the appeal and sought an adjournment to take instructions from the appellant.

Case Name:

[1] Wayne Burton
[2] Hesketh Daniel
[3] Chaz Askie
v

Magistrate Dexter Wason

[ANUMCRAP2021/0002]

Date: Tuesday, 30th May 2023

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: Mrs. Shannon Jones-Gittens

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 of Appeal for Antigua and Barbuda scheduled for 13th November 2023, to allow the appellants to provide an update in relation to the continuation of the appeal.
2. The Registrar of the High Court shall serve a copy of this order on the appellants and shall provide proof of service thereafter.

Reason: The Court noted that on the previous occasion, counsel for the appellants indicated an intention to discontinue the appeal and an adjournment was granted to give them an opportunity to provide an update.

Case Name: Anderson Carty

v

Gentiste Christian

[ANUMCVAP2019/0005]

Date: Tuesday, 30th May 2023

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	In person
Respondent:	No appearance

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 of Appeal for Antigua and Barbuda scheduled for 13th November 2023, to allow the appellant to provide an update in relation to his legal representation.
2. The Registrar of the High Court shall serve a copy of this order on the parties personally and shall provide proof of service thereafter.

Reason: The matter was adjourned to allow the appellant to regularize his legal representation and provide an update to the Court.

Case Name: **Careem Bedminister**

v

[1] Arlene Simmons

[2] Damian Simmons

[ANUMCVAP2021/0001]

Date: **Tuesday, 30th May 2023**

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

Appearances:

Appellant: **Ms. Cherissa Roberts-Thomas**

Respondent: **Mr. Pete Semaj-McKnight holding papers for Mr. Lawrence Daniels**

Issues: **Status of the Matter**

Type of Order: **N/A**

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 September 2023, 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 13th November 2023.**

Reason: The Court noted that a request was made for the Record of Appeal in 2021 but that it has still not been filed.

Case Name: Alwyn Carr

v

Magistrate Veronica Thomas

[ANUMCVAP2021/0003]

Date: Tuesday, 30th May 2023

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. The matter is adjourned to the next status hearing of the Court of Appeal for Antigua and Barbuda scheduled for 13th November 2023, unless a Notice of Discontinuance is sooner filed.

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 on the previous occasion, the appellant indicated an intention to file a Notice of Discontinuance and the matter was adjourned to allow it to be filed.

Case Name: Kharim Baptiste
v
Narissa Browne
[ANUMCVAP2020/0002]

Date: Tuesday, 30th May 2023

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Ms. Kyras 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 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 31st July 2023.
2. The matter is adjourned to the next status hearing of the Court of Appeal for Antigua and Barbuda scheduled for 13th November 2023.
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.

Reason:

The Court noted that the parties are still awaiting the social inquiry reports to proceed with the appeal.

Case Name:

[1] Chanel Abbott
[2] Anisha Abbott

v

Larry Abbott

[ANUMCVAP2020/0003]

Date:

Tuesday, 30th May 2023

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. The matter is adjourned to the next status hearing of the Court of Appeal for Antigua and Barbuda scheduled for 13th November 2023.**
- 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 the closure of the court office may have made it difficult for the parties to attend and the matter was adjourned to allow them to be present at the next hearing.