

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL

CHAMBER HEARING DIGEST

27th June 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: Tuesday, 27th June 2023

On Paper:

Appearances:

Applicants: Ms. C. Debra Burnette

Issues: Application for permission to serve notice of appeal
out of the jurisdiction – Application for a stay of
execution

Result/Order:

IT IS HEREBY ORDERED THAT:

1. The application for leave to serve the notice of appeal and the application for a stay of execution on the respondents out of the jurisdiction is granted.
2. The applicants shall file and serve the notice of appeal and the application for a stay of execution on the respondents at 1289 Nepperham Ave, 1st Floor, Yonkers, New York, USA, 10703 by courier or registered post within 21 days of the date of this order and shall provide proof of service thereafter.
3. The consideration of the application for a stay of execution is adjourned to the next Chamber Sitting of this Court scheduled for 20th July 2023.

Reason:

The Court was satisfied that leave should be granted to the applicants to serve the notice of appeal and the application for a stay on the respondents out of the jurisdiction and that the consideration of the application for a stay should be adjourned pending such service.

Case Name:

**[1] Elizabeth Smith
[2] Strahinja Teodosic**

v

**[1] Ivan Floyd
[2] Lionel Francis**

**[ANUHCVP2023/0017]
(Antigua and Barbuda)**

Date:

Tuesday, 27th June 2023

On Paper:

Appearances:

Applicants:

Ms. Leslie-Ann Brissett

Issues:

Application for leave to appeal

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The application for leave to appeal against the decision of Michel, M filed by the applicants on 26th April 2023 is granted.**
- 2. The notice of appeal shall be filed and served on the respondents within 21 days of the date of this order.**

Reason:

The Court was satisfied that the applicants had met the threshold for the grant of leave to appeal in that the proposed appeal has a realistic prospect of success and accordingly, leave to appeal was granted.

Case Name:

Petrona Jno. Baptiste

v

Royer George

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

Date:

Tuesday, 27th June 2023

On Paper:

Appearances:

Applicant:

In person

Issues:

Application for leave to appeal – Application for an extension of time

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The notice of application shall be treated as an application for an extension of time within which to appeal.**
- 2. 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.**
- 3. 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.**
- 4. The respondent is at liberty to file and serve skeleton arguments with authorities in response within 21 days of the date of this order.**
- 5. 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.**
- 6. 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 20th July 2023.**

Reason:

The Court was satisfied that leave to appeal was not required but that it could treat the application for leave as an application for an extension of time within which to appeal. However, the Court noted that the application had not been served and adjourned the consideration of the application for an extension of time 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:

Tuesday, 27th June 2023

On Paper:

Appearances:

Applicants:

Mr. Bernard Wilthire

Issues:

Application for substitution of a party

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicants, Hubert Alexander and Marcel Coipel, shall provide supporting evidence to satisfy the Court that Sophie Honore is the one and same Fama Honore within 14 days of the date of this order.**
- 2. The consideration of the application for an order that Sophie Honore be substituted for Lennox Honore as a party to these proceedings is adjourned to the next Chamber Sitting of this Court scheduled for 20th July 2023.**

Reason:

The Court noted that the supporting evidence required to determine the application had not been filed and the matter was accordingly adjourned.

Case Name:

Shad David

v

The King

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

Date:

Tuesday, 27th June 2023

On Paper:

Appearances:

Applicants:

In person

Issues:

**Application for leave to appeal against conviction
and sentence**

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall file an application for an extension of time to apply for leave to appeal within 21 days of the date of this order.**
- 2. 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 7 days of the date of this order.**

Reason:

The Court noted that the application for leave to appeal was filed out of time and requested that an application for an extension of time be filed.