

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
STATUS HEARING

COMMONWEALTH OF DOMINICA
VIDEOCONFERENCE
Monday, 11th April 2022

Case Name: **Paul Joseph**
v
Bank of Nova Scotia

[DOMHCVAP2014/0017]
(Commonwealth of Dominica)

Date: **Monday, 11th April 2022**

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:
IT IS HEREBY ORDERED THAT:

1. Upon noting the absence of the parties, the matter is adjourned to the next Status Hearing of the Court in the Commonwealth of Dominica scheduled for 14th November, 2022 for further report.

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 matter was adjourned due to the absence of the parties.

Case Name: Joseph Raphael Le Blanc
v
James S. W. Cyrille
[DOMHCVAP2012/0003]
(Commonwealth of Dominica)

Date: Monday, 11th April 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mrs. Noelize Knight-Didier

Respondents: No appearance

Issues: Status of the Matter

Type of Order: N/A

Result / Order:

IT IS HEREBY ORDERED THAT:

Upon noting the application by counsel for the appellant to be removed as counsel on record for the appellant, the matter is removed from the Status Hearing List pending the determination of the said application.

Reason: The Court removed the matter from the Status Hearing List pending the determination of the application to be removed as counsel on record.

Case Name: Pamela Green-Lander
V
Andrew Green
Arnold Green
[DOMHCVAP2014/0023]
(Commonwealth of Dominica)

Date: Monday, 11th April 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellants: Mrs. Noelize Knight-Didier
Respondents: No appearance

Issues: 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 for the Commonwealth of Dominica scheduled for 14th November, 2022 to allow the parties to continue with settlement discussions and to advise on how they intend to proceed with the matter.**
- 2. The Registrar of the High Court shall serve a copy of this order on the appellant and shall provide proof of service thereafter. The matter is adjourned to the next status hearing of the Court for Anguilla scheduled for 31st January 2022.**

Reason:

The matter was adjourned to allow the parties to continue with settlement discussions and to later advise on how they intended to proceed with the matter.

Case Name:

**The Nevis Island Administration
v
Ocean Reef Resorts Ltd.**

**[SKBHCVAP2018/0006]
(Saint Christopher and Nevis)**

Date:

Monday, 11th April 2022

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Terrence Byron

Respondent:

Dr. Henry Browne, QC

Issues:

Status of the Matter

Type of Order: **Adjournment**

Result / Order:

IT IS HEREBY ORDERED THAT:

The matter is adjourned for hearing on a date to be fixed by the Chief Registrar.

Case Name:

**1. Jhawnie Gage
2. Arah Paula
3. Cecil Davis
4. Edgar Augustus Peltier**

v

**The Attorney General of The Commonwealth
of Dominica**

**[DOMHCVAP2020/0005]
(Commonwealth of Dominica)**

Date: **Monday, 11th April 2022**

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

Appearances:

Applicants/Appellants: **Ms. Gina Dyer-Munro holding papers for Mr. Douglas Mendes, SC**

Respondents: **Ms. Tamika Hyacinth-Burton**

Issues: **Status of the Matter**

Type of Order:

Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall file and serve written submissions with authorities on or before 10th June, 2022.**
- 2. The respondent shall file and serve written submissions with authorities on or before 11th July, 2022.**
- 3. The appellant is at liberty to file and serve written submissions with authorities in reply if necessary on or before 26th July, 2022.**
- 4. The hearing of the application is fixed for the next sitting of the Court of Appeal in the Commonwealth of Dominica scheduled for the week commencing 21st November, 2022.**

Reason:

The Court gave directions for the progression of the appeal.

Case Name:

- 1. Felixia Colaire**
- 2. Felixia James**

v

Augustus Samuel Colaire

**[DOMHCVAP2008/0012]
(Commonwealth of Dominica)**

Date:

Monday, 11th April 2022

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants: Ms. Lisa de Freitas

Respondent: Mrs. Zena Moore-Dyer

Issues: Status of the Matter

Type of Order: N/A

Result / Order:

IT IS HEREBY ORDERED THAT:

Upon nothing the indication from counsel for the appellants that the appellants are no longer interested in prosecuting the appeal, the appeal is hereby withdrawn and dismissed.

Reason: The appellants indicated that they were was no longer interested in prosecuting the appeal and therefore the appeal was withdrawn and dismissed.

Case Name: Mable M. Joseph

v

**The Attorney General of the Commonwealth
of Dominica**

**[DOMHCVAP2008/0012]
(Commonwealth of Dominica)**

Date: Monday, 11th April 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mrs. Gina Dyer Munro

Respondent: Ms. Tamika Burton

Issues: Status of the Matter

Type of Order: Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The appellant shall file supplemental written submissions with authorities, on the agreed notes of evidence on or before 24th June, 2022.
2. The respondent shall file and serve written submissions with authorities on or before 25th July, 2022.
3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 9th August, 2022.
4. The hearing of the appeal is fixed for the next sitting of the Court of Appeal in the Commonwealth of Dominica scheduled for the week commencing 21st November, 2022.

Reason: The Court gave directions for the progression of the appeal.

Case Name:

Asher James

v

The State

**[DOMHCRA2016/0005]
(Commonwealth of Dominica)**

Date:

Monday, 11th April 2022

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Geoffrey Letang

Respondent:

**Ms. Sherma Dalrymple, The Director of Public
Prosecutions [Ag.]**

Issues:

Status of the Matter

Type of Order:

Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall serve a copy of the notice of availability of the transcript of proceedings on the parties and shall provide proof of service thereafter.

2. The matter shall thereafter proceed in accordance with the Rules.

Reason:

The Court gave directions for the progression of the appeal.

Case Name:

Daniel Elton Bannis

v

The State

[DOMHCRA2019/0001]

(Commonwealth of Dominica)

Date:

Monday, 11th April 2022

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

In person

Respondent:

Ms. Sherma Dalrymple , The Director of Public Prosecutions [Ag.] and Ms. Daina Matthew

Issues:

Status of the Matter

Type of Order:

Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Registrar of the High Court shall give priority to continue efforts to cause the 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.**
- 4. 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 gave directions for the progression of the appeal.

Case Name: Clarence Lewis
V
The State
[DOMHCRAP2016/0004]
(Commonwealth of Dominica)

Date: Monday, 11th April 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Keron Brune

Respondent: Ms. Sherma Dalrymple , The Director of Public Prosecutions [Ag.] and Ms. Daina Matthew

Issues: Status of the Matter

Type of Order: Directions

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall serve a copy of the record of appeal on the Director of Public Prosecutions on or before 14th April, 2022.
2. The appellant shall file and serve supplemental written submissions with authorities on or before 29th April, 2022.

3. The respondent shall file and serve written submissions with authorities on or before 30th May, 2022.

4. The appellant is at liberty to file and serve written submissions with authorities in reply if necessary on or before 14th June, 2022.

5. The hearing of the appeal is fixed for the next sitting of the court of appeal in the Commonwealth of Dominica.

Reason: The Court gave directions for the progression of the appeal.

Case Name: Antonio Charlie Matthew
v
The State
[DOMHCRAP2017/0003]
(Commonwealth of Dominica)

Date: Monday, 11th April 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Dawn Yearwood-Stewart

Respondent: Ms. Sherma Dalrymple , The Director of Public Prosecutions [Ag.] and Ms. Daina Matthew

Issues: Status of the Matter

Type of Order: Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall serve a copy of the record of appeal on the Director of Public Prosecutions on or before 14th April, 2022.
2. The appellant shall file and serve supplemental written submissions with authorities on or before 29th April, 2022.
3. The respondent shall file and serve written submissions with authorities on or before 30th May, 2022.
4. The appellant is at liberty to file and serve written submissions with authorities in reply if necessary on or before 14th June, 2022.
5. The hearing of the appeal is fixed for the next sitting of the court of appeal in the Commonwealth of Dominica.

Reason:

The Court gave directions for the progression of the appeal.

Case Name:

Harold Tyson

v

The State

[DOMHCRAP2017/0001]

(Commonwealth of Dominica)

Date:

Monday, 11th April 2022

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: **No appearance**

Respondent: **Ms. Sherma Dalrymple , The Director of Public Prosecutions [Ag.] and Ms. Daina Matthew**

Issues: **Status of the Matter**

Type of Order: **Adjournment**

Result / Order:

IT IS HEREBY ORDERED THAT:

1. Upon noting that the appellant has served his sentence, the matter is adjourned to the next Status Hearing for the Commonwealth of Dominica scheduled for 14th November 2022 for the appellant to be present to indicate whether he is still interested in prosecuting his 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 so to allow the appellant to indicate whether he is still interested in prosecuting his appeal.**

Case Name: **Kish Elizee**
v
The State

[DOMHCRAP2016/0003]
(Commonwealth of Dominica)

Date: **Monday, 11th April 2022**

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

Appearances:

Appellant: **Ms. Dawn Yearwood**

Respondent: Ms. Sherma Dalrymple , The Director of Public Prosecutions[Ag] and Ms. Daina Matthew

Issues: Status of the Matter

Type of Order: N/A

Result / Order: IT IS HEREBY ORDERED THAT:

Upon noting the indication from counsel for the appellant that the appellant has served his time and has no further interest in prosecuting this appeal, the appeal is hereby withdrawn and dismissed.

Reason: The appellant had no further interest in prosecuting the appeal.

Case Name: Joseph Senhouse
v
The State

[DOMHCRA2015/0009]
(Commonwealth of Dominica)

Date: Monday, 11th April 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Dawn Yearwood- Stewart
Respondent: Ms. Sherma Dalrymple , The Director of Public Prosecutions[Ag] and Ms. Daina Matthew

Issues: Status of the Matter

Type of Order: N/A

Result / Order: IT IS HEREBY ORDERED THAT:

Upon noting the application filed by the appellant on 21st February 2022 to rely on affidavit evidence, the matter is removed for the Status Hearing list pending the determination of the application.

Reason: The matter was removed for the Status Hearing list pending the determination of another application.

Case Name: Kenneth Hadeed
v
The State

[DOMHCRAP2018/0001]
(Commonwealth of Dominica)

Date: Monday, 11th April 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: Ms. Sherma Dalrymple , The Director of Public Prosecutions[Ag] and Ms. Daina Matthews

Issues: Status of the Matter

Type of Order: Directions

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall continue efforts to cause the 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 Court gave directions for the progression of the appeal.

Case Name: Uranus Carbon
v
The State

[DOMHCRAP2014/0007]
(Commonwealth of Dominica)

Date: Monday, 11th April 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Sherma Dalrymple, The Director of Public Prosecutions [Ag.] and Ms. Daina Matthews

Respondent: In person

Issues: Status of the Matter

Type of Order: Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The respondent shall file and serve written submissions indicating how then intend to proceed with the appeal on or before 3rd June 2022.
2. The matter will thereafter be listed for hearing by the Chief Registrar.
3. 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 gave directions for the progression of the appeal.

Case Name: Omari Jules
v
The Police
[DOMMCRAP2020/0006]
(Commonwealth of Dominica)

Date: Monday, 11th April 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person

Respondent: Ms. Sherma Dalrymple , The Director of Public Prosecutions[Ag] and Ms. Daina Matthews

Issues: Status of the Matter

Type of Order: Adjournment

Result / Order:

IT IS HEREBY ORDERED THAT:

1. Upon noting that the appellant has served his sentence and is not present at today's hearing although having been served with the Notice of Hearing, the matter is adjourned to the next status hearing of the court for the Commonwealth of Dominica scheduled for the 14th November 2022 for the appellant to be present to indicate whether he is still interested in prosecuting his appeal.

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

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

Case Name:

Duane Alonzo
v
The Police
[DOMMCRAP2021/0001]
(Commonwealth of Dominica)

Date: Monday, 11th April 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	In person
Respondent:	Ms. Sherma Dalrymple, The Director of Public Prosecutions[Ag] and Ms. Daina Matthews

Issues: Status of the Matter

Type of Order: Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The appellant is at liberty to file and serve written submissions with authorities on or before 11th May, 2022.
2. The respondent shall file and serve written submissions with authorities on or before the 13th June 2022.
3. The appellant is at liberty to file and serve written submissions, with authorities, in reply if necessary on or before the 28th June, 2022.
4. The hearing of the appeal is adjourned to the next sitting of the Court of Appeal in the Commonwealth of Dominica during the week commencing 21st November, 2022.
5. The Registrar of the High Courts shall serve a copy of this order on the appellant and shall provide proof of service thereafter.

Reason: The Court gave directions for the progression of the appeal.

Case Name:

Anthony Gifford Reid

v

The Police

[DOMMCRAP2017/0004]

(Commonwealth of Dominica)

Date:

Monday, 11th April 2022

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Ms. Zena Moore-Dyer

Respondent:

Ms. Sherma Dalrymple, The Director of Public Prosecutions[Ag] and Ms. Daina Matthews

Issues:

Status of the Matter

Type of Order:

Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The appellant is at liberty to file and serve written submissions with authorities on or before 11th May, 2022.**
- 2. The respondent shall file and serve written submissions with authorities on or before the 13th June 2022.**
- 3. The appellant is at liberty to file and serve written submissions, with authorities, in reply if necessary on or before the 28th June, 2022.**

4. The hearing of the appeal is adjourned to the next sitting of the Court of Appeal in the Commonwealth of Dominica during the week commencing 21st November, 2022.

5. The Registrar of the High Courts shall serve a copy of this order on the appellant and shall provide proof of service thereafter.

Reason: The Court gave directions for the progression of the appeal.

Case Name: Linden Nareen Lewis
v
The Police
[DOMMCRAP2013/0039]
(Commonwealth of Dominica)

Date: Monday, 11th April 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Zena Moore-Dyer

Respondent: Ms. Sherma Dalrymple, The Director of Public Prosecutions[Ag] and Ms. Daina Matthews

Issues: Status of the Matter

Type of Order: Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The respondent shall file and serve written submissions indicating how they intend to proceed with the appeal on or before 3rd June 2022.**
- 2. The matter will thereafter be listed for hearing by the Chief Registrar.**
- 3. 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 gave directions for the progression of the appeal.

Case Name:

Glendel Casey

v

The Police

**[DOMMCRAP2014/0012]
(Commonwealth of Dominica)**

Date:

Monday, 11th April 2022

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

No appearance

Respondent:

Ms. Sherma Dalrymple, The Director of Public Prosecutions[Ag] and Ms. Daina Matthews

Issues:

Status of the Matter

Type of Order:

Adjournment

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. Upon noting that the appellant has served his sentence, but has not been served to be present at this hearing, the matter is adjourned to the next Status Hearing of the Court for the Commonwealth of Dominica scheduled for 14th November 2022 for the appellant to be present to indicate whether he is still interested in prosecuting his 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 so to allow the appellant to indicate whether he is still interested in prosecuting his appeal.

Case Name:

**Laudrick Bruno
v
The Police
[DOMMCRAP2013/0009]
(Commonwealth of Dominica)**

Date:

Monday, 11th April 2022

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Ms. Zena Moore-Dyer

Respondent:

Ms. Sherma Dalrymple, The Director of Public Prosecutions [Ag] and Ms. Daina Matthews

Issues:

Status of the Matter

Type of Order:

Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The respondent shall file and serve written submissions indicating how they intend to proceed with the appeal on or before 29th July, 2022.**
- 2. The matter will thereafter be listed for hearing by the Chief Registrar.**
- 3. 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 gave directions for the progression of the appeal.

Case Name:

**Stacia Williams
v
The Police
[DOMMCRAP2017/0007]**

(Commonwealth of Dominica)

Date:

Monday, 11th April 2022

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Ms. Gina Dyer-Munro

Respondent:

Ms. Sherma Dalrymple, The Director of Public Prosecutions[Ag] and Ms. Daina Matthews

Issues:

Status of the Matter

Type of Order:

Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Chief Magistrate shall file an affidavit providing reasons for the non-compliance of the order dated 15th November 2021 on or before 21st April, 2022.**
- 2. The appellant shall file and serve an affidavit in response to the affidavit filed by the Chief Magistrate on or before 13th May, 2022.**
- 3. The appellant shall file and serve written submissions with authorities on or before the 30th June 2022.**
- 4. The respondent shall file and serve written submissions with authorities on or before the 29th July, 2022.**
- 5. The appellant is at liberty to file and serve written submissions, with authorities, in reply if necessary on or before the 15th August, 2022.**
- 6. The hearing of the appeal is adjourned to the next sitting of the Court of Appeal in the Commonwealth of Dominica during the week commencing 21st November, 2022.**

Reason:

The Court gave directions for the progression of the appeal.

Case Name:

**Alexander Beaupierre
v
The Police
[DOMMCRAP2019/0009]
(Commonwealth of Dominica)**

Date:

Monday, 11th April 2022

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Wayne Norde
Respondent: Ms. Sherma Dalrymple, The Director of Public Prosecutions[Ag] and Ms. Daina Matthews

Issues: 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 27th May, 2022.
2. The respondent shall file and serve written submissions with authorities on or before the 30th June 2022.
3. The appellant is at liberty to file and serve written submissions, with authorities, in reply if necessary on or before the 15th July, 2022.

Reason: The Court gave directions for the progression of the appeal.

Case Name:

**Evance Reynolds
v
The Police
[DOMMCRAP2019/0001]**

(Commonwealth of Dominica)

Date: Monday, 11th April 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Zena Moore-Dyer

Respondent: Ms. Sherma Dalrymple, The Director of Public Prosecutions[Ag] and Ms. Daina Matthews

Issues: Status of the Matter

Type of Order: Adjournment

Result / Order:

IT IS HEREBY ORDERED THAT:

1. Upon noting that the appellant has completed his sentence and that he was served to be present at today's hearing, but is not, the matter is adjourned to the next status hearing of the court for the Commonwealth of Dominica scheduled for 14th November 2022 for the appellant to be present to indicate whether he is still interested in prosecuting his 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 adjourned the matter so to allow the appellant to indicate whether he is still interested in prosecuting his appeal.

Case Name:

Evance Reynolds
v
The Police
[DOMMCRAP2019/0001]

(Commonwealth of Dominica)

Date: Monday, 11th April 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Zena Moore-Dyer

Respondent: Ms. Sherma Dalrymple, The Director of Public Prosecutions[Ag] and Ms. Daina Matthews

Issues: Status of the Matter

Type of Order: Adjournment

Result / Order:

IT IS HEREBY ORDERED THAT:

1. Upon noting that the appellant has completed his sentence and that he was served to be present at today's hearing, but is not, the matter is adjourned to the next status hearing of the court for the Commonwealth of Dominica scheduled for 14th November 2022 for the appellant to be present to indicate whether he is still interested in prosecuting his 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 adjourned the matter so to allow the appellant to indicate whether he is still interested in prosecuting his appeal.

Case Name: Guyver Henry

v
The Police
[DOMMCRAP2019/0002]

(Commonwealth of Dominica)

Date: Monday, 11th April 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Zena Moore-Dyer

Respondent: Ms. Sherma Dalrymple, The Director of Public Prosecutions[Ag] and Ms. Daina Matthews

Issues: Status of the Matter

Type of Order: Adjournment

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The Chief Magistrate shall cause the Record of Appeal to be prepared and submitted to the Registrar of the High Court on or before the 30th June, 2022, failing which the Chief Magistrate shall file an affidavit giving reasons for the non-compliance.

2. The matter is adjourned to the next Status Hearing of the Court in the Commonwealth of Dominica scheduled for 14th November, 2022.

Reason: The Court adjourned the matter to allow time for the Chief Magistrate to cause the Record of Appeal to be prepared.

Case Name:

**Guyver Henry
v
The Police
[DOMMCRAP2019/0003]
(Commonwealth of Dominica)**

Date:

Monday, 11th April 2022

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Ms. Zena Moore-Dyer

Respondent:

Ms. Sherma Dalrymple, The Director of Public Prosecutions[Ag] and Ms. Daina Matthews

Issues:

Status of the Matter

Type of Order:

Adjournment

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Chief Magistrate shall cause the Record of Appeal to be prepared and submitted to the Registrar of the High Court on or before the 30th June, 2022, failing which the Chief Magistrate shall file an affidavit giving reasons for the non-compliance.**
- 2. The matter is adjourned to the next Status Hearing of the Court in the Commonwealth of Dominica scheduled for 14th November, 2022.**

Reason:

The Court adjourned the matter to allow time for the Chief Magistrate to cause the Record of Appeal to be prepared.

Case Name:

**Guyver Henry
v
The Police
[DOMMCRAP2019/0003]
(Commonwealth of Dominica)**

Date:

Monday, 11th April 2022

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Ms. Zena Moore-Dyer

Respondent:

Ms. Sherma Dalrymple, The Director of Public Prosecutions[Ag] and Ms. Daina Matthews

Issues:

Status of the Matter

Type of Order:

Adjournment

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Chief Magistrate shall cause the Record of Appeal to be prepared and submitted to the Registrar of the High Court on or before the 30th June, 2022, failing which the Chief Magistrate shall file an affidavit giving reasons for the non-compliance.**
- 2. The matter is adjourned to the next Status Hearing of the Court in the Commonwealth of Dominica scheduled for 14th November, 2022.**

Reason:

The Court adjourned the matter to allow time for the Chief Magistrate to cause the Record of Appeal to be prepared.

Case Name:

Kassim Shillingford

v

The Police

[DOMMCRAP2020/0001]

(Commonwealth of Dominica)

Date:

Monday, 11th April 2022

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

In person

Respondent:

Ms. Sherma Dalrymple, The Director of Public Prosecutions[Ag] and Ms. Daina Matthews

Issues:

Status of the Matter

Type of Order:

Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. Upon noting that the appellant has completed his sentence and that he was served to be present at today's hearing, but is not, the matter is adjourned to the next status hearing of the court for the Commonwealth of Dominica scheduled for 14th November 2022 for the appellant to be present to indicate whether he is still interested in prosecuting his 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 adjourned the matter so to allow the appellant to indicate whether he is still interested in prosecuting his appeal.

Case Name: **Philsbert Ettienne**
v
The Police
[DOMMCRAP2021/0010]
(Commonwealth of Dominica)

Date: Monday, 11th April 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: Ms. Sherma Dalrymple, The Director of Public Prosecutions[Ag] and Ms. Daina Matthews

Issues: Status of the Matter

Type of Order: Adjournment

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall serve a copy of the Record of Appeal on the appellant and shall provide proof of service thereafter.
2. The matter is adjourned to the next status hearing of the court for the Commonwealth of Dominica scheduled for 14th November 2022 for the appellant to be present to indicate whether he is still interested in prosecuting his appeal.

3. 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 adjourned the matter so to allow the Registrar of the High Court to a copy of the Record of Appeal on the appellant.

Case Name:

Josey Jno Lewis

v

The Police

[DOMMCRAP2020/0003]

(Commonwealth of Dominica)

Date:

Monday, 11th April 2022

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

In person

Respondent:

Ms. Sherma Dalrymple, The Director of Public Prosecutions[Ag] and Ms. Daina Matthews

Issues:

Status of the Matter

Type of Order:

N/A

Result / Order:

IT IS HEREBY ORDERED THAT:

Upon noting the indication from the appellant that he has completed his sentence and that he is no longer interested in prosecuting this appeal, the appeal is hereby withdrawn and dismissed.

Reason:

The Court upon noting that the appellant was no longer interested in prosecuting his appeal, the appeal was withdrawn and dismissed.

Case Name:

Lennox Honore

v

Hubert Alexander

Marcel Copiel

[DOMMCVAP2019/0001]

(Commonwealth of Dominica)

Date:

Monday, 11th April 2022

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Glen Ducreay

Respondents:

Mr. Bernard Wiltshire

Issues:

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 14th November 2022, to allow counsel for the respondents to take the necessary steps in relation to the appointment of a personal representative for the appellant.

Reason:

The Court adjourned the matter so to allow counsel for the respondents to take the necessary steps in relation to the appointment of a personal representative for the appellant.

Case Name:

**Lenny Bellot
v
Aminah Simon
[DOMMCVAP2015/0011]**

(Commonwealth of Dominica)

Date:

Monday, 11th April 2022

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: In person

Issues:

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 in the Commonwealth of Dominica scheduled for 14th November, 2022 for the appellant to indicate whether he is still interested in prosecuting his 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 adjourned the matter so to allow the appellant to indicate whether he was still interested in prosecuting his appeal.

Case Name:

Murphy George

v

Winston Warrington

**[DOMMCVAP2019/0005]
(Commonwealth of Dominica)**

Date:

Monday, 11th April 2022

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: No appearance

Issues:

Status of the Matter

Type of Order:

Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Registrar of the High Court shall serve a copy of the Record of Appeal on the appellant and shall provide proof of service thereafter.**
- 2. The matter is adjourned to the next status hearing of the court for the Commonwealth of Dominica scheduled for 14th November 2022 for the appellant to be present to indicate whether he is still interested in prosecuting his appeal.**
- 3. 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 Court gave directions for the progression of the appeal.

Case Name:

Tino Victor

v

Hubert Alexander

**Marcel Copiel
[DOMMCVAP2018/0004]**

(Commonwealth of Dominica)

Date: Monday, 11th April 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Tiyani Behanzin

Respondent: Mr. Bernard Wiltshire

Issues: Status of the Matter

Type of Order: N/A

Result / Order:

IT IS HEREBY ORDERED THAT:

Upon noting that an application to strike out the appeal was filed by the respondent 9th November 2021, the matter is removed from the Status Hearing list pending the determination of the application.

Reason:

The Court was of the view that the matter should be removed from the Status Hearing list pending the determination of the application due to an application to strike out the appeal filed by the respondent.

Case Name:

Anastasia Lyna Thomas
v
Ramsie Gabriel

[DOMMCVAP2020/0001]

(Commonwealth of Dominica)

Date: Monday, 11th April 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Peter Alleyne

Respondent: No appearance

Issues: Status of the Matter

Type of Order: N/A

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 this appeal, the appeal is withdrawn and dismissed.
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 was of the view that the appeal should be withdrawn and dismissed as the appellant no longer wished to prosecute the appeal.

Case Name:

**Isaline Carbon
v
Lestrade Lamothe**

[DOMMCVAP2020/0003]

(Commonwealth of Dominica)

Date: Monday, 11th April 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Peter Alleyne

Respondent: No appearance

Issues: Status of the Matter

Type of Order: N/A

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The matter is adjourned to the next Status Hearing of the court for the Commonwealth of Dominica scheduled for 14th November 2022, for the appellant 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 personally and shall provide proof of service thereafter.

Reason: The Court was of the view that the appeal should be withdrawn and dismissed as the appellant no longer wished to prosecute the appeal.

Case Name:

**Christine Sebastian
Renwar Toussaint**

v

Alpheus Robin

[DOMMCVAP2019/0002]

(Commonwealth of Dominica)

Date: Monday, 11th April 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants:	In person
Respondent:	No appearance

Issues: Status of the Matter

Type of Order: Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The appellants are at liberty to file and serve written submissions with authorities on before 19th May, 2022.

2. The respondent is at liberty to file and serve written submissions with authorities on before 20th June, 2022.
3. The appellants are at liberty to file and serve written submissions with authorities in reply, if necessary, on before 5th July, 2022.
4. The hearing of the appeal is fixed for the next sitting of the Court of Appeal in the Commonwealth of Dominica scheduled for the week commencing 21 st November 2022.
5. 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 gave directions for the progression of the appeal.

Case Name: Sandra Ishmael
v
Michael Victor
[DOMMCVAP2018/0005]

(Commonwealth of Dominica)

Date: Monday, 11th April 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Gina Dyer-Munro

Respondent: Ms. Dawn Yearwood- Stewart

Issues: Status of the Matter

Type of Order: Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. Counsel for the parties are to meet, to as far as possible, agree to the re-construction of the notes of evidence which are missing in relation to this matter and shall file the same or alternatively an agreed position in relation to the progress of this appeal on or before 29th July 2022.**
- 2. The matter is adjourned to the next status hearing of the Court for the Commonwealth of Dominica scheduled for 14th November, 2022.**

Reason:

The Court gave directions that counsel for the parties meet to reconstruct the missing notes of evidence to further progress the appeal.