

EASTERN CARIBBEAN SUPREME COURT
STATUS HEARING
ANTIGUA AND BARBUDA
14th February 2022

Case Name: **Treetops Garden Centre Limited**

v

St. John's Development Corporation

[ANUHCVP2014/0033]

Date: **Monday, 14th February 2022**

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

Appearances:

Appellant: **Ms. Joanne Massiah**

Respondent: **Mr. Damien Benjamin**

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 of Appeal in Antigua and Barbuda scheduled for 16th May 2022, unless a consent order is sooner filed.

Reason: **Counsel for the respondent indicated to the Court that counsel for both parties are advanced in settlement discussions, however due to Covid-19 the Board of the respondent did not have the opportunity to meet and discuss the proposals of the appellant. The Court therefore adjourned the matter for counsel to conclude their settlement discussions.**

Case Name: **Kier Construction Limited**

v

[1] Sundry Workers
[2] George Dexter Tavernier

[ANUHLTAP2019/0007]

Date: **Monday, 14th February 2022**

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

Appearances:

Appellant: **Ms. Kamilah Roberts**

Respondents: **Mr. Cosbert Cumberbatch for the first respondent**
No appearance for the second respondent

Issues: **Status of the matter**

Type of Order: **Directions**

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

- 1. The parties are to agree to the documents to be included in the record of appeal and the appellant shall file the Record of appeal along with written submissions and authorities on or before 18th March 2022.**
- 2. The respondents shall file and serve written submissions with authorities on or before 18th April, 2022.**
- 3. The appellant is at liberty to file and serve written submissions, with authorities, in reply if necessary, on or before 3rd May, 2022.**

4. The hearing of the appeal is fixed for the next Court of Appeal sitting in Antigua and Barbuda during the week commencing 23rd May, 2022.
5. The Registrar of the High Court shall serve a copy of this order on the 2nd respondent and shall provide proof of service thereafter.

Reason: Counsel for the appellant indicated that she was not aware that the transcript was ready. The Registrar indicated that it was served on counsel's chambers. Counsel apologised and indicated it may have been an internal problem. Counsel for the respondent did not object to directions being given in the matter.

Case Name: George Kaersenhout
v
Domitilia James
[ANUHLTAP2018/0010]

Date: Monday, 14th February 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	Ms. Latoya Letlow
Respondent:	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 Antigua and Barbuda scheduled for 16th May 2022 for the appellant to take whatever steps necessary in relation to the appeal.
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 noted that court office has been unable to locate the respondent to serve him to be present at the status hearing. The Court further noted that the Immigration Department confirmed that they have no records in their system of anyone with the respondent's name. The Court therefore adjourned the matter for the appellant to take the necessary steps in relation to the appeal.

Case Name:

Police Service Commission

v

Wendell Robinson

[ANUHCVP2018/0037]

Date:

Monday, 14th February 2022

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Dr. David Dorsett

Respondent: No appearance

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 Antigua and Barbuda scheduled for 16th May 2022 to allow the parties to continue settlement discussions.

Reason: Dr. Dorsett, counsel for the appellant, indicated to the Court that the parties are in the process of mediation. Counsel indicated further that one session of mediation has already been held and the sessions continue. Counsel for the appellant therefore asked for an adjournment to allow mediation to continue.

Case Name: Shenett Jacobs

v

The Attorney General of Antigua and Barbuda

[ANUHCVP2018/0049]

Date: Monday, 14th February 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person

Respondents: Mrs. Carla Brooks-Harris

Issues: Status of the matter

Type of Order: Directions

Result / Order: IT IS HEREBY ORDERED THAT:

1. The parties are to agree to the documents to be included in the record of appeal and the

appellant shall file the Record of appeal along written submissions and authorities on or before 1st April 2022.

2. The respondent shall file and serve written submissions with authorities on or before 2nd May, 2022.
3. The appellant is at liberty to file and serve written submissions, with authorities, in reply if necessary, on or before 17th May, 2022.
4. The hearing of the appeal is fixed for the next Court of Appeal sitting in Antigua and Barbuda during the week commencing 23rd May, 2022.

Reason:

The Court noted that the appellant had paid for the transcript of proceedings through her counsel. There was also a counter notice of appeal filed by the respondent. Counsel for the respondent indicated that she intends to withdraw the same and this will be done within 7 days. In the circumstances the Court gave directions for the progress of the main appeal.

Case Name:

Trevor Santos

v

Horizon Construction Limited

[ANUHCVP2011/0015]

Date:

Monday, 14th February 2022

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Ms. E. Ann Henry, QC

Respondent: Ms. Talia DaCosta

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 scheduled for 16th May 2022.

Reason: Counsel for the appellant indicated to the Court that the parties were not able to reach a consent position on a draft consent order which was prepared and exchanged. Counsel for the appellant noted she intends to file an application which she believes would be dispositive of the matter. The respondent informed that it will await the appellant's application and will respond accordingly. The matter was therefore adjourned.

Case Name: Cliff Williams

v

Mary John

[ANUHCVP2020/0015]

Date: Monday, 14th February 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: Mr. Rushaine Cunningham

Issues:

Status of the matter

Type of Order:

Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The parties are to agree to the documents to be included in the record of appeal and the appellant shall file the Record of appeal along with written submissions and authorities on or before 1st April 2022.
2. The respondent shall file and serve written submissions with authorities on or before 2nd May, 2022.
3. The appellant is at liberty to file and serve written submissions, with authorities, in reply if necessary, on or before 17th May, 2022.
4. The hearing of the appeal is fixed for the next Court of Appeal sitting in Antigua and Barbuda during the week commencing 23rd May, 2022.

Reason:

The Court noted communication from counsel for the appellant indicating that he was unable to attend the hearing because of a personal emergency. Counsel for the appellant's communication noted that the transcript had been obtained and therefore the first step would be to prepare the record of appeal, however, he would not be travelling back to the Caribbean until mid-March 2022 and therefore would like until then to prepare the record. Counsel for the respondent had no objections. The relevant directions were therefore given.

Case Name:

Ian Hughes

v

The Queen

[ANUHCRA2018/0003]

Date: Monday, 14th February 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Jomokie Phillips holding for Ms. Tana'ania Small-Davis

Respondents: Mrs. Shannon Jones-Gittens holding papers for the Director of Public Prosecutions

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 Antigua and Barbuda scheduled for 16th May 2022 for the appellant to give an indication as to whether he is still interested in prosecuting this 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: Counsel for the appellant indicated that he has had some difficulty in contacting the appellant in this matter and required more time to do so. Counsel for the appellant asked that the matter be removed from the court's list, however, counsel for the respondent asked that the matter remain and be brought before the Full Court at which time the appellant would be required to appear. The matter was adjourned to the next status hearing for the appellant to indicate whether he is still interested in prosecuting the appeal.

Case Name: Joseph Peters

v

The Queen

[ANUHCRA2018/0001]

Date: Monday, 14th February 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Wendel Robinson

Respondent: Mrs. Shannon Jones- Gittens holding papers for the
Director of Public Prosecutions

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 Antigua and Barbuda scheduled for 16th May 2022 to allow the appellant to make payment of the balance owed on the transcript of proceedings.

Reason: The Court noted an indication from counsel for the appellant that he has written to the Police welfare society seeking help to allow the appellant to pay for the transcript of proceedings. Counsel requested an adjournment to allow this effort to continue. The Court was minded to grant the adjournment.

Case Name: Errol Barnes

v

The Queen
[ANUHCRA2017/0003]

Date: Monday, 14th February 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	No appearance
Respondent:	Mrs. Shannon Jones-Gittens holding papers for the Director of Public Prosecutions

Issues: Status of the matter

Type of Order: Adjournment

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall continue efforts to cause the transcripts of proceedings in this matter to be completed and served on the parties.
2. The matter is adjourned to the next status hearing of the court for Antigua and Barbuda scheduled for 16th May 2022.
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 noted that the transcript of proceedings was not yet available. Directions were therefore given for the court office to complete the transcript and serve it on the parties.

Case Name: Alex Joseph

v

The Commissioner of Police

[ANUMCRAP2018/0003]

Date: Monday, 14th February 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Dr. David Dorsett holding papers for Mr. Warren Cassell

Respondent: Mrs. Shannon Jones-Gittens

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 15th March, 2022.
2. The respondent shall file and serve written submissions with authorities on or before 14th April, 2022.
3. The appellant is at liberty to file and serve written submissions, with authorities, in reply if necessary, on or before 29th April, 2022.
4. The hearing of the appeal is fixed for the next Court of Appeal sitting in Antigua and Barbuda during the week commencing 23rd May, 2022.

Reason: The Court noted that the parties were ready to receive directions for filing and serving submissions. The Court therefore gave the necessary directions for the progress of the appeal.

Case Name:

Sheldon Aird

v

The Commissioner of Police

[ANUMCRAP2019/0016]

Date:

Monday, 14th February 2022

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Wendel Robinson

Respondent: Mrs. Shannon Jones-Gittens

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 14th March, 2022.**
- 2. The respondent shall file and serve written submissions with authorities on or before 21st April, 2022.**
- 3. The appellant is at liberty to file and serve written submissions, with authorities, in reply if necessary, on or before 6th May, 2022.**
- 4. The hearing of the appeal is fixed for the next Court of Appeal sitting in Antigua and Barbuda during the week commencing 23rd May, 2022.**

Reason: The Court noted that the record of appeal had been completed. The Court therefore gave directions for the progress of the appeal.

Case Name: Tyree Smith

v

The Chief Magistrate

[ANUMCRAP2020/0005]

Date: Monday, 14th February 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Wendel Robinson

Respondent: No appearance

Issues: Status of the matter

Type of Order: Adjournment

Result / Order: IT IS HEREBY ORDERED THAT:

1. Upon Noting that the Respondent has not been served with the Notice of Appeal, the matter is adjourned to the next status hearing of the court for Antigua and Barbuda scheduled for 16th May, 2022 to allow the appellant to take the necessary steps to regularize service on the respondent and to indicate whether he is still interested in prosecuting this appeal.
2. This will be the final adjournment in this matter.

Reason: The Court noted that counsel for the appellant indicated he had not been able to take instructions from the appellant. He asked for a final adjournment in this matter. The Court noted that on the last occasion counsel requested a final adjournment. The Court was of the view that this should be the final adjournment in this matter.

Case Name: Daren Leslise Dunnah
v
The Commissioner of Police
[ANUMCRAP2019/0015]

Date: Monday, 14th February 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Mr. Dane Hamilton Jr.

Respondent: No appearance

Issues: Status of the matter

Type of Order: Adjournment

Result / Order: IT IS HEREBY ORDERED THAT:

1. Upon Noting that the Respondent has not been served with the Notice of Appeal, the matter is adjourned to the next status hearing of the court for Antigua and Barbuda scheduled for 16th May, 2022 to allow the appellant to take the necessary steps to regularize service on the respondent.
2. This will be the final adjournment in this matter.

Reason: The Court noted that on the last occasion the appellant was given leave to regularize the appeal, however that was not done. Counsel for the appellant noted that he had recently spoken to the appellant who is still interested in his appeal and counsel therefore requested a final adjournment to put matters right. In the circumstances, the Court granted the adjournment.

Case Name: Waltham Lewis
v
John Duberry
[ANUMCRAP2018/0002]

Date: Monday, 14th February 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. The matter is adjourned to the next Status Hearing of the court for Antigua and Barbuda scheduled for 16th May 2022.

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 noted there was no appearance by either of the parties. The matter was therefore adjourned.

Case Name: Wayne Thomas

v

Karen Gardner

[ANUMCVAP2019/0004]

Date: Monday, 14th February 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. R. Leonard Moore

Respondent: No appearance

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 with authorities on or before 14th April, 2022.
2. The appellant is at liberty to file and serve written submissions, with authorities, in reply if necessary, on or before 29th April, 2022.

3. The hearing of the appeal is fixed for the next Court of Appeal sitting in Antigua and Barbuda during the week commencing 23rd May, 2022.

Reason: The Court noted that the respondent had been served with the appellant's written submissions, however no submission were filed on behalf of the respondent. The Court therefore gave the necessary directions for the progress of the appeal.

Case Name: Akilah Anderson

v

Magistrate Craig Christopher

[ANUMCVAP2020/0008]

Date: Monday, 14th February 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. The matter is adjourned to the next Status Hearing of the court for Antigua and Barbuda scheduled for 16th May, 2022 for the appellant

to give an indication as to whether he/she is still interested in prosecuting the 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. The matter was therefore adjourned to the next Status Hearing.

Case Name: Anderson Carty

v

Gentiste Christian

[ANUMCVAP2019/0005]

Date: Monday, 14th February 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	Dr. David Dorsett holding papers for Mr. Warren Cassell
Respondents:	No appearance

Issues: Status of the matter

Type of Order: Adjournment

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall continue efforts to serve a copy of the Record of Appeal on the respondent and shall provide proof of service thereafter.

2. The matter is adjourned to the next status hearing of the court for Antigua and Barbuda scheduled for 16th May, 2022.

Reason: The Court noted that the respondent was not served to be present at the hearing as the court has not been able to effect service. The Immigration Department informed the Court that there was no record of the respondent leaving the island. The matter was therefore adjourned to allow the High Court to continue efforts to serve the respondent.

Case Name: Channel Abbot

v

Larry Abbot

[ANUMCVAP2020/0003]

Date: Monday, 14th February 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondents: Mr. Damien Benjamin

Issues: Status of the matter

Type of Order: Adjournment

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Chief Magistrate shall provide a supplemental Record of Appeal including the detailed reasons for the decision, on or before 31st March 2022,

failing which the Chief Magistrate shall provide an affidavit stating the reasons for non-compliance.

2. The matter is adjourned to the next Status Hearing of the court for Antigua and Barbuda scheduled for 16th May, 2022 for the appellant to indicate whether she is still interested in prosecuting the appeal.
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: Counsel for the respondent noted to the Court that the matter might have been passed to another attorney given that the attorney on record (Mr. Wendel Robinson) was no longer with the Chambers responsible for the matter. The Court therefore adjourned the matter for the appellant to inform the Court whether she is still interested in pursuin the appeal.

Case Name: Jessica Thompson

v

Steve Hurst

[ANUMCVAP2020/0005]

Date: Monday, 14th February 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	In person
Respondents:	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 the appellant that she no longer wishes to proceed with the appeal, the appeal is hereby 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 noted the appellant's indication that she no longer wished to proceed with the appeal. The appeal was therefore withdrawn and dismissed.