

EASTERN CARIBBEAN SUPREME COURT
STATUS HEARING
ANTIGUA AND BARBUDA
16th May 2022

Case Name: **Treetops Garden Centre Limited**

v

St. John's Development Corporation

[ANUHCVP2014/0033]

Date: **Monday, 16th May 2022**

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: **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 10th October 2022 unless a consent order is sooner filed to allow the parties to continue settlement discussions.

Reason: **The Court noted that the parties have been in negotiations regarding a settlement. Counsel for the appellant indicated that nothing has yet been agreed and negotiations have not yet been completed as the appellant representative's mother recently passed, slowing negotiations. The matter was**

therefore adjourned to give the parties time to complete settlement negotiations.

Case Name: **George Kaersenhout**

v

Domitilia James

[ANUHLTAP2018/0010]

Date: **Monday, 16th May 2022**

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

Appearances:

Appellant: **Ms. Latoya Letlow**

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 Antigua and Barbuda scheduled for 10th October 2022 for the appellant 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 respondent and shall provide proof of service thereafter.**

Reason: **Counsel for the appellant indicated that she had difficulties obtaining further instructions from the appellant and asked for an adjournment for further instructions to be taken. The**

Court granted the adjournment to allow counsel to obtain the instructions on whether the appeal will be pursued.

Case Name: Police Service Commission

v

Wendel Glenroy Robinson

[ANUHCVP2018/0037]

Date: Monday, 16th May 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Dr. David Dorsett

Respondent: In person

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 10th October 2022 to allow the parties to continue settlement discussions.

Reason: Counsel for the appellant indicated to the Court that the parties were in very advanced mediation and settlement discussions. Counsel asked for an adjournment for the settlement discussions to be concluded. Accordingly, the Court granted the adjournment to facilitate the settlement discussions.

Case Name: **Trevor Santos**

v

Horizon Construction Limited

[ANUHCVP2011/0015]

Date: **Monday, 16th May 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 for Antigua and Barbuda scheduled for 10th October 2022 to allow counsel for the appellant to make the necessary application in relation to the progress of this appeal.

Reason: **Counsel for the appellant indicated to the Court that an application would be made to the Court of Appeal for the matter to be heard on the state of the record. Counsel requested an adjournment in the circumstances, which was agreed with counsel for the respondent. The Court was of the view that the adjournment ought to be granted.**

Case Name: **Joseph W. Horsford**

v

Geoffrey Croft
[ANUHCVP2021/0017]

Date: Monday, 16th May 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants: In person

Respondent: Mr. Sylvester Carrott

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 transcript 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 10th October 2022.

Reason: The appellant indicated to the Court that despite having made all the necessary arrangements he had yet received the transcript of proceedings. The court office noted to the Court that the transcript may be prepared within the week following the status hearing. The Court therefore adjourned the matter for the transcript to be furnished to the parties.

Case Name: Big Banana Holding Company Limited
v

Kenroy Callica

[ANUHLTAP2019/0003]

Date: Monday, 16th May 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Justin L. Simon, QC

Respondent: Mrs. Eunica Anthony-Victor

Issues: Status of the matter

Type of Order: N/A

Result / Order: IT IS HEREBY ORDERED THAT:

Upon noting that the parties have been served with the transcript of proceedings, the matter shall continue in accordance with the Civil Procedure Rules 2000.

Reason: Counsel for the appellant reported that the parties have been in receipt of the transcript of proceedings and are in the process of preparing the record of appeal. Counsel noted that in the circumstances the parties would be ready for the appeal at the next sitting. The Court therefore made an order for the matter to proceed in accordance with the Civil Procedure Rules 2000.

Case Name: Ian Hughes

v

The Queen
[ANUHCRA2018/0003]

Date: Monday, 16th May 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mrs. Tana'ania Small-Davis, QC

Respondent: Ms. Rashida Jonas holding 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 10th October 2022 to allow counsel for the appellant to take the necessary steps to progress the appeal.

Reason:

The Court noted that counsel for the appellant indicated that she has encountered difficulties obtaining a transcript of the proceedings below. She also noted that Mr. Hughes' trial lawyer passed away which has precluded her from obtaining his notes of evidence from the court below. Counsel for the appellant also indicated her intent to file an application to amend the notice of appeal. Counsel for the respondent indicated that she would have no objection to the application to amend the notice of appeal.

The Court was of the view that given the difficulties faced by counsel for the appellant, the matter ought to be adjourned to the next status hearing to allow for her to put her affairs in order for the appeal.

Case Name:

Joseph Peters

v

The Queen

[ANUHCRA2018/0001]

Date: Monday, 16th May 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Wendel Robinson

Respondent: Ms. Rashida Jonas holding 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 shall serve a copy of the record of appeal on the parties on or before 27th May, 2022.
2. The matter is adjourned to the next status hearing of the Court for Antigua and Barbuda scheduled for 10th October 2022.

Reason: Counsel for the appellant indicated to the Court that all payments have been made for the transcript of proceedings and he continued to wait for the transcript to be provided by the Court in order to prepare his submissions. In the circumstances, the Court was of the view that the matter ought to be adjourned until the transcript is provided.

Case Name: Errol Barnes

v

The Queen

[ANUHCRA2017/0003]

Date: Monday, 16th May 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	Mr. Pete-Semaj McKnight holding papers for Mr. Lawrence Daniels
Respondent:	Ms. Rashida Jonas holding papers for the Director of Public Prosecutions

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 for the transcript 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 10th October 2022.

Reason: Counsel for the appellant indicated that he has still not received the transcript of proceedings from the court office, which has deterred progress of the appeal. The Court therefore gave directions for the provision of the transcript to the parties and adjourned the matter.

Case Name: Tyree Smith

v

The Chief Magistrate

[ANUMCRAP2020/0005]

Date: Monday, 16th May 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Wendel Robinson

Respondent: No appearance

Issues: Status of the matter

Type of Order: N/A

Result / Order: IT IS HEREBY ORDERED THAT:
Upon noting that the notice of appeal filed on 15th December 2020 has not been served on the respondent, the matter is removed from the court's list.

Reason: Counsel for the appellant indicated his intention to withdraw the appeal as he has not received any interest in the appeal from the appellant. In circumstances where there has been no service on the respondent, the Court was of the view that the matter ought to be delisted.

Case Name: Daren Leslise Dunnah

v

The Commissioner of Police

[ANUMCRAP2019/0015]

Date: Monday, 16th May 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondents: No appearance

Issues: Status of the matter

Type of Order: N/A

Result / Order: IT IS HEREBY ORDERED THAT:
Upon noting that there has been no proof of service of the notice of appeal filed on 15th December 2020 on the respondent, the matter is removed from the court's list.

Reason: The Court noted that the respondent had not yet been served with the notice of appeal. In those circumstances the matter was delisted.

Case Name: Waltham Lewis

v

John Duberry

[ANUMCVAP2018/0002]

Date: Monday, 16th May 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: Mr. Pete-Semaj McKnight

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 10th October 2022 for the appellant to be present to give an indication whether she is still interested in prosecuting this appeal.
2. The Reg 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 respondent indicated that the appellant had never shown up to a status hearing with his counsel. The respondent was unsure whether the appellant was still interested in prosecuting the appeal.

The Court noted that at the last status hearing counsel for the appellant indicated that he would have to take further instructions from his client as to how to proceed. It was unclear what the position was in this regard. The Court therefore adjourned the matter.

Case Name:

Akilah Anderson

v

Craig Christopher

[ANUMCVAP2020/0008]

Date:

Monday, 16th May 2022

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

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 Antigua and Barbuda scheduled for 10th October 2022 for the appellant to be present to give an indication whether she 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 there was no evidence of service of the notice of hearing on the parties. The matter was therefore adjourned.**

Case Name: **Anderson Carty**

v

Gentiste Christian

[ANUMCVAP2019/0005]

Date: **Monday, 16th May 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 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 10th October, 2022.
3. 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 court office has been unable to locate the respondent to serve him. The matter was therefore adjourned for the respondent to be served.

Case Name:

Channel Abbot

v

Larry Abbot

[ANUMCVAP2020/0003]

Date:

Monday, 16th May 2022

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Wendel Robinson

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 for Antigua and Barbuda scheduled for 10th October 2022 to allow counsel for the appellant to take instructions and for the parties to hold discussions on how the matter should proceed.

Reason: Counsel for the appellant requested an adjournment in order to take further instructions from his client on whether she intends to still pursue the appeal. Counsel for the respondent had no objections to this request. In the circumstances, the Court allowed one final adjournment of the matter.