

**EASTERN CARIBBEAN SUPREME COURT**  
**STATUS HEARING**  
**ANTIGUA AND BARBUDA**  
**11<sup>th</sup> October 2021**

**Case Name:** **Treetops Garden Centre Limited**

**v**

**St. John's Development Corporation**

**[ANUHCVP2014/0033]**

**Date:** **Monday, 11<sup>th</sup> October 2021**

**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 14<sup>th</sup> February 2022, unless a consent order is sooner filed.**

**Reason:** **Counsel for the appellant indicated that she fell ill and was out of office for a considerable period of time. Counsel also indicated to the Court that counsel for both parties are advanced in settlement discussions and will continue efforts to obtain a consent order. The Court therefore adjourned the matter for counsel to conclude their settlement discussions.**

**Case Name: Secraton Limited**

**v**

**Port Authority**

**[ANUHCVP2020/0001]**

**Date: Monday, 11<sup>th</sup> October 2021**

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

**Appearances:**

**Appellant: Dr. David Dorsett**

**Respondents: 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 of Appeal in Antigua and Barbuda scheduled for 14<sup>th</sup> February 2022, to allow counsel for the appellant to obtain further instructions in this matter.**

**Reason: Counsel for the appellant informed the Court that he is in the process of taking further instructions from the appellant in this matter, however he is facing some challenges. The Court also noted counsel for the respondent's complaint that the matter has been languishing for some time and that she intends to make an appropriate application. The Court was of the view that the matter ought to be adjourned to allow counsel for the appellant to obtain further instructions from the appellant.**

**Case Name:** **Big Banana Holding Company Limited**

**v**

**Kenroy Callicia**

**[ANUHLTAP2019/0003]**

**Date:** **Monday, 11<sup>th</sup> October 2021**

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

**Appearances:**

**Appellant:** **Mr. Justin L. Simon, QC**

**Respondent:** **Ms. Eunica Anthony Victor**

**Issues:** **Status of the matter**

**Type of Order:** **Directions**

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

- 1. The Registrar of the High Court shall take the necessary steps to obtain the transcript of proceedings in this matter.**
- 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 noted that the transcript of proceedings was not yet available in the matter. The Court therefore gave the necessary directions for the transcript of proceedings to be provided to the parties by the High Court Registry.**

**Case Name:**

**Jessy Khouly**

**v**

**Edmond Mansoor**

**[ANUHCVP2019/0010]**

**Date:**

**Monday, 11<sup>th</sup> October 2021**

**Coram:**

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

**Appearances:**

**Appellant: Mr. Kyle Kentish holding papers for Mr. Kendrickson Kentish**

**Respondent: Dr. David Dorsett**

**Issues:**

**Status of the matter**

**Type of Order:**

**Directions**

**Result / Order:**

**IT IS HEREBY ORDERED THAT:**

- 1. The parties shall agree to the documents to be included in the Record of Appeal and the appellant shall file and serve the Record of Appeal on or before 27<sup>th</sup> December 2021.**
- 2. The appellant shall file and serve written submissions with authorities on or before 10<sup>th</sup> January, 2022.**
- 3. The respondent shall file and serve written submissions with authorities on or before 10<sup>th</sup> February, 2022.**
- 4. The appellant is at liberty to file and serve written submissions, with authorities, in reply if necessary, on or before 18<sup>th</sup> February, 2022.**
- 5. The hearing of the appeal is fixed for the next Court of Appeal sitting in Antigua and Barbuda during the week commencing 21<sup>st</sup> February, 2022.**

**Reason:** Counsel for the appellant indicated to the Court that representation for the appellant has recently been regularised and he intends to file a notice of acting in the matter. Counsel indicated further that he would have to obtain all documents previously held by deceased Mr. John Fuller who represented the appellant previously. Counsel requested until January 2022 to obtain the documents from Mr. John Fuller's office and file written submissions thereafter. The Court therefore gave directions to allow counsel time to file the relevant documents.

**Case Name:** Jolly Beach Resort & Spa  
v  
Simone Sparman  
[ANUHCVP2019/0001]

**Date:** Monday, 11<sup>th</sup> October 2021

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

**Appearances:**  
**Appellant:** Mr. Kyle Kentish holding papers for Mr. Kendrickson Kentish  
**Respondent:** Mr. Pete Semaj McKnight

**Issues:** Status of the matter

**Type of Order:** Directions

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

1. Counsel for the appellant shall take the necessary steps to obtain the transcript of the proceedings in this matter from an external transcriptionist.

2. The matter is removed from the Status Hearing list pending the availability of the transcript.
3. The matter will be listed at the next Status Hearing of the court on the availability of the transcript or on a date to be fixed by the Chief Registrar.

**Reason:** Counsel for the appellant indicated that the court office wrote to the appellant to indicate the cost estimate given by the J&J court transcribers. He noted further that to date there has been no action taken by the appellant in light of this. The Court was of the view that it was therefore necessary to give directions for the acquisition of the transcript and the progression of the appeal.

**Case Name:** Kier Construction Limited

**v**

**[1] Sundry Workers  
[2] George Dexter Tavernier**

**[ANUHLTAP2019/0007]**

**Date:** Monday, 11<sup>th</sup> October 2021

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

**Appearances:**

**Appellant:** Ms. Safiya Roberts-Swatton

**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 Registrar of the High Court shall continue efforts to obtain the notes of evidence from the Industrial court and serve on the parties.
2. The matter is adjourned to the next Status Hearing of the Court of Appeal in Antigua and Barbuda scheduled for 14<sup>th</sup> February, 2022.

**Reason:**

The Court noted that there was no transcript available and the notes of evidence of the President of the Industrial Court would be relied on. The matter was therefore adjourned to allow the High Court Registry to obtain the notes of evidence and serve it on the parties.

**Case Name:**

**Lester Jones**

**v**

**Jumby Bay Island Company**

**[ANUHLTAP2019/0002]**

**Date:**

**Monday, 11<sup>th</sup> October 2021**

**Coram:**

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

**Appearances:**

**Appellant:** Mr. Kyle Kentish holding papers for Mr. Kendrickson Kentish

**Respondent:** Mr. Justin L. Simon, QC

**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 and authorities on or before 3<sup>rd</sup> December, 2021.
2. The respondent shall file and serve written submissions with authorities on or before 7<sup>th</sup> January, 2022.
3. The appellant is at liberty to file and serve written submissions, with authorities, in reply if necessary, on or before 24<sup>th</sup> January, 2022.
4. The hearing of the appeal is fixed for the next Court of Appeal sitting in Antigua and Barbuda during the week commencing 21<sup>st</sup> February, 2022.

**Reason:** The Court noted that the record of appeal was filed on 29<sup>th</sup> July 2021, however written submissions were still outstanding. Accordingly, the Court gave directions for the progress of the appeal.

**Case Name:** Antigua Commercial Bank

**v**

**Mary E. Prophet**

**[ANUHLTAP2018/0006]**

**Date:** Monday, 11<sup>th</sup> October 2021

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

**Appearances:**

|                    |                                   |
|--------------------|-----------------------------------|
| <b>Appellant:</b>  | <b>Ms. Safiya Roberts-Swatton</b> |
| <b>Respondent:</b> | <b>Mr. Justin L. Simon, QC</b>    |

**Issues:** Status of the matter

**Type of Order:** Directions

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



1. The appellant shall file and serve The Record of Appeal along written submissions and authorities on or before 22<sup>nd</sup> November, 2021.
2. The respondent shall file and serve written submissions with authorities on or before 17<sup>th</sup> December, 2021.
3. The appellant is at liberty to file and serve written submissions, with authorities, in reply if necessary, on or before 7<sup>th</sup> January, 2022.
4. The hearing of the appeal is fixed for the next Court of Appeal sitting in Antigua and Barbuda during the week commencing 21<sup>st</sup> February, 2022.

**Reason:** The Court noted that the record of appeal and written submissions were still outstanding to be filed. Accordingly, the Court gave directions for the progress of the appeal.

**Case Name:** **Cassandra Goodluck**

**v**

**Carlisle Bay Antigua t/a Carlisle Bay Resorts**

**[ANUHLTAP2018/0001]**

**Date:** Monday, 11<sup>th</sup> October 2021

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

**Appearances:**

|                    |                    |
|--------------------|--------------------|
| <b>Appellant:</b>  | Mr. Warren Cassell |
| <b>Respondent:</b> | Mr. Chantal Thomas |

**Issues:** Status of the matter

**Type of Order:** Directions

**Result / Order:**

**IT IS HEREBY ORDERED THAT:**

1. The parties shall agree to the documents to be included in the Record of Appeal and the appellant shall file and serve the Record of Appeal on or before 1<sup>st</sup> November 2021.
2. The appellant shall file and serve written submissions with authorities on or before 1<sup>st</sup> December, 2021.
3. The respondent shall file and serve written submissions with authorities on or before 14<sup>th</sup> January, 2022.
4. The appellant is at liberty to file and serve written submissions, with authorities, in reply if necessary, on or before 31<sup>st</sup> January, 2022.
5. The hearing of the appeal is fixed for the next Court of Appeal sitting in Antigua and Barbuda during the week commencing 21<sup>st</sup> February, 2022.

**Reason:**

The Court noted that the record of appeal and written submissions were still outstanding to be filed. Accordingly, the Court gave directions for the progress of the appeal.

**Case Name:**

**George Kaersenhout**

**v**

**Domitilia James**

**[ANUHLTAP2018/0010]**

**Date:**

**Monday, 11<sup>th</sup> October 2021**

**Coram:**

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

**Appearances:**

**Appellant: Ms. Eunica Victor**

**Respondent: No appearance**

**Issues:** **Status of the matter**

**Type of Order:** **Directions**

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

1. The Registrar shall inquire from the Immigration Department as to whether there is any record of the respondent leaving the State.
2. The matter is adjourned to the next status hearing of the court for Antigua and Barbuda scheduled for 14<sup>th</sup> February 2022.
3. The Registrar of the High Court shall serve a copy of the order on the respondent personally and shall provide proof of service thereafter.

**Reason:** The Court noted that the respondent was not served to be present at the status hearing as the High Court was unable to locate the respondent. The Court therefore gave directions for the High Court Registry to make enquiries to locate the respondent and adjourned the matter to the next status hearing.

**Case Name:** **Jenifer Maynard**

**v**

**[1] The Attorney General**  
**[2] Public Service Commission**

**[ANUHCVP2017/0025]**

**Date:** **Monday, 11<sup>th</sup> October 2021**

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

**Appearances:**  
**Appellant:** **Dr. David Dorsett**

**Respondents: Mrs. Carla Brookes-Harris**

**Issues: Status of the matter**

**Type of Order: Directions**

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

- 1. The parties shall agree to the documents to be included in the Record of Appeal and the appellant shall file and serve the Record of Appeal on or before 11<sup>th</sup> November 2021.**
- 2. The appellant shall file and serve written submissions with authorities on or before 10<sup>th</sup> December, 2021.**
- 3. The respondent shall file and serve written submissions with authorities on or before 11<sup>th</sup> January, 2022.**
- 4. The appellant is at liberty to file and serve written submissions, with authorities, in reply if necessary, on or before 31<sup>st</sup> January, 2022.**
- 5. The hearing of the appeal is fixed for the next Court of Appeal sitting in Antigua and Barbuda during the week commencing 21<sup>st</sup> February, 2022.**

**Reason: The Court noted that the record of appeal and written submissions were still outstanding to be filed. Accordingly, the Court gave directions for the progress of the appeal.**

**Case Name: Police Service Commission**

**v**

**Wendel Robinson**

**[ANUHCRA2019/0004]**

**Date:** Monday, 11<sup>th</sup> October 2021

**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 14<sup>th</sup> February 2022 to allow the parties to provide an update on the progress of the appeal.

**Reason:** Dr. Dorsett, counsel for the appellant, indicated to the Court that the parties are in the process of mediation in relation to another matter between the same parties and that mediation may affect the outcome of this matter. Counsel for the appellant therefore asked for an adjournment to allow mediation to continue.

The respondent disagreed with Dr. Dorsett's representation and has informed that here are 3 matters before the court. One matter is before mediation (a High court matter), the other one is also before Justice Drysdale and the third is this appeal. However, in his opinion, the issue of the other two matters, including this appeal is not up for negotiation or mediation.

Dr. Dorsett indicated that he is hoping that all issues involving the parties can be addressed and settled.

The respondent noted further that he is not opposed to reconciliation; however, this was the first occasion that he was informed that the appellant wishes to have all three matters dealt with via mediation.

The Court therefore adjourned the matter for counsel on both sides to discuss and provide an update regarding the appeal.

**Case Name:**

**Shenett Jacobs**

**v**

**The Attorney General of Antigua and Barbuda**

**[ANUHCVP2018/0049]**

**Date:**

**Monday, 11<sup>th</sup> October 2021**

**Coram:**

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

**Appearances:**

**Appellant: In person**

**Respondents: Mrs. Carla Brooks-Harris**

**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 Antigua and Barbuda for 14<sup>th</sup> February 2022 to allow the appellant to regularize the payment of the transcript of proceedings.**

**Reason:**

**The Court noted that the appellant had not yet paid for the transcript of proceedings and adjourned the matter for same to be regularized.**

**Case Name:** **Trevor Santos**

**v**

**Horizon Construction Limited**

**[ANUHCVAP2011/0015]**

**Date:** **Monday, 11<sup>th</sup> October 2021**

**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 14<sup>th</sup> February 2022 unless a consent order is sooner filed.**

**Reason:** **Counsel for the appellant indicated to the Court that the parties have found a way to resolve the dispute which is of some vintage. The Court noted that the parties are in the process of negotiation and expect to be in a position to file a draft consent order. The matter was therefore adjourned to give the parties an opportunity to finalise the consent order.**

**Case Name:** **Ian Hughes**

**v**

**The Queen**

**[ANUHCRA2018/0003]**

**Date:** Monday, 11<sup>th</sup> October 2021

**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:

The matter is adjourned to the next status hearing of the Court for Antigua and Barbuda scheduled for 14<sup>th</sup> February 2022 for the appellant to give an indication as to whether he intends to proceed with the appeal.

**Reason:** Counsel for the appellant indicated that he would need some time to consider the position in relation to the process of this appeal and if it does proceed, the grounds of appeal. He therefore requested an adjournment of the matter. The Crown had no objections and the Court therefore granted the adjournment.

**Case Name:** Joseph Peters

**v**

**The Queen**



**[ANUHCRA2018/0001]**

**Date:** Monday, 11<sup>th</sup> October 2021

**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 14<sup>th</sup>  
February 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 the appellant is having financial difficulties and has  
therefore only made part payment for the transcript of  
proceedings. Counsel requested an adjournment to allow  
the appellant time to settle the payment of the transcript.  
There being no objection from the Crown, the Court granted  
the adjournment.

**Case Name:** Katamwa Bright

**v**

**The Queen**

**[ANUHCRA2018/0005]**

**Date:** Monday, 11<sup>th</sup> October 2021  
**Coram:** Mrs. Michelle John-Theobalds, Chief Registrar

**Appearances:**  
**Appellant:** 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 respondent shall file and serve written submissions and authorities on or before 22<sup>nd</sup> November 2021.
2. The appellant is at liberty to file and serve written submissions, with authorities, in reply if necessary, on or before 14<sup>th</sup> December 2021.
3. The hearing of the appeal is fixed for the next Court of Appeal sitting in Antigua and Barbuda during the week commencing 21<sup>st</sup> February 2022.

**Reason:** The Court noted that the Crown had not yet been able to complete their response as they were awaiting affidavit evidence from counsel who appeared in the court below. Counsel for the Crown requested an adjournment in order to have time to file the submissions. The Court was of the view that the adjournment ought to be granted.

**Case Name:** Tejah Armstrong

**v**

**The Queen**

**[ANUHCRA2016/0003]**

**Date:** Monday, 11<sup>th</sup> October 2021

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

**Appearances:**

**Appellant:** Mr. Wendel Robinson

**Respondents:** 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 30<sup>th</sup> December, 2021.
2. The respondent shall file and serve written submissions with authorities on or before 28<sup>th</sup> January, 2022.
3. The appellant is at liberty to file and serve written submissions, with authorities, in reply if necessary, on or before 11<sup>th</sup> February, 2022.
4. The hearing of the appeal is fixed for the next Court of Appeal sitting in Antigua and Barbuda during the week commencing 21<sup>st</sup> February, 2022.

**Reason:** Counsel for the appellant requested an adjournment for time to take further instructions from the appellant regarding the appeal as he was not aware that he was on record for this matter. In the circumstances, the Court granted the adjournment.

**Case Name:** **Dorian Marshall**  
**v**  
**The Queen**  
**[ANUHCRA2020/0001]**

**Date:** **Monday, 11<sup>th</sup> October 2021**

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

**Appearances:**  
**Appellant:** **Mr. Wendel Robinson and Mr. Lawrence Daniels**  
**Respondent:** **Mrs. Shannon Jones-Gittens 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 appellant shall file and serve written submissions with authorities on or before 6<sup>th</sup> December, 2021.
2. The respondent shall file and serve written submissions with authorities on or before 28<sup>th</sup> January, 2022.
3. The appellant is at liberty to file and serve written submissions, with authorities, in reply if necessary, on or before 14<sup>th</sup> February, 2022.
4. The hearing of the appeal is fixed for the next Court of Appeal sitting in Antigua and Barbuda during the week commencing 21<sup>st</sup> February, 2022.

**Reason:** The Court noted that the e-copy of the transcript of proceedings had not yet been uploaded to the Portal, but that the court office would do so. The Court was also of the view that directions were required for the further progress of the appeal.

**Case Name:** Ndrú Greaves  
v  
The Queen  
[ANUHCRA2021/0001]

**Date:** Monday, 11<sup>th</sup> October 2021

**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:** Directions

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

1. The respondent shall file and serve written submissions with authorities on or before 15<sup>th</sup> November, 2021.
2. The appellant is at liberty to file and serve written submissions, with authorities, in reply if necessary, on or before 30<sup>th</sup> November, 2021.

3. The hearing of the appeal is fixed for the next Court of Appeal sitting in Antigua and Barbuda during the week commencing 21<sup>st</sup> February, 2022.

**Reason:** The Court noted that the record of appeal had been filed on 27<sup>th</sup> April 2021 and the appellant's submissions were filed on 5<sup>th</sup> October 2021. The Court considered that further directions were needed for the progress of the appeal.

**Case Name:** Errol Barnes

v

The Queen

[ANUHCRA2017/0003]

**Date:** Monday, 11<sup>th</sup> October 2021

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

**Appearances:**

**Appellant:** Mr. Pete Semaj McKnight holding for Mr. Lawrence Daniels

**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 ensure the completion of the transcript of proceedings in this matter.

2. The matter is adjourned to the next Status Hearing of the Court for Antigua and Barbuda scheduled for 14<sup>th</sup> February 2022.

**Reason:** The Court noted that counsel for the appellant had made an application to the court via letter for the transcript of proceedings to be provided free of charge. The Court therefore gave directions for the completion of the transcript and adjourned the matter.

**Case Name:** Alex Joseph  
v  
The Commissioner of Police  
[ANUMCRAP2018/0003]

**Date:** Monday, 11<sup>th</sup> October 2021

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

**Appearances:**  
**Appellant:** Mr. Warren Cassell  
**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 serve a copy of the Record of Appeal on the parties on before 19<sup>th</sup> October 2021.

2. The matter is adjourned to the next Status Hearing of the Court for Antigua and Barbuda scheduled for 14<sup>th</sup> February 2022.

**Reason:** The Court noted that the parties were not yet in receipt of the record of appeal and that the court was uncertain as to whether the record had been completed. In those circumstances the Court adjourned the matter for the High Court to provide the record of appeal.

**Case Name:** Sheldon Aird  
v  
The Commissioner of Police  
[ANUMCRAP2019/0016]

**Date:** Monday, 11<sup>th</sup> October 2021

**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:

1. The Chief Magistrate shall provide a supplemental Record of Appeal including the detailed notes of evidence of the witnesses, the full reasons for decision for both the conviction and sentence in



this matter and the minute of conviction and sentence, on or before 15<sup>th</sup> December, 2021, 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 14<sup>th</sup> February, 2022.

**Reason:** The Court noted that the Chief Magistrate had not provided the notes of evidence and reasons for decision to complete the record of appeal. The Court therefore gave directions for this to be provided and adjourned the matter.

**Case Name:** Tyree Smith

**v**

**The Chief Magistrate**

**[ANUMCRAP2020/0005]**

**Date:** Monday, 11<sup>th</sup> October 2021

**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:

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 14<sup>th</sup> February, 2021 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.

**Reason:**

The Court noted that the notes of evidence and minute of conviction were missing from the record of appeal and the record only contained the reasons for decision. Counsel for the appellant also indicated to the Court that he had gotten the distinct impression that the appellant was no longer interested in pursuing the appeal and requested a final adjournment in order to seek further instructions from the appellant. The Court further noted that the notice of appeal had not been served on the respondent. In those circumstances, the Court adjourned the matter for service of the notice of appeal to be regularized and for counsel for the appellant to ascertain whether the appellant was interested in continuing the appeal.

**Case Name:**

**Mignon Stafford**

**v**

**The Commissioner of Police**

**[ANUMCRAP2020/0004]**

**Date:**

**Monday, 11<sup>th</sup> October 2021**

**Coram:**

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

**Appearances:**

**Appellant:**

**Mr. Cosbert Cumberbatch**

**Respondent:**

**Mrs. Shannon Jones-Gittens 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 appellant is at liberty to file and serve written submissions, with authorities, in reply if necessary, on or before 5<sup>th</sup> November, 2021.
2. The hearing of the appeal is fixed for the next Court of Appeal sitting in Antigua and Barbuda during the week commencing 21<sup>st</sup> February, 2022.

**Reason:** The Court noted that the record of appeal was filed on 31<sup>st</sup> March 2021, the appellants submissions were filed on 31<sup>st</sup> August 2021 and the respondent's skeleton arguments were filed on 29<sup>th</sup> September 2021. The Court therefore gave further directions for the appellant to file submissions in reply if necessary and fixed the hearing of the appeal at the next sitting of the Court.

**Case Name:** **Daren Leslise Dunnah**

**v**

**The Commissioner of Police**

**[ANUMCRAP2019/0015]**

**Date:** **Monday, 11<sup>th</sup> October 2021**

**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:**

Upon noting the request for an adjournment made by counsel for the appellant, the matter is adjourned to the next Status Hearing of the court for Antigua and Barbuda scheduled for 14<sup>th</sup> February 2022, to allow the appellant to make an application to regularize the appeal.

**Reason:** Counsel for the appellant requested an adjournment in order to make an application to regularize service of the record of appeal on the respondent. In the circumstances, the Court granted the adjournment.

**Case Name:** **Waltham Lewis**

**v**

**John Duberry**

**[ANUMCRAP2018/0002]**

**Date:** **Monday, 11<sup>th</sup> October 2021**

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

**Appearances:**

**Appellant:** **Mr. Kwame L. Simon holding papers for Ms. Nelleen Murdock**

**Respondent:** **Mr. Pete-Semaj McKnight**

**Issues:** **Status of the matter**

**Type of Order:** **Adjournment**

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

1. The Chief Magistrate shall provide a further supplemental Record of Appeal including the Notes of Evidence in the court below and the detailed reasons for the decision, on or before 3<sup>rd</sup> December, 2021, 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 14<sup>th</sup> February, 2022.

**Reason:** The Court noted on assessment that the record of appeal was incomplete, missing the notes of evidence and the reasons for decision. The Court also noted that there was an issue of representation for the appellant who may need to seek new counsel. The matter was therefore adjourned for these matters to be addressed.

**Case Name:** **Azizi Looby Harris**

**v**

**Louis Shopping Center**

**[ANUMCVAP2019/0001]**

**Date:** **Monday, 11<sup>th</sup> October 2021**

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

**Appearances:**  
**Appellant:** **Mr. Warren Cassell**

**Respondent:** No appearance

**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 30<sup>th</sup> November, 2021.
2. The respondent shall file and serve written submissions with authorities on or before 14<sup>th</sup> January, 2022.
3. The appellant is at liberty to file and serve written submissions, with authorities, in reply if necessary, on or before 31<sup>st</sup> January, 2022.
4. The hearing of the appeal is fixed for the next Court of Appeal sitting in Antigua and Barbuda during the week commencing 21<sup>st</sup> February, 2022.
5. 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 directions were necessary for the progress of the appeal and accordingly gave same.

**Case Name:** Peta-Ann Kelsick

**v**

**Mario Winter T/a Island Press**

**[ANUMCVAP2019/0002]**

**Date:** Monday, 11<sup>th</sup> October 2021

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

**Appearances:**

**Appellant:** Ms. Chantal Thomas

**Respondent:** Mr. Kwame L. Simon

**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 12<sup>th</sup> November, 2021.
2. The respondent shall file and serve written submissions with authorities on or before 13<sup>th</sup> December, 2021.
3. The appellant is at liberty to file and serve written submissions, with authorities, in reply if necessary, on or before 14<sup>th</sup> January, 2022.
4. The hearing of the appeal is fixed for the next Court of Appeal sitting in Antigua and Barbuda during the week commencing 21<sup>st</sup> February, 2022.

**Reason:** The Court noted that the record of appeal was filed 30<sup>th</sup> July 2021 and that directions were necessary for the further progress of the appeal. The directions were accordingly given.

**Case Name:** Wayne Thomas

v

Karen Gardner

**[ANUMCVAP2019/0004]**

**Date:** Monday, 11<sup>th</sup> October 2021

**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 14<sup>th</sup> February, 2022.
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:** There being no appearance by either party the matter was adjourned.

**Case Name:** Vanroy Burns

**v**

**Craig Christopher**

**[ANUMCVAP2020/0004]**



**Date:** Monday, 11<sup>th</sup> October 2021

**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 14<sup>th</sup> February, 2022.
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 parties had not been served to be present. The matter was therefore adjourned.

**Case Name:** Akilah Anderson

**v**

**Magistrate Craig Christopher**

**[ANUMCVAP2020/0008]**

**Date:** Monday, 11<sup>th</sup> October 2021

**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 14<sup>th</sup> February, 2022.
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 appellant was not served to be present. The matter was therefore adjourned to the next Status Hearing.

**Case Name:**

**Anderson Carty**

**v**

**Gentiste Christian**

**[ANUMCVAP2019/0005]**

**Date:**

**Monday, 11<sup>th</sup> October 2021**

**Coram:**

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

**Appearances:**

**Appellant:** 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 14<sup>th</sup> February, 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 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, 11<sup>th</sup> October 2021**

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

**Appearances:**

**Appellant: Mr. Wendel Robinson**

**Respondents: 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 for Antigua and Barbuda scheduled for 14<sup>th</sup> February, 2022 to allow the parties to hold discussion on the matter.

**Reason:** Counsel for both parties sought an adjournment of the matter. Counsel for the appellant indicated he was at a different chambers when the matter was filed and therefore he was uncertain as to the status of the appeal. Counsel for the respondent informed that he was recently retained and required further time to obtain further instructions from the client. Both counsel also indicated that they wished to hold discussions in an attempt to settle the matter. The Court therefore granted the adjournment.

**Case Name:** Jessica Thompson

v

Steve Hurst

[ANUMCVAP2020/0005]

**Date:** Monday, 11<sup>th</sup> October 2021

**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 14<sup>th</sup> February, 2022.
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:** There being no appearance by either party the matter was adjourned.