

EASTERN CARIBBEAN SUPREME COURT
STATUS HEARING
ANTIGUA AND BARBUDA
21st September 2020

Case Name: **Treetops Garden Centre Limited**

v

St. John's Development Corporation

[ANUHCVP2014/0033]

Date: **Monday, 21st September 2020**

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

Appearances:

Appellant: **Ms. Joanne Massiah**

Respondent: **No appearance**

Issues: **Status of the matter**

Type of Order: **Adjournment**

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

Upon the Court noting the indication from counsel for the appellant that the parties are in settlement discussions and request an adjournment to continue the same, the matter is adjourned to the next Status Hearing of the Court of Appeal in Antigua and Barbuda scheduled for 1st February 2021, unless a consent order is sooner filed.

Reason: **Counsel for the appellant indicated that she continues to be in negotiations with counsel for the respondent, with the intention to arrive at a consensus position on the matter, and**

that the parties are much closer to a settlement agreement. Counsel therefore requested an adjournment in light of the ongoing negotiations.

Case Name: **Jessica Hood**

v

[1] Free Trade and Processing Zone Commission

[2] Houghton Forde

[3] Vere Carbon

[4] Angella Gonsalves

[ANUHCVP2012/0018]

Date: **Monday, 21st September 2020**

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

Appearances:

Appellant: **No appearance**

Respondents: **Mr. Loy Weste for the first, second and fourth respondents
Ms. Kema Benjamin for the counter appellant/third respondent**

Issues: **Status of the matter**

Type of Order: **Adjournment**

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

- 1. Upon noting the request from counsel for the third respondent that the matter be adjourned to allow counsel to take instruction from the third respondent**

relative to the prosecution of this appeal, the appeal is adjourned to the next Status Hearing of the Court of Appeal in Antigua and Barbuda scheduled for 1st February 2021, for the third respondent to indicate whether he is interested in pursuing the counter appeal which was filed in this matter.

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

Reason:

Counsel for the third respondent once again requested an adjournment to take instructions from her client. The Court noted that this was the third time for which the matter was adjourned on account of the Court being uncertain of the intention of the third respondent where the counter appeal is concerned. In the circumstances, the Court adjourned the matter to allow for counsel to take instructions from the third respondent.

Case Name:

**Yida Zhang
v
Lux Location Limited**

[ANUHCVP2018/0013]

Date:

Monday, 21st September 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Dr. David Dorsett

Respondent: Mr. Andrew O’Kola

Issues:

Status of the matter

Type of Order: N/A

Result / Order: N/A

Reason: The Court noted that an application was made to withdraw this appeal. This matter therefore should not have been on the present Status Hearing list as it was scheduled to come up for hearing at the Sitting of the Full Court in the following week.

Case Name: Ian Hughes

v

The Queen

[ANUHCRAP2018/0003]

Date: Monday, 21st September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	Mr. Jomokie Phillips holding for Ms. Tana'ania Small Davis
Respondent:	Ms. Shannon Jones-Gittens holding for the Director of Public Prosecutions

Issues: Status of the matter

Type of Order: Adjournment

Result / Order: IT IS HEREBY ORDERED THAT:

Upon noting the request from counsel for the appellant for an adjournment and there being no objection by counsel for the respondent, the matter is adjourned to the next Status Hearing of the Court of Appeal in Antigua and Barbuda scheduled for 1st February 2021.

Reason:

The Court noted that counsel for the appellant has made some attempts to retrieve the notes of evidence from the previous attorney for the appellant, Mr. John Fuller. Counsel for the appellant indicated that he intends to prepare a note of evidence from the court's visit to the locus in quo and agree it with the Director of Public Prosecutions. Counsel further indicated that he expects to receive the notes of what transpired at the locus in quo from Mr. Fuller soon and will be in a position to prepare those notes for agreement by the respondent. Counsel therefore requested a final adjournment. The respondent did not object to the adjournment.

Case Name:

[1] Ronald Samuel
[2] Melville Samuel
[3] Terry Herbert
[5] David Daniel
[6] George Baron
[7] Kerry Oliver

v

The Queen

[ANUHCRA2015/0009]

Date:

Monday, 21st September 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants: Mr. Sherfield Bowen

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

Issues: Status of the matter

Type of Order: N/A

Result / Order: N/A

Reason: Counsel for both parties informed the Court that the matter had been disposed of. The Court therefore sought confirmation from the High Court on whether this was in fact the case.

Case Name: Joseph Peters

v

The Queen

[ANUHCRA2018/0001]

Date: Monday, 21st September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Lawrence Daniels and Mr. Wendel Robinson

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

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 and there being no objection by counsel for the respondent, the matter is adjourned to the next Status Hearing of the Court of Appeal in Antigua and Barbuda scheduled for 1st February 2021.

Reason: Counsel for the appellant indicated that the record of appeal has not been paid for, because the appellant was having some financial difficulties which has hindered his ability to pay for the transcript of proceedings. Counsel also noted that the appellant has served his time and has been discharged, however, he is still interested in pursuing his appeal.

Case Name: Shelton Hunte
v
The Queen
[ANUHCRA2018/0004]

Date: Monday, 21st September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Mr. Lawrence Daniels
Respondent: Ms. Shannon Jones-Gittens holding 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 settle payment of the transcript of proceedings on or before 21st December 2020.
2. The matter shall thereafter proceed in accordance with the Rules.

Reason: The Court noted the appellant's request for time to make payment for the transcript of proceedings.

Case Name: Katamwa Bright
v
The Queen
[ANUHCRA2018/0005]

Date: Monday, 21st September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Warren Cassell

Respondent: Ms. Shannon Jones-Gittens holding 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 30th October 2020.

2. The respondent shall file and serve written submissions with authorities on or before 30th November 2020.
3. The appellant is at liberty to file and serve written submissions in reply, if necessary, on or before 15th December 2020.
4. The hearing of the appeal is fixed for the next sitting of the Court of Appeal in Antigua and Barbuda scheduled for the week commencing 8th February 2021.

Reason:

The Court noted that the record of appeal was filed on 9th June 2020, however written submissions were still outstanding. Accordingly, the Court gave directions for the progress of the appeal.

Case Name:

Joel Kwame' Seraphin

v

The Queen

[ANUHCRA2018/0006]

Date:

Monday, 21st September 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Andrew O'Kola

Respondent: Ms. Shannon Jones-Gittens holding 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 23rd November 2020.
2. The respondent shall file and serve written submissions with authorities on or before 23rd December 2020.
3. The appellant is at liberty to file and serve written submissions in reply, if necessary on or before 11th January 2021.
4. The hearing of the appeal is fixed for the next sitting of the Court of Appeal in Antigua and Barbuda scheduled for the week commencing 8th February 2021.

Reason:

The Court noted that the record of appeal was filed on 10th July 2020 and served on the respondent, however written submissions were still outstanding. Accordingly, the Court gave directions for the progress of the appeal.

Case Name:

George Thomas

v

The Queen

[ANUHCRA2018/0010]

Date:

Monday, 21st September 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Andrew O’Kola

Respondent: Ms. Shannon Jones-Gittens holding 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 30th October 2020.
2. The respondent shall file and serve written submissions with authorities on or before 23rd December 2020.
3. The appellant is at liberty to file and serve written submissions in reply, if necessary on or before 11th January 2021.
4. The hearing of the appeal is fixed for the next sitting of the Court of Appeal in Antigua and Barbuda scheduled for the week commencing 8th February 2021.

Reason:

The Court noted that the record of appeal has been prepared, however in light of the voluminous nature of the record counsel for the parties requested more time to file their written submissions in this matter. Accordingly, the Court gave directions for the progress of the appeal.

Case Name:

Facundo Guerrero

v

The Queen

[ANUHCRA2018/0012]

Date:

Monday, 21st September 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Sherfield Bowen

Respondent: Ms. Shannon Jones-Gittens holding 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 take the necessary steps to make a request for the transcript of proceedings.
2. The matter shall thereafter proceed in accordance with the Rules.

Reason: The Court noted that no request has been filed for the transcript of proceedings. Counsel for the appellant informed the Court that he was not aware that he had to make the request. He further advised that he would be making a request for the transcript of proceedings to be provided free of charge.

Case Name: Gavin Williams

v

The Queen

[ANUHCRA2019/0002]

Date: Monday, 21st September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Mr. Sherfield Bowen

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

Issues: Status of the matter

Type of Order: N/A

Result / Order: IT IS HEREBY ORDERED THAT:

The appeal is listed for hearing the full Court during the sitting of the Court in Antigua and Barbuda scheduled for the week commencing 28th September 2020 for a duration of 30 minutes.

Reason: The Court noted that the record of appeal was filed on 9th May 2019 and that written submissions were filed on 9th September 2020 and 17th September 2020 by the appellant and respondent respectively. Both counsel requested that the matter be listed for hearing at the next sitting of the Court of Appeal in Antigua and Barbuda with each counsel requesting 10 minutes to make their oral submissions. Mr. Bowen confirmed that an electronic copy of the submissions and the record of appeal has been sent to the Court. The Court also noted that there were no further documents to be filed by either party and accordingly listed the matter for hearing at the Court's next sitting in Antigua and Barbuda.

Case Name: Leon Riley

v

The Queen

[ANUHCRA2019/0004]

Date: Monday, 21st September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Lawrence Daniels with Mr. Wendell Robinson

Respondent: Ms. Shannon Jones-Gittens holding 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 30th October 2020.
2. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 16th November 2020.
3. The hearing of the appeal is fixed for the next sitting of the Court of Appeal in Antigua and Barbuda scheduled for the week commencing 8th February 2021.

Reason: The Court noted that written submissions have been filed by the appellant and were served on the respondent on 4th September 2020. The respondent, however, requested further time to file written submissions. There being no objection by the appellant, the Court gave directions for the filing of the respondent's written submissions and for the progress of the appeal.

Case Name: The Director of Public Prosecutions

v

[1]Jahmalier Grant
[2]Semorly Jacobs

[3]Paul Jacobs

[ANUHCRA2019/0005]

Date: Monday, 21st September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Shannon Jones-Gittens holding for the Director of Public Prosecutions

Respondents: First respondent in person
Mr. Lawrence Daniels for the second respondent
Mr. Wendel Robinson for the third respondent

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 30th October 2020.
2. The respondents shall file and serve written submissions with authorities on or before 30th November 2020.
3. The appellant is at liberty to file and serve written submissions in reply, if necessary, on or before 15th December 2020.
4. The hearing of the appeal is fixed for the next sitting of the Court of Appeal in Antigua and Barbuda scheduled for the week commencing 8th February 2021.

Reason: The first respondent informed the Court that she intends to retain the services of a lawyer. The Court also noted that the transcript of proceedings was received on 19th June 2020 and the respondents were all in receipt of a copy of the

record of appeal. The Court therefore gave directions for the further progress of the appeal.

Case Name: **Josh Lucian**
v
The Queen
[ANUHCRA2019/0009]

Date: **Monday, 21st September 2020**

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

Appearances:
Appellant: **Mr. Wendel Robinson holding papers for Mr. Michael Archibald**
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 of Appeal in Antigua and Barbuda scheduled for 1st February 2021 for the appellant to provide proof of service of the notice of appeal on the respondent.

Reason: **Counsel for the appellant had not provided the Court with proof of service of the notice of appeal on the Director of Public Prosecutions. The Court further noted that the transcript of proceedings had not been requested. The matter was therefore adjourned to the next status hearing.**

Case Name: **The Director of Public Prosecutions**

v

[1]Dane Hart
[2]Lenroy Black

[ANUHCRA2019/0014]

Date: **Monday, 21st September 2020**

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

Appearances:

Appellant: **Ms. Shannon Jones-Gittens holding for the Director of Public Prosecutions**

Respondents: **No appearance**

Issues: **Status of the matter**

Type of Order: **Adjournment**

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

Upon the indication of counsel for the appellant that a notice of discontinuance will be filed in this matter, the matter is adjourned to the next status hearing of the Court of Appeal in Antigua and Barbuda scheduled for 1st February 2021 unless a notice of discontinuance is sooner filed.

Reason: **Counsel for the appellant indicated that the appellant intends to file a notice of discontinuance in this matter. The Court therefore adjourned the matter until such notice of discontinuance is filed.**

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

Date: **Monday, 21st September 2020**
Coram: **Mrs. Michelle John-Theobalds, Chief Registrar**

Appearances:
Appellant: **Mr. Warren Cassell**
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 of Appeal in Antigua and Barbuda scheduled for 1st February 2021 for the appellant to provide proof of service of the notice of appeal on the respondent.

Reason: **The Court inquired whether there was service of the Notice of Appeal on the respondent. Counsel informed the Court that he has an endorsement on his file indicating that the notice of appeal was served on the respondent on 20th July 2018. However, the appellant had not provided an affidavit of service evidencing service of the notice of appeal on the respondent. The matter was therefore adjourned to give the appellant time to provide proof of such service.**

Case Name:

Marwan Chehadeh

v

The Commissioner of Police

[ANUMCRAP2019/0001]

Date:

Monday, 21st September 2020

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 the indication from the Registrar of the High Court that the appellant could not be located for service of the notice of hearing for today, the matter is adjourned to the next Status Hearing of the Court of Appeal in Antigua and Barbuda scheduled for 1st February 2021.**
- 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 notice of appeal was filed on 7th March 2019. The Court further noted that there was no affidavit of service filed evidencing service of the notice of appeal on the respondent. There was, however, an affidavit

of non-service indicating that the appellant could not be located for service of the notice of hearing.

Case Name:

Alston Gregory Rodney

v

[1]Magistrate Ngaio Emmanuel

[2]Commissioner of Police

[ANUMCRAP2019/0002]

Date:

Monday, 21st September 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Vere Bird III

Respondents: No appearance

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 30th November 2020, failing which the Chief Magistrate shall provide an affidavit giving reasons for the non-compliance.**
- 2. The matter is adjourned to the next Status Hearing of the Court in the state of Antigua and Barbuda scheduled for 1st February 2021.**

Reason: The Court noted that the notice of appeal was filed on 20th March 2019. An affidavit of service was filed on 3rd April 2019 proving service on the court administrator on 26th March 2019 on behalf of the Magistrate. Counsel for the appellant admitted that there was, however, no service on the second named respondent, the Commissioner of Police and acknowledged that he was out of time to do so.

The court administrator of the Magistrate's Court informed the Court that the Magistrate is in the process of preparing the record of appeal.

Case Name: Deon Browne

v

The Commissioner of Police

[ANUMCRAP2019/0004]

Date: Monday, 21st September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Warren Cassell

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 in Antigua and Barbuda scheduled for 1st February 2021 for the appellant to provide proof service of the notice of appeal on the respondent.

Reason: The Court noted that the notice of appeal was filed on 17th September 2019. There was no affidavit of service evidencing service of the notice of appeal. Counsel for the appellant was unable to confirm service of the notice of appeal in the matter and asked for an adjournment to do so.

Case Name: Wayne Warrell

v

The Commissioner of Police

[ANUMCRAP2019/0013]

Date: Monday, 21st September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person

Respondent: Ms. Shannon Jones-Gittens holding 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 serve a copy of the notice of appeal on the Magistrate's court on or before 2nd October 2020.
2. The matter shall thereafter proceed in accordance with the Rules.

Reason: The appellant indicated that he does not intend to get a lawyer and further that the appeal is dependent on the outcome of the appeal ANUHCRA2019/0012 which is listed for hearing by the Full Court at the upcoming Court of Appeal sitting.

The Court also noted that a copy of the notice of appeal has not been served on the Magistrate's Court by the High Court. The Court therefore gave directions for the notice of appeal to be served on the Magistrate's Court.

Case Name: Sheldon Aird

v

The Commissioner of Police

[ANUMCRA2019/0016]

Date: Monday, 21st September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Wendel Robinson

Respondent: Ms. Shannon Jones-Gittens 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 of the High Court shall serve a copy of the notice of appeal on the Magistrate's Court on or before 23rd September 2020.

2. The Chief Magistrate shall cause the record of appeal to be prepared and submitted to the Registrar of the High Court on or before 30th November 2020.
3. The matter is adjourned to the next Status Hearing of Court in the state of Antigua and Barbuda schedule for 1st February 2021.

Reason:

The Court noted that the notice of appeal was filed on 22nd November 2019. A letter was also sent to the Magistrate's Court on 28th May 2020 and was served on the respondent on 29th May 2020, alerting that an appeal was filed and requesting the preparation of the record of appeal.

The court administrator for the Magistrate's Court indicated that although he was in receipt of the letter, he did not receive the notice of appeal. He further indicated that he was informed that the file is being processed. The Court therefore adjourned the matter to give time for the notice of appeal to be served on the Magistrate's Court and for the record of appeal to be prepared.

Case Name:

Marie-Anne Nelson Wilson

v

The Chief Magistrate

[ANUMCRAP2015/0005]

Date:

Monday, 21st September 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Lawrence Daniels

Respondent:

Ms. Shannon Jones-Gittens 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 Chief Magistrate shall cause the Record of Appeal to be prepared and submitted to the Registrar of the High Court on or before 30th November 2020 failing which the Chief Magistrate shall provide an affidavit giving reasons for the non-compliance.**
- 2. The matter is adjourned to the next Status Hearing of the Court in the state of Antigua and Barbuda scheduled for 1st February 2021.**

Reason:

The Court noted that the notice of appeal was filed on 1st December 2015, however, it was filed at the Magistrate's Court and had not been transmitted to the High Court. Amended grounds of appeal were filed on 5th May 2020 and served on the respondent on 14th May 2020. Written submissions were also filed to include the amended grounds of appeal. The court administrator of the Magistrate's Court informed this Court that it appears the notice of appeal was misplaced by the Magistrate's Court.

The Court further noted that the record of appeal is being processed. The matter was therefore adjourned giving time for the submission of the record of appeal to the High Court.

Case Name:

Janice Evans-Graham

v

Ruth Graham

[ANUMCVAP2018/0001]

Date:

Monday, 21st September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Kema Benjamin

Respondent: Mr. Septimus Rhudd

Issues: Status of the matter

Type of Order: Adjournment

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Chief Magistrate shall give priority in causing the Record of Appeal to be prepared and submitted to the Registrar of the High Court on or before 30th October 2020, failing which the Chief Magistrate shall provide an affidavit giving reasons for the non-compliance.
2. The matter is adjourned to the next Status Hearing of the Court in the state of Antigua and Barbuda scheduled for 1st February 2021.

Reason: The Court noted that the notice of appeal has been served on the respondent, however, the appellant is awaiting the transcript of proceedings from the Magistrate's Court. Counsel for the respondent also indicated that the respondent is very elderly and was concerned that the matter continues to languish. The Court therefore gave directions for the preparation and submission of the record of appeal and adjourned the matter to the next Status Hearing.

Case Name: Waltham Lewis

v

John Dubbery

[ANUMCVAP2018/0002]

Date: Monday, 21st September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Nelleen Murdoch

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 Status Hearing of the Court in Antigua and Barbuda scheduled for 1st February 2021 for the appellant to provide proof service of the notice of appeal and the amended notice of appeal on the respondent.

Reason: Counsel for the appellant indicated to the Court that she was unable to locate a copy of an affidavit of service evidencing service of the notice of appeal or amended notice of appeal on the respondent in this matter. The matter was therefore adjourned to give the appellant the opportunity to serve the respondent with the documents.

Case Name: Delvia Pierre

v

[1] Tywann Morris
[2] Tenjiah Morris

[ANUMCVAP2018/0004]

Date: Monday, 21st September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Eunica Anthony-Victor

Respondents: Mr. Warren Cassell holding papers for Mr. Michael Archibald

Issues: Status of the matter

Type of Order: Directions

Result / Order: IT IS HEREBY ORDERED THAT:

1. Upon the Court noting that applications for an extension of time to file the notice of appeal and a stay of proceedings has been filed by the appellant in the Magistrate's Court on 16th November 2018, but that the Court has not received a copy of the applications, counsel for the appellant shall provide a copy of the applications to the Court's Headquarters and the High Court on or before 25th September 2020.
2. Upon receipt of the applications filed on 16th November 2018, the matter shall be removed from the Status Hearing list pending the determination of the applications.

Reason: Counsel for the appellant indicated to the Court that an application for an extension of time to file a notice of appeal was filed on 16th November 2018 at the Magistrate's Court, along with an application to stay the proceedings. The Court noted, however, that there is no affidavit of service evidencing service of this application and neither did the Court have a copy of this application. The court administrator for the Magistrate's Court also indicated that he was unaware of such an application. The Court therefore gave directions for the appellant to provide a copy of the application.

Case Name:

Azizi Looby Harris

v

Louis Shopping Center

[ANUMCVAP2019/0001]

Date:

Monday, 21st September 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Warren Cassell

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 Status Hearing of the Court in Antigua and Barbuda scheduled for 1st February 2021 for the appellant to provide proof service of the notice of appeal on the respondent.

Reason:

Counsel for the appellant was unable to confirm proof of service of the notice of appeal on the respondent. The matter was therefore adjourned to give the appellant time to provide proof of service of the notice of appeal.

Case Name:

Peta-Ann Kelsick

v

Mario Winter t/a Island Press

[ANUMCVAP2019/0002]

Date: Monday, 21st September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Kema Benjamin

Respondents: Mr. Kwame L. Simon

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 November 2020, failing which the Chief Magistrate shall provide an affidavit giving reasons for non-compliance.
2. The matter is adjourned to the next Status Hearing of the Court in the state of Antigua and Barbuda scheduled for 1st February 2021.

Reason: The Court noted that there was an affidavit of service dated 9th September 2020 evidencing service of the notice of appeal on the respondent on 21st May 2019. Counsel for the appellant indicated that the record of appeal was requested from the Magistrate's Court by letter dated 4th April 2019. Further letters dated 20th May 2019 and 26th August 2019 were written requesting the record of appeal, however the appellant is still awaiting compliance. The High Court also wrote a follow up letter on 25th July 2019, however they have received no response.

The court administrator from the Magistrate's Court indicated to the Court that the Chief Magistrate has advised that work has not yet commenced on the record of appeal.

The matter was therefore adjourned to allow for the Magistrate's Court to prepare and submit the record of appeal to the High Court.

Case Name: **Francis Trading Agency Ltd.**

v

Hollis E. Francis Jr.

[ANUMCVAP2019/0003]

Date: **Monday, 21st September 2020**

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

Appearances:

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

Respondents: **Mr. George E. Looby IV**

Issues: **Status of the matter**

Type of Order: **Directions**

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 November 2020, failing which the Chief Magistrate shall provide an affidavit giving reasons for the non-compliance.
2. Upon the Court noting that an application to strike out the appeal was filed by the

respondent on 17th September 2020 but that the Court has not received a copy of the application, counsel for the respondent shall provide a copy of the application to the Court's Headquarters.

3. Upon receipt of the application filed on 17th September 2020, the matter shall be removed from the Status Hearing list pending the determination of the applications.

Reason:

The Court noted that the notice of appeal was filed on 5th July 2019 and was served on the respondent on 10th July 2020. The respondent filed an application to strike out the notice of appeal on 17th September 2020 on several grounds, however, this application has not yet been served on the appellant.

Mr. Simon, QC indicated that he had written to the Magistrate's Court on 1st July 2019 requesting the record of proceedings in relation to this appeal but has received no response. The Court also noted that a letter was written from the Registrar to the Chief Magistrate requesting that the record of the proceedings be prepared, however there was no response to that letter either. The Court therefore gave directions for the Magistrate's Court to provide the record of appeal.

Case Name:

Wayne Thomas

v

Karen Gardner

[ANUMCVAP2019/0004]

Date:

Monday, 21st September 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. R. Leonard Moore

Respondents: No appearance

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 November 2020, failing which the Chief Magistrate shall provide an affidavit giving reasons for the non-compliance.
2. The matter is adjourned to the next Status Hearing of the Court in the state of Antigua and Barbuda scheduled for 1st February 2021.

Reason:

The Court noted that the record of appeal has been served on the respondent as evidenced by the affidavit of service filed on 6th November 2019. However, the record of appeal has not been provided to the High Court. The Court adjourned the matter therefore to give the Magistrate's Court time to provide a copy of the record of appeal to the High Court.