

**EASTERN CARIBBEAN SUPREME COURT
IN THE COURT OF APPEAL
ANTIGUA AND BARBUDA
[MONDAY 9th SEPTEMBER 2019]**

STATUS HEARING DIGEST

STATUS HEARING

Case Name: Jenoure Craigg
v
The Queen
[ANUHCRA2017/0005]

Date: Monday, 9th September 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Mr. Sherfield Bowen
Respondent: Mrs. Shannon Jones-Gittens holding for the Director of Public Prosecutions

Issue: Status of the Matter

**Type of Oral
Result / Order
Delivered:** Directions

Result / Order:

1. The appellant shall file and serve written submissions with authorities on or before 10th September 2019.
2. The respondent shall file and serve written submissions with authorities on or before 11th November 2019.
3. The appellant is at liberty to file and serve written

submissions, with authorities, in reply in necessary on or before 26th November 2019.

3. The hearing of the appeal is fixed for the next Court of Appeal sitting in Antigua and Barbuda during the week commencing 16th September 2019.

Reason:

Record of appeal has been received. Respondent has filed submissions. Appellant to file submissions by 10th September 2019. Respondent intends to rely on submissions already filed.

Case Name:

Kaniel Martin

v

The Queen

[ANUHCRA2012/0001]

Date:

Monday, 9th September 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Sherfield Bowen

Respondent:

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

Issue:

Status of the matter

**Type of Oral
Result / Order
Delivered:**

Directions

Result / Order:

1. The appellant shall file and serve written submissions with authorities on or before the 28th February 2020.

2. The respondent shall file and serve written

submissions with authorities on or before 30th March 2020.

3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 14th April 2020.

4. The hearing of the appeal is fixed for the Court of Appeal sitting in Antigua and Barbuda during the week commencing the 25th May 2020.

Reason:

Mr. Bowens has been consulted but not yet instructed on the matter and thus is not totally familiarized with the matter. Mr. Bowens entered an appearance in this matter.

Case Name:

Edwin Gomez

V

The Queen

[ANUHCRA2014/0012]

Isaiah Benjamin

V

The Queen

[ANUHCRA2014/0013]

Date:

Monday, 9th September 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Sherfield Bowen for both appellants

Respondent:

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

Issue:

Status of the matter

**Type of Oral
Result / Order
Delivered:**

Directions

Result / Order:

1. The appellant shall file and serve written submissions with authorities on or before 15th October 2019.
2. The respondent shall file and serve written submissions with authorities on or before 18th November.
3. The appellant is at liberty to file and serve written submissions with authorities in reply on or before 3rd December 2019.
4. The hearing of the appeal is fixed for next Court of Appeal sitting in Antigua and Barbuda during the week commencing the 13th January 2020.

Case Name:

**Ian Hughes
v
The Queen**

[ANUHCRA2018/0003]

Date:

Monday, 9th September 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

**Mr. Kemar Roberts holding for Tana'ania Small-Davis
for Richards & Co.**

Respondent:

**Mrs. Shannon Jones-Gittens holding for the Director
of Public Prosecutions**

Issue:	Status of the mater
Type of Oral Result / Order Delivered:	Adjournment
Result / Order:	The matter is adjourned to the next status hearing of the court in Antigua and Barbuda scheduled for 8th January 2020.
Reason:	The appellant intends to make an application for the return of the appellant's travel documents and an application to see the judge's notes.

Case Name:	Chavis Phillip v The Queen [ANUHCRAP2014/0007]
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Date:	Monday, 9th September 2019
Before:	Mrs. Michelle John-Theobalds, Chief Registrar
Appearances:	
Appellant:	Mr. Sherfield Bowen
Respondent:	Mrs. Shannon Jones-Gittens holding for the Director of Public Prosecutions

Issue:	Status of the matter
Type of Oral Result / Order Delivered:	Directions
Result / Order:	1. The appellant shall file and serve written

submissions with authorities on or before 30th October 2019.

2. The respondent shall file and serve written submissions with authorities on or before the 2nd December 2019.

3. The appellant is at liberty to file written submissions with authorities in reply if necessary, on or before the 17th December 2019.

4. The hearing of the appeal is fixed for the next Court of Appeal sitting in Antigua and Barbuda during the week commencing the 13th January 2020.

Case name:

**Tejah Armstrong
v
The Queen**

[ANUHCRAP2016/0003]

Date:

Monday, 9th September 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Sherfield Bowen

Respondent:

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

Issue:

Status of the matter

**Type of Oral
Result / Order
Delivered:**

Directions

Result / Order:

1. The appellant shall file and serve written submissions with authorities on or before 30th March 2020.
2. The respondent shall file and serve written submissions with authorities on or before 30th April 2020.
3. Appellant at liberty to file and serve written submissions with authorities in reply if necessary, on or before 15th May 2020.
4. The hearing of the appeal is fixed for the Court of Appeal sitting in Antigua and Barbuda during the week commencing 25th May 2020.

Reason: The appellant indicated Mr. Bowens will be formally retained within a week from this date.

Case name:

**Vern Small
v
The Queen**

[ANUHCRA2017/0006]

Date: Monday, 9th September 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	Appellant in person
Respondent:	Mrs. Shannon Jones-Gittens holding for the Director of Public Prosecutions

Issue: Status of the matter

**Type of Oral
Result / Order** Adjournment

Delivered:

Result / Order:

The matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week commencing 16th September 2019.

Case name:

**Treetops Garden Centre Limited
v
St. John's Development Corporation**

[ANUHCVP2014/0033]

Date:

Monday, 9th September 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Ms. Joanne Massiah

Respondent:

**Mr. White, representative for the respondent
Mr. Craig White as a representative of the respondent company**

Issue:

Status of the matter

**Type of Oral
Result / Order
Delivered:**

Adjournment

Result / Order:

The matter is adjourned to the next status hearing of the court in Antigua and Barbuda scheduled for the 8th January 2020.

Reason:

Transcript has not yet been received.

Case Name:

**Eurel Hodge
v
Peach Hallpike-Hodge
[ANUHCVP2017/0010]**

Date:

Monday, 9th September 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Appellant in person

Respondent:

Ms. Wattisa Rose of Legal Aid Advice Centre

Issue:

Status of the mater

**Type of Oral
Result / Order
Delivered:**

Directions

Result / Order:

1. The respondent shall inform the appellant of the documents that she wishes to have included in the record on or before 1st October 2019.

2. The appellant shall file and serve the record of appeal with written submissions and authorities on or before 31st October 2019.

3. The respondent shall file and serve written submissions with authorities on or before 29th November 2019.

4. The appellant is at liberty to file and serve written submissions with authorities in reply if necessary, on or before the 16th December 2019.

5. The hearing of the appeal is fixed for the next court of appeal sitting in Antigua and Barbuda during the

week commencing 13th January 2020.

Reason: Appellant intends to represent himself. Record has not been filed; transcript is available.

Case Name: Elroy Simon
v
The Supervisory Authority
[ANUHCVP2016/0001]

Date: Monday, 9th September 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: No appearance
Respondent: Mr. Wesley George

Issue: Status of the matter

**Type of Oral
Result / Order
Delivered:** Adjournment

Result / Order: The matter is to be adjourned to the next status hearing of the court in Antigua and Barbuda scheduled for 8th January 2020.

Reason: The appellant intends to file a notice of discontinuance as the matter was filed incorrectly.

Case Name: **Shaista Trading Company Limited**
v
CIBC First Caribbean International Bank
Limited

[ANUHCVAP2018/0021]

Date: **Monday, 9th September 2019**

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

Appearances:

Appellant: **Ms. Andrea Smitten**

Respondent: **Mrs. Eleanore Soloman**

Issue: **Status of the matter**

Type of Oral
Result / Order
Delivered: **Directions**

Result / Order:

1. The appellant shall take the necessary steps to ensure payment for the preparation of the transcript of proceedings in this matter on or before the 27th September 2019.
2. The matter is adjourned for status hearing on a date to be fixed by the Chief Registrar.

Case Name: **George Kaersenhout**
v
Domitilia James

[ANULTAP2018/0010]

Date: **Monday, 9th September 2019**

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

Appearances:

Appellant: Ms. Kari-Anne Reynolds

Respondent: No appearance

Issue: Status of the matter

**Type of Oral
Result / Order
Delivered:** Directions

Result / Order:

1. The appellant shall take the necessary steps to ensure payment for the transcript of proceedings in this matter on or before 27th September 2019.
2. The matter shall proceed thereafter in accordance with CPR 2000.
3. The Registrar of the high court is to serve a copy of this order on the respondent personally and provide proof of service thereafter.

Case Name:

Jessica Hood
v
[1] Fee Trade and Processing Zone
Commission
[2] Houghton Forde
[3] Vere Carbon
[4] Angella Gonsalves
[ANUHCVP2012/0018]

Date: Monday, 9th September 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Dr. David Dorsett

Respondents: Ms. Kema Benjamin appears for Mr. Vere Carbon the counter appellant and the third respondent

Mr. Calvin John for the 1st and 2nd Respondents, Free Trading and Processing Zone Commission and Mr. Houghton Forde

Issue: Status of the matter

Type of Oral Result / Order Delivered: Adjournment

Result / Order: Matter is adjourned to the next status hearing of the court in Antigua and Barbuda scheduled for the 8th January 2020.

Case Name:

[1] Mc Alister Abbott
[2] Eugene Abbott
v
Massimo Alemagna
(By His Attorney Alessandro Alemagna)
Sir Eustace Francis
Michael Piggott

[ANUHCVP2018/0029]

Date: Monday, 9th September 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants: Ms. Kema Benjamin

Respondents: No appearance on behalf of the respondents

Issue: Status of the matter

**Type of Oral
Result / Order
Delivered:** Directions

Result / Order:

1. The appellants shall file and serve written submissions with authorities on or before 10th October 2019.
2. The respondents shall file and serve written submissions with authorities on or before 11th November 2019.
3. The appellants are at liberty to file and serve written submissions with authorities in reply if necessary, on or before 26th November 2019.
4. The hearing of the appeal is fixed for the next court of appeal sitting in Antigua and Barbuda during the week commencing the 13th January 2020.
5. The Registrar of the High Court shall serve a copy of this order on the respondents and provide proof of service thereafter.

Reason: Submissions have not been filed.

Case Name: Paul Chet Green
v
[1] Omari Samuel
[2] Ansely Charles

[ANUHCVP2018/0019]

Date: Monday, 9th September 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Kema Benjamin

Respondent: Mr. Dexter Wason

Issue: Status of the matter

**Type of Oral
Result / Order
Delivered:** Directions

Result / Order:

1. The appellant shall file and serve written submissions with authorities on or before 10th October 2019.
2. The respondent shall file and serve further written submissions with authorities in response if necessary, on or before 11th November 2019.
3. The appellant is at liberty to file and serve written submissions with authorities in reply on or before 26th November 2019.
4. The hearing of the appeal is fixed for the next Court of Appeal sitting in Antigua and Barbuda during the week commencing 13th January 2020.

Case Name: Flat Point Development Limited
v
Mary Dooley

[ANUHCVP2018/0033]

Date: Monday, 9th September 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance of counsel
Ms. Abibola Kienesberger a representative for the
appellant company

Respondent: Ms. Amina M. Byron

Issue: Status of the matter

**Type of Oral
Result / Order
Delivered:** Adjournment

Result / Order: The matter is adjourned to the next status hearing for
Antigua and Barbuda scheduled for 8th January 2020.

Reason: Flat Point Development Limited does not currently
have counsel retained but representative indicates
that the intention is to have an attorney retained and
thus requests an adjournment.

Case Name: Jennifer Maynard
v
[1] The Attorney General
[2] The Public Service Commission
[ANUHCVP2017/0025]

Date: Monday, 9th September 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Dr. David Dorsett

Respondent: Mrs. Carla Brookes-Harris

Issue: Status of the matter

**Type of Oral
Result / Order
Delivered:**

Directions

Result / Order:

1. The Registrar of the High Court shall take the necessary steps to procure the Master's notes in this matter.

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

Reason:

Appellant has requested a copy of the master's notes.

Case Name:

[1] Rona Henry

[2] Eric Henry

v

Tropic Builders

[ANUHCVP2018/0046]

Date:

Monday, 9th September 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants:

Mr. Kemar Roberts holding papers for Ms. Kalisia Marks

Respondent:

No appearance

Issue:

Status of the matter

**Type of Oral
Result / Order
Delivered:**

Directions

Result / Order:

1. Upon noting that the issue of representation in relation to the respondent is uncertain, given the indications made at case management, the matter is adjourned to the next status hearing of the court in Antigua and Barbuda scheduled for 8th January 2020.

2. The registrar of the high court shall serve a copy of this order on the respondent company personally and provide proof of service thereafter.

Case Name:

Campbell Coates

v

Tarin Winter

[ANUHCVP2017/0027]

Date:

Monday, 9th September 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Ms. Michelle Sterling

Respondent:

No appearance

Issue:

Status of the matter

**Type of Oral
Result / Order
Delivered:**

Directions

Result / Order:

1. The respondent shall file and serve written submissions in response on or before 14th October 2019.

2. The appellant is at liberty to file and serve submissions with authorities in a reply if necessary, on or before 29th October 2019.

3. The hearing of the appeal is fixed for the court of

appeal sitting in Antigua and Barbuda during the week commencing 13th January 2020, whether or not there is compliance of this order by the respondent.

4. The Registrar of the High Court shall serve a copy of this order on the respondent personally and provide proof of service thereafter.

Reason: The respondent has never made an appearance before the court in relation to this matter.

Case Name: Luis Hernandez
v
The Commissioner of Police
[ANUMCRAP2016/004]

Date: Monday, 9th September 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Mr. Cosbert Cumberbatch
Respondent: Mrs. Shannon Jones-Gittens holding for the Director of Public Prosecutions

Issue: Status of the matter

Type of Oral Result / Order Delivered: Adjournment

Result / Order: The matter is adjourned to the next status hearing of the court in Antigua and Barbuda scheduled for the 8th January 2020 to allow the appellant to either attend in person or through his lawyer give an indication as to whether he wishes to prosecute the appeal. Failing which the appeal shall stand as

dismissed for want of prosecution.

Reason: Mr. Cumberbatch has not been able to contact the appellant his client.

Case Name: Lev Josiah
v
The Commissioner of Police
[ANUMCRAP2017/0005]

Date: Monday, 9th September 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

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

Issue: Status of the matter

**Type of Oral
Result / Order
Delivered:** Directions

Result / Order:

1. The matter is adjourned to the next status hearing of the court in Antigua and Barbuda scheduled for 8th January 2020
2. Registrar of the High Court shall serve a copy of this order on the appellant personally and counsel for the appellant and shall provide proof of service thereafter.

Reason: Counsel for the appellant health is unknown and the appellant was not served with notice of this status

hearing.

Case Name:

**Alwyn Labadie
v
Davin Joseph**

[ANUMCRAP2017/0001]

Date:

Monday, 9th September 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Cosbert Cumberbatch

Respondents:

Ms. Kema Benjamin

Issue:

Status of the matter

**Type of Oral
Result / Order
Delivered:**

Directions

Result / Order:

1. The chief magistrate shall cause the Record of Appeal and notes of evidence to be prepared and submitted to the registrar of the High Court on or before 30th of October 2019, 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 Antigua and Barbuda scheduled for 8th January 2020.

Case Name:

Maridette Roberts

V

Jowawa Spencer

[ANUMCVAP2017/0001]

Date:

Monday, 9th September 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Ms. Watissa Rose

Respondent:

No appearance

Issue:

Status of the matter

**Type of Oral
Result / Order
Delivered:**

Directions

Result / Order:

1. The Chief Magistrate shall cause the record of appeal, including notice of appeal, reasons for decision and notes of evidence to be prepared and submitted to the Registrar of the High Court on or before 30th October 2019, failing which, the Chief Magistrate shall provide an affidavit giving reasons for noncompliance.

2. The appeal is adjourned to the next status hearing of the court in Antigua and Barbuda during the week commencing 8th January 2020.

3. Registrar of High Court shall serve a copy of this order on the respondent personally and provide proof of service thereafter.

Reason:

Record is outstanding.

Case Name:

**Alvin Thomas
v
Karen Cabral Thomas**

[ANUMCVAP2016/0001]

Date:

Monday, 9th September 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

**Ms. Kema Benjamin
Appellant present**

Respondent:

No appearance

Issue:

Status of the matter

**Type of Oral
Result / Order
Delivered:**

Directions

Result / Order:

1. The Chief Magistrate shall cause the record of appeal, including notice of appeal, reasons for decision and notes of evidence to be prepared and submitted to the registrar of the High Court on or before 30th October 2019, failing which, the Chief Magistrate shall provide an affidavit giving reasons for noncompliance.

2. The appeal is adjourned to the next status hearing of the court in Antigua and Barbuda during the week commencing 8th January 2020

3. Registrar of High Court shall serve a copy of this order on the respondent personally and provide proof of service thereafter.

Reason:

Respondent has never appeared. Record is outstanding.

Case Name:

**Gervon Archibald
v
[1] Claudette Barnes
[2] Chief Magistrate**

[ANUMCVAP2013/0004]

Date:

Monday, 9th September 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

No appearance

Respondents:

Ms. Sherry-Ann Bradshaw for 1st respondent Ms. Claudette Barnes

Issues:

Status of the matter

**Type of Oral
Result / Order
Delivered:**

Directions

Result / Order:

- 1. The Magistrate court office shall cause the record of appeal, including the notice of appeal, notes of evidence and reasons for decision to be prepared and submitted to the Registrar of the High Court on or before 30th October 2019, failing which magistrate Ms. Veronica Thomas shall provide an affidavit giving reasons or noncompliance.**
- 2. The appeal is adjourned to the next status hearing of the court in Antigua and Barbuda during the week commencing 8th January 2020.**
- 3. The Registrar of the High Court shall serve a copy of this order on the appellant personally**

and shall provide proof of service thereafter.

Reason: The record is outstanding.

Case Name: Lionel Mason et al
v
Aloma Stanislaus
[ANUHCVP2017/0004]

Date: Monday, 9th September 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: Mr. Cosbert Cumberbatch

Issues: Stats of the matter

**Type of Oral
Result / Order
Delivered:** Adjournment

Result / Order: The appeal is adjourned to the next status hearing of the court in Antigua and Barbuda scheduled for the 8th January 2020 for report.