

COURT OF APPEAL SITTING

ANTIGUA AND BARBUDA

25th – 28th February 2013

STATUS HEARING

Case Name:

**[1] Asot Michael
[2] Josette Michael
[3] Teresa-Anne Michael**

v

**[1] The Attorney General
[2] The Commissioner of Police**

[High Court Civil Appeal No. 20 of 2009]

Date:

Monday, 25th February 2013

Before:

The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant:	Mr. Ralph Francis holding papers for Mr. John E. Fuller
Respondent:	Ms. Alicia Aska holding papers for the Attorney General

Issue:

Status of the matter

Result / Order:

[Oral delivery]

- 1. The appellant to produce the notes of evidence to the Registrar of the High Court on or before Tuesday, 26th March, 2013, in default of so doing the notes of evidence supplied to the Registrar by the respondent will suffice for the completion of the record.**
- 2. Matter adjourned to the next sitting of the Court of Appeal in the week of 25th June 2013 for hearing of the appeal.**

Case Name:

**Austin Martin
v
The Attorney General of Antigua and
Barbuda**

[High Court Civil Appeal No. 15 of 2009]

Date:

Monday, 25th February 2013

Before:

The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant: No appearance

Respondent: Mr. Justin L. Simon, QC

Issue:

Status of the matter

**Result / Order
/ Reason:**

[Oral delivery]

- 1. Upon the Court being informed that counsel who appeared for the appellant at the High Court hearing is deceased and that the appellant's attorney is also deceased and that the appellant resides overseas, it is directed that the Registrar of the High Court is to write to the appellant regarding the appeal in the prevailing circumstances.**
- 2. The matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of the 25th June, 2013 for further status hearing.**

Case Name:

**Gene B. Samuel
v
Sheron Whinfield**

[High Court Civil Appeal No. 5 of 2009]

Date: Monday, 25th February 2013

Before: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant:	Mr. John E. Fuller
Respondent:	No appearance

Issue: Status of the matter

Result / Order: [Oral delivery]

1. The Registrar of the High Court is to ensure the completion of the transcript in this matter.
2. The matter is adjourned to the next sitting of Court of Appeal in Antigua & Barbuda for status hearing.

Reason: The transcript was not yet ready.

Case Name:

Reginald Water
v
Attorney General of Antigua and Barbuda

[High Court Civil Appeal No. 34 of 2010]

Date: Monday, 25th February 2013

Before: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant:	Mr. Ralph Francis
Respondent:	Mr. Bridgette Nelson

Issue:	Status of the matter
 Result / Order:	[Oral delivery] Matter adjourned to next sitting of Court of Appeal in Antigua & Barbuda during the week of 25th June 2013 for further status hearing.
 Reason:	The notes of evidence were not yet ready.
 Case Name:	The Proprietors, Condominium Plan No. 2/1989 v Trinity Investments Company Limited consolidated with Trinity Investment Company Limited v The Proprietors Condominium Plan No. 2/1989 [High Court Civil Appeal No. 9 of 2008]
 Date:	Monday, 25th February 2013
Before:	The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
Appearances:	
Appellant:	Mr. Kendrickson Kentish
Respondent:	Ms. Kema. Benjamin
 Issue:	Status of the matter

Result / Order: [Oral delivery]
The matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th June 2013.

Reason: The notes of evidence were not yet ready.

Case Name: [1] Jose Luis Colon and Juan Cortes (On behalf of themselves and person who contracted with Accord Investment Company Ltd.)
v
[1] Accord Investment Company Limited t/a Accord Insurances and/or EMRN Investments Company Ltd.
[2] Eurofed Ltd. (In Liquidation)
[3] Charles Walwyne
[4] Alec Vanderpoole

[High Court Civil Appeal No. 10 of 2008]

Date: Monday, 25th February 2013

Before: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:
Appellant: Ms. Kema. Benjamin
Respondent: Mr. Nicholas Fuller

Issue: Status of the matter

Result / Order: [Oral delivery]
The matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of the 25th June 2013.

Case Name: **Paulette Matthew**
v
Antigua and Barbuda Port Authority Board of Commissioners
[High Court Civil Appeal No. 20 of 2008]

Date: **Monday, 25th February 2013**

Before: **The Hon. Mr. Davidson K. Baptiste, Justice of Appeal**

Appearances:
Appellant: **Mr. Steadroy C. O. Benjamin**
Respondent: **Mr. Colin Derrick**

Issue: **Status of the matter**

Result / Order: **[Oral delivery]**
1. The Registrar of the High Court is to ensure the preparation of the transcript in this matter.
2. The matter is adjourned to the next sitting of the Court of Appeal in Antigua & Barbuda during the week of 25th June 2013 for further status hearing.

Reason: **The notes of evidence were not yet ready.**

Case Name: **[1] Alistair Greene**
[2] Janice Reynolds-Greene
v
[1] H. Asquith Fearon
[2] Myron Robert Haydt

[High Court Civil Appeal No. 24 of 2008]

Date: Monday, 25th February 2013

Before: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant:	No appearance
Respondent:	No appearance

Issue: Status of the matter

Result / Order: [Oral delivery]
Matter is adjourned to next sitting of the Court of Appeal during the week 25th June 2013 for further status hearing.

Reason: The notes of evidence were not yet ready.

Case Name:

Janice Reynolds-Greene
v
The Bank of Nova Scotia

[High Court Civil Appeal No. 30 of 2008]
[High Court Civil Appeal No. 31 of 2008]

Date: Monday, 25th February 2013

Before: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant:	In person
Respondent:	Ms. Fidela Corbin-Lincoln

Issue: Status of the matter

Result / Order:

[Oral delivery]

1. The Registrar shall cause the notes of evidence to be prepared and to provide the parties with the transcript of proceedings.
2. Matter is adjourned to next sitting of the Court of Appeal during the week 25th June 2013 for further status hearing.

Reason:

The notes of evidence were not yet ready.

Case Name:

**Edmeade Joyce
v
Premier Beverages Limited**

[High Court Civil Appeal No. 4 of 2009]

Date:

Monday, 25th February 2013

Before:

The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant: Ms. Fiona Murphy

Respondent: No appearance

Issue:

Status of the matter

**Result / Order
/ Reason:**

[Oral delivery]

1. Notice of Discontinuance having been filed on 22nd February 2013, the appeal is hereby dismissed.
2. Parties are to try to reach agreement on the issue of costs.

Case Name:

Marie Makhoul

v

Cicely Foster

[High Court Civil Appeal No. 14 of 2009]

Date:

Monday, 25th February 2013

Before:

The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant:

Ms. Kema Benjamin

Respondent:

No appearance

Issue:

Status of the matter

Result / Order:

[Oral delivery]

- 1. The Registrar of the High Court is to provide counsel with the judge's notes.**
- 2. Matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th June 2013.**

Reason:

The notes of evidence were not yet ready.

Case Name:

[1] Eric Bowman

v

[1] The Attorney General

[2] Chief Magistrate

[3] Chief Immigration Officer

[High Court Civil Appeal No. 25 of 2009]

Date:

Monday, 25th February 2013

Before: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant: Mr. Lawrence Daniels

Respondent: No appearance

Issue: Status of the matter

Result / Order: [Oral delivery]
Matter adjourned to next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th June 2013 for further status hearing.

Reason: The notes of evidence were not yet ready.

Case Name: Joshua Fabian
v
The Bank of Nova Scotia

[High Court Appeal No. 30 of 2009]

Date: Monday, 25th February 2013

Before: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant: No appearance

Respondent: Mrs. Fidela. Corbin-Lincoln

Issue: Status of the matter

Result / Order: [Oral delivery]
1. The parties are to comply with the relevant rules of the CPR 2000.
2. The matter adjourned to next sitting of the Court

of Appeal in Antigua & Barbuda during the week of 25th June 2013 for further status hearing.

Reason: The notes of evidence were not yet ready.

Case Name: **Belgrove Gregory**
v
Ada Browne

[High Court Civil Appeal No. 23 of 2010]

Date: Monday, 25th February 2013

Before: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant: Mr. Ralph Francis

Respondent: Mr. Dexter Wason

Issue: Status of the matter

Result / Order: [Oral delivery]
Matter adjourned to next sitting of the Court of Appeal during the week of 25th June 2013 for further status hearing or for hearing of the appeal.

Reason: The notes of evidence were not yet ready.

Case Name: **Claxton Ralph**
v
Eugene Teague

[High Court Civil Appeal No. 38 of 2010]

Date: Monday, 25th February 2013

Before: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant:	Mr. Steadroy Benjamin
Respondent:	Mr. Colin Derrick holding papers for Mr. George Lake

Issue: Status of the matter

Result / Order: [Oral delivery]
Matter is adjourned to next sitting of Court of Appeal in Antigua & Barbuda during the week of 25th June 2013 for status hearing.

Reason: The notes of evidence were not yet ready.

Case Name:

Richard Lam
v
Roxanne Frederick

[High Court Civil Appeal No. 39 of 2010]

Date: Monday, 25th February 2013

Before: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant:	Ms. Kema Benjamin
Respondent:	No appearance

Issue: Status of the matter

Result / Order: [Oral delivery]
Matter adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th June 2013 for further status hearing.

Reason: The notes of evidence were not yet ready.

Case Name: [1] Egen Joseph
[2] Francine Joseph
v
[1] Sylvia Roberts (As Power of Attorney for Joseph Roberts)
[High Court Civil Appeal No. 48 of 2010]

Date: Monday, 25th February 2013

Before: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:
Appellant: No appearance
Respondent: No appearance

Issue: Status of the matter

Result / Order: [Oral delivery]
Matter adjourned to the next sitting of court of Appeal in Antigua & Barbuda during the week of 25th June 2013 for further status hearing.

Reason: The notes of evidence were not yet ready.

Case Name:

**Clive Oliveira
v
The Attorney General**

[High Court Civil Appeal No. 47 of 2010]

Date:

Monday, 25th February 2013

Before:

The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant: Mr. Jarid Hewlett holding papers for Dr. David Dorsett

Respondent: No appearance

Issue:

Status of the matter

Result / Order:

[Oral delivery]

- 1. The Registrar of the High Court is to cause the transcript of proceedings in this matter to be prepared.**
- 2. Matter is adjourned to the next sitting of the Court of Appeal during the week of 25th June 2013.**

Reason:

The notes of evidence were not yet ready.

Case Name:

**Antigua Real Estates Limited
v
Rupert Kenlock**

[High Court Civil Appeal No. 46 of 2010]

Date:

Monday, 25th February 2013

Before:

The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant: Ms. Safiya Roberts

Respondent: No appearance

Issue: Status of the matter

Result / Order: [Oral delivery]
Matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th June 2013.

Reason: The notes of evidence were not yet ready.

Case Name:

**Rudy Monelle
v
The Queen**

[High Court Criminal Appeal No. 17 of 2008]

Date: Monday, 25th February 2013

Before: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant: No appearance

Respondent: Mr. Anthony Armstrong, Director of Public Prosecutions

Issue: Status of the matter

Result / Order: [Oral delivery]
Traversed to next sitting of Court of appeal in Antigua and Barbuda during the week of 25th June 2013 for further status report.

Reason: The notes of evidence were not yet ready.

Case Name: Clayton Davis
v
The Queen

[High Court Criminal Appeal No. 4 of 2009]

Date: Monday, 25th February 2013

Before: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant: No appearance

Respondent: Mr. Anthony Armstrong, Director of Public Prosecutions

Issue: Status of the matter

Result / Order: [Oral delivery]

1. The Registrar of the High Court is to ensure the preparation of the transcript in this matter.
2. The matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th June 2013 for further status report.

Reason: The notes of evidence were not yet ready.

Case Name: Alwyn James
v

The Queen

[High Court Criminal Appeal No. 5 of 2009]

Date: Monday, 25th February 2013

Before: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant:	Mr. Ralph Francis
Respondent:	Mr. Anthony Armstrong, Director of Public Prosecutions with him Ms. Shannon Jones

Issue: Status of the matter

Result / Order: [Oral delivery]

1. The Registrar of the High Court is to ensure the preparation of the transcript in this matter.
2. The matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th June 2013 for further status report.

Reason: The notes of evidence were not yet ready.

Case Name:

Rashid A. Pigott
v
The Queen

[High Court Criminal Appeal No. 9 of 2009]

Date: Monday, 25th February 2013

Before: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant:	In person
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Respondent: Mr. Anthony Armstrong, Director of Public Prosecutions

Issue: Status of the matter

Result / Order: [Oral delivery]
1. The Registrar of the High Court is to ensure the preparation of the transcript in this matter.
2. The matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th June 2013 for further status report.

Reason: The notes of evidence were not yet ready.

Case Name: Jamel Brooks
v
The Queen

[High Court Criminal Appeal No. 10 of 2009]

Date: Monday, 25th February 2013

Before: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant: No appearance

Respondent: Mr. Anthony Armstrong, Director of Public Prosecutions with him Ms. Shannon Jones

Issue: Status of the matter

Result / Order: [Oral delivery]
1. The Registrar of the High Court is to ensure the preparation of the transcript in this matter.

2. The matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th June 2013 for further status report.

Reason: The notes of evidence were not yet ready.

Case Name: Jamal Brown
v
The Queen

[High Court Criminal Appeal No. 11 of 2009]

Date: Monday, 25th February 2013

Before: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant: No appearance

Respondent: Mr. Anthony Armstrong, Director of Public Prosecutions

Issue: Status of the matter

Result / Order: [Oral delivery]

1. The Registrar of the High Court is to ensure the preparation of the transcript in this matter.
2. The matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during of 25th June 2013 for further status report

Reason: The notes of evidence were not yet ready.

Case Name:

**Dean Gould
v
The Queen**

[High Court Criminal Appeal No. 20 of 2009]

Date:

Monday, 25th February 2013

Before:

The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant:

Mr. John E. Fuller

Respondent:

Mr. Anthony Armstrong, Director of Public Prosecutions

Issue:

Status of the matter

Result / Order:

[Oral delivery]

- 1. The Registrar of the High Court is to ensure the preparation of the transcript in this matter.**
- 2. The matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th June 2013 for further status report.**

Reason:

The notes of evidence were not yet ready.

Case Name:

**Dexter Joseph
v
The Queen**

[High Court Criminal Appeal No. 21 of 2009]

Date:

Monday, 25th February 2013

Before:

The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant: No appearance

Respondent: Mr. Anthony Armstrong, Director of Public Prosecutions with him Ms. Shannon Jones

Issue: Status of the matter

Result / Order:

[Oral delivery]

1. The Registrar of the High Court is to ensure the preparation of the transcript in this matter.
2. The matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th June 2013 for further status report.

Reason: The notes of evidence were not yet ready.

Case Name:

**Dexter Joseph
v
The Queen**

[High Court Criminal Appeal No. 7 of 2010]

Date: Monday, 25th February 2013

Before: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant: No appearance

Respondent: Mr. Anthony Armstrong, Director of Public Prosecutions

Issue: Status of the matter

Result / Order:

[Oral delivery]

1. The Registrar of the High Court is to ensure the preparation of the transcript in this matter.
2. The matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th June 2013 for further status report.

Reason: The notes of evidence were not yet ready.

Case Name: Timothy Kitt
v
The Queen

[High Court Criminal Appeal No. 3 of 2010]

Date: Monday, 25th February 2013

Before: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant: No appearance

Respondent: Mr. Anthony Armstrong, Director of Public Prosecutions

Issue: Status of the matter

Result / Order: [Oral delivery]

1. The Registrar of the High Court is to ensure the preparation of the transcript in this matter.
2. The matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th June 2013 for further status report.

Reason: The notes of evidence were not yet ready.

Case Name:

Shaka Yearwood

v

The Queen

[High Court Criminal Appeal No. 4 of 2010]

Date:

Monday, 25th February 2013

Before:

The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant:

Mr. John E. Fuller

Respondent:

Mr. Anthony Armstrong, Director of Public Prosecutions

Issue:

Status of the matter

Result / Order

[Oral delivery]

Reason:

Counsel for the appellant having indicated that the appellant has served his sentence and left the country and that he will be filing a Notice of Discontinuance, the appeal is hereby dismissed.

Case Name:

Cornwall Ephraim

v

The Queen

[High Court Criminal Appeal No. 1 of 2009]

Date:

Monday, 25th February 2013

Before:

The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant:

No appearance

Respondent: Mr. Anthony Armstrong, Director of Public Prosecutions with him Ms. Shannon Jones

Issue: Status of the matter

Result / Order: [Oral delivery]
1. The Registrar of the High Court is to ensure the preparation of the transcript in this matter.
2. The matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th June 2013 for further status report.

Reason: The notes of evidence were not yet ready.

Case Name: Ashworth Bunch
v
The Queen

[High Court Civil Appeal No. 1 of 2011]

Date: Monday, 25th February 2013

Before: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant: No appearance

Respondent: Mr. Anthony Armstrong, Director of Public Prosecutions with him Ms. Shannon Jones

Issue: Status of the matter

Result / Order: [Oral delivery]
1. The Registrar of the High Court is to ensure the preparation of the transcript in this matter.

2. The matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th June 2013 for further status report.

Reason: The notes of evidence were not yet ready.

Case Name: Michael Crooks
v
The Queen

[High Court Criminal Appeal No. 2 of 2011]

Date: Monday, 25th February 2013

Before: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant: No appearance

Respondent: Mr. Anthony Armstrong, Director of Public Prosecutions with him Ms. Shannon Jones

Issue: Status of the matter

Result / Order: [Oral delivery]

1. The Registrar of the High Court is to ensure the preparation of the transcript in this matter.
2. The matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th June 2013 for further status report.

Reason: The notes of evidence were not yet ready.

Case Name:

Hilroy Humphreys

v

The Queen

[High Court Criminal Appeal No. 4 of 2011]

Date:

Monday, 25th February 2013

Before:

The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant:

No appearance

Respondent:

Mr. Anthony Armstrong, Director of Public Prosecutions with Ms. Shannon Jones

Issue:

Status of the matter

Result / Order:

[Oral delivery]

- 1. The Registrar of the High Court is to ensure the preparation of the transcript in this matter.**
- 2. The matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th June 2013 for further status report.**

Reason:

The notes of evidence were not yet ready.

Case Name:

Noble Mayne

v

The Queen

[High Court Criminal Appeal No. 5 of 2011]

Date:

Monday, 25th February 2013

Before:

The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant: No appearance

Respondent: Mr. Anthony Armstrong, Director of Public Prosecutions with him Ms. Shannon Jones

Issue: Status of the matter

Result / Order:

[Oral delivery]

1. The Registrar of the High Court is to ensure the preparation of the transcript in this matter.
2. The matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th June 2013 for further status report.

Reason: The notes of evidence were not yet ready.

Case Name:

Atiba Hubert Francis

v

The Commissioner of Police

[Magisterial Criminal Appeal No. 9 of 2008]

Date: Monday, 25th February 2013

Before: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal

Appearances:

Appellant: No appearance

Respondent: Mr. Anthony Armstrong, Director of Public Prosecutions with him Ms. Shannon Jones

Issue: Status of the matter

Result / Order:

[Oral delivery]

- 1. The matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th June 2013 for further status report.**
- 2. The Registrar of the High Court of Justice is to inform the appellant in writing of the adjourned hearing and that the appellant is to attend the hearing.**

Reason:

The notes of evidence were not yet ready.

APPLICATIONS AND APPEALS

Case Name:

**[1] Pascal Williams
[2] Gwennie Williams
[3] Reford A.K.A Doc Williams
v
[1] Tyrone Herbert
[2] Gertrude Herbert**

[High Court Civil Appeal No. 27 of 2009]

Date:

Monday, 25th February 2013

Coram:

**The Hon. Mde. Janice M. Pereira, Chief Justice
The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]**

Appearances:

Applicant	/ Ms. E. Denecia Thomas
Intended	
Appellant:	
Respondent:	Dr. David Dorsett

Issue:

Application for conditional leave to appeal to Her Majesty in Council

Result / Order:

[Oral delivery]

- 1. The application of the appellant for conditional leave to appeal to Her Majesty in Council against the Judgment of the Court of Appeal dated 13th October 2012 is hereby granted upon the following condition:**
 - i. The appellants/applicants, within 90 days of the date hereof, enter into good and sufficient security to the satisfaction of the Court, of a sum not exceeding 500£ sterling for the due prosecution of the appeal and the payment of all such costs as may become payable by the appellants/applicants in the event of their not obtaining an order granting them final leave to appeal or of the appeal being dismissed for non-prosecution or a Judicial committee ordering the appellants/applicants to pay the cost of the appeal as the case may be pursuant to Section 4(a) of Antigua and Barbuda Appeal to Privy Council Order.**
 - ii. Within 90 days of the date hereof the applicants to take necessary steps for the purpose of preparing the record , the settling of such record with the solicitors for the respondents and the certificate of such record by the Registrar of the Court of Appeal.**
 - iii. The record shall be prepared in accordance with Rules 18 to 20 of the Judicial Committee (Appellate Jurisdiction) Rules Order 2009 and its Practice Direction 4.2.1 to 4.3.2 and Practice Direction 5; and shall be transmitted to the Registrar of the Judicial Committee of the Privy Council without delay where final permission to appeal has been granted.**
- 2. A stay of execution of the said judgment pending the hearing and determination of the appeal to Her Majesty in Council is hereby granted on condition that there shall be no dealing with Registration Section: South west Block: 55182A: Parcel 65 unless the proprietors thereof shall pay into court the sum of \$82,247.13 as security for the satisfaction of the judgment in favour of the respondent in claim 234 of 1992 unless the aforesaid judgment shall be reserved on appeal.**

3. The costs of the application for conditional leave to appeal shall be costs in the Appeal to Her Majesty in Council.
4. Costs of the application be costs to the respondent.

Reason: The applicants/appellants satisfied the requirements for leave to appeal to Her Majesty in Council.

Case Name: Janice Reynolds Greene
v
The Bank of Nova Scotia

[High Court Civil Appeal No. 22 of 2012]

Date: Monday, 25th February 2013

Coram: The Hon. Mde. Janice M. Pereira, Chief Justice
The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]

Appearances:

Appellant: In person

Respondent: Mrs. Fidela Corbin Lincoln

Issue: Application for leave to appeal

Result / Order / Reason: [Oral delivery]
The application for leave to appeal filed on 31st August 2012 is hereby withdrawn with no order as to costs.

Case Name: Police Service Commission

v
Clifford Jackson

[High Court Civil Appeal No. 28 of 2012]

Date: Monday, 25th February 2013

Coram: The Hon. Mde. Janice M. Pereira, Chief Justice
The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]

Appearances:
Appellant: Dr. David Dorsett with him Mr. Jarid Hewlett
Respondent: Ms. Samantha Marshall

Issue: Application to discharge or vary order of a single judge

Result / Order / Reason: [Oral delivery]
1. The applicant having failed to provide any basis on which the Court should exercise its discretion on granting a stay, the decision of a single judge refusing a stay is affirmed.
2. The costs of this application shall be borne by the appellant fixed in the sum of \$1,500.00.

Case Name: Kori Emmanuel
v
The Commissioner of Police

[High Court Civil Appeal No. 33 of 2012]

Date: Monday, 25th February 2013

Coram: The Hon. Mde. Janice M. Pereira, Chief Justice
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal

Appearances:

Appellant: Dr. David Dorsett with him Mr. Jarid Hewlett

Respondent: Mr. Justin Simon, QC

Issue: Application to discharge order of a single judge

Result / Order:

[Oral delivery]

- 1. The application is treated as leave to appeal.**
- 2. The order of the single judge made on 18th January 2012 is hereby set aside.**
- 3. Leave is given for judicial review and is conditional on the appellant making a claim for judicial review within 14 days of the making of this order.**
- 4. There will be no order as to costs.**

Reason:

The Court determined that the appellant was a person fell under rule 56.2 of the Civil Procedure Rules 2000.

Case Name:

Haynes Browne

v

Lenna Carr (by next friend Buell Carr)

[High Court Civil Appeal No. 2 of 2013]

Date:

Monday, 25th February 2013

Coram:

**The Hon. Mde. Janice M. Pereira, Chief Justice
The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]**

Appearances:

Appellant: Ms. C Debra Burnette

Respondent: Dr. David Dorsett with him Mr. Jarid Hewlett

Issue: Application for extension of time to file notice of appeal

Result / Order: [Oral delivery]
1. The extension of time for leave to file notice of appeal is granted.
2. The notice of appeal however which was filed on the respondent is invalid.
3. The time within which the notice of appeal is to be filed shall be 42 days from the date of the filing and service of an order on the appellant of the assessment of damages.
4. The order on assessment shall be filed and served by the legal practitioner of the respondent.
5. The respondent should now be named as Lena Carr by the Personal Representative of the Estate of Buell Carr.

Case Name: Ashworth Bunche
v
The Queen

[High Court Criminal Appeal No. 1 of 2011]

Date: Monday, 25th February 2013

Coram: The Hon. Mde. Janice M. Pereira, Chief Justice
The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]

Appearances:
Appellant: Mr. Jason Martin
Respondent: No appearance

Issue: Application for further witnesses

Result / Order: [Oral delivery]
The applications filed on 27th January 2011 and 14th

February 2013 are withdrawn and hereby dismissed.

Reason: The applications were not properly before the Court. In addition, the Office of the Director of Public Prosecutions was not given adequate notice.

Case Name: **Sundry Workers**
v
Chevron West Indies Limited

[High Court Civil Appeal No. 25 of 2011]

Date: **Monday, 25th February 2013**

Coram: **The Hon. Mde. Janice M. Pereira, Chief Justice**
The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]

Appearances:
Appellant: **Mr. Charlesworth O.D. Browne**
Respondent: **Mr. Clement E. M. Bird**

Issue: **Application for extension of time to file submissions**

Result / Order **[Oral delivery]**
/ Reason: **By consent, submissions filed on 14th February 2013 deemed properly filed.**

Case Name: **Bobb Persaud**
v
Warren Headley-Hall

[High Court Civil Appeal No. 6 of 2011]

Date: Monday, 25th February 2013

Coram: The Hon. Mde. Janice M. Pereira, Chief Justice
The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]

Appearances:

Appellant: Ms. Kema Benjamin

Respondent: No appearance

Issue: Application for extension of time to comply with order

Result / Order: [Oral delivery]

1. Counsel for the parties shall meet and agree on their respective notes taken of the proceedings which notes shall then be treated as the notes of the proceeding.
2. The appellant shall then prepare a record of appeal comprising both notes of the proceedings and file the same no later than Tuesday, 23rd April 2013.

Reason: The record of appeal was not prepared in this matter.

Case Name: Yourrick Furlonge
v
The Queen

[High Court Criminal Appeal No. 6 of 2009]

Date: Tuesday, 26th February 2013

Coram: The Hon. Mde. Janice M. Pereira, Chief Justice
The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal

Appearances:

Appellant: Mr. Ralph Francis

Respondent: Mr. Anthony Armstrong, Director of Public Prosecutions

Issues: Criminal appeal against conviction – Murder

Result / Order: Judgment reserved.

Case Name:

**Colin Turner
v
Terrance Sansom**

[High Court Civil Appeal No. 1 of 2010]

Date: Monday, 25th February 2013

Coram: The Hon. Mde. Janice M. Pereira, Chief Justice
The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]

Appearances:

Appellant: Mr. Dane Hamilton, QC with him Mr. Dane Hamilton, Jr.

Respondent: Ms. C. Debra Burnett with her Mrs. Stacy Ann Saunders Osborne

Issue: Report on mediation

Result / Order: [Oral delivery]
Matter will be removed from the list pending the decision of the Court.

Reason: Parties did not settle at mediation as per the order of the Court.

Case Name:

**State Insurance Corporation
v
Charles Thomas Watson**

[High Court Civil Appeal No. 26 of 2010]

Date:

Tuesday, 26th February 2013

Coram:

**The Hon. Mde. Janice M. Pereira, Chief Justice
The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal**

Appearances:

Appellant:

Mr. Roger Forde with him Mrs. Eunica Anthony-Victor

Respondent:

Sir Clare Roberts, QC with him Ms. Safiya L. Roberts

Issue:

Assessment of damages

Result / Order:

[Oral delivery]

- 1. Matter is remitted to the Court below for retrial.**
- 2. Costs on this appeal is set at one half of the usual two thirds of the sum in this case \$16,000.00.**

Reason:

The learned trial judge failed to analyse the evidence where there was conflicting evidence, oral and in writing and which required him to carry out an assessment. His failure to do so gave the Court adequate reason to question the conclusion at which he arrived and in the absence of reasoning, the judgment cannot stand.

Case Name:

Janice Reynolds-Greene

v

The Bank of Nova Scotia

[High Court Civil Appeal No. 37 of 2010]

Date:

Monday, 25th February 2013

Coram:

The Hon. Mde. Janice M. Pereira, Justice of Appeal

The Hon. Mr. Mario Michel, Justice of Appeal

The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]

Appearances:

Appellant: In person

Respondent: Mrs. Fidela Corbin-Lincoln

Issues:

Civil appeal – Application for record of appeal to be deemed properly filed

Result / Order:

[Oral delivery]

- 1. The record of appeal filed on 18th December 2012 is deemed properly filed.**
- 2. The appellant shall file and serve skeletal submissions no later than Friday, 1st March 2013.**
- 3. The respondent shall file and serve skeletal submissions no later than Wednesday, 3rd April 2013.**
- 4. The appellant shall be at liberty to file and serve reply submissions no later than Thursday, 18th April 2013.**

Case Name:

Raphael Benjamin

v

The Port Authority

[High Court Civil Appeal No. 8 of 2011]

Date:

Tuesday, 26th February 2013

Coram: The Hon. Mde. Janice M. Pereira, Chief Justice
The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal

Appearances:
Appellant: Mr. Ralph Francis
Respondent: Mr. Colin Derrick

Issues: Civil appeal – Contract

Result / Order: [Oral delivery]
1. The appeal is allowed in part and the costs order is hereby set aside.
2. There is no order as to costs.

Reason: The Court was of the opinion that the factors that the Industrial Court took into consideration were not exceptional circumstances that warranted an award of costs.

Case Name: Richard C. Sayer
v
Caribbean Developments (Antigua) Limited

[High Court Civil Appeal No. 9 of 2011]

Date: Tuesday, 26th February 2013

Coram: The Hon. Mde. Louise M. Blenman, Justice of Appeal
The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]

Appearances:
Appellant: Mr. Richard Young
Respondent: Mr. John E. Fuller

Issue: Interpretation of a purchase and sale agreement

**Result / Order
/ Reason:**

[Oral delivery]

By consent it is hereby ordered that:

- 1. The respondent shall transfer to the appellant a parcel of land measuring from Parcel: 204 of Block: 551186C eastwards along the road for a distance of 18 meters and then southwards to the seawall then westwards along the seawall to the said Parcel 204. The said transfer shall be subject to the standard Jolly Harbour covenants.**
- 2. The said parcel described in paragraph 1 shall be surveyed at the expense of the appellant and a parcel number obtained.**
- 3. The stamp duties payable upon the said parcel shall be payable by the appellant.**
- 4. The appellant shall have permission to construct upon the said parcel a single residence two (2) story villa, the plans and location of which shall require the prior approval of the Jolly Harbour Planning Committee which shall not be unreasonably withheld.**
- 5. The appellant shall be entitled to construct a swimming pool on the said parcel, the plans and engineering of which shall require the approval of the Jolly Harbour Planning Committee which shall not be unreasonably withheld.**
- 6. This order is in full and final settlement of all issues raised in these proceedings.**
- 7. There shall be no order as to costs.**

Case Name:

Sundry Workers

v

Chevron West Indies Limited

[High Court Civil Appeal No. 25 of 2011]

Date:

Tuesday, 26th February 2013

Coram:

The Hon. Mde. Janice M. Pereira, Chief Justice

**The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal**

Appearances:

Appellant: Mr. Charlesworth O.D. Browne

Respondent: Mr. Clement E. M. Bird

Issue: Civil appeal – Termination of employment contract

**Result / Order: [Oral delivery]
The appeal is dismissed and the Industrial Court's decision is affirmed.**

Reason: The Court found that albeit the owners of company had changed from Chevron to Rubis, the business of the employees continued. There was no termination of any contract of any of the employees; no employee faced a redundancy situation.

Case Name:

**[1] Chesney Otto
v
[1] The Attorney General
[2] Police Service Commission
[3] Commissioner of Police**

[High Court Civil Appeal No. 36 of 2011]

Date: Thursday, 28th February 2013

**Coram: The Hon. Mde. Louise M. Blenman, Justice of Appeal
The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]**

Appearances:

Appellant: Mr. Lawrence Daniel

Respondent: Ms. Alicia Aska with her Mrs. Carla Brooks Harris

Issue: Civil appeal – Judge’s discretion

Result / Order: [Oral delivery]
The appeal is dismissed.

Reason: The Court held that the learned trial judge had the benefit of seeing and hearing the witnesses and was well positioned to make the finding which he did. An appellant who seeks to upset the findings of fact of a trial judge faces an uphill task and the Court would not easily reverse such findings unless there are compelling grounds to do so.

Case Name: State Insurance Corporation
v
Robert Josiah

[High Court Civil Appeal No. 39 of 2011]

Date: Tuesday, 26th February 2013

Coram: The Hon. Mde. Janice M. Pereira, Chief Justice
The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal

Appearances:
Appellant: Mr. Roger Forde with her Mrs. Eunice Anthony-Victor
Respondent: Sir Clare Roberts, QC with him Ms. Safiya Roberts

Issues: Civil appeal – Application to discharge order of single judge

Result / Order: [Oral delivery]
1. Matter is adjourned to the next sitting of the Court in June 2013.

2. Costs to be paid by the appellant in the amount of \$2,500.00.

Reason: Counsel for the appellant made an oral application for an adjournment.

Case Name: Gary Nelson
v
The Attorney General

[High Court Civil Appeal No. 1 of 2012]

Date: Tuesday, 26th February 2013

Coram: The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]

Appearances:

Appellant:	Mr. Dane Hamilton, QC with him Mr. Dane Hamilton, Jr.
Respondent:	Dr. David Dorsett with him Mr. Jarid Hewlett

Issues: Civil appeal – Validity of terms and condition of employment – Whether probationary period constitutes a portion of time employed

Result / Order: Judgment reserved.

Case Name: [1] The Prime Minister
[2] Juno Samuel
v
[1] Sir Gerald Watt, KCN, QC

[High Court Civil Appeal No. 5 of 2012]

Date: Wednesday, 27th February 2013

Coram: The Hon. Mde. Janice M. Pereira, Chief Justice
The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]

Appearances:

Appellant: Mr. Sanjeev Datadin with her Ms. Sherri-Ann Bradshaw

Respondent: Dr. David Dorsett with him Mr. Jarid Hewlett

Issues: Civil appeal – Constitutional Law – Judicial review proceedings

Result / Order: Judgment reserved.

Case Name: [1] Sir Gerald Watt, KCN, QC
v
[1] The Prime Minister
[2] Juno Samuel

[High Court Civil Appeal No. 42 of 2012]

Date: Wednesday, 27th February 2013

Coram: The Hon. Mde. Janice M. Pereira, Chief Justice
The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]

Appearances:

Appellant: Dr. David Dorsett with him Mr. Jarid Hewlett

Respondent: Mr. Sanjeev Datadin with her Ms. Sherri-Ann Bradshaw

Issues: Civil appeal – Constitutional law – Judicial review – Retroactive orders

Result / Order: Judgment reserved.

Case Name: [1] British American Insurance Co. Ltd
v
[1] Marlon Ho-Tack
[2] Alice Ho-Tack

[High Court Civil Appeal No. 27 of 2012]

Date: Monday, 25th February 2013

Coram: The Hon. Mde. Janice M. Pereira, Chief Justice
The Hon. Mr. Mario Michel, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]

Appearances:
Appellant: Dr. David Dorsett
Respondent: Ms. Kema Benjamin

Issues: Civil appeal – Application for adjournment – For mention

Result / Order: [Oral delivery]
1. The application is granted and the matter is adjourned to the next sitting of the Court in this jurisdiction.
2. Time is extended to the applicant/respondent to file and serve written submissions in this appeal no later than Monday, 8th April 2013.
3. Thereafter the appeal shall be determined in accordance with CPR 62.10.