

COURT OF APPEAL SITTING

ANTIGUA AND BARBUDA

29th – 31st October 2012

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, 29th October 2012

Before:

The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant:

Mr. Ralph Francis with him Mr. John E. Fuller

Respondent:

Ms. Alicia Aska

Issue:

Status of the appeal

Result / Order:

[Oral delivery]

- 1. That the record of appeal be reconstituted within six (6) weeks by the Registrar of the High Court from the files of counsel for the appellant and respondent.**
- 2. That the judge's notes in respect of the High Court hearing be dispensed with if these cannot be found.**
- 3. That the appeal be set down for hearing for the next sitting of the Court of Appeal in Antigua and Barbuda.**
- 4. That the relevant rules of Part 62 of Civil Procedure Rules 2000 be complied with following the filing at the Court Registry of the reconstituted Record of Appeal.**

Case Name:

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

[High Court Civil Appeal No. 15 of 2009]

Date:

Monday, 29th October 2012

Before:

The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant:

Mr. Ralph Francis with him Mr. Al James

Respondent:

Mr. Justin L. Simon, QC

Issue:

Status of the appeal

Result / Order:

[Oral delivery]

- 1. The record of appeal in this matter shall be reconstituted within two (2) months by the Registrar of the High Court from the files of Counsel for the appellant and respondent.**
- 2. The judge's notes in respect of the High Court hearing be dispensed with if these cannot be found.**
- 3. The parties shall comply with Part 62 of the Civil Procedure Rules 2000 be complied with following the filing at the Court Registry of the Reconstituted Record of Appeal.**
- 4. Appeal is set down for the hearing of the next sitting at the Court of Appeal in Antigua and Barbuda.**

Case Name:

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

[High Court Civil Appeal No. 23 of 2008]

Date:

Monday, 29th October 2012

Before:

The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant:

No appearance

Respondent:

In person

Issue:

Status of the appeal

**Result / Order /
Reason:**

**[Oral delivery]
The appeal is struck out for want of
prosecution.**

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, 29th October 2012

Coram:

The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant:

In person

Respondent: No appearance

Issue: Status of the appeal

Result / Order / Reason: [Oral delivery]
The appeal is struck out for want of prosecution.

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, 29th October 2012

Before: The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant: In person

Respondent: Mrs. Fidela Corbin-Lincoln

Issue: Status of the appeal

Result / Order: [Oral delivery]
1. The Registrar shall cause to be prepared and provided to the parties transcripts of the proceedings in the Court below by the next sitting of the Court of Appeal in Antigua and Barbuda.
2. The matters are set down for the next Status Hearing of the Court of Appeal in Antigua

and Barbuda.

Case Name:

**Gene B. Small
v
Sheron Whinfield**

[High Court Civil Appeal No. 5 of 2009]

Date:

Monday, 29th October 2012

Before:

The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant:

Mr. John E. Fuller

Respondent:

No appearance

Issue:

Status of the appeal

Result / Order:

[Oral delivery]

- 1. The Registrar shall cause to be prepared and provided to the Counsel of the parties the Notes of Evidence in this matter by the next sitting of the Court of Appeal in Antigua and Barbuda.**
- 2. Matter is set down for Status Hearing at the next sitting of the court of Appeal in Antigua and Barbuda.**

Case Name:

**Reginald Walter
v
The Attorney General of Antigua and
Barbuda**

[High Court Civil Appeal No. 34 of 2010]

Date: Monday, 29th October 2012

Before: The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant:	Mr. Ralph Francis
Respondent:	Ms. Bridget Nelson

Issue: Status of the appeal

Result / Order: [Oral delivery]

1. The Registrar of the High Court is directed to provide to the Counsel for the appellant the Notes of Evidence by the date of the next sitting of the High Court of Antigua and Barbuda.
2. That the relevant Rules of Part 62 of Civil Procedure Rules 2000 be complied with following the receipt of the evidence by counsel.

Case Name:

[1] Grenville Radio
[2] Ivor Grenville Theophulus Bird
[3] James 'Sly Jay' Simon
[4] James Tanny Rose
v
[1] Abraham Mansoor
[2] Esau Mansoor
[3] Edwards Mansoor
[4] Abdo Mansoor & Sons Ltd. (Trading As Town House Furnishings)

[High Court Civil Appeal No. 28 of 2007]

Date: Monday, 29th October 2012

Before: The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant: Mr. Steadroy C. O. Benjamin

Respondent: No appearance

Issue: Status of the appeal

Result / Order /

[Oral delivery]

Reason:

1. The appeal is discontinued at the request of the appellant.
2. There is no order as to costs.

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, 29th October 2012

Before: The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant: No appearance

Respondent: Mr. Kendrickson Kentish

Issue: Status of the appeal

Result / Order:

[Oral delivery]

- 1. Notes of counsel be used as Notes of Evidence in this matter.**
- 2. The judge's notes of the High Court be dispensed with if this cannot be obtained.**
- 3. That counsel for the respondent and appellant shall meet to settle the Notes of Evidence in the record of appeal by the date of the next sitting of the Court of Appeal.**

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, 29th October 2012

Before:

The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant:

Mr. Hugh Marshall

Respondent:

No appearance

Issue:

Status of the appeal

Result / Order:

[Oral delivery]

- 1. The record of appeal in this matter be settled**

& filed by the appellant within six (6) weeks, failing which the appeal shall stand dismissed.

2. All other requirements of Part 62 of Civil Procedure Rules 2000 shall be complied with prior to the next sitting of the Court of Appeal in Antigua and Barbuda.

Case Name:

Paulette Mathew

V

**Antigua and Barbuda Port Authority
Board of Commissioners**

[High Court Civil Appeal No. 20 of 2008]

Date:

Monday, 29th October 2012

Before:

The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant:

Mr. Steadroy C.O. Benjamin

Respondent:

Mr. Collin Derrick

Issue:

Status of the appeal

Result / Order:

[Oral delivery]

1. That the Registrar shall cause to be prepared and provided to counsel of the parties the Notes of Evidence in this matter by the next sitting of the Court of appeal in Antigua and Barbuda.
2. The matter is set down for Status Hearing at the next sitting of the Court of Appeal in Antigua and Barbuda.

Case Name: **Edmeade Joyce**
V
Premier Beverages Limited
[High Court Civil Appeal No. 4 of 2009]

Date: **Monday, 29th October 2012**

Before: **The Hon. Mr. Mario Michel, Justice of Appeal**

Appearances:

Appellant: **Mr. Lenworth Johnson**

Respondent: **Ms. C. Debra Burnette of Henry & Burnette**

Issue: **Status of the appeal**

Result / Order: **[Oral delivery]**

- 1. The Registrar of the High Court is directed to procure the High Court file within one (1) month so as to prepare the transcript by the date of the next sitting of the Court of Appeal in Antigua and Barbuda.**
- 2. If the file shall not be located within one (1) month the Registrar shall collaborate with counsel for the appellant and the respondent to reconstruct the file so that the transcript can be prepared by the date of the next sitting of the Court of Appeal in Antigua and Barbuda.**
- 3. The matter is adjourned to the next sitting for Status Hearing.**

Case Name: **Leroy Silston**
V
Edris Silston
[High Court Civil Appeal No. 7 of 2009]

Date: Monday, 29th October 2012

Before: The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant:	Mr. Kendrickson Kentish
Respondent:	No appearance

Issue: Status of the appeal

Result / Order / Reason: [Oral delivery]
At the request of the appellant, the appeal is discontinued.

Case Name: Marie Makhoul
v
Cicely Foster

[High Court Civil Appeal No. 14 of 2009]

Date: Monday, 29th October 2012

Before: The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant:	Ms. Kema Benjamin
Respondent:	No appearance

Issue: Status of the appeal

Result / Order: [Oral delivery]
The Registrar shall cause to be prepared and provided to the parties the notes of evidence in this matter by the next sitting in the Court of Appeal in Antigua and Barbuda.

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, 29th October 2012

Before:

The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant:

Mr. Lawrence Daniels

Respondent:

Mr. Justin Simon, QC

Issue:

Status of the appeal

Result / Order:

Matter is adjourned for Status Hearing at the next sitting of the Court of Appeal in Antigua and Barbuda.

Case Name:

**Joshua Fabian
v
The Bank of Nova Scotia**

[High Court Appeal No. 30 of 2009]

Date:

Monday, 29th October 2012

Before:

The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant: Watt Dorsett and Co.

Respondent: Mrs. Fidela Corbin-Lincoln

Issue: Status of the appeal

Result / Order:

[Oral delivery]

1. The Registrar shall cause to be prepared and provided to the parties the Notes of Evidence in this matter by the next sitting of the Court of Appeal in Antigua and Barbuda.
2. The matter is set down for the next Status Hearing of the Court of Appeal in Antigua and Barbuda.

Case Name:

Belgrove Gregory

v

Ada Browne

[High Court Civil Appeal No. 23 of 2010]

Date: Monday, 29th October 2012

Before: The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant: Mr. Dexter. Wason

Respondent: Mr. Ralph. Francis

Issue: Status of the appeal

Result / Order:

[Oral delivery]

1. The Registrar shall cause to be prepared and provided to the parties, the notes of evidence in this matter by the next sitting in the Court of Appeal in Antigua and Barbuda.

2. The matter is set down for the next Status Hearing of the Court of Appeal in Antigua and Barbuda.

Case Name: **State Insurance Corporation**
V
Charles Thomas Watson

[High Court Civil Appeal No. 26 of 2010]

Date: **Monday, 29th October 2012**

Before: **The Hon. Mr. Mario Michel, Justice of Appeal**

Appearances:

Appellant:	Mrs. Eureka Anthony-Victor
Respondent:	Mrs. Andrea Nicholas

Issue: **Status of the appeal**

Result / Order: **[Oral delivery]**
The matter is set down and ready for hearing at the next sitting of the Court of Appeal on 25th February 2013.

Case Name: **Gaston Browne**
V
D. Giselle Isaac-Arrindell

[High Court Civil Appeal No. 35 of 2010]

Date: **Monday, 29th October 2012**

Before: **The Hon. Mr. Mario Michel, Justice of Appeal**

Appearances:

Appellant: Mr. Ralph Francis

Respondent: Mr. Justin Simon, QC

Issue: Status of the appeal

**Result / Order /
Reason:**

[Oral delivery]
Appeal withdrawn by the appellant with no
order as to costs.

Case Name:

**Claxton Ralph
v
Eugene Teague**

[High Court Civil Appeal No. 38 of 2010]

Date: Monday, 29th October 2012

Before: The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant: Mr. Steadroy C.O. Benjamin

Respondent: Mr. Kendrickson Kentish

Issue: Status of the appeal

Result / Order:

[Oral delivery]
1. That the Registrar shall cause to be prepared
and provided to counsel for the parties, the
Notes of Evidence in this matter by the next
sitting of the Court of Appeal in Antigua and
Barbuda.
2. Matter is set down for Status Hearing at the
next sitting of the Court of Appeal in Antigua
and Barbuda.

Case Name:

**Richard Lam
v
Roxanne Frederick**

[High Court Civil Appeal No. 39 of 2010]

Date:

Monday, 29th October 2012

Before:

The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant:

Ms. Kema Benjamin

Respondent:

No appearance

Issue:

Status of the appeal

Result / Order:

[Oral delivery]

- 1. The Registrar shall cause to be prepared and provided to the parties the notes of evidence in this matter by the next sitting of the Court in Antigua and Barbuda.**
- 2. The matter is set down for the next Status Hearing of the Court of Appeal in Antigua and Barbuda.**

Case Name:

**Janice Reynolds-Greene
v
The Bank of Nova Scotia**

[High Court Civil Appeal No. 37 of 2010]

Date:

Monday, 29th October 2012

Before: The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant: In person

Respondent: Mrs. Fidela Corbin-Lincoln

Issue: Status of the appeal

Result / Order:

[Oral delivery]

1. The appellant shall obtain from the Registrar of the Court the Notes of Evidence in this matter and shall prepare the Record of Appeal within 6 weeks.
2. The parties shall comply with the requirements of Part 62 of Civil Procedure Rules 2000.
3. The appeal is set down for hearing at the next sitting of the Court of Appeal in Antigua and Barbuda.

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, 29th October 2012

Before: The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant: Mr. Steadroy C.O Benjamin

Respondent: No appearance

Issue: **Status of the appeal**

Result / Order: **[Oral delivery]**
1. That the Registrar shall cause to be prepared and provided to the counsel of the parties the Notes of Evidence in this matter by the next sitting of the Court of Appeal in Antigua and Barbuda.
2. This matter is set down for Status Hearing at the next sitting of the Court of Appeal in Antigua and Barbuda.

Case Name: **Clive Oliveira**
v
The Attorney General

[High Court Civil Appeal No. 47 of 2010]

Date: **Monday, 29th October 2012**

Before: **The Hon. Mr. Mario Michel, Justice of Appeal**

Appearances:
Appellant: **Dr. David Dorsett**
Respondent: **Ms. Alicia Aska**

Issue: **Status of the appeal**

Result / Order: **[Oral delivery]**
1. The Registrar shall cause to be provided to the parties the notes of evidence in this matter by the next sitting.
2. The matter is set down for the next Status Hearing of the Court of Appeal in Antigua and Barbuda.

Case Name:

Antigua Real Estates Limited

V

Rupert Kenlock

[High Court Civil Appeal No. 46 of 2010]

Date:

Monday, 29th October 2012

Before:

The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant:

Mr. Kendrickson Kentish

Respondent:

Mrs. Andrea Nicholas

Issue:

Status of the appeal

Result / Order:

[Oral delivery]

- 1. The Registrar shall cause to be prepared and provided to the parties the notes of evidence in this matter by the next sitting of the Court of appeal in Antigua and Barbuda.**
- 2. The matter is set down for the next Status Hearing of the Court of appeal in Antigua and Barbuda.**

Case Name:

[1] Gilbert Gomes

[2] DRB Limited

V

[1] Claire McClean

[2] Joan McClean

[3] Amos Morril

[4] Maria Ross

[5] Xabier Ros

[High Court Civil Appeal No. 8 of 2010]

Date: Monday, 29th October 2012

Before: The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant:	Ms. Kema Benjamin
Respondent:	Mrs. Laurie Freeland-Roberts with her Mr. Clement Bird

Issue: Status of the appeal

Result / Order / Reason: [Oral delivery]
At the request of the appellant, the matter is discontinued.

Case Name:

**[1] The Honourable Baldwin Spencer,
Prime Minister of Antigua and Barbuda
[2] The Attorney General
v
[1] Rolston Potter**

[High Court Civil Appeal No. 35 of 2011]

Date: Monday, 29th October 2012

Before: The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant:	Mr. Justin Simon, QC
Respondent:	No appearance

Issue: Status of the appeal

**Result / Order /
Reason:**

**[Oral delivery]
The appeal is withdrawn by the appellant with
no order as to costs.**

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:

Monday, 29th October 2012

Before:

The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:

Appellant:

Mr. Lawrence Daniels

Respondent:

Ms. Alicia Aska

Issue:

Status of the appeal

Result / Order:

**[Oral delivery]
1. The appeal is set down for the next sitting of
the Court of Appeal in Antigua and Barbuda.
2. Parties to comply with Part 62 of Civil
Procedure Rules 2000.**

Case Name:

**Blandina Francis Negga
v
Jeff Hadeed**

[High Court Civil Appeal No. 24 of 2007]

Date: Monday, 29th October 2012
Before: The Hon. Mr. Mario Michel, Justice of Appeal

Appearances:
Appellant: Mr. Ralph Francis
Respondent: Mr. John E. Fuller

Issue: Status of the appeal

Result / Order: [Oral delivery]
1. The appeal is set down for hearing at the next sitting of the Court of Appeal held in Antigua and Barbuda.
2. Parties are to comply with the requirements of Part 62 of the Civil Procedure Rules 2000.

Case Name: Keith McCauly
v
The Queen

[High Court Criminal Appeal No. 1 of 2007]

Date: Tuesday, 30th October 2012
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 appeal

**Result / Order /
Reason:**

**[Oral delivery]
Appeal dismissed for want of prosecution.**

Case Name:

**Stephen Greaves
v
The Queen**

**[High Court Criminal Appeal No. 3 of
2007]**

Date:

Tuesday, 30th October 2012

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 appeal

Result / Order:

[Oral delivery]

- 1. That the Registrar ensures that a record of the transcript for the proceedings is complete.**
- 2. Matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda in February 2013 for further Status Hearing.**

Case Name:

**Shavawn Roberts
v**

The Queen

**[High Court Criminal Appeal No. 4 of
2008]**

Date: Tuesday, 30th October 2012

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 appeal

Result / Order: [Oral delivery]

1. It is ordered that the Record be served on the appellant's counsel Mr. Steadroy Benjamin and on the Director of Public Prosecutions on or before 2nd November 2012.
2. The appellant is to file & serve skeletal arguments on or before 15th January 2013.
3. The Director of Public Prosecutions is to file & serve skeletal arguments on or before 15th February 2013.
4. Hearing of the matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week 25th February to 1st March 2013.

Case Name:

Junior Roberts
v
The Queen

[High Court Criminal Appeal No. 5 of

2008]

Date: Tuesday, 30th October 2012

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 appeal

Result / Order: [Oral delivery]

1. It is ordered that the Record be served on the appellant's counsel Mr. Steadroy Benjamin and on the Director of Public Prosecutions on or before 2nd November 2012.
2. The appellant is to file and serve skeletal arguments on or before 15th January 2013.
3. The DPP is to file and serve skeletal arguments on or before the 15th February 2013.
4. Hearing of the matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week 25th February to 1st March 2013.

Case Name: Barbara Peters
v
The Queen

**[High Court Criminal Appeal No. 6 of
2008]**

Date: Tuesday, 30th October 2012

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 appeal

Result / Order:

[Oral delivery]

1. It is ordered that the Record be served on the appellant's counsel Mr. Steadroy Benjamin and on the Director of Public Prosecutions on or before 2nd November 2012.
2. The appellant is to file and serve skeletal arguments on or before 15th January 2013.
3. The DPP is to file and serve skeletal arguments on or before 15th February 2013.
4. Hearing of the matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week 25th February to 1st March 2013.

Case Name:

Romeo Joseph

v

The Queen

[High Court Criminal Appeal No. 8 of 2008]

Date: Tuesday, 30th October 2012

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

Appearances:

Appellant: Mr. Ralph Francis

Respondent: Mr. Anthony Armstrong, Director of Public Prosecutions

Issue: Status of the appeal

Result / Order / Reason: [Oral delivery]
The Notice of Appeal having been withdrawn the appeal is accordingly dismissed.

Case Name: Jhonnaly Garabito
v
The Queen

[High Court Criminal Appeal No. 13 of 2008]

Date: Tuesday, 30th October 2012

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 appeal

Result / Order / Reason: [Oral delivery]
The Notice of Discontinuance having being filed on 20th June 2012, the appeal is accordingly dismissed.

Case Name:

Jamal Jonas

V

The Queen

**[High Court Criminal Appeal No. 15 of
2008]**

Date:

Tuesday, 30th October 2012

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 appeal

Result / Order:

[Oral delivery]

- 1. The appellant to file skeletal arguments on
or before the 15th January 2013 and the
respondent is to file skeletal arguments on
or before 8th February 2013.**
- 2. Matter is adjourned for trial during the Court
of Appeal sitting in Antigua and Barbuda
during the week of 25th February 2013.**

Case Name:

Hilroy Nathaniel

V

The Queen

[High Court Criminal Appeal No. 18 of

2008]

Date: Tuesday, 30th October 2012

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

Appearances:

Appellant: Mr. Steadroy C.O Benjamin

Respondent: Mr. Anthony Armstrong, Director of Public Prosecutions

Issue: Status of the appeal

Result / Order: [Oral delivery]

1. It is ordered that the Registrar cause the transcripts to be completed.
2. The matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th February 2013 to 1st March 2012.
3. The appellant's counsel is to be served with the Notice of the Hearing.

Case Name: Daniel Nedd
v
The Queen

[High Court Criminal Appeal No. 19 of 2008]

Date: Tuesday, 30th October 2012

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

Appearances:

Appellant: Ms. E. Denecia Thomas with her Mr. Ralph

Francis

Respondent: Mr. Anthony Armstrong, Director of Public Prosecutions

Issue: Status of the appeal

Result / Order: [Oral delivery]
1. The applicant is to file and serve skeletal arguments on or before the 15th January 2013.
2. The respondent is to file and serve skeletal arguments in reply on or before 8th February 2013.
3. The matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th February to 1st March 2013.

Case Name: Wilbert Paul
v
The Queen

[High Court Criminal Appeal No. 20 of 2008]

Date: Tuesday, 30th October 2012

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 appeal

Result / Order:

[Oral delivery]

1. That the Registrar cause the transcripts to be completed.
2. Matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th February to 1st March 2013.

Case Name:

Ahmed Williams

V

The Queen

**[High Court Criminal Appeal No. 21 of
2008]**

Date:

Tuesday, 30th October 2012

Before:

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

Appearances:

Appellant:

Mr. Steadroy C.O Benjamin

Respondent:

Mr. Anthony Armstrong, Director of Public Prosecutions

Issue:

Status of the appeal

**Result / Order /
Reason:**

[Oral delivery]

1. The order dismissing the appeal based on the filing of Notice of Discontinuance 20th June 2012 is vacated because the appeal was dismissed by the Court of Appeal in March 2010.
2. Notice of discontinuance is struck off.

Case Name:

Ivor Bowman

v

The Queen

**[High Court Criminal Appeal No. 2 of
2009]**

Date:

Tuesday, 30th October 2012

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 appeal

Result / Order:

[Oral delivery]

- 1. It is ordered that the Registrar cause the transcript of proceedings to be completed.**
- 2. Matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th February to 1st March 2013.**

Case Name:

Clayton Davis

v

The Queen

**[High Court Criminal Appeal No. 4 of
2009]**

Date: Tuesday, 30th October 2012

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

Appearances:

Appellant:	No appearance
Respondent:	Ms. Shannon Jones

Issue: Status of the appeal

Result / Order: [Oral delivery]

1. It is ordered that the Registrar cause the Transcript of proceedings to be completed.
2. The matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th February to 1st March 2013.

Case Name: Alwyn James
v
The Queen

[High Court Criminal Appeal No. 5 of 2009]

Date: Tuesday, 30th October 2012

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

Appearances:

Appellant:	Mr. Ralph Francis
Respondent:	Mr. Anthony Armstrong, Director of Public Prosecutions

Issue:

Status of the appeal

Result / Order:

[Oral delivery]

1. It is ordered that the Registrar cause the transcript of proceedings to be prepared.
2. Matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th February to 1st March 2013.

Case Name:

Rashid A. Pigott

v

The Queen

**[High Court Criminal Appeal No. 9 of
2009]**

Date:

Tuesday, 30th October 2012

Before:

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

Appearances:

Appellant:

In person

Respondent:

Mr. Anthony Armstrong, Director of Public Prosecutions

Issue:

Status of the appeal

Result / Order:

[Oral delivery]

1. That the Notice of Intention to Proceed with the appeal file on 17th September 2012 is deemed properly filed.
2. The Notice of Appeal dated 1st July 2009 is to be served on the Director of Public Prosecutions on or before 2nd November 2012.

3. The Registrar is to cause the Transcript of the proceedings to be prepared on or before 17th December 2012 and the matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th February to 1st March 2013.

Case Name:

Jamel Brooks

v

The Queen

**[High Court Criminal Appeal No. 10 of
2009]**

Date:

Tuesday, 30th October 2012

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 appeal

Result / Order:

[Oral delivery]

1. It is ordered that the Registrar cause the transcript of proceedings to be completed.
2. The matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week 25th February to 1st March 2013.
3. The applicant is to be given notice of the hearing.

Case Name:

Jamal Brown

v

The Queen

**[High Court Criminal Appeal No. 11 of
2009]**

Date:

Tuesday, 30th October 2012

Before:

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

Appearances:

Appellant:

Mr. Raymond Dane Hamilton

Respondent:

**Mr. Anthony Armstrong, Director of Public
Prosecutions**

Issue:

Status of the appeal

Result / Order:

[Oral delivery]

- 1. The Registrar is to cause the transcript of
the proceedings to be completed.**
- 2. Matter is adjourned to the next sitting of the
Court of Appeal in Antigua and Barbuda
during the week of 25th February to 1st March
2013.**

Case Name:

Jesus Ramon Guzman

v

The Queen

**[High Court Criminal Appeal No. 17 of
2009]**

Date:

Tuesday, 30th October 2012

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

Appearances:

Appellant: No appearance

Respondent: Ms. Shannon Jones

Issue: Status of the appeal

Result / Order / Reason: [Oral delivery]
Notice of Discontinuance having been filed by the appellant on 20th July 2012 the appeal is accordingly dismissed.

Case Name: Dean Gould
v
The Queen

[High Court Criminal Appeal No. 20 of 2009]

Date: Tuesday, 30th October 2012

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 appeal

Result / Order: [Oral delivery]

1. That the Registrar cause the transcript of the proceedings to be completed.
2. Matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th February to 1st March 2013.

Case Name:

**Dexter Joseph
v
The Queen**

**[High Court Criminal Appeal No. 21 of
2009]**

Date:

Tuesday, 30th October 2012

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 appeal

Result / Order:

[Oral delivery]

1. The Registrar is to cause the transcript of proceedings to be prepared.
2. Matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th February to 1st March 2013.
3. The appellant is to be served with Notice of Hearing.

Case Name:

Colin A. Tennant

v

The Queen

**[High Court Criminal Appeal No. 6 of
2010]**

Date:

Tuesday, 30th October 2012

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 appeal

Result / Order /

[Oral delivery]

Reason:

**A Notice of Discontinuance having been filed on
14th June 2012, the appeal is accordingly
dismissed.**

Case Name:

Dexter Joseph

v

The Queen

**[High Court Criminal Appeal No. 7 of
2010]**

Date:

Tuesday, 30th October 2012

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 appeal

Result / Order:

[Oral delivery]

1. The Registrar is to cause the transcript of proceedings to be completed.
2. Matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th February to 1st March 2013.

Case Name:

Rashid A. Pigott

v

The Queen

[High Court Criminal Appeal No.1 of 2010]

Date: Tuesday, 30th October 2012

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

Appearances:

Appellant: In person

Respondent: Mr. Anthony Armstrong, Director of Public Prosecutions

Issue: Status of the appeal – Motion to enlarge time to file notice of intention to proceed

Result / Order: [Oral delivery]
It is ordered that the matter be struck from the list.

Case Name: Timothy Kitt
v
The Queen

[High Court Criminal Appeal No. 3 of
2010]

Date: Tuesday, 30th October 2012

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 appeal

Result / Order: [Oral delivery]
1. It is ordered that the Registrar cause the transcript of the proceedings to be completed.
2. Matter is adjourned to the next sitting of the Court of Appeal during the week of 25th February to 1st March 2013.
3. The appellant's counsel to be served with Notice of Hearing.

Case Name:

Shaka Yearwood

v

The Queen

**[High Court Criminal Appeal No. 4 of
2010]**

Date:

Tuesday, 30th October 2012

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 appeal

Result / Order:

[Oral delivery]

- 1. The Registrar shall cause the transcript of the proceedings to be completed.**
- 2. The matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week of 25th February to 1st March 2013 for further status hearing.**

Case Name:

Rudy Monelle

v

The Queen

**[High Court Criminal Appeal No. 17 of
2008]**

Date:

Tuesday, 30th October 2012

Before:

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

Appeal

Appearances:

Appellant:

Mr. Cosbert Cumberbatch

Respondent:

Mr. Anthony Armstrong, Director of Public Prosecutions

Issue:

Status of the appeal

Result / Order:

[Oral delivery]

- 1. That the Registrar cause the transcript of the proceedings in this matter to be prepared.**
- 2. Matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week 25th February to 1st March 2012.**

APPLICATIONS AND APPEALS

Case Name:

Dawn Simon

v

Ralston Tonge

[High Court Civil Appeal No. 25 of 2008]

Date:

Monday, 29th October 2012

Coram:

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

Appearances:

Appellant:

Ms. Kema Benjamin

Respondent:

Mr. Steadroy C.O Benjamin

Issue: Application to strike out appeal

Result / Order: [Oral delivery]
1. The notice of appeal filed on 26th November 2008 is struck out.
2. Agreed costs of \$1500.00.

Case Name: Lystra Simon
V
Caribbean Star Airlines Limited

[High Court Civil Appeal No. 17 of 2009]

Date: Monday, 29th October 2012

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

Appearances:
Appellant: Dr. David Dorsett
Respondent: No appearance

Issue: Application without notice – Directions hearing

Result / Order: [Oral delivery]
1. The applicant shall publish a Notice in two (2) issues of the Daily Observer Newspaper no less than seven (7) days apart, notifying the respondents of the Notice of Appeal filed in this matter and of the availability of the Record of Appeal.
2. The respondent shall be deemed to have Notice of the Appeal and the proceedings of

the appeal upon the expiry of 28 days of the publication of the 2nd Notice in the Daily Observer Newspaper referred in paragraph (1) of this order.

3. Upon the applicant providing proof of service by affidavit of compliance with Part 1 of this Order, the matter will then be listed for hearing.

Case Name:

[1] HMB Holding Limited

v

[1] The Attorney General of Antigua and Barbuda

[2] David Matthias

[High Court Civil Appeal No. 7 of 2010]

Date:

Monday, 29th October 2012

Coram:

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

**The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]**

Appearances:

Applicant / Intended Appellant: Mrs. Stacy Richards-Anjo

Respondent: Mr. Justin Simon, QC

Issue:

Application for final leave to Her Majesty in Council

Result / Order:

[Oral delivery]

The applicant/intended appellant be granted final leave to appeal to Her Majesty in Council from the judgment of this Honourable Court made on 5th December 2011.

Case Name:

**Richard C. Sayer
v
Caribbean Developments (Antigua)
Limited**

[High Court Civil Appeal No. 9 of 2011]

Date:

Monday, 29th October 2012

Coram:

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

Appearances:

Appellant:

Mr. Andrew Young

Respondent:

Mr. John E. Fuller

Issues:

**Application to adduce fresh evidence –
Application to deem record of appeal properly
filed – Application for extension of time to file
skeleton arguments**

Result / Order:

[Oral delivery]

- 1. The application to adduce fresh evidence is dismissed.**
- 2. The applicant shall bear the cost of the application agreed in the sum of \$1500.00.**
- 3. With regard to the substantive appeal, It is ordered that the Record of Appeal filed on 19th July 2012 shall be the record of appeal and deemed to be properly filed.**
- 4. It is further directed that:
(a) the appellant shall file and serve skeleton arguments no later than Friday, 7th December 2012.**

(b) The respondent shall file and serve skeleton arguments no later than Friday, 11th January 2013.

Reason: The application did not meet the test in respect of the principles laid out in Ladd v Marshall [1954] EWCA Civ 1 and the principles as applied by the Eastern Caribbean Supreme Court of Appeal.

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

[High Court Civil Appeal No. 25 of 2011]

Date: **Monday, 29th October 2012**

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

Appearances:

Appellant:	Mr. Charlesworth O.D. Brown
Respondent:	Mrs. Laurie Freeland-Roberts with her Mr. Clement Bird

Issue: **Application for extension of time to file and serve skeleton arguments**

Result / Order: **[Oral delivery]**

- 1. Application for extension of time for filing and service of skeleton arguments is hereby granted.**
- 2. The appellant shall file and serve skeleton arguments in this matter no later than**

Friday, November 16th 2012.
3. Respondent shall file and serve skeleton arguments in this matter no later than Friday, November 30th 2012.

Case Name: **Joseph Pinder**
v
Trishel Wetherill

[High Court Civil Appeal No.41 of 2011]

Date: **Monday, 29th October 2012**

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

Appearances:
Appellant: **Ms. C. Debra Burnette**
Respondent: **Dr. David Dorsett**

Issue: **Application to discharge order**

Result / Order / **[Oral delivery]**
Reason: **By consent, the application to discharge order made on 7th June 2012 is hereby withdrawn with no order as to costs.**

Case Name: **[1] Samuel Winston James**
v
[1] Just Catering Incorporated
[2] Wayne Gruden

[High Court Civil Appeal No. 12 of 2012]

Date: Monday, 29th October 2012

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

Appearances:

Applicant / Intended Appellant:	Dr. David Dorsett
Respondent:	Mr. Loy Weste

Issue: Application for leave to appeal

Result / Order: [Oral delivery]
1. The application for leave to appeal is hereby refused.
2. The applicant shall bear the costs agreed at \$1500.00

Reason: The applicant did not satisfy the requirements for leave to appeal. It is clear that the learned Master was correct in concluding that clause 7 of the lease agreement though inelegantly worded was an agreement between the parties to arbitrate their differences or disputes in accordance with the Arbitration Act. There is no reason to upset the Master's findings.

Case Name: Eunice Edwards
v
Keith Edwards

[High Court Civil Appeal No. 13 of 2012]

Date: Monday, 29th October 2012

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

Appearances:

Applicant / Intended Appellant:	Dr. David Dorsett
Respondent:	Mrs. Eleanor Solomon

Issues: Application for leave to appeal – Application for stay of execution

Result / Order / Reason: [Oral delivery]
By consent applications filed on 20th June and 30th July 2012 are withdrawn with costs agreed in the sum of \$4,200.00 in respect to the applications in the Court below and in this Court.

Case Name: Sir James Fitz Allen Mitchell
v
Ephraim Georges (Sole Commissioner of the Ottley Hall Commission of Enquiry)

**[High Court Civil Appeal No. 14 of 2011]
(St. Vincent & the Grenadines)**

Date: Tuesday, 30th October 2012

Coram: The Hon. Mr. Don Mitchell, Justice of Appeal
[Ag.]
The Hon. Mr. Tyrone Chong, Justice of Appeal

[Ag.]
The Hon. Mr. John Carrington, Justice of Appeal
[Ag.]

Appearances:

Applicant / Intended Appellant: Mr. Ramesh Marajah, SC with him Mrs. Kezi Francis

Respondent: Mr. Anthony Astaphan, SC with him Mr. Joseph Delves

Issue:

Application for leave to appeal to Her Majesty in Council

Result / Order:

[Oral delivery]

1. The applicant/intended appellant be granted final leave to appeal to Her Majesty in Council from the judgment of this Honourable Court made on 25th June 2012.
2. Costs to be paid to the appellant in the agreed sum of \$1,500.00

Case Name:

Kevil Nelson
v
The Queen

[High Court Criminal Appeal No. 15 of
2009]

Date:

Wednesday, 31st October 2012

Coram:

The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mr. John Carrington, Justice of Appeal
[Ag.]

Appearances:

Appellant: Mr. Richard Cheltenham, QC with him Mr. Cosbert Cumberbatch and Ms. Shelly-Ann Seechellan

Respondent: Mr. Anthony Armstrong, Director of Public Prosecutions with him Ms. Kathy-Ann Pyke and Ms. Shannon Jones

Issues: Criminal appeal against conviction – Application to adduce fresh evidence

Result / Order: [Oral delivery]
1. The application to adduce fresh evidence is granted.
2. Judgment reserved.

Reason: The Court was of the view that the legal criterion for fresh evidence to be adduced was met by the appellant.

Case Name: Everton Francis
v
The Queen

[High Court Criminal Appeal No. 5 of 2012]

Date: Wednesday, 31st October 2012

Coram: The Hon. Mr. Davidson K. Baptiste, Justice of Appeal
The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mr. John Carrington, Justice of Appeal
[Ag.]

Appearances:
Appellant: Mr. Ralph Francis

Respondent: Mr. Anthony Armstrong, Director of Public Prosecutions

Issues: Criminal appeal against conviction – Wounding with intent – Quantum of compensation

Result / Order: [Oral delivery]

1. The appeal is hereby dismissed in its entirety.
2. It is ordered that the sum of \$70,054.15 be paid into court to be paid out to the virtual complainant forthwith.
3. The balance of \$180,000.00 be paid quarterly commencing from 30th November 2012.
4. Failure to pay the instalment of \$45,000.00 due at the end of November 2012 will result in the appellant serving 3yrs in prison. Failure to pay the instalment of \$45,000.00 due at the end of February 2013 will result in the appellant serving 2yrs imprisonment. Failure to pay the instalment of \$45,000.00 at the end of May 2013 will result in the appellant serving 1½ years imprisonment. Failure to pay the instalment of \$45,000.00 at the end of August 2013 will result in 1 yr imprisonment.
5. Evidence of payment to the virtual complainant, Damian Watson, must be supplied to the Office of the Director of Public Prosecutions immediately after payment.
6. There must be no deductions from the amounts ordered to be paid to cover expenses the appellant may have to undergo to make the payment to Mr. Watson.

Reason: The jury by its verdict evidently rejected the defence of self-defence put forward by the appellant and they were entitled to do so. The verdict indicated that they found the appellant guilty. The Court was of the view that there was no merit in the appeal and held that the

quantum of compensation awarded was not excessive.

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:

Tuesday, 30th October 2012

Coram:

The Hon. Mde. Louise E. Blenman, Justice of Appeal
The Hon. Mr. Don Mitchell, Justice of Appeal [Ag.]
The Hon. Mr. John Carrington, Justice of Appeal [Ag.]

Appearances:

Appellant:

Ms. E. Denecia Thomas

Respondent:

In person

Issues:

Civil appeal – Contract – Landlord and tenant

Result / Order:

[Oral delivery]

1. The matter is dismissed save that the order of the judge is varied at paragraph 3 thereof of page 71 of the Record to read \$11,647.00 from the net sum of \$58,900.00 awarded for special damages.
2. No order as to costs.

Reason:

The Court did not agree with counsel's submissions.

Case Name:

**[1] Colin Turner
[2] Grand City Limited
v
[1] Terrance Sansom**

[High Court Civil Appeal No. 1 of 2010]

Date:

Tuesday, 30th October 2012

Coram:

**The Hon. Mr. Don Mitchell, Justice of Appeal
[Ag.]
The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]
The Hon. Mr. John Carrington, Justice of Appeal
[Ag.]**

Appearances:

Appellant:

Mr. Dane Hamilton, QC

Respondent:

Ms. E. Ann Henry, QC

Issues:

Civil appeal – Contract

Result / Order:

[Oral delivery]

- 1. Matter is referred to Mediation to be conducted by an agreed Mediator and for report to the Court before the next sitting of the Court of Appeal in Antigua and Barbuda on a date to be notified.**
- 2. Failing a successful mediation and upon the Court so notified, the appeal having concluded, this Court will deliver its decision.**

Reason:

Parties were unable to reach an agreement on quantum. As such the Court was minded to make the order that it did.

Case Name:

Phillip Abbott

V

Aziz Hadeed

[High Court Civil Appeal No. 41 of 2010]

Date:

Tuesday, 30th October 2012

Coram:

The Hon. Mde. Louise M. Blenman, Justice of Appeal

The Hon. Mr. Tyrone Chong, Justice of Appeal [Ag]

The Hon. Mr. John Carrington, Justice of Appeal [Ag.]

Appearances:

Appellant:

Mr. Anthony Astaphan, SC with him Mr. Ralph Francis

Respondent:

Mr. Roger Forde, QC with him Mrs. Eunicia Victor

Issues:

Civil appeal – Libel

Result / Order:

Judgment reserved.

Case Name:

[1] Bondalyn L. Riley

V

[1] Industrial Development Board

[2] The Attorney General of Antigua and Barbuda

[High Court Civil Appeal No. 53 of 2010]

AND

[1] Dana Stevens
v
[1] Industrial Development Board
[2] The Attorney General of Antigua and Barbuda

[High Court Civil Appeal No. 54 of 2010]

Date: Monday, 29th October 2012

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

Appearances:

Appellant:	Mr. Charlesworth O.D. Browne
Respondent:	Mrs. Carla Brookes-Harris

Issues: Civil appeal – Contract

Result / Order / Reason: [Oral delivery]
1. By consent, the appeals are allowed.
2. The matters are remitted to the Industrial Court for assessment of the compensation to the appellants.
3. No order as to costs.

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

[High Court Civil Appeal No. 6 of 2011]

Date: Tuesday, 30th October 2012

Coram: The Hon. Mr. Don Mitchell, Justice of Appeal
[Ag.]
The Hon. Mr. Tyrone Chong, Justice of Appeal
[Ag.]
The Hon. Mr. John Carrington, Justice of Appeal
[Ag.]

Appearances:
Appellant: Ms. Kema Benjamin
Respondent: Mr. Loy Weste

Issue: Civil appeal

Result / Order: [Oral delivery]
1. By consent, the Registrar to supply counsel for the appellant a copy of the judges' notes.
2. Counsel for the appellant after consultation with counsel for the respondent is to produce a typed version of the judges' notes for inclusion in the record.
3. Counsel for the appellant is to file the Record of Appeal on or before 30th November 2012.
4. Thereafter matter is to be set down on the list for determination in the next sitting of the Court in Antigua and Barbuda in the month of February 2012 on a date to be notified.

Case Name: Raphael Benjamin
v
The Port Authority

[High Court Civil Appeal No. 8 of 2011]

Date: Tuesday, 30th October 2012

Coram: The Hon. Mr. Don Mitchell, Justice of Appeal

[Ag.]

The Hon. Mr. Tyrone Chong, Justice of Appeal

[Ag.]

The Hon. Mr. John Carrington, Justice of Appeal

[Ag.]

Appearances:

Appellant:

Mr. Ralph Francis

Respondent:

Mr. Colin Derrick

Issues:

Civil appeal – Breach of contract – Directions

Result / Order:

[Oral delivery]

- 1. Counsel for the respondent is given until 27th November 2012 to file and serve written submissions in reply.**
- 2. The matter is to be placed on the list for determination at the next sitting of the Court of Appeal in February 2013 on a date to be notified.**