

		COURT OF APPEAL SITTING ANTIGUA and BARBUDA
		Monday 6 th December to Wednesday 8 th December 2010
Date:		Monday 6 th December 2010
Coram:		His Lordship the Hon. Hugh A. Rawlins, Chief Justice Her Ladyship the Hon. Janice George-Creque, Justice of Appeal His Lordship the Hon. Davidson Baptiste, Justice of Appeal
		STATUS HEARING
		HIGH COURT CRIMINAL APPEALS
Case Name:		Jerry Fubler v The Queen [Crim. Appeal No. 9 of 2004]
Appearances:		
	Appellant:	Mr. Steadroy Benjamin
	Respondent:	Mr. Anthony Armstrong –Director of Public Prosecutions
Issue:		Appeal against sentence - possession of drugs
Result:		The appeal is withdrawn and accordingly dismissed
Reason:		Attorney for appellant informed the court that his client was no longer interested in prosecuting the appeal and that the Director of Public Prosecutions was also so informed
Case Name:		G90 Building Systems Ltd. v Leonard Drew et al [Civ. App. No. 28 of 2010]

Appearances:		
	Appellant:	Dr. David Dorsette
	Respondent:	Mr. Charlesworth Browne
Issue:		Appeal against judgment summons order
Result:		The matter is traversed to the next sitting of the Court of Appeal in Antigua and Barbuda in May 2011 for report on settlement discussions
Reason:		Attorneys for both sides informed the court of settlement discussions
		HIGH COURT CRIMINAL APPEALS AGAINST CONVICTION
Case Name:		Javier George v The Queen [Crim. App. No. 3 of 2006]
Appearances:		
	Appellant:	Mr. Steadroy Benjamin
	Respondent:	Mr. Anthony Armstrong – Director of Public Prosecutions
Issue:		Appeal against conviction - manslaughter
Result:		The matter is traversed to the next sitting of the Court of Appeal in Antigua and Barbuda in May 2011 at request of counsel for the parties
Reason:		Counsel for the parties agree that the matter might be dispensed with, without trial
Case Name:		Kevil Nelson v The Queen [Crim. App. No. 15 of 2009]
Appearances:		
	Appellant:	Sir Richard Cheltenham QC with Mr. Cosberth

		Cumberbatch
	Respondent:	Mr. Anthony Armstrong – Director of Public Prosecutions
Issue:		Appeal against conviction - murder
Result:		The matter is traversed to the next sitting of the Court of Appeal in Antigua and Barbuda in May 2011
Reason:		Counsel for the appellant made a request for the matter to be traversed so that an application to adduce fresh evidence could be filed and this request was not opposed by the Director of Public Prosecutions
Case Name:		Levi Lamazon v The Queen [Crim. App. No. 2 of 2007]
Appearances:		
	Appellant:	Mr. Steadroy Benjamin
	Respondent:	Mr. Anthony Armstrong – Director of Public Prosecutions
Issue:		Appeal against conviction
Result:		The matter is traversed to the next sitting of the Court of Appeal in Antigua and Barbuda in May 2011
Reason:		The Director of Public Prosecutions requested that the matter be traversed to the next sitting since counsel for the appellant provided him with good reason for the appellant's absence from court
		APPLICATIONS
Case Name:		Alexander M. Fundora v Stanford International Bank Ltd. Ralph Steven Janvey v Alexander M. Fundora [Civ. App. No. 8 of 2009]
Appearances:		

	Appellant:	Mr. Craig Christopher for Mr. Alexander Fundora Mrs. Tracy Benn-Roberts for Mr. Ralph Steven Janvey
	Respondent:	Mr. Kendrickson Kentish for the Liquidators of Stanford International Bank Miss Jasmin Wade led by Mr. Paul Webster QC for the 3rd Respondent (FSRC)
Issue:		Application for leave to adduce fresh evidence
Result:		By consent the hearing of application to adduce fresh evidence is adjourned to the sitting of the Court of Appeal in Antigua and Barbuda in September 2011
Reason:		The parties are in the process of discussions which may obviate the need for the hearing of the application.
		HIGH COURT CIVIL APPEALS
Case Name:		Charles Joseph v Antigua Commercial Bank [Civ. App. No. 24 of 2010]
Appearances:		
	Appellant:	In person
	Respondent:	Mrs. Tracy Benn-Roberts
Issue:		Appeal against decision of Justice David Harris
Result:		(1) The matter is traversed to the next sitting of the Court of Appeal in Antigua and Barbuda in May 2011 (2) Appellant to file and serve supplemental record which will contain transcript (3) File and serve supplemental bundle within 14 days of receipt of notice from the Registrar

Reason:		The appeal was not ripe for hearing.
		APPLICATIONS
Case Name:		Caribbean Star Airlines Ltd. v Elliott Arnim Streete [Civ. App. No. 33 of 2008]
Appearances:		
	Appellant:	Mr. Hugh Marshall
	Respondent:	Dr. David Dorsette
Issue:		Appeal against decision of the Industrial Court
Result:		(1) Application is granted (2) Appellant shall file record of appeal on or before 13 December, 2010 (3) Appellant shall file skeleton arguments on or before 29 December, 2010 (4) Respondent shall file skeleton arguments on or before 10 January, 2011 (5) Unless there is compliance in paragraph 2 of this Order the appeal stands dismissed (6) Costs of the application to be costs in the appeal
Reason:		Directions were necessary in order to prepare the case for the appeal hearing.
Case Name:		Caribbean Star Airlines Ltd. v Keith Thompson et al [Civ. App. No. 34 of 2008]
Appearances:		
	Appellant:	Mr. Hugh Marshall
	Respondent:	Dr. David Dorsette
Issue:		Determination of costs

Result:		Appellant shall pay costs in the sum of \$13,333.33 to applicant/respondent in these appeal proceedings
Reason:		That sum is 2/3 of the costs in the High Court as provided by CPR 62.12.
Case Name:		Hyacinth Pestaina v Dickenson Bay Management Ltd. (DBA Sandals Antigua) [Civ. App. No. 21 of 2010]
Appearances:		
	Appellant:	Dr. David Dorsette
	Respondent:	Miss Veronica Thomas
Issue:		Application for leave to appeal to Her Majesty in Council
Result:		The application for leave to appeal to Her Majesty in Council is dismissed with no order as to costs
Reason:		The court was of the view that there was no good grounds for the appeal. This not being an appeal as of right.
Case Name:		Joseph W. Horsford v Geoffrey Croft [Civ. App. No. 29 of 2010]
Appearances:		
	Appellant:	In person
	Respondent:	Mrs. Shahida Ali-Schneider
Issue:		Application for stay of execution
Result:		The hearing for the application for stay of execution is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda in May 2011 for report with no order as to costs

Reason:		N/A
		HIGH COURT CIVIL APPEALS
Case Name:		Igors Kippers et al v Stanford International Bank Ltd. [Civ. App. No. 25 of 2010]
Appearances:		
	Appellant:	Mr. Kelvin John led by Sir Richard Cheltenham QC
	Respondent:	Mr. Kendrickson Kentish
Issue:		Case Management
Result:		(1) Solicitors for the respondent shall file and serve skeleton arguments on or before 17 January, 2010 (2) Hearing of this appeal is scheduled for the next sitting of the Court of Appeal in Antigua and Barbuda in May 2011
		APPLICATIONS
Case Name:		Rendezvous Company v Jane Finch [Civ. App. No. 30 of 2010]
Appearances:		
	Appellant:	Mrs. Fidella Corbin-Lincoln
	Respondent:	Miss Samantha Marshall
Issue:		Application for stay of execution
Result:		(1) Application for stay of execution is dismissed (2) Any sums that are realized in the enforcement

		process prior to determination of the appeal shall be paid into an interest bearing escrow account (3) Applicant to pay \$750 costs for today to the respondent
Case Name:		ABI Bank Limited et al v Annette Tuitt [Civ. App. No. 44 of 2010]
Appearances:		
	Appellant:	Mr. Conliffe Clarke
	Respondent:	Mr. Hugh Marshall
Issue:		Application for leave to appeal
Result:		(1) Application granted by consent (2) Applicant shall serve notice of appeal on the respondent's attorney within 7 days of the date of this order (3) Costs be in the appeal
Case Name:		Marydith Gordon v Jeanine Carlton [Civ. App. No. 5 of 2010]
Appearances:		
	Appellant:	Mr. Laurence Daniels
	Respondent:	Miss Samantha Marshall
Issue:		Application for an extension of time to appeal and stay of execution
Result:		The appeal is withdrawn and accordingly dismissed

		HIGH COURT CIVIL APPEALS
Case Name:		Diana Lynn Hendricks v Thyra Hendricks-Henry [Civ. App. No. 31 of 2009]
Appearances:		
	Appellant:	No appearance
	Respondent:	Mr. Laurence Daniels
Issue:		Application for leave to appeal interlocutory order of Justice Mario Michel
Result:		(1) The matter is listed for report at the sitting of the Court of Appeal in Antigua and Barbuda in September 2011 (2) Applicant shall pay \$2000 costs to the Respondent in all of these proceedings
Case Name:		Pascal Williams et al v Tyrone Herbert et al [Civ. App. No. 27 of 2009]
Appearances:		
	Appellant:	Miss E. Denecia Thomas
	Respondent:	Mrs. Maureen Payne-Hyman
Issue:		Appeal against decision of Justice David Harris
Result:		(1) Solicitors for the parties shall agree on documents to be included in the record of appeal on or before 20 December, 2010 (2) Solicitor for the appellant shall file and serve Record of Appeal on or before 14 January, 2011 (3) Solicitor for the appellant shall file and serve

		skeleton arguments on or before 24 January, 2011 (4) Solicitor for the respondent shall file and serve skeleton arguments in reply on or before 31 January, 2011 (5) Appeal is listed for hearing at the next sitting of the Court of Appeal in Antigua and Barbuda in May 2011
Date:		Tuesday 7th December 2010
Coram:		His Lordship the Hon. Hugh A. Rawlins, Chief Justice Her Ladyship the Hon. Ola-Mae Edwards, Justice of Appeal Her Ladyship the Hon. Janice George-Creque, Justice of Appeal
		HIGH COURT CIVIL APPEALS
Case Name:		Lucine Hanley v Yvonne Elizabeth Hanley [Civ. App. No. 4 of 2010]
Appearances:		
	Appellant:	Dr. David Dorsette
	Respondent:	Miss Veronica Thomas
Issue:		Appeal against decision of Justice Mario Michel
Result:		(1) The appeal is allowed to the extent that paragraphs 1 and 2 of the Order of the Judge are set aside (2) By consent paragraph 3 of said Order is varied to the extent that the respondent Mrs. Hanley shall have all the furniture in the matrimonial home or full value thereof (3) Paragraph 4 of the Order is varied to the extent that the following words “or until further order” are added at the end of the paragraph (4) Application for stay is withdrawn and accordingly dismissed (5) The appeal against cost Order in paragraph 5 is

		dismissed
		(6) The parties shall meet their own costs in the appeal proceedings
Case Name:		Arlene Winter v Stanford Development Company Ltd. [Civ App. No. 11 of 2010]
Appearances:		
	Appellant:	Dr. David Dorsette
	Respondent:	Mr. Hugh Marshall
Issue:		Appeal against the Order of Justice David Harris
Result:		(1) Appeal is allowed and the Order of the Judge of 9 February, 2010 is fully set aside (2) This case is remitted to the High Court for case management by a Judge as a matter of urgency (3) The Respondent shall pay \$5000 costs to the Appellant in this Court and in the Court below
Date:		Wednesday 8th December 2010
Coram:		Her Ladyship the Hon. Ola-Mae Edwards, Justice of Appeal Her Ladyship the Hon. Janice George-Creque, Justice of Appeal His Lordship the Hon. Davidson Baptiste, Justice of Appeal
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Case Name:		Steadroy C. O. Benjamin v Commissioner of Police et al [Civil Appeal No. 23 of 2009]
Appearances:		
	Appellant:	Mr. Anthony Astaphan SC

	Respondent:	Mr. Douglas Mendes with Mr. Kendrickson Kentish
Issue:		Appeal against decision of Justice David Harris
Result:		Judgment reserved to be delivered on a date to be notified