

Result: 1. Appeal is dismissed for want of prosecution

2. Costs to Respondents in the sum of EC\$2,500.

Reason 1. The Respondents are entitled to costs because the Appellants are in non-compliance with the Rules.
2. The Application does not relate to the merits of the case or an issue regarding the administration of the estate but with the compliance with procedural rules. It was open to the Appellants upon the expiry of the 42 days for the filing of the Record or knowing they were out of time to file, to have taken appropriate action to regularise their position. Non-compliance with the Rules left the Appellants exposed to the Application which was made.

Vernon S. Veira and anor v. Maxine A Herbert-Webster and anor.
Civ. App. No. 2 of 2006

Appearance Appellant **Mr. Terence Byron**

Respondents **Mr. Mark Brantley**

Issue Application to set aside Consent Order and strike out Appeal

Result: The Court gave directions:
1. The Appellants permitted to respond by affidavit to the Respondents' application by 2nd November, 2007.
2. The Respondents given liberty to Reply to Appellants' affidavit, if necessary, by 9th November, 2007.
3. The parties to submit Skeleton Arguments of not more than 5 pages, the Appellants to file and serve same by 16th November 2007 and the Respondents to file and serve by 30th November 2007.
4. Thereafter the matter is to proceed by way of procedural application before a single Judge of the Court.

Reasons: The parties consented to the Directions.

HIGH COURT CRIMINAL APPEAL AGAINST CONVICTION

Glen Richardson v. Regina
Cr. App. No. 2 of 2006

Appearances

Miss Nicole Sylvester and with her Miss Eustella Fontaine
Mr. Evans B. Welch and with him Miss Vernetta Richardson

Issue:

1. The Counts in the Indictment lacked particularity and specificity and made it impossible and unfair for the Defendant to defend.
2. The evidence was unsafe and unsatisfactory and the trial judge should not have allowed the case to go to the Jury.
3. The trial Judge wrongly permitted the Appellant to be cross-examined about his alleged relationship with another woman which tended to show that he lied during evidence in chief, and failed to give the Jury a proper direction or any direction as to lies.
- 4.. The Judge's summing up was unfair and weighted against the Appellant.
5. That a material irregularity occurred during the trial which made the process and trial tainted, making the verdict unsafe and unsatisfactory.
6. The sentence imposed was excessive in the circumstances.

Result:

Judgment reserved.

Reason:

HIGH COURT CIVIL APPEALS

EYSTON HUNTE et al v. MONA HARRIGAN
CIV. APP. NO. 2 OF 2004

Appearances

Appellant
Respondent

Mr. Courtney Abel and with him Miss Eustella Fontaine
Mrs Joyce Kentish Egan and with her Mrs. Navine Fleming Kisob

Issue:

1. The trial judge mistook the issue of undue influence for that of duress.
2. The trial judge misidentified the issues, improperly rejected and omitted crucial evidence and in so doing misdirected herself in both law and in fact, and which facts were insupportable and not probative of the issues, thus rendering the judgment unsafe.

Result:

The matter is traversed to the next sitting of the Court.

Reason:

Both parties consented to the matter being traversed to the next sitting of the Court. The parties are exploring non-contentious alternatives to resolving the matter and as the proposed delay would not cause any adverse effect to the estate or to the parties in the circumstances, it would be appropriate to allow the Application

22nd Oct 07
Registrar