



**Reason:** The learned Judge found that the claim was for 12,748 square feet of land, being Block 1840B, parcel 144. The judge found, based on the Appellant's witness statement, that the Appellant was in occupation of approximately ¼ acres of land. It could not therefore be said that the Appellant had nowhere to put her two chattel houses or her animals.

**Case Name** Ufita Francis v Ansonia L. Charless  
[Civil Appeal No. 3 of 2008]

**Appearances:**  
**Appellant:** Mr. Alfred Alcide  
**Respondent:** Ms. Wauneen Louis-Harris

**Issue:** Application for Leave to file Notice of Appeal

**Result:** The Application for extension of time was refused. Costs to the Respondent in the sum of \$1,000.

**Reason:** The Applicant has not explained the reason for the delay. The explanation given in paragraph 11 of the Affidavit in support explains the delay in getting material (fresh evidence) from Barbados. It does not explain why there was a delay in engaging counsel and filing a Notice of Appeal.

**Case Name** Anselma I. Augustin v Columbian Emeralds International Limited  
[Civil Appeal No. 1 of 2008]

**Appearances:**  
**Appellant:** Mr. Horace Fraser with Ms. Isabella Shillingford  
**Respondent:** Mr. Mark Maragh

**Issue:**  
1. Application for Leave to be granted to pursue the appeal as a summary appeal.  
2. Application for Leave to adduce fresh evidence.

**Result:** The matter was adjourned until 4<sup>th</sup> March, 2008.

**Reason:** By agreement of the parties.

**CASE MANAGEMENT**

**ANGUILLA**

**Case Name** Edwin McLaurence Hughes v La Baia Limited  
[Civil Appeal No. 8 of 2006]

**On paper:**  
**Appellant:** Jenny Lindsay & Associates  
**Respondent:** Keithley Lake & Associates

**Issue:**  
1. Application for documents to be deemed to have been properly filed pursuant to Rules 62.11(1) and 62.12 (1)(3) of CPR 2000  
2. Application for relief from sanctions

**Result:** The Application was granted with no order as to costs.

**Reason:** The Respondent does not oppose the Application.

**ANTIGUA &  
BARBUDA**

**Case Name** Eustace Gordon v Antigua & Barbuda Investment Bank  
[Civil Appeal No. 9 of 2004]

**On paper:**  
**Applicant/  
Respondent:** Commodore & Associates  
**Respondent/Appellant:** Marshall & Co.

**Issue:**  
1. Application for the Notice of Appeal to be dismissed  
2. Application for the Stay of Execution to be set aside  
3. Costs

**Result:** The Application was refused.

**Reason:** The Applicant requested that the appeal filed on 26<sup>th</sup> March 2004 be dismissed because the Appellant had taken no further step. There was no statement that the condition for taking any further step had occurred, viz, notice that the

transcript is ready.

**Case Name** Abraham Zion v Graham Ferguson Lacey and Seashell Reefs Limited  
[Civil Appeal No. 29 of 2007]

**On paper:**

**Applicant/  
1<sup>st</sup> Respondent:** Thomas John & Co.

**Respondent/  
Appellant:** Hill & Hill

**Issue:** Application to strike out Notice of Appeal

**Result:** The Application to strike out the Notice of Appeal as a nullity was granted with costs of the Application to the First Respondent/Applicant in the sum of \$2000.

**Reason:** The Notice of Appeal was against an interlocutory order; it was brought without leave and was therefore a nullity. The application, by the Appellant, to treat his affidavit as an application for an extension of time is an abuse of process which requires an application for an extension of time to be in writing and to be served on the other party to enable the other party to respond. he Appellant was ordered to comply with the terms and conditions set forth in the Enforcement Order of the Honourable Mr. Justice David Harris dated 21<sup>st</sup> November, 2007.

**Case Name** William Martin v Urcil Peters  
[Civil Appeal No. 36 of 2004]

**On paper:**

**Appellant:**

**Respondent:**

**Issue:** Application for extension of time

**Result:**

**Reason:**

**Case Name** Levi Lamazon v The Queen  
[Civil Appeal No. 2 of 2007]

**On paper:**

**Appellant:** Steadroy Benjamin & Co.

**Respondent:** The Director of Public Prosecutions

**Issue:** Application for bail to be admitted pending determination of the appeal

**Result:** It was ordered that:

1. The Applicant/Appellant be admitted to bail in the amount of \$5000.00 with two sureties in a like amount until the determination of his appeal.
2. The Applicant/Appellant surrender all travel documents.
3. The Applicant/Appellant report to the St. John's Police Station every Monday and Friday between the hours of 7:00 a.m. and 6:00 p.m.

**Reason:** The DPP does not oppose the Appellant's Application that he be placed on bail pending his appeal. He was sentenced to one year in prison and by the time the Record is prepared and the appeal comes on for hearing, the Appellant may have served his sentence.

**Case Name** Cable & Wireless (W.I.) Limited v Conrad Tonge et al  
[Civil Appeal No. 10 of 2007]

**On paper:**

**Applicant/  
Respondent:** Mr. Charlesworth O.D. Browne

**Respondent/Appellant:** Henry & Burnette

**Issue:** Application to dismiss appeal for want of prosecution

**Result:** The Application was dismissed. Costs to the Respondent/Appellant in the sum of \$500.

**Reason:** The transcript was not ready and the appellant had not defaulted in prosecuting its appeal.

**Case Name** Ahmed Stewart Williams v The Queen  
[Civil Appeal No. 1 of 2008]

**On paper:**  
**Appellant:** Mr. H. Asquith Fearon  
**Respondent:** Director of Public Prosecutions

**Issue:** Application for bail to be admitted pending determination of trial

**Result:** The application for bail was granted. The conditions of bail to be set by the court below before which the case is pending.

**Reason:** The DPP does not oppose the Application and there is no reason why bail should be denied.

**Case Name** Samantha Cochrane v Commissioner of Police  
[Magistrates Criminal Appeal No. 1 of 2008]

**On paper:**  
**Appellant:** Steadroy Benjamin & Co.  
**Respondent:** Director of Public Prosecutions

**Issue:** Application for extension of time for filing Notice of Appeal

**Result:** The Application was granted and time extended to 7<sup>th</sup> March, 2008 for the filing of the Notice of Appeal.

**Reason:** The DPP does not oppose the Application for an extension of time for filing a Notice of Appeal against sentence.

**DOMINICA**

**Case Name** Justina Honore v Clement Rolle et al  
[Civil Appeal No. 2 of 2008]

**On paper:**  
**Applicant/ Respondent:** Attorney General's Chambers  
**Respondent/Appellant:** Ms. Dawn Yearwood-Stewart

**Issue:** Application for extension of time

**Result:** It was directed that the Chief Registrar should enquire from the Appellant/Respondent the following:  
1. Whether the decision appealed against, is an interlocutory order and whether leave was obtained.  
2. If leave was not obtained, the appellant/respondent should show cause why the appeal should not be struck out.  
3. The submissions shall be filed with the court on or before 4<sup>th</sup> March, 2008.

**Reason:**

**GRENADA**

**Case Name** Ian Francis et al v Renwick & Payne et al  
[Civil Appeal No. 3 of 2008]

**On paper:**  
**Applicants:** Mr. Dwight D. Horsford  
**Respondents:** Renwick & Payne

**Issue:** Application for Leave to Appeal

**Result:** The Application for Leave to Appeal was granted. The Applicants were ordered to:  
1. File and serve a Notice of Appeal against the Interlocutory Judgment of Honourable Madame Justice Clare Henry delivered on 21<sup>st</sup> January, 2008 in Civil Claim No. GDAHCV 2005/0209.  
2. Proceed in accordance with the rules applicable to procedural appeals.



- is regarded as having been validly served.
- (ii) The Appellants brought the appeal and were obliged to provide an address for service within the jurisdiction. There can be no obligation on a respondent to serve an appellant out of the jurisdiction. A respondent, who did not ask for an appeal, cannot be obliged to search for the appellant to serve him.
  - (iii) It is the duty of the Appellants to prosecute the appeal. The Appellants cannot plead ignorance as an excuse for inaction, nor can they rely on their failure to instruct a new attorney and provide a new address for service.
  - (iv) Given the sibling relationship of the First and Second Appellants and, in effect, the Third Appellant, it was very likely that the Second and Third Appellants were aware, from the personal service on the First Appellant, of the Notice of Application.

2. Leave not having been obtained to appeal against the interlocutory order, the Notice of Appeal must be struck out as a nullity. *Oliver McDonna v Benjamin Wilson Richardson Anguilla Civil Appeal No. 3 of 2005* followed.

**Case Name** Sandra Roberts v The Chief of Police  
[Magistrates Criminal Appeal No. 4 of 2007]  
14<sup>th</sup> March, 2008

**On paper:**  
**Appellant:** Hesketh Benjamin Chambers  
**Respondent:** The Director of Public Prosecutions

**Issue:** Application for extension of time to file Notice of Appeal

**Result:** The time limited for the Applicant to file a Notice of Appeal against the decision of the Learned Senior Magistrate was extended to 28<sup>th</sup> March, 2008.

**Reason:**

**Case Name** Bank of Commerce (Saint Kitts & Nevis) Trust and Savings Association Limited v E. Anthony Ross  
[Civil Appeal No. 1 of 2008]

**On paper:**  
**Appellant:** Mr. Sylvester Anthony

**Respondent:** Caribbean Associated Attorneys

**Issue:** Application for Stay of Execution

**Result:** The Application for a Stay of Execution was granted on condition that the distribution of any or all of the funds in respect of which judgment was obtained is prohibited pending the appeal.

**Reason:** The Respondent did not oppose the Application if granted on the condition stated.

**ST. VINCENT &  
THE  
GRENADINES**

**Case Name** Turnley François v The Queen  
[Criminal Appeal No. 2 of 2008]

**On paper:**

**Appellant:** In person

**Respondent:** Director of Public Prosecutions

**Issue:** Application for extension of time to appeal

**Result:** The Application was granted and it was directed that the letter dated 29<sup>th</sup> November, 2007 shall stand as the Notice of Appeal.

**Reason:** In the absence of opposition and in light of the fact that the Applicant is acting in person it would be just to grant the extension.