

		COURT OF APPEAL SITTING
		ANTIGUA and BARBUDA
		Monday 7th December to Friday 11th December 2009
Date:		Monday 7th December 2009
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 APPEAL
Case Name:		Antigua Power Company Ltd. v Attorney General et al [Civil Appeal No. 6 of 2009]
Appearances:		
	Appellant:	Mr. Dane Hamilton QC led by Mr. Geoffrey Robertson QC
	Respondent:	Mr. Kendrickson Kentish led by Mr. Douglas Mendes SC for the 1 st and 2 nd Respondents
		Dr. David Dorsette led by Sir Gerald Watt QC for the 3 rd Respondent
Issue:		Appeal against judgment of the High Court
Result:		Matter stood down to Tuesday 8 th December, 2009
Reason:		
		HIGH COURT CRIMINAL APPEALS
Case Name:		Roger Naitram v The Queen [Crim. App. No. 5 of 2006] Lassell Punch v. The queen [Crim. App. No. 6 of 2006] Leary Matheson v. The Queen

		[Crim. App. No. 8 of 2006]
Appearances:		
	Appellant:	Mr. Peyton Knight for Mr. Lassell Punch and Mr. Jason Martin for Messrs Naitram and Matheson
	Respondent:	Mr. Anthony Armstrong, Director of Public Prosecutions
Issue:		Appeals against conviction and sentence
Result:		Matter stood down
Reason:		
		HIGH COURT CIVIL APPEALS
Case Name:		Llewellyn Smith v Antigua Port Authority [Civ. App. No. 12 of 2007]
Appearances:		
	Appellant:	Mr. Hugh Marshall Jr.
	Respondent:	Mr. Collin Derrick
Issue:		Appeal against judgment of High Court
Result:		Matter stood down
Case Name:		Lassell Punch v The Queen [Civ. App. No. 6 of 2006]
Appearances:		
	Appellant:	Mr. Peyton Knight
	Respondent:	Mr. Anthony Armstrong Director of Public Prosecutions
Issue:		Extension of time to comply with CPR Part 62.11 (1)
Result:		(1) Application of extension of time to file skeleton

		arguments is granted and accordingly skeleton filed on 4 th December, 2009 on behalf of the Appellant is deemed validly filed (2) Solicitor for Respondent to file skeleton arguments by 9 th January, 2010
Case Name:		Cable & Wireless (WI) Lit. v Conrad Tonge et al [Civil Appeal No. 10 of 2007]
Appearances:		
	Appellant:	Ms. E. Ann Henry
	Respondent:	Mr. Charlesworth O. D. Browne
Issue:		Final Leave to appeal to Her Majesty in Council/Affidavit of service be deemed validly filed
Result:		Matter stood down to Friday 11 th December, 2009
Reason:		
Case Name:		Charles Joseph v Antigua Commercial Bank [Civil Appeal No. 1 of 2009]
Appearances:		
	Appellant:	Mrs. Tracey Benn-Roberts led by Sir Clare Roberts QC
	Respondent:	Mr. Charles Joseph in Person
Issue:		Respondent to pay unpaid balance to Applicant
Result:		Matter stood down
Case Name:		Sharon C. Weeks v Glen Weeks [Civil App. No. 2 of 2009]
Appearances:		

	Appellant:	Miss Veronica Thomas
	Respondent:	Mr. Clement Bird holding for Mrs. Laurie Freeland-Roberts
Issue:		Extension of time for compliance with order
Result:		Application which was filed 19 th January, 2008 is withdrawn and accordingly dismissed with no order as to costs
Reason:		Application was dealt with on 18 th May, 2009 and order granted to extend time to comply with order
		HIGH COURT CRIMINAL APPEAL
Case Name:		Errol Porter v The Queen [Crim. App. No. 3 of 2009]
Appearances:		
	Appellant:	Dr. David Dorsette
	Respondent:	Mr. Anthony Armstrong, Director of Public Prosecutions
Issue:		Grant custody of Passport
Result:		(1) The Applicant be granted custody of his passport to enable the Applicant to visit St. Lucia for a period of seven days from 16 th to 23 rd December, 2009 (2) The Order of 24 th July, 2009 granting bail to the Applicant is varied to permit the authorities to release the travel documents of the Applicant on 15 th December, 2009 to the said Applicant and for the said Applicant to return the travel documents on 24 th December, 2009 to the authorities
		HIGH COURT CIVIL APPEALS
Case Name:		Edmeade Joyce v Premier Beverages Limited [Civil App. No. 4 of 2009]

Appearances:		
	Appellant:	Mr. Lenworth Johnson
	Respondent:	Mrs. Shahida Ali-Schneider
Issue:		Stay of execution
Result:		Application for stay granted and the Appellant pays costs of \$500.00 by 31 st January, 2010
Case Name:		Alexander M. Fundora v Stanford International Bank Ltd. Ralph Steven Janvey v Alexander Fundora [Civil App. No. 8 Of 2009]
Appearances:		
	Appellant:	Mr. Conliffe Clarke for Mr. Alexander Fundora Sir Clare Roberts QC with 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 for the 3 rd Respondent (FSRC)
Issue:		Application for leave to adduce fresh evidence
Result:		Matter set down for Case Management on 17 th December, 2009
Reason:		HIGH COURT CRIMINAL APPEALS
Case Name:		Rashid A. Pigott v The Queen [Crim App. No. 9 Of 2009]
Appearances:		
	Appellant:	Appellant in Person
	Respondent:	Mr. Anthony Armstrong, Director of Public Prosecutions

Issue:		Stay of execution/Writ of Habeas Corpus
Result:		Application filed herein by Applicant on 1 st July, 2009 is hereby dismissed
Case Name:		Careem Bedminister v The Queen [Crim. App. No. 12 of 2009]
Appearances:		
	Appellant:	Mr. Steadroy C. O. Benjamin
	Respondent:	Mr. Anthony Armstrong, Director of Public Prosecutions
Issue:		Application for bail pending appeal
Result:		Application is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda in 2010
Case Name:		Everton Bridges v The Queen [Crim. App. No. 16 of 2009]
Appearances:		
	Appellant:	Mr. Steadroy C. O. Benjamin
	Respondent:	Mr. Anthony Armstrong, DPP
Issue:		Application for bail pending appeal
Result:		Application is withdrawn and is accordingly dismissed
Reason:		Application is withdrawn
Case Name:		Gareth Walker v The Queen [Crim. App. No. 14 of 2009]
Appearances:		
	Appellant:	Mr. Steadroy C. O. Benjamin

	Respondent:	Mr. Anthony Armstrong, DPP
Issue:		Application for bail
Result:		Application is withdrawn and is accordingly dismissed
Reason:		Application is withdrawn
Case Name:		Shasti Lopes v The Queen [Crim. App. No. 18 of 2009]
Appearances:		
	Appellant:	Mr. Steadroy C. O. Benjamin
	Respondent:	Mr. Anthony Armstrong, Director of Public Prosecutions
Issue:		Application for bail pending appeal
Result:		Application is withdrawn and is accordingly dismissed
Reason:		Application is withdrawn
Case Name:		Roger Naitram v The Queen [Crim. App. No. 5 of 2006] Lassell Punch v. The Queen [Crim. App. No. 6 of 2006] Leary Matheson v. The Queen [Crim. App. No. 8 of 2006]
Appearances:		
	Appellant:	Mr. Peyton Knight for Mr. Lassell Punch Mr. Jason Martin for Messrs Naitram and Matheson
	Respondent:	Mr. Anthony Armstrong, Director of Public Prosecutions
Issue:		Appeals against conviction and sentence
Result:		Matter adjourned to next sitting of Court of Appeal in Antigua and Barbuda in 2010
		HIGH COURT CIVIL APPEALS

Case Name:		Charles Joseph v Antigua Commercial Bank [Civil Appeal No. 1 of 2009]
Appearances:		
	Appellant:	Mrs. Tracey Benn-Roberts led by Sir Clare Roberts QC
	Respondent:	Mr. Charles Joseph in Person
Issue:		Respondent to pay unpaid balance to Applicant
Result:		(1) Application which was filed herein is dismissed since the Court has no jurisdiction to hear the matter (2) Notice of application filed herein on 7 th January, 2009 is withdrawn and accordingly dismissed (3) No Order as to Costs
Reason:		The application is withdrawn; the court has no jurisdiction to hear the matter.
Case Name:		Llewellyn Smith v Antigua Port Authority [Civ. App. No. 12 of 2007]
Appearances:		
	Appellant:	Mr. Hugh Marshall Jr.
	Respondent:	Mr. Collin Derrick
Issue:		Appeal against judgment of High Court
Result:		Matter adjourned to 11 th December, 2009
Case Name:		Steadroy C. O. Benjamin v Commissioner of Police et al [Civ. Appeal No. 23 of 2009]
Appearances:		
	Appellant:	Mr. John Fuller

	Respondent:	Mr. Kendrickson Kentish
Issue:		Application for leave to appeal
Result:		Order to be drafted by the Chief Justice and delivered later in the sitting
Case Name:		Gaston Browne v The Attorney General of Antigua and Barbuda et al [Civ. App. No. 24 of 2009]
Appearances:		
	Appellant:	Mr. Loy Weste led by Mr. Anthony Asthaphan SC
	Respondent:	Mr. Justin Simon QC, Attorney General
Issue:		Application for stay of execution
Result:		Application for stay of execution dismissed with no order as to costs
Reason:		
Case Name:		Pascal Williams et al v Tyrone Herbert et al [Civ. App. No. 27 of 2009]
Appearances:		
	Appellant:	Miss Denecia Thomas
	Respondent:	Mrs. Maureen Payne-Hyman
Issue:		Application for leave to appeal and stay of execution
Result:		Application adjourned to Thursday 10 th December, 2009
Case Name:		Ahmed Williams v The Supervisory Authorities Under the

		Money Laundering (Prevention) Act 1996 [Civ. App. No. 28 of 2008]
Appearances:		
	Appellant:	Mr. Steadroy C. O. Benjamin
	Respondent:	Mr. Justin Simon QC, Attorney General
Issue:		Leave to appeal
Result:		Matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda in 2010 pending the outcome of related matter in the High Court which commenced on 8 th December, 2009
Reason:		Matter pending the outcome of related matter in the High Court
Case Name:		Diana Lynn Hendricks v Thyra Hendricks-Henry [Civ. App. No. 29 of 2009]
Appearances:		
	Appellant:	Miss Diana Lynn Hendricks in Person
	Respondent:	Mr. Lawrence Daniels
Issue:		Application for leave to appeal
Result:		Matter stood down until Thursday 10 th December, 2009
Reason:		
		MAGISTERIAL CIVIL APPEAL
Case Name:		Thelbert Thwaites v Roy Simon [Mag. Civil App. No. 2 of 2009]
Appearances:		
	Appellant:	Mr. Cosbert Cumberbatch
	Respondent:	No appearance

Issue:		Application for extension of time to file and serve appeal
Result:		Application is dismissed
Reason:		Appellant no longer wishes to pursue matter and sought leave to withdraw
		HIGH COURT CIVIL APPEAL
Case Name:		Alex John Trading as Anko Trading v Bank of Antigua and Barbuda [Civil App. No. 4 of 2997]
Appearances:		
	Appellant:	No Appearance
	Respondent:	Miss Veronica Thomas
Issue:		Appeal against the decision of the Master/for report
Result:		Appeal dismissed
Reason:		For want of prosecution
		STATUS HEARINGS HEARD IN CHAMBERS BEFORE HIS LORDSHIP THE HON. DAVIDSON BAPTISTE JUSTICE OF APPEAL
		HIGH COURT CIVIL APPEALS
Case Name:		William Martin v Director of Public Prosecutions [Civil Appeal No.26 of 2004]
Appearances:		
	Appellant:	Mr. Dane Hamilton Jr. holding for Lockhart and Mendes
	Respondent:	Mrs. Carla Brookes-Harris

Issue:		Appeal against judgment of High Court
Result:		Matter is discontinued
Case Name:		LeBistro v Commissioner of Inland Revenue et al [Civil Appeal No. 32 of 2004]
Appearances:		
	Appellant:	Mr. Hugh Marshall Jr. and Mr. John Fuller
	Respondent:	Mrs. Carla Brookes-Harris
Issue:		Appeal against judgment of High Court
Result:		Matter is discontinued
Reason:		
Case Name:		Charles Alexander Henry v Ada Rosalind Henry nee Anderson [Civil Appeal No. 11 of 2004]
Appearances:		
	Appellant:	Mr. Hugh Marshall Jr.
	Respondent:	Mrs. Denise Jonas-Parillon
Issue:		Appeal against judgment of high Court
Result:		Matter is discontinued
Reason:		
Case Name:		Lester Bird et al v The Daily Observer Ltd. [Civ. Appeal No. 6 of 2003]
Appearances:		
	Appellant:	Mr. John Fuller

	Respondent:	Mr. Dane Hamilton Jr. holding for Mr. Kendrickson Kentish
Issue:		
Result:		Appeal is withdrawn and no order as to costs
Case Name:		Soumitra Sengupta v Woods Development Ltd. [Civ. Appeal No. 23 of 2003]
Appearances:		
	Appellant:	Miss E. Ann Henry
	Respondent:	Mr. Dane Hamilton QC
Issue:		Appeal against judgment of High Court
Result:		Matter has been adjudicated
Case Name:		Edy Gay Addari v Enzo Addari [Civ. App. No. 3 of 2004]
	Appellant:	No Appearance
	Respondent:	Miss Veronica Thomas
Issue:		Appeal against judgment of the High Court
Result:		Matter is discontinued and no order as to costs
Reason:		Miss Thomas informed the Court that the matter was settled since 8 th November, 2005 and a letter was sent by counsel for the Appellant to the Chief Registrar asking for matter to be discontinued with no order as to costs

Case Name:		Attorney General of Antigua and Barbuda v Astra Holdings Ltd. [Civ. App. No. 20 of 2004]
Appearances:		
	Appellant:	Mrs. Carla Brookes-Harris
	Respondent:	Dr. David Dorsette
Issue:		Application for stay of execution pending appeal
Result:		Matter is discontinued with no order as to costs
Case Name:		Colonial Homes and Commercial Properties (Caribbean) Ltd. formerly Colonial Homes and Commercial Properties (1994) Ltd. v Eva Placide [Civil App. No. 18 of 2004]
Appearances:		
	Appellant:	No Appearance
	Respondent:	Mr. Dane Hamilton Jr.
Issue:		Appeal against judgment of the High Court
Result:		Matter is discontinued
Case Name:		Laura Lynn v Robert Thompson [Civil App. No. 24 of 2004]
Appearances:		
	Appellant:	Mr. Dane Hamilton Jr. holding for Lockhart and Mendes
	Respondent:	No Appearance
Issue:		Appeal against judgment of High Court
Result:		Appeal is dismissed

Case Name:		Craig Christopher et al v Kenroy Casey [Civil App. No. 20A of 2005]
Appearances:		
	Appellant:	Miss E. Ann Henry
	Respondent:	Mr. Kendrickson Kentish
Issue:		Appeal against judgment of the High Court
Result:		Matter is dismissed
		INDUSTRIAL COURT CIVIL APPEAL
Case Name:		James Holborough T/A Caribbean Art Supplies v Brenda Rayne [Industrial Ct Civ. App. No. 18 of 2002]
Appearances:		
	Appellant:	Appellant in Person
	Respondent:	No Appearance
Issue:		Appeal against judgment of Industrial Court
Result:		Matter is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda in 2010. for Appellant to instruct counsel
Reason:		For the appellant to instruct counsel
		MAGISTERIAL CRIMINAL APPEAL
Case Name:		Yvonne Brown v The Commissioner of Police [Mag. Crim. App. No. 1 of 2002]
Appearances:		
	Appellant:	No Appearance
	Respondent:	Dr. David Dorsette

Issue:		Appeal against the decision of the Magistrate Court
Result:		Court office to serve Appellant by 7 th January, 2010
		HIGH COURT CRIMINAL APPEAL
Case Name:		Stanley Solomon v The Queen [Crim. App. No. 7 of 2005]
Appearances:		
	Appellant:	No Appearance
	Respondent:	Mr. Anthony Armstrong, Direction of Public Prosecutions
Issue:		Appeal against conviction and sentence
Result:		Registrar to provide the Court with a written report on the status of the transcript by 7 th January, 2010
		MAGISTERIAL CIVIL APPEAL
		Courts (Antigua and Barbuda) Ltd. v Donalyn Richard et al [Civ. App. No 1 of 2002]
Appearances:		
	Appellant:	Mr. Hugh Marshall Jr.
	Respondent:	No Appearance
Issue:		
Result:		Matter is adjourned and the Appellant is to report in writing via the Registrar on Thursday 11 th December, 2009
		HIGH COURT CIVIL APPEALS
Case Name:		Errol Cort v Leroy King [Civ. App. No. 5 of 2002]
Appearances:		
	Appellant:	Mr. Kendrickson Kentish

	Respondent:	No Appearance
Issue:		Appeal against judgment of the High Court
Result:		Leave to withdraw the appeal is granted pending the determination of the issue of costs
Case Name:		David Henry v LIAT (1974) Limited [Civ. App. No. 7 of 2002]
Appearances:		
	Appellant:	No Appearance
	Respondent:	Mr. Steadroy Benjamin holding for Simon Rogers and Murdoch
Issue:		
Result:		Matter adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda in 2010
Case Name:		Franklyn Francis v Commissioner of Police et al [Civil App. No. 24 of 2001]
Appearances:		
	Appellant:	No Appearance
	Respondent:	Miss Jose Laurent holding for the Attorney General
Issue:		
Result:		Matter adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda in 2010
Case Name:		Enoch Richards v Commissioner of Police et al [Civil App. No. 25 of 2001]

Appearances:		
	Appellant:	No Appearance
	Respondent:	Miss Jose Laurent holding for the Attorney General
Issue:		
Result:		Matter adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda in 2010
Case Name:		Cynthia Bernita De Silver v Vincent Sylvester De Silver [Civ. App. No. 16 of 2003]
Appearances:		
	Appellant:	No Appearance
	Respondent:	No Appearance
Issue:		
Result:		Matter dismissed
Date:		Tuesday 8th December 2009
Coram:		Her Ladyship the Hon. Janice George-Creque Justice of Appeal , President
		His Lordship the Hon. Michael Gordon QC Justice of Appeal (Ag.)
		His Lordship the Hon. Davidson Baptiste Justice of Appeal (Ag.)
		HIGH COURT CIVIL APPEALS
Case Name:		Antigua Power Company Ltd. v The Attorney General et al [Civ. Appeal No. 6 of 2009]
Appearances:		
	Appellant:	Mr. Dane Hamilton QC led by Mr. Geoffrey Robertson QC

	Respondent:	Mr. Kendrickson Kentish led by Mr. Douglas Mendes SC for the 1 st and 2 nd Respondents
		Dr. David Dorsette led by Sir Gerald Watt QC for the 3 rd Respondent
Issue:		Appeal against judgment of the High Court
Result:		Judgment reserved
Date:		Thursday 10th December 2009
Coram:		His Lordship the Hon. Hugh A. Rawlins, Chief Justice
		His Lordship the Hon. Michael Gordon QC
		Justice of Appeal (Ag.)
		His Lordship the Hon. Errol Thomas
		Justice of Appeal (Ag.)
		HIGH COURT CIVIL APPEALS
Case Name:		Steadroy C. O. Benjamin v Commissioner of Police et al [Civ. Appeal No. 23 of 2009]
Appearances:		
	Appellant:	Mr. John Fuller
	Respondent:	Mr. Kendrickson Kentish
Issue:		Application for leave to appeal
Result:		(1) To the extent that the matter involves a constitutional motion no leave is required (2) To the extent that claim is a mixed one, then leave to appeal is hereby granted but leave is required to appeal against judicial review aspects of said judgment and leave is hereby granted to appeal against judicial review aspects

Case Name:		Pascal Williams et al v Tyrone Herbert et al [Civ. App. No. 27 of 2009]
Appearances:		
	Appellant:	Miss Denecia Thomas
	Respondent:	Mrs. Maureen Payne-Hyman
Issue:		Application for leave to appeal and stay of execution
Result:		Matter set down for Case Management on 17 th December, 2009
Reason:		
Case Name:		Diana Lynn Hendricks v Thyra Hendricks-Henry [Civ. App. No. 29 of 2009]
Appearances:		
	Appellant:	Miss Diana Lynn Hendricks in Person
	Respondent:	Mr. Lawrence Daniels
Issue:		Application for leave to appeal
Result:		Matter set down for Case Management on 17 th December, 2009
Case Name:		Michael James v Tasman Gaming Inc. et al [Civ. App. No. 6 of 2006]
Appearances:		
	Appellant:	Mr. Jason Martin
	Respondent:	Mr. Clement Bird
Issue:		Appeal against decision of the Master
Result:		(1) Appeal is dismissed with costs to be paid by the Appellant to the Respondent of \$1500.00 and

		<p>accordingly the stay of proceedings pending appeal which was granted on 8th February, 2007 is lifted</p> <p>(2) All applications and further proceedings shall take their course and accordingly be listed by the Registrar for a convenient date for hearing</p>
Case Name:		Olsen Hector et al v The Attorney General et al [Civ. App. No. 27 of 2006]
Appearances:		
	Appellant:	Mr. Cosbert Cumberbatch
	Respondent:	Mr. Justin Simon QC, Attorney General
Issue:		Appeal against judgment of High Court
Result:		Decision reserved and will be delivered later today
Case Name:		Antigua Aggregates Ltd. v Antigua Port Authority [Civ. App. No. 13 of 2007]
Appearances:		
	Appellant:	Mr. Hugh Marshall Jr. with Mrs. Cherissa Thomas
	Respondent:	Mr. Collin Derrick
Issue:		Appeal against judgment of High Court
Result:		<p>(1) Appeal of 4th December, 2009 by Respondent is granted</p> <p>(2) The appeal herein is accordingly struck out as a nullity is as much as leave to appeal was required under Section 32 (2) of the Supreme Court Act</p> <p>(3) No order as to costs</p>

BRITISH VIRGIN ISLANDS		
		HIGH COURT CIVIL APPEAL
Case Name:		Black Swan Investments I S.A. v Harvest View Limited and Sablewood Real Estate Limited and Ridgepointe Overseas Developments Limited [Civ. App. No. 27 of 2009 - British Virgin Islands]
Appearances:		
	Appellant:	Mr. John Carrington
	Respondent:	No Appearance
Issue:		Appeal against decision of the High Court Commercial Division
Result:		Application was granted and order filed with the Registrar of the High Court in the British Virgin Islands
ANTIGUA AND BARBUDA		
		HIGH COURT CIVIL APPEALS
Case Name:		Olsen Hector et al v The Attorney General et al [Civ. App. No. 27 of 2006]
Appearances:		
	Appellant:	Mr. Cosbert Cumberbatch
	Respondent:	Mr. Justin Simon QC, Attorney General
Issue:		Appeal against judgment of High Court
Result:		Appeal dismissed with no order as to costs

Case Name:		Llewellyn Smith v Antigua Port Authority [Civ. App. No. 12 of 2007]
Appearances:		
	Appellant:	Mr. Hugh Marshall Jr.
	Respondent:	Mr. Collin Derrick
Issue:		Appeal against judgment of High Court
Result:		Matter set down for Case Management on 17 th December, 2009
Reason:		
Date:		Friday 11th December 2009
Coram:		Her Ladyship the Hon. Ola-Mae Edwards, President His Lordship the Hon. Michael Gordon QC Justice of Appeal (Ag.) His Lordship the Hon. Errol Thomas Justice of Appeal (Ag.)
Case Name:		Arthur Reynolds v The Proprietors Condominium Plan No. 24/1989 [Civil App. No. 14 of 2007]
Appearances:		
	Appellant:	Mr. Hugh Marshall Jr.
	Respondent:	Mr. Clement Bird
Issue:		Appeal against judgment of High Court
Result:		(1) The appeal is allowed and the Order of the Trial Judge is set aside (2) The claim of the Respondent is dismissed (3) Costs in the Court below is awarded to the Appellant based on prescribed costs calculated on the quantum of the claim and costs in this Court based on 2/3 of that cost

Coram:		Her Ladyship the Hon. Ola-Mae Edwards, President Her Ladyship the Hon. Janice George-Creque Justice of Appeal His Lordship the Hon. Davidson Baptiste Justice of Appeal (Ag.)
Case Name:		Cable & Wireless (WI) Ltd. v Conrad Tonge et al [Civil Appeal No. 10 of 2007]
Appearances:		
	Appellant:	Ms. E. Ann Henry
	Respondent:	Mr. Charlesworth O. D. Browne
Issue:		Application for final leave to appeal to Her Majesty in Council/Affidavit of service be deemed validly filed
Result:		Leave to appeal to Her Majesty in Council is granted
Case Name:		Janice Reynolds-Greene v Community First Co-operative Credit Union [Civil Appeal No. 27 of 2008]
Appearances:		
	Appellant:	Appellant in Person
	Respondent:	Mrs. Shahida Ali-Schneider
Issue:		Appeal against judgment of High Court
Result:		Judgment reserved
Case Name:		George Duberry v Bertrand Burke [Civil App. No. 12 of 2009] Bertrand Burke v George Duberry [Civil App. No. 13 of 2009]

Appearances:		
	Appellant:	Dr. David Dorsette for Mr. George Duberry
	Respondent:	Mrs. Stacy-Ann Osborne for Mr. Bertrand Burke
Issue:		Appeal against Orders of High Court
Result:		Matter stood down
		MAGISTERIAL CRIMINAL APPEAL
Case Name:		Lester Charles and Ahmed Williams v The Commissioner of Police [Mag. Crim. App. No. 1A of 2009]
Appearances:		
	Appellant:	Mr. Cosbert Cumberbatch for Mr. Ahmed Williams and Mr. Steadroy Benjamin for Mr. Lester Charles
	Respondent:	Mr. Anthony Armstrong, DPP
Issue:		Possession of a controlled drug
Result:		Judgment is reserved and the Director of Public Prosecutions to file antecedents of Mr. Ahmed Williams by 24 th December, 2009
		HIGH COURT CIVIL APPEAL
Case Name:		George Duberry v Bertrand Burke [Civil App. No. 12 of 2009] Bertrand Burke v George Duberry [Civil App. No. 13 of 2009]
Appearances:		
	Appellant:	Dr. David Dorsette for Mr. George Duberry
	Respondent:	Mrs. Stacy-Ann Osborne for Mr. Bertrand Burke

Issue:		Appeal against Orders of High Court
Result:		The appellant's appeal is allowed in part and the Respondent's counter notice is allowed and in the circumstances no order is made as to costs
Reason:		<ol style="list-style-type: none"> 1. The learned judge in his ruling erred in concluding that the definition of the words "assistant surveyor" in the Surveyor's Act Regulations was ultra vires the definition in the Surveyor's Act. 2. The learned judge erred therefore in determining and applying principles of severance to the contract. 3. The result is that the Counter Notice of Appeal filed on the 18th August, 2009 is allowed. 4. The Order dismissing the Application to Strike Out filed on the 23rd April 2009 will stand. 5. The Order made on the 23rd April 2009 dismissing the application filed on the 3rd December, 2009 to deem the defence and counterclaim validly filed and for relief from sanction, is set aside. 6. Having exercised our discretion afresh regarding the application filed on the 3rd December 2009 the application is granted so that the real issues between the parties can be determined at trial.