

		COURT OF APPEAL SITTING
		ANTIGUA and BARBUDA
		Monday 9th March to Tuesday 10th March 2009
Date:		Monday 9th March 2009
Coram:		Her Ladyship the Hon. Janice George-Creque Justice of Appeal , President Her Ladyship the Hon. Rita Joseph-Olivetti Justice of Appeal (Ag.) His Lordship the Hon. Michael Gordon QC Justice of Appeal (Ag.)
		HIGH COURT CIVIL APPEALS
Case Name:		Romig W. Michael v Heather Michael (Civil Appeal No. 15 of 2008)
Appearances:		
	Appellant:	Mr. Dane Hamilton QC
	Respondent:	Miss Kamilah Roberts holding for Sir Clare Roberts QC
Issue:		Appeal against decision of trial judge
Result:		By consent the matter is traversed to the next sitting of the Court of Appeal in Antigua and Barbuda
Reason:		
		HIGH COURT CRIMINAL APPEALS
Case Name:		Javaughn Colbourne v The Queen (Criminal Appeal No. 2 of 2006)
Appearances:		

	Appellant:	Mr. Cosbert Cumberbatch
	Respondent:	Mr. Anthony Armstrong DPP
Issue:		Appeal against conviction/Murder
Result:		By consent the matter is traversed to the next sitting of the Court of Appeal in Antigua and Barbuda
Reason:		
Case Name:		Courtney Hunte v The Queen (Criminal Appeal No. 4 of 2006)
Appearances:		
	Appellant:	Mr. Cosbert Cumberbatch holding for Mr. Steadroy Benjamin
	Respondent:	Mr. Anthony Armstrong Director of Public Prosecutions
Issue:		Appeal against sentence/Manslaughter
Result:		By consent the matter is traversed to the next sitting of the Court of Appeal in Antigua and Barbuda
Reason:		Attorney with conduct of the matter was unavoidably absent due to involvement in the general elections
		MAGISTERIAL CRIMINAL AGAISNT SENTENCE
Case Name:		Donald G. A-L Dorsett v The Commissioner of Police (Magisterial Criminal Appeal No. 4 of 2008)
Appearances:		
	Appellant:	Mr. Cosbert Cumberbatch holding for Mr. Steadroy Benjamin
	Respondent:	Mr. Anthony Armstrong Director Public Prosecution

Issue:		Appeal against sentence/Importation of a Controlled Drug
Result:		By consent the matter is traversed to the next sitting of the Court of Appeal in Antigua and Barbuda
Reason:		Attorney with conduct of the matter was unavoidably absent due to involvement in the general elections
		APPLICATIONS
Case Name:		Joseph W. Horsford v Lester B. Bird et al (Civil Appeal No. 5 of 2008)
Appearances:		
	Appellant:	Mr. Joseph W. Horsford in person
	Respondent:	Miss Leslie-Ann Brisett
Issue:		Application to Correct an Order
Result:		Order will be corrected to include those sums which were awarded at paragraph 13 of the judgment
Reason:		
Case Name:		Janice Reynolds-Greene v Community First Coperative Credit Union (Civil Appeal No. 27 of 2008)
Appearances:		
	Appellant:	Mrs. Janice Reynolds-Greene in person
	Respondent:	Mrs. Shahida Ali-Schneider
Issue:		Application for Stay of Execution
Result:		Stay of Execution granted

Reason:		The Court was satisfied that in the circumstances there is likelihood that Appellant could be ruined coupled with the fact that the prejudice to the Respondent would be less than to the Appellant
		HIGH COURT CIVIL APPEALS
Case Name:		Franklyn Reynolds v State Insurance Corporation (Civil Appeal No. 5 of 2007)
Appearances:		
	Appellant:	Mr. Dane Hamilton QC
	Respondent:	Mrs. Denise Jonas-Parillon
Issue:		Appeal against decision of the trial Judge that the Appellant was entitled to be indemnified by the Respondent
Result:		<p>(1) The Respondent shall identify by notice in writing to Appellant those documents that are required to be included in the record no later than Monday 16th March, 2009</p> <p>(2) The Appellant, if agreed that documents are to be included, then a supplemental record to be prepared, filed and served by 25th March, 2009(.Comment : this is grammatically incorrect, no verb - is it intended tha the Appellant file etc??)</p> <p>(3) The Respondent to file and serve skeleton arguments in accordance with 62.11of CPR by 31st March, 2009 and the Appellant to file and serve a reply skeleton argument by 17th April, 2009</p> <p>(4) Chronology of events to be filed and served by Appellant on 17th April, 2009</p>
Reason:		
		MATTERS HEARD IN CHAMBERS BEFORE HER LADYSHIP THE HON. OLA MAE EDWARDS JUSTICE OF APPEAL

		APPLICATIONS
Case Name:		Antigua Aggregates Limited v The Attorney General of Antigua and Barbuda et al (Civil Appeal No. 3 of 2009)
Appearances:		
	Appellant:	Mr. Hugh Marshall Jr.
	Respondent:	Mrs. Karen Defrietas-Rait for 1 st Respondent Miss Kamilah Roberts for 2 nd Respondent
Issue:		Application for Leave to Appeal
Result:		<ul style="list-style-type: none"> (1) Application for leave to appeal decision of Court made on 5th February, 2009 and filed on 18th February, 2009 is hereby granted (2) The draft notice of appeal which was filed on 18th February, 2009 is to stand as notice of appeal and the date of the decision which is the subject of the appeal is amended to read 5th February, 2009 (3) The record of appeal and skeleton submission in support of the appeal to be filed and served by the Appellant on or before 23rd March, 2009 (4) The Respondent may file and serve written submissions in opposition to the appeal by 3rd April, 2009 (5) The Procedural appeal will be determined by a single Judge of the Court of Appeal on paper. (6) Determination of costs to be in the appeal
Reason:		
Case Name:		Caribbean Star Airlines Limited v Keith Thompson et al (Civil Appeal No. 34 of 2008)
Appearances:		
	Appellant:	Mr. Hugh Marshall Jr.
	Respondent:	Dr. David Dorsett

Issue:		Application for Stay of Execution
Result:		<p>(1) Application for stay of execution of the judgment of the Industrial Court delivered on 28th November, 2008 which was filed on 30th December, 2008 is hereby granted</p> <p>(2) The execution of the said judgment is stayed pending the determination of the appeal</p> <p>(3) The determination of costs are to be in the appeal</p>
Reason:		
Case Name:		Caribbean Star Airlines Limited v Elliott A. Street (Civil Appeal No. 33 of 2008)
Appearances:		
	Appellant:	Mr. Hugh Marshall Jr.
	Respondent:	Dr. David Dorsett
Issue:		Application for Stay of Execution
Result:		<p>(1) Application for stay of execution of the judgment delivered on the 27th November, 2008 which was filed on the 30th November, 2008 is hereby granted</p> <p>(2) The execution of the said judgment is stayed pending the determination of the appeal</p> <p>(3) The determination of costs are to be in the appeal</p>
Reason:		
Case Name:		Caribbean Star Airlines Limited v Ricardo Sealy (Civil Appeal No. 21 of 2008)
Appearances:		
	Appellant:	Mr. Hugh Marshall Jr. and Mrs. Cherissa Thomas
	Respondent:	Dr. David Dorsett
Issue:		Application for Stay of Execution

Result:		Application to deem the notice of appeal filed on the 13 th December, 2008 validly filed is dismissed with cost of \$1000.00 to Respondent
Reason:		
Case Name:		Sharon Christian-Weeks v Glen Weeks (Civil Appeal No. 2 of 2009)
Appearances:		
	Appellant:	Miss Veronica Thomas
	Respondent:	Mrs. Laurie Freeland-Roberts
Issue:		Application for Extension of time to apply for leave to appeal/Leave to appeal
Result:		<ul style="list-style-type: none"> (1) Application part heard and adjourned to the 24th March, 2009 (2) The parties are to report on the consent application being made in the High Court for a variation of paragraph 2 of the mediation agreement dated the 29th May, 2008 to reflect the following: “an independent current valuation of the property is to be commissioned by a valuator agreed on by the parties at the joint expense of the parties to establish the base value of the property (3) A copy of the application and draft consent order are to be transmitted to the Court of Appeal by the 20th March, 2009 by Counsel of the parties
Reason:		
Date:		Tuesday 10th March 2009
Coram:		Her Ladyship the Hon. Ola Mae Edwards Justice of Appeal , President Her Ladyship the Hon. Janice George-Creque Justice of Appeal

		His Lordship the Hon. Michael Gordon QC Justice of Appeal (Ag.)
		APPLICATIONS
Case Name:		The Public Utilities Authority v Lester Bryant Bird et al (Civil Appeal No. 14 of 2008)
Appearances:		
	Appellant:	Mr. Craig Christopher led by Sir Richard Cheltenham QC
	Respondent:	Mr. Peyton Knight led by Mr. Roger Forde QC for the 5 th Respondent
		Miss Kamilah Roberts and Mr. Steven Singh led by Sir Clare Roberts QC for the 10 th Respondent
		Mr. Charlesworth Browne holding papers for Mrs. Nelleen Rogers-Murdoch for the 9 th Respondent
Issue:		Application for Leave to Appeal
Result:		(1) Application for leave to appeal is part heard to be completed upon the filing of a proper record of appeal paginated and indexed containing the pleadings, all of the case management orders and an agreed memorandum of Counsel for the parties concerning the oral hearing and making of the order dated 3 rd July, 2008 (2) The said record must be filed served and transmitted to the Court of Appeal by 31 st March, 2009
Reason:		The Chief or Deputy Chief Registrar will consult with counsel for the parties after the 31 st March 2009 with a view to the hearing being completed by the same coram in St Lucia as soon as possible .
		HIGH COURT CIVIL APPEALS
Case Name:		Alfa Telecom Turkey Limited v Cukurova Finance International Limited et al – Territory of the Virgin Islands (Civil Appeal No. 1 of 2009)

Appearances:		
	Appellant:	Mr. Steven Smith QC with Mr. Robert Levy and Mr. Oliver Clifton
	Respondent:	Mr. Kenneth MacLean QC with Mr. James Nadin
Issue:		Application for Appeal against decision (refusing?)for Summary Judgment
Result:		Judgment reserved
Reason:		The Court will take time to consider