

REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

CV 2007-2686

Between

LENNON RICHARDSON

First Claimant

JASON ALLEYNE

Second Claimant

and

THE ATTORNEY GENERAL OF TRINIDAD AND TOBAGO

Defendant

## **JUDGMENT**

### **BEFORE THE HONOURABLE MADAM JUSTICE DEAN-ARMORER**

#### **APPEARANCES**

Cindy Bhagwandeem for the Claimants.

Josefine Baptiste and Mary Davis for the Defendant.

#### ***Introduction***

1. This was an action in false imprisonment. The claimants, by their claim form and by their statement of case, both filed on 25<sup>th</sup> July, 2007, have alleged that police officers acted unlawfully in arresting and detaining them between 23<sup>rd</sup> January, 2007 and 25<sup>th</sup> January, 2007. The Claimants sought damages for false imprisonment as well for declarations that their arrest and detention in January, 2007 were unconstitutional.
2. The defendant Attorney-General, in a defence that was subsequently amended, pleaded that the actions of the police officers were conducted in the exercise of their public duties.

3. In the course of this judgement, the Court considered the test which governs the tort of false imprisonment as well as the appropriate award of damages for an unlawful detention of approximately two days. The Court also considered the correctness of granting declarations as to unconstitutionality in proceedings commenced pursuant to Part 8 of the *Civil Proceedings Rules 1998*<sup>1</sup>.

### ***Facts***

1. The relevant facts emerged from the written and viva voce evidence in these proceedings. Witness statements were signed by and filed on behalf of each claimant. Two witness statements were filed on behalf of the defendant that is to say that of Sgt. Peter de Boulet #12750 and of P.C. Jevon Johnson #16567. All witnesses were cross-examined.
2. It was undisputed that on 23<sup>rd</sup> January, 2007, towards the middle of the day, the claimants were engaged in a meeting with Sherwin Roberts, who was the childhood friend of the claimant Lennon Richardson. The meeting, which allegedly concerned the purchase of pieces of jewellery, was in progress on the Claxton Bay Flyover. The vehicle of Sherwin Roberts was parked directly behind the vehicle occupied by the claimants.
3. At around the same time, Sgt Peter de Boulet and P.C. Jevon Johnson were on duty at the Southern Division Task Force at the San Fernando Police Station. They received information that a report had been made of robbery and shooting at the Rahamut's Service Station, Kelly Junction Williamsville. The officers also received information that the suspect had escaped in a black Corolla, bearing the registration number PCB with digits unknown.

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<sup>1</sup> Civil Proceedings Rules 1998 of Trinidad and Tobago

4. In response to the report, Sgt. De Boulet and Johnson proceeded to the Gasparillo area via the Solomon Hochoy Highway. Their reason for proceeding to the Gasparillo area and not to the scene of the crime was explained by Sgt. De Boulet. Sergeant de Boulet indicated that he did not proceed to the scene of the crime but to:

*“a strategic area to intercept any vehicle proceeding in a westerly direction from the crime scene ...”<sup>2</sup>*

Sgt. De Boulet stated further that a strategic location was just off the Claxton Bay Flyover.

5. It was on the southern lay-by of the Claxton Bay Flyover that police officers Johnson and de Boulet encountered a black PCB Corolla, which bore the registration number PCB 2852. The black Corolla was stationary, being parked in front a brown B14 motor vehicle which bore the registration number PBA 7860.
6. Sgt. De Boulet testified that he became suspicious of the vehicles; he therefore disembarked and approached the vehicles. He identified himself to the person seated in the black vehicle. This person was later identified as Dennison Smith, who was positively identified as having been involved in the crime under investigation.
7. Sgt. De Boulet then approached the brown B14 where the claimants were seated with Sherwin Roberts. It is not disputed that the police officers informed the claimants of the report and cautioned them.
8. Both witnesses for the defendant testified, without contradiction that the claimants remained silent when they were cautioned. The evidence of the claimants was simply:

*“We were questioned about a gun that neither of us knew anything about ...”<sup>3</sup>*

9. It is significant that the claimants did not allege that they provided any explanation to the arresting officers. The claimants have not alleged that they brought to the attention

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<sup>2</sup> The evidence of Sgt. de Boulet under cross-examination.

<sup>3</sup> See Paragraph 7 of the Witness Statement of Lennon Richardson

of the arresting officers their lengthy pleaded explanation concerning the sale of gold. Even if this explanation were true, it was never brought to the attention of the arresting officers so as to allay the suspicion for which the officers contended they held reasonable and probable cause.

10. The claimants together with the other two suspects were taken to the Marabella Police Station for questioning. Sgt. De Boulet and P.C. Johnson handed over all four suspects to P.C. Ifill who was the appointed investigator. Police officers also seized items of clothing belonging to the claimant Jason Alleyne. Thereafter Sgt. De Boulet and P.C. Johnson had no further involvement with the claimants.
11. The claimants were finally released on Thursday 25<sup>th</sup> January, 2007 at 4:00p.m. The defendant provided no evidence as to what had transpired between 2:30p.m. on 23<sup>rd</sup> January, 2007 and the time when the claimants were finally released.
12. The claimants testify that they were questioned further at the Marabella Police Station, and were not allowed to contact their families.
13. On Wednesday 24<sup>th</sup> January, 2007 the claimants were asked to sign a discharge sheet. Prior to their discharge however they were informed that they were wanted at the Chaguanas Police Station. They were questioned further at the Marabella Police Station, returned to the holding cells and at 2:00a.m. on Thursday 25<sup>th</sup> they were taken to the Chaguanas Police Station.
14. The claimants both testify, without contradiction that the holding cell was crowded and infested with cockroaches. They also suffered embarrassment and strained family relationships. They have testified further that they were not informed of their right to consult an attorney at law.

15. On 31<sup>st</sup> January, 2007, a party of officers visited the location where the claimants had been arrested one week earlier. On this occasion, the police officers found a .357mm revolver with five live rounds of ammunition.

## ***Law***

### *False Imprisonment*

16. False imprisonment is the unlawful imposition of constraint on another's freedom.<sup>4</sup> This tort is established by proving:

- The fact of the imprisonment; and
- The absence of lawful authority to justify the imprisonment

17. The burden of proving the arrest is carried by the claimant. As long as the arrest is proved however, it falls to the defendant to justify the arrest and to prove that it was lawful.

18. Section 3 (4) of the **Criminal Law Act**<sup>5</sup> provides:

*“where a police officer with reasonable cause suspects that an arrestable offence has been committed, he may arrest without warrant anyone whom he with reasonable cause suspects to be guilty of the offence...”*

19. The classic definition of “reasonable and probable cause” which was formulated in ***Hicks v Faulkner***<sup>6</sup> per Hawkins J and was immortalised at the House of Lords in ***Herniman v Smith***<sup>7</sup> is set out below:

*“an honest belief in the guilt of the accused based upon a full conviction, founded upon reasonable grounds, of the existence of a state of*

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<sup>4</sup> Clerk and Lindsell on Torts, 19<sup>th</sup> Edition at paragraphs 15-23, per des Vignes J in *Ivan Neptune v Attorney General* CV 2008-03386

<sup>5</sup> Laws of Trinidad and Tobago, Criminal Law Act Chapter 10:04

<sup>6</sup> *Hicks v Faulkner* [1881-85] All ER Rep 187

<sup>7</sup> *Herniman v Smith* [1938] 1 All ER 1

*circumstances, which, assuming them to be true, would reasonably lead any ordinarily prudent and cautious man, placed in the position of the accuser, to the conclusion that the person charged was probably guilty of the crime imputed.”*

20. In *Harold Barcoo v The Attorney- General of Trinidad and Tobago and Inspector Phillip Browne*<sup>8</sup>, Justice Mendonça (as he then was ) considered the test to be applied

in cases of false arrest or wrongful imprisonment. The learned Judge had this to say :

*The test whether there is reasonable and probable cause has both subjective and objective elements. In Clayton and Tomlinson, Civil Actions against the Police (1987) the authors put the test as follows posed as follows ( page 147)*

1. *Did the officer honestly have the requisite suspicion or belief?*
2. *Did the officer, when exercising the power, honestly believe in the existence of the “objective” circumstances which he now relies on as the basis for that suspicion or belief?*
3. *Was his belief in the existence of the circumstances based on reasonable grounds?*
4. *Did these circumstances constitute reasonable grounds for the requisite suspicion or belief?*

*The first two questions are “subjective” and the second two are “objective”. If the answer to anyone of these questions is “no” then that officer will not have had “reasonable grounds”.*

*The person who must entertain the requisite suspicion is the arresting officer. It is his mind that is relevant. The arresting officer in order to satisfy the subjective*

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<sup>8</sup> Harold Barcoo v The Attorney General of Trinidad and Tobago and Inspector Phillip Browne HCA No 1388 of 1989

*elements of the test must have formed the genuine suspicion in his own mind that the person arrested has committed an arrestable offence and he must have honestly believed in the circumstances which formed the basis of that suspicion.*

The learned Judge then quoted Lord Diplock in ***Dallison v Caffery***<sup>9</sup>:

*The objective test was put this way by Diplock L.J. in Dallison v Caffery (supra) (at page 619):*

*‘The test whether there was reasonable and probable cause for the arrest or prosecution is an objective one, namely whether a reasonable man, assumed to know the law and possessed of the information which in fact was possessed by the defendant, would believe that there was reasonable and probable cause.*

21. In ***Shannon Smith v The Attorney General of Trinidad and Tobago***<sup>10</sup> Mendonça stated:

*“The inquiry is not limited to whether the arresting officer believed that he has reasonable grounds to make the arrest but whether the existing facts and information available to the police at the time of the arrest gave them reasonable cause to suspect the person to be guilty of the offence.”*

22. In ***Alphonsus Mondesir v The Attorney General of Trinidad and Tobago***<sup>11</sup> Sinanan J as he then was stated:

*“It must be remembered that an arrest involves a trespass to the person which is prima facie tortious. This trespass by the arrestor continues so long as he*

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<sup>9</sup>Dallison v Caffery [1965] 1 QB 348

<sup>10</sup> Shannon Smith v The Attorney General of Trinidad and Tobago s 1523 of 1996

<sup>11</sup> Alphonsus Mondesir v The Attorney General of Trinidad and Tobago HCA 1903 of 1997

*retains custody of the arrested person. The arrestor must justify the continuance of his custody by showing that it was reasonable.”*

23. In ***Francis Gomez v The Attorney General of Trinidad and Tobago***<sup>12</sup> the Learned Justices of the Court of Appeal stated:

*“But when the arrest and continued detention is challenged in Court and the arrest and detention is proved the respondents must place before the Court the evidence that they have justifying the arrest and detention. That is the onus that is placed on them at the stage and the evidence must disclose the facts on which they relied to suspect that the appellant was guilty of the offence they were investigating”.*

24. The elements of the tort of wrongful arrest received the authoritative consideration of their Lordships in the case ***Ramsingh v The Attorney General of Trinidad and Tobago***.<sup>13</sup> Although the learning in ***Ramsingh*** was available by the date of this decision, learned attorneys-at-law in the instant claim had no opportunity to address the court on the judgment of the Privy Council since their submissions predated the publication of the their Lordship’s decision . It is significant however that their Lordships in ***Ramsingh*** emphasised the requirement that the continued detention of the claimant should also be justified.<sup>14</sup>

25. ***Antonio Webster v The Attorney General of Trinidad and Tobago***<sup>15</sup> was a decision of the Judicial Committee of the Privy Council. Their Lordships considered an appeal from the decision of the Court of Appeal to uphold the decision of the Honourable Justice Pemberton. Justice Pemberton had made orders striking certain paragraphs from the prayer of the claim form and statement of case in the proceedings before her.

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<sup>12</sup> Francis Gomez v The Attorney General of Trinidad and Tobago CA No. 71 of 1993

<sup>13</sup> Ramsingh v The Attorney General of Trinidad and Tobago[2012] UKPC 16

<sup>14</sup> Ibid. at paragraph 16

<sup>15</sup> Antonio Webster v The Attorney General of Trinidad and Tobago [2011] UKPC 22 at page 7



By the impugned paragraphs, the claimant had sought declarations that his arrest and detention were unconstitutional, that he had been deprived of his right to be informed promptly and with sufficient particularity of the reason for his arrest and that he had been deprived of his right to be informed of his right to communicate with, instruct and retain an attorney –at-law of his choice. All declarations had been based on the claimant’s fundamental rights as enshrined at s.4 of the *Constitution*<sup>16</sup>.

26. Lord Wilson , at paragraph 7 of his written judgment , identified the following as the central question :

*“...whether the claims for declarations were rightly included in the appellants claim for relief...”*<sup>17</sup>

27. Lord Wilson considered the earlier decisions of their Lordships in *Jaroo v. Attorney-General*<sup>18</sup> and in *The Attorney-General v. Ramanoop*<sup>19</sup> and decided ultimately that learned attorneys for the claimant Antonio Webster were wrong to include subsidiary claims for the three impugned declarations.<sup>20</sup>

#### *Damages for False Imprisonment*

28. In *Kamal Samdath Ramsaran v. A.G. and others*<sup>21</sup>, Justice Moosai considered the principal heads of damage for false imprisonment and held that they include injury to liberty and the injury to feelings, that is, the indignity, mental suffering, disgrace and humiliation, with any attendant loss of social status.<sup>22</sup>

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<sup>16</sup> The Constitution Ch 1:01

<sup>17</sup> Antonio Webster v. the Attorney-General of Trinidad and Tobago (ibid.) at paragraph 7

<sup>18</sup> [2002]1 A.C.871

<sup>19</sup> [2005]UKPC 5

<sup>20</sup> Antonio Webster v. the Attorney-General of Trinidad and Tobago (ibid.) at paragraph 20

<sup>21</sup> Kamal Samdath Ramsarran v Romiel Rush PC and The Attorney General of Trinidad and Tobago HCS 1597 of 1986

<sup>22</sup> Per Moosai J in Kamal Samdath Ramsarran v Romiel Rush PC and The Attorney General of Trinidad and Tobago

29. Moosai J<sup>23</sup> went on to quote from Lawrence LJ in *Walter v Alltools*<sup>24</sup>, where the learned judge noted that damages may also be given for any injury to reputation, he stated, “a false imprisonment does not merely affect a man’s liberty; it also affects his reputation.”<sup>25</sup>
30. In their written submission learned attorneys for both parties cited comparable authorities where awards of damages had been made for false imprisonment. These are set out in the table below :

<b>Case Name</b>	<b>No. of Hours/Days Detained</b>	<b>Award</b>
1. <b>Harold Barcoo v The Attorney General of Trinidad and Tobago CA</b> 1388 of 1989	5 days	\$75,000.00 inclusive of aggravated damages
2. <b>John Henry v The Attorney General of Trinidad and Tobago</b> 2007-03897	34 ½ hours	\$35,000.00 inclusive of aggravated damages
3. <b>Dilip Kowlessar v Attorney General of Trinidad and Tobago</b> HCA 350 of 1997	Approximately 2 days	\$38,000.00 inclusive of aggravating damages
4. <b>Baboolal &amp; De Freitas v The Attorney General of Trinidad and Tobago CV</b> 2008-02487	1 hour	\$7,000.00 inclusive of aggravating damages
5. <b>Nigel Morales v The Attorney General of Trinidad and Tobago CV</b>	2 hours	\$20,000.00 inclusive of aggravating damages

<sup>23</sup> ibid

<sup>24</sup> *Walter v Alltools* (1944) 61 TLR 39. 40

<sup>25</sup> Per Lawrence LJ in *Walter v Alltools* (1944) 61 TLR 39. 40

2008-02133		
6. <b>Rajesh Ravi Harry v The Attorney General of Trinidad and Tobago, PC Kenneth Makhan #10401 and PC Jeremy Ramdeo #14204</b> HCA No. 3651 of 2002	3 ½ hours	\$20,000.00
7. <b>Koon Koon v The Attorney General of Trinidad and Tobago</b> 2009-01530	32 hours	\$35,000.00 inclusive of aggravating damages
8. <b>Dale Maharaj v The Attorney General of Trinidad and Tobago</b> HCA 5623 of 1996	First arrest-13hours Second arrest-26 hours	First Arrest- \$20,000.00 Second Arrest- \$65,000.00. Second Arrest figure also reflects the loss of earnings for two weeks.
9. <b>Wayne Clement v The Attorney General of Trinidad and Tobago CV</b> 2008-02218	17 hours	\$50,000.00 inclusive of aggravating damages
10. <b>Stephen Lewis v The Attorney General of Trinidad and Tobago</b> 2007-01952	18 hours	\$50,000.00 inclusive of aggravating damages

31. Concerning an award for aggravated damages de la Bastide CJ in *Thaddeus Bernard v Nixie Quashie* CA No 159 of 1992 had this to say:

*“The normal practice is that one figure is awarded for general damages. These damages are intended to be compensatory and to include what is referred to as aggravated damages, i.e. damages which are meant to provide*

*compensation for the mental suffering inflicted on the plaintiff as opposed to the physical injuries he may have received.*"<sup>26</sup>

32. The Chief Justice, as he then was went on to explain mental suffering:

*"Under this head of what I have called 'mental suffering' are included such matters as the affront to the person's dignity, the humiliation that he has suffered, the damage to his reputation and standing in the eyes of others, and matters of that sort."*<sup>27</sup>

33. In *Rookes v Barnard*<sup>28</sup> Lord Devlin indicated that exemplary damages will be awarded in instances where there is oppressive, arbitrary or unconstitutional conduct by servants of government.

### ***Reasoning and Decision***

34. In these proceedings, there is one central issue that engaged the Court's attention that is to say whether the admitted arrest and subsequent detention were, on the evidence, justified by the defendant. An arresting officer would for the most part seek to justify the arrest by relying on one of two frequently used defences that is to say that the arrest had been effected on the authority of a warrant or that the arrest was justified by virtue of the provisions of s. 3(4) of the *Criminal Law Act*<sup>29</sup>.

35. The defence of the warrant does not of course arise in these proceedings. Having regard however to the evidence and the submissions in these proceedings, the Court considered whether in arresting the claimants on the 23<sup>rd</sup> January, 2007, Sgt. De Boulet and P.C. Johnson held the requisite reasonable cause to suspect that the claimants were probably guilty of having committed an arrestable offence.

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<sup>26</sup> Thaddeus Bernard v Nixie Quashie CA No 159 of 1992 per de la Bastide CJ at page 5 of 11

<sup>27</sup> *ibid*

<sup>28</sup> *Rookes v Barnard* [1964]UKHL 1

<sup>29</sup> The Laws of Trinidad and Tobago, Criminal Law Act Chapter 10: 04

36. I have considered the undisputed facts of this case, in the light of the principles enunciated by Mendonça J in *Harold Barcoo* (see page 6 supra). In particular, I have considered each of the four questions identified by Justice Mendonça J, (as he then was) in the context of the case before me.
37. In respect of the subjective elements of the test, I have found no evidence, to suggest that Sgt. De Boulet, at the time of the arrest, held anything but an honest belief that the claimants were probably guilty. There was also no evidence to suggest that the arresting officers held anything but an honest belief in the existence of the “objective” circumstances on which they relied on as the basis for that suspicion or belief. According to the undisputed evidence , the officers suspicion was based on circumstances consisting firstly of a report of robbery and shooting which they received while on duty at the San Fernando police station and secondly of their encounter with the claimants in association with a motor vehicle that matched the description contained in the report . Moreover, the suspicion of the officers was based on a report which they received in the course of their duties as police officers. There was no submission that the conviction had not been based on reasonable grounds.
38. The real question which therefore arises for this court’s consideration is whether the defendant has satisfied the second objective test that is to say whether the objective circumstances constitute reasonable grounds for the requisite suspicion or belief.
39. The centre piece of the matters which informed the officers at the time of the arrest was a report that the arrestable offence of robbery had been committed. According to the report, the offence had been committed in Williamsville. It was the undisputed evidence of Sgt. De Boulet that the Claxton Bay Flyover was a means of escape from Williamsville onto the Uriah Butler Highway. Sgt. De Boulet testified, without

contradiction that he proceeded to the Claxton Bay Flyover for the reason that it was potentially an escape route.

40. Having arrived on the Claxton Bay Flyover, the officers encountered a motor vehicle which matched the description of the report. The claimants did not occupy the black vehicle. However, they occupied a vehicle which by its proximity to the black vehicle would have led an ordinarily prudent and cautious person to the conclusion that there was probably some collusion between the two vehicles. In my view the ordinarily prudent and cautious person would connect the black PCB Corolla to the reported offence.
41. It was undisputed that the officers searched the vehicle and found nothing illegal. In my view, the ordinarily prudent and cautious person, seized of the information which was held by the officers, would consider the seriousness of the offence in question, the possibility of an escape and the probability that the weapon had been discarded along the way. In my view therefore the report together with the officers findings on the Claxton Bay Flyover would be lead the ordinarily prudent and cautious person, seized of the information which was held by the officers to the conclusion that the persons connected therewith were probably guilty of the reported offence. Accordingly, it is my view and I hold that the defendant has satisfied the test and the arrest was justified.
42. The remaining question to be determined is whether the claimants' continued detention was reasonable.
43. The defendant has failed to provide any evidence to account for the 2:30p.m. on 23<sup>rd</sup> January, 2007 to 4:00p.m. on Thursday 25<sup>th</sup>, when the Claimants were released.

44. Learned Counsel for the defendants have referred to *Alphonsus Mondesir v The Attorney General of Trinidad and Tobago*<sup>30</sup> as authority for submitting that a twenty four (24) hour detention without charge is reasonable. I have searched the judgment of Justice Sinanan in vain and have not found any such statement. On the contrary, Justice Sinanan robustly rejected the suggestion that it was permissible to detain an arrested person for a period of forty-eight (48) hours.
45. While I recognise that the claimants were under suspicion of having committed a very serious crime, it is my view that it is incumbent on the defendant to discharge its burden to prove that any continued detention was reasonable. This must be done by evidence. The defendant must not rely on the court to fill in the blanks and to infer that the period of detention was reasonable.
46. In this regard the defendant has failed altogether by the unavailability of any evidence following 2:30p.m. on 23<sup>rd</sup> January, 2007, when PC Johnson and Sgt. De Boulet handed the claimants over to PC Ifill.
47. In her submission learned Counsel for the defendant suggested that the Court could rely on station diary extracts as providing reasonable grounds for the continued detention of the claimants. I feel compelled to reject this suggestion as unacceptable for the following reasons:
- i. According to the Courts record the station diaries were never tendered in evidence. On 19<sup>th</sup> December, 2008 the defendant filed a document entitled “*Bundle of documents which we wish to tender in evidence ...*”. According to our record, documents were never tendered.

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<sup>30</sup> *Alphonsus Mondesir v The Attorney General of Trinidad and Tobago* HCA 1903 of 1997

- ii. Even if there is an error in the Court's record, the station diary extracts on their own fall short of justifying the actions of the detaining officer, who must prove that he acted reasonably.<sup>31</sup>
  - iii. It is now well established that the fact of the detention being admitted the burden shifts to the arresting officer, to justify the detention. Whether the detention is reasonable depends on the honest belief of the officer, this is partly a subjective test.
  - iv. In my view it is inadequate to simply put the station diary extracts before the Court, with a request that the Court infer that there was an honest belief on the part of unnamed officers.
48. I feel therefore compelled to hold that the detention of the claimants from 2:30p.m. on 23<sup>rd</sup> January, 2007 to 4:00p.m. on 25<sup>th</sup> January, 2007 was unjustified and therefore unlawful.
49. The claimants would each be entitled to compensatory damages for loss of their time and injury to hurt feelings. In my view, an award of damages would also include an element of aggravated damages having regard to the undisputed unsanitary conditions under which the claimants were detained. Having regard to comparable awards in *Harold Barcoo v The Attorney General of Trinidad and Tobago*<sup>32</sup>, *John Henry v The Attorney General of Trinidad and Tobago*<sup>33</sup>, *Dilip Kowlessar v Attorney General of Trinidad and Tobago*<sup>34</sup>; it is my view that an appropriate award to each claimant would be \$40,000.00.
50. In these proceedings the claimants applied for declaratory relief as to the alleged contravention of their fundamental rights. In my view the decision of their Lordships

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<sup>31</sup> See *Dallison v Caffery*

<sup>32</sup> CA 1388 of 1989

<sup>33</sup> CV 2007-03897

<sup>34</sup> HCA 350 of 1997



in *Antonio Webster v The Attorney General of Trinidad and Tobago*<sup>35</sup> provides a categorical answer to this issue. A claim for declaratory relief in the context of a claim for damages for wrongful arrest would be inappropriate and liable to be struck as being redundant. It is my view and I hold that the declarations sought in these proceedings ought to be and are hereby refused.

51. **Orders**

- i. There be judgment for the claimants in respect of the claim for damages for false imprisonment.
- ii. The defendant do pay to each claimant the sum of \$40,000.00
- iii. Because the defendants were partly successful in these proceedings, I would direct that the parties bear their own costs.

Dated this 8<sup>th</sup> day of January, 2013.

M. Dean-Armorer  
Judge<sup>36</sup>

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<sup>35</sup> Antonio Webster v The Attorney General of Trinidad and Tobago [2011] UKPC 22 at page 7

<sup>36</sup> Irma Rampersad- Judicial Secretary  
Kendy Jean- Judicial Research Assistant