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Departmental and Other Notices

IN THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE

COMMONWEALTH OF DOMINICA

DOMHCV2002/0291

Between:

Charlesworth Morancie

Claimant

and

Marlon Guiste
Mariette Guiste

Defendants

Before:

The Hon. Justice Brian Cottle

Appearances:

Mr. Michael Bruney for the Claimant
Mr. David Bruney for Defendant 2
No appearance Defendant 1 or Counsel

2012: January 31st
February 13th
September 10th

JUDGMENT

incident occurred on 6th January, 2000 when the first defendant was then a minor. The second defendant is his mother. The first defendant filed no defense. The second defendant filed no witness statement and did not attend at the trial. The evidence of the claimant though tested by cross examination was therefore uncontroverted.

[2] The facts revealed by the claimant's evidence were that the first defendant violently assaulted the claimant with a cutlass, inflicting on him severe wounds to both arms. The left wrist and forearm are permanently deformed and four fingers were severed from the right hand. It is clear that the first defendant was responsible for the severe injuries to the claimant. The issue which confronts the court is what liability if any attaches to the second defendant?

[3] Mr. David Bruney who represented the second defendant argued that despite the fact that the first defendant was a minor at the time of the assault, by the time the matter came up for trial, he was of full age. In the circumstances no responsibility could attach to his mother. Mr. David Bruney was asked to supply the court with legal authorities in support of his contention. Despite the passing of several months no such authorities have been provided.

[1] COTTLE J: The claimant instituted the present claim against both defendants for damages for assault and battery on the claimant by the first defendant. The

[4] Mr. Michael Bruney submitted that the court could find liability in the second defendant on the basis that she failed in her duty to exercise supervision and