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Departmental and Other Notices

IN THE EASTERN CARIBBEAN SUPREME COURT

IN THE HIGH COURT OF JUSTICE
COMMONWEALTH OF DOMINICA
DOMHCV 2010/0176

Between:

Justin Pemberton

Claimant

and

1. The Attorney General of the Commonwealth of Dominica
 2. Inspector Mervin Pendenque
 3. Police Constable Delbert Constance
- Defendants*

Appearances:

Mr Geoffrey L Letang for the Claimant
Miss Tameka Hyacinth and Miss Sherma Dalrymple for the Defendants

2012: June 8 and July 13

2013: February 6

JUDGEMENT

- [1] STEPHENSON J: The Claimant filed a suit against Inspector Mervin Pendenque and Police Constable Delbert Constance claiming damages for assault, battery, false imprisonment and wrongful arrest, aggravated and/or exemplary damages, interest at the

rate of 5% per annum from the date of the incident to the date of judgment, statutory interest of 5% annually from the date of judgment, compensation for damage to cell phone and wrongful seizure of one GPS and TV mobile phone, costs and such or other relief. The Attorney General is sued pursuant to the State Proceedings Act.

- [2] The trial took place on the 8th day of June and the 13th day of July 2012 and closing written submissions were to be filed by the 31st August 2012. I now render my decision.
- [3] The Claimant gave evidence and also relied on the evidence of Cornelia Coipel and Wayne Sanderson. The second and third named Defendants gave evidence on their own behalf and called no additional witnesses.

BRIEF BACKGROUND:

- [4] There is no dispute about the following:

- I. On the 22nd April 2010 the Claimant's fishing boat registered LYUJ7-051 and another boat was intercepted at sea in a joint exercise between the Commonwealth of Dominica Police Force Coast Guard Division and one of their foreign counterparts and the Claimant's boat was taken to the Coast Guard Base at Fond Cole for further investigation.