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Departmental and Other Notices

IN THE HIGH COURT OF JUSTICE

COMMONWEALTH OF DOMINICA
DOMHCV2011/0202/210/211/212/222248
[CIVIL]

Between:

Julius Lamothe
John Lamothe
Jokim Lamothe
Julia Lamothe
Josiah Lamothe
Jude Lamothe

Claimants

and

Bartholomew Alie
The Attorney General

Defendants

Before: The Hon. Justice Brian Cottle

Appearances:

Mrs. Dawn Yearwood-Stewart for Claimants
Ms. Tameka Hyacinth for Defendants

[2012: October 22nd, 23rd, 30th]
November 1st
[2013: February 15th]

JUDGMENT

[1] COTTLE J: The claimants filed individual claims against the defendants. As the claims all stem from the same series of events there was an order that the matters be consolidated. They were therefore tried together. The claimants brought the claims alleging assault, battery, false imprisonment and malicious prosecution. They sought damages including aggravated and exemplary damages.

THE EVIDENCE

[2] The claimants filed witness statements which served as their evidence in chief. They say that on Saturday 14th February 2009 they were all (save the 4th claimant) sitting under a mango tree in their yard in Clifton. They were having lunch and wine. A police vehicle stopped in front of the yard and several police officers alighted. They say the officers came up to them and stood silently staring at them. The sixth claimant Josiah asked what the purpose of the police was. Jude who was at the time carrying a stick or a piece of wood asked what the police wanted. They demanded that the police leave the yard. The claimants say the police cursed at them but eventually left.

[3] Early the next morning there was a knocking at the door of the house where the claimants lived. A large party of armed police officers executed a search warrant on the home and premises of the claimants.