

**THE EASTERN CARIBBEAN SUPREME COURT
ANTIGUA AND BARBUDA**

IN THE HIGH COURT OF JUSTICE

CLAIM NO.: ANUHCv 2011/0167

BETWEEN:

ANTON TONGE

Claimant

And

THE ATTORNEY GENERAL

NORMAN PARILLON GEORGE

Defendants

Appearances:

E. Denisia Thomas for the Claimant

Carla Harris and RoseAnn Kim for the Defendants

2015: January 30

JUDGMENT

- [1] **HENRY, J.:** On the 26th January 2011, one Janice Powell made a report to St. Johns police station alleging that the claimant (Anton Tonge) had threatened her. As a result, the second named defendant (Officer George) called Anton Tonge and invited him to attend the police station to assist him in the investigation of the complaint. Anton Tonge duly attended the police station. There in the presence of Officer George, Janice Powell repeated her allegations. Officer George then asked Anton Tonge to give his version, which he did. As a result of what he said, Anton Tonge was on 27th January eventually arrested and charged with threatening language. He was released on bail later that day and on the following day, 28th January 2011, he appeared before the Magistrate, who dismissed the charge.
- [2] By Fixed Date Claim Form filed on 14th March 2011, Anton Tonge seeks the following relief:

1. A declaration that his right to personal liberty as guaranteed under section 5 of the Antigua and Barbuda Constitution Order 1981 has been breached.
2. Damages for loss of his right to personal liberty as guaranteed under section 5 of the Constitution.
3. Further and or alternatively, damages for false imprisonment
4. Damages for Malicious Prosecution on the charge of using threatening language contrary to section 48(a) of the Small Charges Act.

The Pleadings

- [3] Mr. Tonge avers in his statement of claim that at approximately 12:00 noon on 26th January 2011, he was called by Officer George at work who requested that he attend the St. John's Police Station to answer to a report that he had used threatening language to Janice Powell. At the police station, at Officer George's request and in compliance with the investigation of the allegation, he told Officer George that he had said to Janice Powell, "God nar sleep. Who don't pay the just will pay the unjust. You could be in the same house a sleep and it crumble round you 'cause a so God work." That he was then arrested without just cause and for no lawful purpose and denied his right to personal liberty from approximately 1:00 pm to 10:00pm on the said 26th January 2011.
- [4] At about 10:00pm he was served with a charge alleging the offence of making use of threatening language contrary to section 48 (a) of the Small Charges Act. The particulars of offence stated in the charge are that Anton Tonge "on the 26th January 2011 at the St. Johns Police Station in the Parish of St. John's in Magisterial District "A" in a certain public place, to wit, St. Johns Police Station, did make use of threatening language to Janice Powell."
- [5] On the 28th January, as required, he appeared before the Learned Magistrate. The Magistrate concluded that nothing within the words spoken by him could reasonably amount to a threat and that in any event, the offence as charged could not be supported on the facts. The charge was dismissed.
- [6] Mr. Tonge avers that, at the time of prosecuting him, Officer George had no reasonable and probable cause for doing so and the prosecution was done maliciously. Particulars of malice pleaded include that Officer George knew or ought to have known, given his experience, that the words could not amount to a threat within the meaning of the offence or at all (2) Officer George knew or ought to have known given his experience that the offence of 'use of threatening language' as alleged by Janice Powell was not an arrestable offence; (3) Officer George fabricated the charge against Mr. Tonge of use of threatening language in the St. John's Police Station to create an arrestable offence; (4) the charge and subsequent prosecution of Mr. Tonge was done by Officer George to embarrass and shame Mr. Tonge and to justify the unlawful arrest and (5) Neither Officer George nor any other reasonable person could honestly believe Mr. Tonge to have been guilty of the offence as charged.

- [7] Particulars of loss and damage occasioned as a result of the alleged unlawful arrest and malicious prosecution by Officer George as pleaded include loss of liberty for 9 hours on 26th January, 2011 and loss of liberty from 9a.m. to 11 a.m. awaiting prosecutions on 28th January 2011.
- [8] In his defence, Officer George admitted that he contacted Mr. Tonge on 26th January 2011, but asserts that it was sometime after 2 p.m. and not about 12 noon as alleged in the Statement of Claim. He also admits that Mr. Tonge attended St. Johns Police Station as requested and was questioned. Officer George avers that Mr. Tonge was allowed to listen to Janice Powell's explanation as to what had transpired between them earlier at the Bank of Nova Scotia. Thereafter, Mr. Tonge was given an opportunity to respond. Mr. Tonge, he states never denied the allegations made against him by Janice Powell instead Mr. Tonge, according to Officer George, looked directly at Janice Powell and in a loud and aggressive manner stated: "All me ah tell Janice, if she no pay me me money, she house ah go crumble around she, cause God nar sleep." Officer George asserts that based on the words uttered and Mr. Tonge's aggressive behavior towards Ms Powell, Officer George advised him that it is an offence to make use of threatening language and that he was arresting him for the commission of the offence and to prevent a further breach of the peace. According to Officer George, Mr. Tonge was detained at around 2:35 p.m. and released at 10:00 p.m. Mr. Tonge was served with a copy of the charge on the following day, 27th January 2011 at around 1:30 p.m.
- [9] The defendants deny that Mr. Tonge was prosecuted maliciously or without reasonable and probable cause. They also deny that he was unlawfully arrested, or that he suffered the alleged or any damage, or that any injury or damage suffered by Mr. Tonge was occasioned by or resulted from the prosecution of the said charge against him as alleged.
- [10] In his reply, Mr. Tonge reiterates that at the request of Officer George he went to the Police Station well before 2 pm. He avers that contrary to the version given in the Defence, he did not look directly at Ms Powell and make the statement recorded in the defence, nor was he loud and aggressive. He stated that he gave a full explanation of what transpired between himself and Janice Powell, of the monies owed to him and her promises to pay. According to Mr. Tonge, he told Officer George that all he said to Janice Powell was, " God nar sleep. Who don't pay the just will pay the unjust, 'cause you could be in the same house a sleep and it crumble round you 'cause a so God work, God work in a mysterious way."
- [11] Mr. Tonge states that there was no breach of peace at anytime – not at the St. Johns Police Station or at the earlier encounter between himself and Janice Powell at the Bank of Nova Scotia. That he went to the Police Station at the request of Officer George and merely repeated what transpired between himself and Janice Powell. He again denies that he engaged in the use of or suggested use of threatening language to Janice Powell or anyone else in the St. Johns Police Station.

- [12] In regard to his detention and arrest, he states that he was detained at approximately 1 p.m. and released by a senior officer just at about 10 p.m. to return on the following day at 10 am. He returned the following day to the Police Station and waited for Officer George to arrive. He was again arrested and placed behind the guard desk to await the charge.
- [13] He maintains that his arrest and prosecution was unjustified and done maliciously; that Officer George abused his authority and the power of arrest given to him to 'teach' him a lesson.
- [14] Mr. Tonge gave evidence in support of his case. He called no witnesses. On cross-examination he denied that he was not cooperative when he was being questioned by Officer George and that he was very aggressive and loud toward Janice Powell. He was questioned extensively on the time of day he arrived at the station on the 26th January 2011. Counsel for defendants suggested to him that he did not arrive at the station about midday but after 2p.m. This he denied. The further suggestion put to him was that he was detained from 2:35 pm to close to 10 pm on that day.
- [15] In regard to the 27th January, the day he was formally charged, it was put to him that he was not detained at all. That he was never put behind the guard desk to await Officer George. This he denied. He restated his position that on 27th January when he returned to the Police Station as required by the Police, he was locked behind the guard desk for about 1 ½ hours until he was served with a copy of the charge and thereafter released on bail.
- [16] Officer George was the only witness on behalf of the defendants. On cross-examination it was put to him that he is a personal friend of Janice Powell; that on the 26th of January when she went to the Police Station, she made her report directly to him, instead of at the guard desk, because she knew him. This he denied. His evidence is that he didn't know her before that date. While he admitted putting Mr. Tonge behind the guard desk on the 26th January and not releasing him until close to 10pm, he denied that he said he was leaving him there to teach him a lesson, or that he used similar language. His evidence is that at the time of the events giving rise to this matter, he had been in charge of Minor Offences for 4 years and a veteran of the Police Force for some 30 years.

Submissions

- [17] Counsel for Mr. Tonge submits that the basis of the arrest is the statement made by Mr. Tonge at St. Johns Police Station. The statement was given at the request of Officer George who invited him to explain what had transpired between himself and Janice Powell earlier at the Bank of Nova Scotia. This has not been challenged. It was never put to Mr. Tonge that he threatened Janice Powell at the St. Johns Police Station.
- [18] Further, that no reasonable man would have concluded that there was a basis for the charge and subsequent prosecution based on the reports of all the witnesses and on the response of Mr. Tonge. The words spoken by Mr. Tonge do not disclose a threat.

- [19] The charge against Mr. Tonge related to threatening or intimidating someone "by reason of being a witness, or likely to be a witness in any proceedings. None of the accounts of what transpired at the station suggests that Mr. Tonge made/gave any statement 'by reason of' Janice Powell being a witness or likely to be a witness in any proceedings.
- [20] Counsel therefore submits that the arrest was not justifiable and that it was done without reasonable and probable cause.
- [21] With regard to the claim for Malicious Prosecution, Counsel submits that it is accepted by both parties that on the 28th January 2011, Mr. Tonge appeared in the St. Johns Magistrate's Court. The matter was considered and the charge against him dismissed. Counsel points to the evidence of Mr. Tonge that while he was under arrest he overheard one police officer say to another that Officer George said he was leaving Mr. Tonge there to teach him a lesson. Further, she submits that the manner in which the matter was dealt with, suggests that Officer George acted hastily when there was no need so to do and did not follow procedure in dealing with the matter. Lastly, she submits that an Officer of 30 years experience ought to know what a threat is and what constitutes a threat as well as the constituent elements on an offence charged. The fact that the Officer prosecuted Mr. Tonge based, not on the earlier incident reported by Janice Powell, but, on words uttered at the Police Station in answer to the request of the Officer is both irrational and malicious.
- [22] In regard to the alleged breach of Mr. Tonge's constitutional right, it is submitted that a careful examination of section 5 shows that none of the exceptions provided for in the Constitution for fettering one's liberty applies to the case at bar. Counsel therefore submits that Mr. Tonge has suffered a breach of his constitutional right to personal liberty, and invites the court to so declare.
- [23] The defendants admit that Mr. Tonge was detained by the police on the 26th January 2011, but submit that the circumstances in the case justify the deprivation of the claimant's liberty. Further, that the police are not called before acting, to have a prima facie case for conviction but only to be satisfied that there exist reasonable grounds for suspicion of guilt. They refer the court to the case of **Hussein v Chong Fook Kam** [1970] AC 942. Counsel submits that the criminal offences claimed to have been committed are (1) making use of threatening language in a public place and (2) breach of the peace. That the evidence clearly establishes that the officer reasonably suspected that Mr. Tonge had committed the offences. Further, that when Officer George arrested and charged Mr. Tonge, he did so lawfully and he also had reasonable cause for believing the he had committed a criminal offence. Counsel therefore submits that the claim for a declaration and damages for breach of section 5 of the Constitution must fail and asks the court to dismiss same.
- [24] With regard to the claim for false imprisonment, defendants submit that there was no wrongful arrest or detention, and refer the court to the case of **Margaret Joseph v Attorney General of Grenada et al** Civil Appeal No 9 of 2003.

[25] With regard to the claim for malicious prosecution, the defendants submit that one of the elements the claimant must prove to succeed is that the prosecution was without reasonable and probable cause. The evidence they submit clearly establishes that Mr. Tonge was not cooperative with the police. Rather he was very aggressive towards Janice Powell in the presence of the police. Officer George believed, based on his assessment of the circumstances that there existed reasonable grounds that the claimant had committed the offence of using threatening language in a public place.

[26] Furthermore, Mr. Tonge has not pleaded any grounds or adduced any evidence on which a finding of malice could rest. The defendants therefore urge the court to dismiss the claim with cost.

Issues

[27] The issues for the court's determination are:

1. Whether Mr. Tonge was wrongfully and unlawfully arrested and falsely imprisoned.
2. Whether Mr. Tonge's rights under section 5 of the Constitution of Antigua and Barbuda have been breached.
3. Whether the claim of Malicious Prosecution has been proven by Mr. Tonge

[28] It is not disputed that Officer George, on 26th January, called Mr. Tonge and invited him to attend the St. Johns Police Station in connection with his investigation of the complaint made by Janice Powell. It is also not disputed that Mr. Tonge's response to the invitation was to leave work and go to the station. However, the time Mr. Tonge arrived at the station is disputed. Mr. Tonge's evidence is that he arrived at the station at about midday and that he was put in the holding areas near the guard desk from about 1pm. He was not released until about 10pm. Officer George's position is that the complaint by Janice Powell was made about 1:25 pm. Mr. Tonge was contacted by him at about 2:19 pm and that he was detained from 2:35 pm. The station diary for the 26th January shows that Mr. Tonge was released at 21:55 hrs. No entry was apparently made of the time of his detention. If the complaint was made at 1:25pm, and there is no evidence to contradict that time, then Officer George could not have called Mr. Tonge at about 12 noon. I therefore accept the evidence of Officer George as to the time he contacted Mr. Tonge, the time he was detained and released on that day. The evidence is that Mr. Tonge's workplace is within 15 minutes of the St John's Police Station.

[29] There is also some dispute as to the time Mr. Tonge arrived at the station on the 27th January. Mr. Tonge's evidence is that on his release on the night of the 26th January, he was told to return to the station the following day at 10:00 am and that he returned on the morning of the 27th January at 10:00 am and that he was again locked behind the guard desk for approximately 1 to 2 hours before he was served with the charge of using threatening language. According to Officer George, Mr. Tonge arrived at the station at 11:00 am. Mr. Tonge was told to wait outside until he was finished dealing with another matter and that Mr. Tonge waited on the veranda outside the office.

At 1:30p.m, he was arrested and given a copy of the charge and at 1:34 he was released. Officer George's position is that on the 27th of January, Mr. Tonge was not detained before his arrest.

- [30] The entry in the Station diary is more supportive of the evidence of Officer George. The entry on 26th January 21:55 hrs states " Sgt Parillon released Anton Tonge of Crabb Hill pending further investigations and he is to report to St. Johns Police Station at 11:30 hrs on 27/1/11." Why would Mr Tonge report in 1 ½ hours before he was required to? It is more likely that he arrived at 11:00 a.m. Even if Mr. Tonge was not placed behind the guard desk as before, it is clear that he was being detained. He was not free to leave the station. I therefore find that Mr. Tonge was detained on both days. On the 26th January from 2:35 to 10p.m. and on the 27th January from 11:00 am to 1:34 p.m.

[31] **Wrongful and Unlawful Arrest**

A Police Officer is liable in tort for any unlawful interference with the person or liberty of another. Constables are required and entitled to take all steps necessary to prevent a breach of the peace and in doing so may temporarily restrain anyone whom they reasonably believe is about to commit a breach of the peace.¹ The Police Act preserves the common law powers of a constable to intervene to prevent and stop breaches of the peace. Section 22 (c) of the Police Act provides

"It shall be lawful for any police officer to arrest without a warrant any person who commits a breach of the peace in his presence."

- [32] Where a constable reasonably believes that a breach of the peace is about to take place he may take any reasonable measures necessary to prevent such a breach. He may arrest anyone threatening the peace².

- [33] The first question therefore is whether there were reasonable grounds for the arrest of Mr. Tonge. The onus is on the defendants to show that there were reasonable grounds for the arrest³.

- [34] Lord Diplock in **Dallison v Caffrey**⁴ stated the standard of proof required as follows:

"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. Where that test is satisfied, the onus lies on the person who has been arrested or prosecuted to establish that his arrestor did not in fact believe what ex hypothesis he would have believed had he been reasonable."

¹ Albert v Lavin

² R v Howell [1982

³ Eric Conliffe v Jeffrey Laborde et al Claim No. 331 of 2009 St. Vincent and the Grenadines

⁴ [1963] 2 AER 610

[35] Officer George's own evidence as to what transpired during his investigation is instructive as to whether there was reasonable and probable cause for Mr. Tonge's arrest. He states in paragraph 10 of his affidavit:

" When the claimant arrived at the station I identified myself to the claimant and informed the claimant of the report made against him. The claimant was allowed to listen to Ms Powell's explanation as to what transpired between them at the Bank of Nova Scotia and when Ms Powell had given her version of what happened the claimant was given an opportunity to respond. The claimant never denied the allegations made against him by Ms Powell. Instead the claimant looked directly at Ms Powell and in a loud and aggressive manner stated: "All me ah tell Janice, if she no pay me me money, she house ah go crumble around she, cause God nah sleep."

[36] According to the officer based on these words and Mr. Tonge's aggressive behavior he arrested him.

[37] Several points bear mentioning. (1) The words uttered by Mr. Tonge were in response to the officer's invitation to give his version of what had transpired at the Bank earlier that day. Mr. Tonge was therefore speaking to the Officer. This is borne out by the use of the name Janice and the pronoun "she". If he were speaking to Janice, he would have said: All me ah tell you etc. (2) There is no evidence that Janice experienced fear, apprehension or intimidation by Mr. Tonge's response to the officer. The circumstances do not give rise to such an inference. This was not a situation where there was an affray. (3) Mr. Tonge was not arrested for any alleged threats complained of by Janice Powell. His arrest was for the words uttered at the St. Johns Police Station. (4) The court accepts Counsel's submission that the words used were not capable of amounting to a threat, even if said in an aggressive tone. He was clearly saying that Janice Powell's house would crumble, not because of any action he was threatening to take, but because "God nar sleep." The court does not accept the evidence of Officer George that he does not know the meaning of "God nar sleep."

[38] The court is of the view that the defendants have failed to satisfy the test that a reasonable man, assumed to know the law and possessed of this information would believe that there was reasonable and probable cause. The defendants have also failed to demonstrate that there was any basis to believe that a breach of the peace was likely to occur based on these circumstances.

[39] While an officer may act on the information and complaint of others, as where he comes to a place where an affray is said to be in progress, and is led reasonably to believe that a breach of the peace has already occurred and is likely to be immediately renewed, he may apprehend the parties for the preservation of the peace. This was clearly not the situation in this case.

[40] I find that the arrest of Mr. Tonge under the circumstances was wrongful and unlawful

False Imprisonment

- [41] The tort of false imprisonment is committed where a person is unlawfully imprisoned. It is for the defendant to prove justification for the imprisonment once an imprisonment is proved by a claimant.
- [42] The court having found that the defendants have failed to prove that there was reasonable and probable cause for the arrest, I also find that the tort of false imprisonment has been made out. Mr. Tonge is entitled to damages to be assessed.
- [43] Counsel for the defendant points out that in Mr. Tonge's particulars of loss and damage he lists two items:
1. Loss of Liberty for 9 hours on 26th January 2011
 2. Loss of Liberty from 9a.m. to 11 a.m. awaiting prosecution on 28 /01/11
- [44] The court notes that an alleged detention on 27th January 2011 was not pleaded in his Statement of Claim. He only pleaded the arrest on the 26th January; that he was served with a charge at approximately 10pm and released on station bail to attend court on 28th January 2011. It was in his affidavit in support of his claim that he first set out the detail of a detention on 27th January. The extract of the Station Diary tendered by Officer George supports the evidence that Mr. Tonge was told on the 26th January to report back to the station on 27th January at 11:30am. Officer admitted that he did report to the station and was there until he was served with a charge at 1:30pm. The fact that it was not contained in the particulars of loss and damage would not prevent the court from finding that he was detained also on the 27th January in these circumstances. There is no prejudice to the defendants since the issue was addressed by them and fully ventilated at trial. The Court finds no imprisonment on 28th January 2011.

Deprivation of Liberty under the Constitution

- [45] Section 5 (1) of the Constitution provides:
- "No person shall be deprived of his personal liberty save as may be authorized by law in any of the following cases, that is to say:-
- (f) upon reasonable suspicion of his having committed or of being about to commit a criminal offence under any law;
- [46] The defendants submit that the circumstances in this case justify the deprivation of Mr. Tonge's liberty and that it falls within section 5(1) (f) of the Constitution. They refer to the case of **Hussein v Chong Fook Kam**, where the Privy Council held that:
- "reasonable suspicion could not be equated with prima facie proof; that suspicion could take into account matters that could not be put in evidence at all whereas prima facie proof consisted of admissible evidence; and that the police were not called before acting to have anything like a prima facie case for conviction but only to be satisfied that there did in fact exist reasonable grounds for suspicion of guilt."

[47] The Court in **Cedeno v O'Brien**⁵ stated the principle in these terms:

"likewise I hold that "an officer having reason to suspect does not mean and cannot mean an officer thinking that he has reason to suspect. In my judgment "reason to suspect is no less a positive fact capable of determination by our courts than to refer to a familiar issue, "reasonable cause to suspect" that goods which a person has in his possession or control have been stolen or unlawfully obtained."

[48] Under the circumstances of this case there was no reasonable basis for suspicion that Mr. Tonge was guilty of threatening language in respect of Janice Powell at the St. Johns Police Station. Janice Powell made no complaint. Immediately upon hearing Mr. Tonge's version of what took place at the bank, Office George informed him that he was being charged. The words spoken by Mr. Tonge were not capable of amounting to a threat to Janice Powell especially in the context in which they were spoken. So there existed no reasonable grounds for suspicion of guilt.

[49] Neither did there exist any reasonable suspicion that Mr. Tonge was about to commit a criminal offence. The words spoken did not telegraph an intention to commit a breach of the peace or any other offence. He was in a Police Station responding to inquiries by a Police Officer.

[50] Mr. Tonge has suffered a breach of his constitutional right to personal liberty and I so declare. He is entitled to damages.

Malicious Prosecution

[51] In an action for malicious prosecution the claimant must prove the following ingredients:

- (a) That he was prosecuted by the defendant, that is, the law was set in motion on a criminal charge;
- (b) That the prosecution was determined in his favour;
- (c) That it was without reasonable and probable cause; and
- (d) That it was malicious

[52] Each of the four ingredients must be proved.

[53] The term malice as used here denotes that the party is actuated by improper motives, that is, a motive other than a desire to secure the ends of justice⁶.

[54] In his particulars of malice, Mr. Tonge pleads that (1) Officer George knew or ought to have known given his experience that the words could not amount to a threat within the meaning of the offence or at all; (2) Officer George knew or ought to have known given his experience that the offence of 'use of threatening language' was not an arrestable offence; (3) Officer George fabricated the charge against Mr. Tonge to create an arrestable offence; (4) Officer George knew or ought to

⁵ (1964) 7W.L.R. 192

⁶ Wershof v Commissioner of Police for the Metropolis [1978] 3 All E.R. 540

have known given his experience as an officer that the particulars of the charge could not satisfy the offence charged; (5) The charge and subsequent prosecution of Mr. Tonge was done by Officer George to embarrass and shame Mr. Tonge and to justify the unlawful arrest; and (6) Neither Officer George nor any other reasonable person could honestly believe Mr. Tonge to have been guilty of the offence as charged.

[55] The defendants submit that Mr. Tonge has not pleaded any grounds or adduced any evidence on which a finding of malice can rest. Further that the particulars pleaded above do not amount to improper motive. Mr. Tonge, that has not shown that the prosecution was done to embarrass and shame him as alleged.

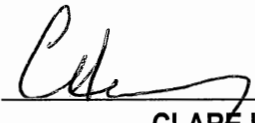
[56] In support of the particulars of malice set out above, Mr. Tonge in his affidavit states that he overheard one of the officers saying that Officer George said he was leaving him there to teach him a lesson. This is double hearsay and cannot be the basis of any finding of improper motive. The rest of the evidence does not support a finding urged by Counsel for Mr. Tonge. The evidence that Officer George acted in haste and failed to follow proper procedure does not give rise unequivocally to an inference of Malice. An inference of negligence could easily be also inferred from the same evidence. Negligence is not equivalent to malice. The court therefore finds that Mr. Tonge has failed to discharge his burden of proving malice. The claim based on malicious prosecution therefore fails.

Conclusion

[57] I find that the arrest of Mr. Tonge was unlawful and the defendants are liable in damages for false imprisonment of Mr. Tonge on 26th January 2011 from 2:35pm to 10pm and on 27th January 2011 from 11:00 am to 1:34 pm. Mr. Tonge is also entitled to a declaration that there was a breach of his right to personal liberty as guaranteed under section 5 of the Constitution. He is entitled to damages for such breach. The claim for malicious prosecution fails.

[58] Accordingly, Judgment is granted in favour of the claimant, Anton Tonge as follows:

1. A declaration that the right of the claimant to personal liberty as guaranteed under section 5 of the Constitution has been breached. The claimant is entitled to damages.
2. Damages for false imprisonment on 26th January 2011 from 2:35 pm to 10:00 pm and on 27th January 2011 from 11:00 am to 1:34pm.
3. The claim for malicious prosecution is dismissed
4. The damages for violation of the claimant's constitutional rights, for false imprisonment and cost are to be assessed on application made.


CLARE HENRY
High Court Judge