

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: GC <sup>262</sup> OF 2013

BETWEEN: SANDRA CATRON

Plaintiff

AND: (1) THE ROYAL CAYMAN ISLANDS POLICE SERVICE  
(2) ATTORNEY GENERAL OF THE CAYMAN ISLANDS  
(3) SUZANNE BOTHWELL



WRIT OF SUMMONS

TO: THE COMMISSIONER OF THE ROYAL CAYMAN ISLANDS POLICE, THE ATTORNEY GENERAL OF THE CAYMAN ISLANDS AND SUZANNE BOTHWELL.

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claim set out on the next page.

Within (14 Days) after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, PO Box 495GT, George Town, Grand Cayman, the accompanying Acknowledgment of Service stating whether you intend to contest these proceedings.

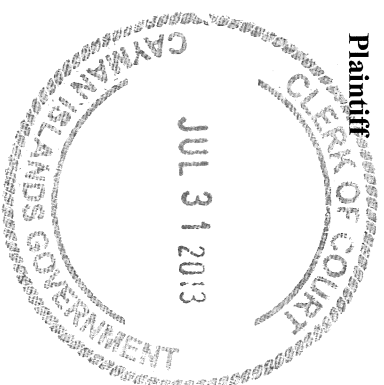
If you fail to satisfy the claim or to return the Acknowledgment of Service within the time stated, or if you return the Acknowledgment of Service without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and Judgment may be entered against you forthwith without further notice

Issued this 31 July 2013

NOTE – This Writ may not be served later than 4 calendar months (or, if leave is required to effect service out of the jurisdiction, 6 months) beginning with the date of issue unless renewed by Order of the Court.

**IMPORTANT**

Directions for Acknowledgment of Service are given with the accompanying form.



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## STATEMENT OF CLAIM

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1. The First Defendant is, and at all material times was, the Commissioner of Police for the Cayman Islands and by virtue of the Police Law 2010 and the Crown Proceedings Law (1997 Revision) is responsible for the torts committed by the police officers under his direction and control in the performance or purported performance of their duties.
2. The Second Defendant is, and at all material times was the Attorney General of the Cayman Islands and by virtue of the Crown Proceedings Law (1997 Revision) is responsible for the torts committed by legal counsel under his direction and control in the performance or purported performance of their duties, and acts for the First Defendant in legal proceedings brought against the First Defendant.
3. The Third Defendant is responsible for her actions that may have occurred outside the ambit of her job responsibilities including but not limited to the assault/battery that took place in May 2013.
4. The Plaintiff now 39 years of age, at all material times resided at 125 Rackley Boulevard, Newlands, Grand Cayman, Cayman Island and is, and was, a Caymanian by birth.

### **Background to Plaintiff's claims**

5. On July 27th 2012 at around 3:15pm several persons approached the Plaintiff as she was walking in the adjacent parking lot to #144 North Church Street. They verbally identified themselves as detectives from the Royal Cayman Islands Police Service. One officer who later came to be known to the Plaintiff as SDC Neblett quickly flashed a search warrant in front of the Plaintiff and then put it away. The Plaintiff was informed that the matter was in a relation to a Mr. Shondel Boddan and a complaint that he made against her for harassment. At no material time was the Plaintiff given a copy of the search warrant.
6. The Plaintiff observed that there were 4 officers in total who approached her. However, there were additional officers also on site speaking to her employers/other staff members. DC Tater demanded that the Plaintiff immediately hand her two cell phones which were held by the Plaintiff and a Digicel Mifi portable modem which was around her neck.
7. The location of this search was visible to all traffic on the waterfront as well as customers and employees of the company that the Plaintiff worked for.

8. **Note:** None of the officers identified themselves and a list of the attending officers was provided on 20<sup>th</sup> December 2012 under order of Justice Henderson.
9. The Female officer then proceeded to thoroughly search the Plaintiff's vehicle. Her requests as to what the officers were looking for went unanswered. Nothing of interest was evidently found in the Plaintiff's vehicle as nothing was confiscated. The Plaintiff was handcuffed and physically detained.
10. The Plaintiff informed DC Tater that she was returning to work to notarize an urgent document and she wished to do that. The Plaintiff was lead inside in full view of customers, subordinate staff, owners of the company and others.
11. The Plaintiff was then taken to the George Town Police Station where she was read her rights and informed that her right to a phone call was being delayed. No reason was given for not allowing her a phone call at that time. The Plaintiff was questioned at this time as part of what she was told was the "intake process" and she was cautioned and formally arrested.
12. DC Tater then informed an officer she had some personal business to attend to and was leaving work. However, another female officer DC Tater was called in to take her place. After some discussion that she was not able to stay for a long period of time because she was working on a rape investigation she agreed to accompany the other officers in dealing with the Plaintiff.
13. The officers then informed the Plaintiff that she had to accompany them to her residence where they would conduct a search pursuant to the warrant. The Plaintiff indicated that her pet dog needed to be collected from Animal House in Savannah and she refused to go to her residence until some formal arrangements were made to collect the dog. This caused quite a considerable amount of stress to the Plaintiff.
14. The officers asked the Plaintiff to hand over her house key so that they could go and conduct the search. She informed them that her house door was a keyless entry that required a code and she would not be providing that to anyone.
15. At one stage, DS Francis threatened the Plaintiff stating that "Ms. Catron we can do things the hard way or the easy way. The hard way is, we go and knock down your front door or the easy way is you give us the code to enter the premises". The Plaintiff refused to provide the code stating that Animal House would soon be closing and they have no facility to keep a dog overnight. DC Tater stated that they should just leave the dog there

and some arrangement would be made. Animal House was not made aware of why the Plaintiff has not returned for her dog.

16. Eventually a DC Twydell suggested that the police accommodate the Plaintiff and drive her to collect her dog. This was accommodated and 3 officers (DC Twydell, SDC Neblett and DC Gomes) were in the vehicle. The Plaintiff was handcuffed and placed in the back seat of the vehicle. Since this delay caused the parties to run into 5 o'clock traffic the officer driving proceeded to turn on the sirens to get to Animal House before they closed at 6pm.

17. When the Plaintiff arrived at Animal House the decision was made to remove the handcuffs. She entered the premises and paid for and collected her dog. DC Twydell informed the other officers that she does not like dogs and wished for the Plaintiff to keep her dog under control so she would not be placing her back in handcuffs at that time.

18. Shortly after collecting the dog they arrived at the Plaintiff's home – 125 Rackley Blvd – which is located about 10 minutes from Animal House. The Plaintiff was placed back in handcuffs and taken into her residence and a thorough search conducted of the premises. When they arrived at the residence a fourth officer was waiting for them in another car (believed to be DS Francis).

19. The Plaintiff's house was in some disarray as she was in the middle of home renovations with kitchen items having been packed away in boxes. The Officers began the search downstairs in the living room area and proceeded throughout the premises. At one stage the Plaintiff had to go to the bathroom and the officer wanted to accompany her – considering this a serious violation of her personal space the Plaintiff refused and used the bathroom on her own with DC Twydell stationed outside the door.

20. The officers confiscated a number of items including several cameras, SIM cards, laptop, desktop, cell phones, several external hard drives, a Logitech connector for a wireless headset and USB jump drives. Up to eleven items in total were confiscated.

21. The officers searched through every drawer and file cabinets in her home including her personal undergarment drawer, an armoire with handbags etc. DC Twydell primarily was writing down the details of the items as they were confiscated. However, at one stage she grew tired of the pace of the search and began assisting as well. She searched the armoire with the handbags and remarked "Oh my, I have not seen so many handbags in my life, I only have one". The Plaintiff was not amused by these comments. She then proceeded to open every one of them and searched them.

22. The last room to be searched was the Plaintiff's home office. SDC Neblett and DS Francis searched the Plaintiff's file cabinet, safe, books etc. DS Francis opened documents in the file cabinet including a clearly marked brown government envelope. He opened the contents which contained the Plaintiff's grades for the Professional Practice Course at the Cayman Islands Law School. He then proceeded to hand the letter to SDC Neblett who perused it and then handed it back to him. Although personal documents were searched including highly sensitive documents including law school exam results, mortgage documents, and an information pamphlet on a teen court program in Florida. Nothing was confiscated from the file cabinet.
23. The Plaintiff informed them that she needed to walk her dog before leaving as she was uncertain of her return time. She was only permitted to walk on the property until her dog used the bathroom. At one stage DC Twydell remarked 'I'm sick and tired of having to deal with Coco (the name of the Plaintiff's dog).
24. At the time that the Plaintiff was subjected to a search of her residence there was also an additional search without a warrant being conducted at her place of employment. The RCIPS have claimed that only DI Oremule and SC Carasana conducted this search but witnesses included co-workers and company owners have indicated there were more officers on site. The search was conducted of her personal space and computer without the Plaintiff being present.
25. Several neighbors witnessed the Plaintiff in handcuffs. She was then escorted back to the George Town Police Station.
26. Upon the Plaintiff's arrival she was informed that Inspector Collins Oremule was in charge of the investigation. She heard Inspector Oremule request that she be detained at the police station and not be granted bail. This request was made to Sergeant Hanna, the custody sergeant for the evening.
27. Sergeant Hanna and Inspector Oremule got into a verbal altercation over the matter as Sergeant Hanna indicated by law the Plaintiff was entitled to unconditional bail unless a sufficiently valid reason could be given. Inspector Oremule then stated that he needed the Plaintiff available the following day for an urgent interview at 10am and hence required that I be locked down for the evening. Sergeant Hanna expressed his surprise that for the alleged offence of "suspicion of misuse of ICT" such a request would be made. He made reference to the provisions in the Bail Law.
28. At that point the Plaintiff was taken into another room to be processed which included being fingerprinted and asked a number of personal questions. At this time the male

officer and the Plaintiff were the only ones in the room in very close quarters. The processing officer made several sexual advances towards the Plaintiff which she attempted to rebuff. Whilst processing her he would ask non-essential questions relating to her relationship status and personal life. He gave the Plaintiff his phone number on a piece of paper which she discarded. However, he persisted at a later bail hearing by asking her if "she kept that thing". When she queried what thing, he replied his phone number and she said no. The Plaintiff was already traumatized by the search, seizure and surrounding events and therefore did not immediately report this harassment. However, it was eventually reported to Mr. Peter McLoughlin at the Internal Complaints Department.

29. Finally Sergeant Hanna indicated that he was granting the Plaintiff conditional bail as his direct supervisor, Inspector Pinnock agreed that bail should be granted in the circumstances. The Plaintiff was instructed to return the following day for her interview.

30. The Plaintiff had no means to get to her vehicle which was left at her workplace upon her unlawful arrest. Since she was never afforded a telephone call she requested the RCTPS to arrange for her to safe return to her vehicle; which was begrudgingly done by them. However, at that time the parking lot was closed and she had to incur further hassle of contacting security to allow her access to her vehicle. She did not arrive home until after 9pm.

31. On Saturday 28th July at 10am the Plaintiff returned to the police station for this "urgent interview" only to be informed that Inspector Oremule was not there and no one at the station was aware of my matter. After some discussion with a Sergeant Bryan the Plaintiff was assured that Inspector Oremule would be available on Monday morning without fail at 10am and she was bailed over to return at that time.

32. On 28<sup>th</sup> July the Plaintiff met with someone who was able to show her their cell phone whereby her Blackberry Messenger messages had been read by whoever had them after her arrest. The Plaintiff saw this with her own eyes and at least 2 witnesses can confirm the same.

33. On Monday morning the Plaintiff returned at 10am only to be told she would be bailed to return within a few days.

34. The Plaintiff felt that she was getting the runaround and asked to speak with Chief Inspector Cranswick and insisted she be interviewed that day. She could not comprehend why an interview that was so "urgent" that Inspector Oremule wanted to lock her down for the entire weekend could not now be conducted.

35. After waiting about 4 hours the Plaintiff was finally interviewed by 2 officers. DC Tater, who conducted the initial search on her vehicle and another unnamed officer. The unnamed officer informed her he was unfamiliar with the matter and was just asked 5 minutes before to conduct this interview.
36. The Plaintiff participated in the interview which lasted over an hour and was recorded on disc.
37. On 1<sup>st</sup> August 2012 the Plaintiff provided a letter to the DC Oremule indicating that she had discovered 2 jump drives that the search team had not taken from her residence and wish to hand those items over.
38. Whilst at the George Town Police Station the Plaintiff requested a copy of the search warrant which was never given to her. She received that by later in the afternoon.
39. After careful review of the Warrant, the Plaintiff discovered some defects which prompted another letter dated 2<sup>nd</sup> August 2012 was submitted to Inspector Oremule indicating that the search warrant obtained was defective as well as the illegal confiscation of her computer at 144 North Church Street. The RCIPS received an additional letter that day asking for the search record.
40. All requests for search records and to have her items returned have been initially ignored. Various emails were sent to the Professional Standards Unit and the Human Rights Committee of the Cayman Islands and other parties in an effort to obtain some assistance. Richard Barrow indicated that he was unable to assist the Plaintiff.
41. In an email received on 8<sup>th</sup> August from Detective Sergeant #59 Robert Smith (from the Professional Standards Unit ) indicating that "I am also instructed to inform you of the fact that the management of the CID is looking into the concerns raised in respect of your property, and the document used to obtained said property." No further response has ever been received.
42. The Complaint's Commissioners Office has indicated that police matters fall outside the scope of their legal ambit.
43. By 13<sup>th</sup> August the Plaintiff had made **three** requests for the search records and names of the officers involved in the search. Additionally, the Police Commissioner as well as Mr. Franz Manderson were asked to provide the names of the persons involved in the search as well as the search record and neither provided any assistance. Mr. Manderson was sent an email on the 15<sup>th</sup> August requesting this respective information. On the 17<sup>th</sup> August he

promised that the Commissioner would be providing the Plaintiff with a considered response; which was never received.

44. After five months of requesting the respective information with no success Justice Henderson finally ordered the names to be provided within 14 days of the hearing on 12<sup>th</sup> December at the direction's hearing.

45. The Plaintiff received her confiscated items in a piecemeal manner. The RCIPS kept a Samsung Galaxy S3 phone and a personal desktop used at Cashwiz until 24<sup>th</sup> December . DI Oremule made numerous excuses about the whereabouts and handling of the items concerned. At the directions hearing Mrs. Suzanne Bothwell made representations to Justice Henderson that that particular phone was sent overseas to have it analyzed. To date the Plaintiff has never received any evidence of that.

46. On 13<sup>th</sup> August at about 11:50am I informed Inspector Oremule that he needed to return the hard drive that was illegally confiscated from 144 North Church Street to me and not to CMZ Group Limited.

47. Additionally, the Plaintiff's personal desktop confiscated from her place of employment was never returned to her despite proof of purchase haven been given to the police in the middle of August. Once again, during the direction's hearing Mrs. Bothwell claimed that her clients were holding it for the legal owners.

48. By way of email on the 17<sup>th</sup> December Mrs. Bothwell indicated that proof of ownership should be provided to the RCIPS. She was promptly informed that was done previously on the 13<sup>th</sup> and 18<sup>th</sup> of August.

49. Statements will be produced that the RCIPS were informed by her employer that the computer was purchased by the Plaintiff and belonged to her. Only a software upgrade for networking the unit in her office was reimbursed by the company.

50. When the computer was finally returned to the Plaintiff's employer in late December she was able to collect her property from Cashwiz and promptly notified DC Oremule that she was in legal possession of said property. He unlawfully returned her property to a 3<sup>rd</sup> party without any lawful excuse.

51. The Plaintiff made frequent phone calls regarding the confiscated items in an attempt to get those back. On 14th September at around 11:20am she attended the RCIPS headquarters per her bail conditions.

52. Inspector Pinnock was acting as custody officer and in his presence DC Oremule stated that she was being charged with "misuse of ICT" and that "more charges are coming", and then bailed to go to court on Tuesday morning at 10am.
53. When the Plaintiff inquired about her additional items that they have not yet returned DC Oremule stated that "now you are taking us for judicial review so you will not get those items back until the court says so".
54. The Plaintiff's Judicial Review application was successful. On 21<sup>st</sup> May Justice Henderson found that the warrant issued on the Plaintiff's home was defective for a number of reasons rendering the arrest, search and seizure unlawful and she would be entitled to damages.
55. The Plaintiff has suffered emotional distress and financial losses and professional damages as a result of the above.
56. The Plaintiff was suspended for 6 months from her employment and suffered irreparable damage to her professional reputation.
57. The Plaintiff has made numerous attempts to settle both the Judicial review matters and any subsequent claims to which she would have been legally entitled included the items contained in this Writ.
58. The Plaintiff has been subjected to a continuation of the criminal prosecution in hopes of lessening the civil liability of the First Defendant.

**PARTICULARS OF TRESPASS, ASSAULT & BATTERY, UNLAWFUL (False)  
ARREST AND UNLAWFUL DETENTION**

59. The Officers did unlawfully arrest the Plaintiff and detained her in excess of 6 hours with threats of further detention.
60. SDC Neblett together with other Officers in entering the Plaintiff's residence without being invited committed trespass against the Plaintiff and her property. The Officers then forcibly handcuffed the Plaintiff in plain view of the public both humiliating her and committing unlawful assault and battery.
61. DS Francis did assault the Plaintiff with his words that struck immediate fear in the Plaintiff.

62. The said Officers committed trespass, assault and battery against the Plaintiff.
63. The arrest now being found unlawful by the Courts that the Officers thereby falsely imprisoned the Plaintiff.
64. By reason of the said trespass, assault and battery the Plaintiff suffered loss and damage and will claim compensatory, aggravating and exemplary damages against the First Defendant.
65. The Plaintiff has suffered emotional duress and has sought professional psychiatric counseling for the same.

#### **PARTICULARS OF FALSE IMPRISONMENT**

66. The Plaintiff was unlawfully deprived of her liberty in excess of 6 hours at her place of employment, the George Town Police Station and her residence.
67. The plaintiff was deprived of her liberty.
68. As a result of the unlawful and false imprisonment and manner of imprisonment, namely public arrest in the middle of George Town on an open busy street in front of customers, supervisors, subordinates and company owner. The Plaintiff suffered loss and damages, included but not limited to, fear, apprehension, loss of dignity, anxiety, and the Plaintiff has shown signs of Post Traumatic Stress Disorder since the ordeal.
69. Contrary to Article 5 of Schedule 1 to the Human Rights Act 1998 the First Defendant deprived the Plaintiff of her liberty other than in accordance with a procedure prescribed by law.
70. Further the Plaintiff claims interest on all damages in accordance with the Judicature Law (2007 Revision) and Judgment debts (rates of interest) Rules 2010, together with all court and legal fees.

#### **Malicious abuse of process and malicious prosecution leading to trespass**

71. A long process of malicious abuse of process leading to trespass commenced on 27<sup>th</sup> July with a request by SDC Neblett for a search warrant to be issued for the Plaintiff's residence and continuing with the prosecution of the Plaintiff.

72. SDC Neblett proceeded with the request for a warrant without providing the JP with sufficient evidence of what he expected to find at the Plaintiff's residence as well as no laying of information. The warrant also had additional defects which included attempting to confiscate the Plaintiff's vehicle.
73. The Officers did not follow correct procedure in obtaining the warrant per the Criminal Procedure Code (2011 Revision).
74. Additionally, the Officers did not follow correct procedure in the execution of the search warrant and subsequent confiscation of items.
75. The Officers did maliciously withhold the Plaintiff's confiscated items for an unreasonable length of time and threatened to do so for longer.
76. The Officers did enter the premise of the Plaintiff's employer without lawful authority and did unlawfully confiscate the Plaintiff's personal computer.
77. As a result of the said unlawful search warrant the Officers involved acted oppressively, arbitrarily and unconstitutionally and trespassed against the Plaintiff and her property.
78. SDC Neblett and DC Oremule participated in the process and may have been involved in approving the procurement of the unlawful search warrant.
79. SDC Neblett, DC Oremule, David Baines, Mr. Franz Manderson, the Internal Affairs division routinely refused to provide the Plaintiff with information available to her by law.
80. SDC Neblett and DC Oremule refused to return items lawfully belonging to the Plaintiff and committed the tort of conversion.
81. As a result therefore the Plaintiff will claim compensatory, aggravating and exemplary damages against the First Defendant and the Second Defendant.
82. Both the Attorney General's legal representative charged with the handling of the matter and the DPP's office representative have systematically sought to undermine the Plaintiff's rights to a fair trial in numerous ways.

### PARTICULARS OF MALICE

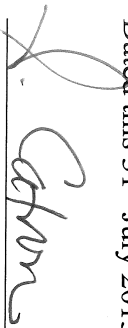
83. Malice is to be inferred from the actions of Mrs. Suzanne Bothwell in pursuing a case that had no hopes of a successful outcome in their favor. On 12<sup>th</sup> December 2012 Justice Henderson informed Mrs. Bothwell of the weakness of the Government's position.
84. Despite that initial warning Mrs. Bothwell continued with the case until the 21<sup>st</sup> May 2013 when she finally admitted the search warrant had a "fatal defect".
85. Additionally Mrs. Bothwell's actions through the process leads one to conclude there was malicious intent on the part of the First and Second Defendant – which she carried out on instructions from them.
86. Justice Henderson's scathing commentary on Mrs. Bothwell's performance and pursuing a case that "a first year law student would have known after a 5 minute review of the Judicial Review application could not have been successful" is further evidence of the absurdity of her actions.
87. Mrs. Bothwell knowingly and maliciously misguided the Plaintiff leading up to and in preparation for the judicial review hearing. She requested that the Plaintiff cease preparation of skeleton arguments only to revert back to the Plaintiff that they would be proceeding and the Plaintiff has 24 hours in which to prepare and submit the skeleton arguments.
88. Causing the Plaintiff emotional distress by maliciously requesting the vacating of the trial date for the Judicial Review hearing on the 8<sup>th</sup> May.
89. Subsequent slamming of the door on the Plaintiff after the emergency hearing to vacate the trial date on the 16<sup>th</sup> May 2013.
90. Continual late arrival and no shows on numerous occasions for hearings and trial matters.
91. Continual delays and late responses to various correspondence but expecting the Plaintiff to respond in a more timely fashion.
92. The DPP's representative did maliciously in September inform the court that they were unaware that a judicial review application had been granted leave by the Courts.

93. DI Oremule did maliciously refuse to return the confiscated items and per point 50 above vocalized that the plaintiff was being penalized for bringing a judicial review action against the RCIPS.

**And the Plaintiff claims:**

1. Special damages to be assessed;
2. General damages and in addition, compensatory damages and aggravated damages together with exemplary damages to be assessed to be assessed and awarded as this Honorary Court deems fit;
3. Psychiatric damages to be assessed on the basis of a professional report to be sought by the Plaintiff;
4. Interest referred to above thereon to be assed pursuant to section 34 of the Judicature Law (2007 Revision).
5. Costs including fixed costs and legal fees.

Dated this 31<sup>st</sup> July 2013

  
\_\_\_\_\_  
Sandra Catron

TO: THE CLERK OF THE COURT

AND TO: The First, Second and Third Defendant, care of the Attorney Generals Chambers,  
Legal Department, Grand Cayman Cayman Islands

Acknowledgment of Service

IN THE SUMMARY COURT OF THE CAYMAN ISLANDS

Cause NO.. SC of 2013

BETWEEN: SANDRA CATRON

Plaintiff

AND:

- (1) THE ROYAL CAYMAN ISLANDS POLICE SERVICE
- (2) ATTORNEY GENERAL OF THE CAYMAN ISLANDS
- (3) SUZANNE BOTHWELL

ACKNOWLEDGEMENT OF SERVICE

1. State Defendant's name and address –

2. State whether the Defendant intends to contest the action-

Yes

No

3. If you do not intend to contest the action, do you want time in which to pay the claim?

Yes

No

4. If you do not intend to contest the action in whole or in part, you must set out full particulars of your defence overleaf.

Service of the Plaintiff is acknowledged accordingly.

\_\_\_\_\_  
Defendant's Signature

Dated this \_\_\_\_ day of \_\_\_\_ 2013

**Acknowledgment of Service**