

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 162 OF 2016

LACV0016/2016

BETWEEN

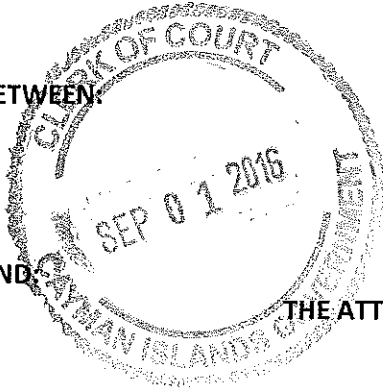
ALANZO SPENCE

PLAINTIFF

AND

THE ATTORNEY GENERAL OF THE CAYMAN ISLANDS

DEFENDANT



WRIT OF SUMMONS

TO: The Attorney General of the Cayman Islands c/o Attorney General's Chambers, 4th Floor Government Administration Building, 133 Elgin Avenue, George Town, Grand Cayman, P.O. Box 136, Grand Cayman KY1-9000, Cayman Islands.

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff of #8, Crystal Rock Apartments, Selkirk Drive, Prospect, Grand Cayman 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, P.O. Box 495, George Town, Grand Cayman KY1-1106, the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment 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 day of September 2016

NOTE

This Writ may not be served later than 4 calendar 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.

STATEMENT OF CLAIM

1. The Defendant in his capacity as the Attorney General of the Cayman Islands is vicariously liable for any unlawful conduct committed by police officers during the course of their employment as agents of the Crown.
2. On 16th September 2013 in the early hours of the morning the Plaintiff was at home when he was awoken by noise outside. He opened his front door and saw armed police officers searching his yard. He was by told by police to go inside, which he did. Shortly afterwards the Plaintiff answered a knock at his door. There were a number of police officers pointing their guns at him.
3. The police officers, who at all material times were on duty in the employ of the Royal Cayman Islands Police Service and acting as servants or agents of the Defendant handcuffed the Plaintiff and took him out onto the street. The Plaintiff informed the officers that he had an injured shoulder and asked if he could be handcuffed with his hands in front of him, but was told that none of them had the key.
4. He was immediately questioned by police in relation to his whereabouts that day and evening and provided an alibi for the time of the offence.
5. At about 1.50am one of the police officers PC Charmaine Huntley informed the Plaintiff that he was arrested for attempted murder and possession of an unlicensed firearm. The arrest took place in the street and in the presence of family and neighbours.
6. The Plaintiff was then taken to George Town Police Station.
7. The said arrest was unlawful.

PARTICULARS OF WRONGFUL ARREST

8. The Plaintiff had not committed any offence.
9. The Defendant could not reasonably have suspected that the Plaintiff had committed any offence and did not actually suspect that the Plaintiff had committed any offence.

PARTICULARS OF FALSE IMPRISONMENT

10. The Plaintiff was arrested at about 1.50 am of 16th September 2013.
11. The Plaintiff was conveyed to George Town Police Station where he was interviewed and detained for four days. He was then placed on police bail until 21st October 2013 on the following conditions:

- i) Curfew with an electronic tag from 10pm to 6am
- ii) Residence
- iii) To stay 100 yards from any airport or seaport
- iv) To surrender his passport

12. On 21st October 2013 the Plaintiff was re-bailed on the same bail conditions. The electronic tag was subsequently removed following representations.

13. On 15th December 2013 the Plaintiff was advised by police that there would be no further action against him and he was released from his bail, without charge.

PARTICULARS OF AGGRAVATED DAMAGES

14. The arrest of the Plaintiff was conducted in front of, and was witnessed by neighbours and family of the Plaintiff.

15. The incident was high profile locally. The nature of the allegation was extremely serious. The Plaintiff's reputation has been tarnished and he fears that it may never be restored.

16. As a result of the wrongful arrest the Plaintiff received threats from the complainant's family which he subsequently reported to Inspector Kathy Marshall. These threats caused him to fear for his personal safety and further distress.

17. The behaviour of the officers in failing to alter the position of the handcuffs caused the Plaintiff unnecessary pain and suffering.

PARTICULARS OF EXEMPLARY DAMAGES

18. The police station in which the Plaintiff was detained was inhumane and unfit for purpose. His detention therein cause further humiliation, distress and suffering.

PARTICULARS OF SPECIAL DAMAGE

19. As a result of the conduct of the Defendant the Plaintiff did incur legal costs in the defence of the criminal matters alleged and loss of earnings.

20. Particulars of the claim for special damages will be forwarded once complete.

AND the Plaintiff claims:

- (1) Damages for false imprisonment
- (2) Aggravated damages
- (3) Exemplary damages
- (4) Interest (to be assessed), pursuant to section 34 of the Judicature Law and /or the rules of equity, on the sums claimed or found to be owed at such rate and for such period as the court shall deem just; and
- (5) Costs.

Dated this 1st day of September 2016

Samson & McGrath

Samson & McGrath

Attorneys for the Plaintiff

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS**

1. The accompanying form of Acknowledgment of Service should be completed by an Attorney acting on behalf of the Defendant or by the Defendant if acting in person.

After completion it must be delivered or sent by post to the Law Courts, P.O. Box 495, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings must also serve a defence on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).

If a Statement of Claim is indorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant.

If the Defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

3. A Stay of Execution against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to Question 3 in the Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, issue a Summons for a stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

See over for notes for guidance

Please complete overleaf

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.
2. For the purpose of calculating the period of 14 days for acknowledging service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to him.
3. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words "sued as (the name stated on the Writ of Summons)".
4. Where the Defendant is a FIRM and an attorney is not instructed, the form must be completed by a PARTNER by name, with the addition in paragraph 1 of the description "Partner in the firm of (.....)" after his name.
5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (.....)" after his name.
6. Where the Defendant is a LIMITED COMPANY the form must be completed by an Attorney or by someone authorised to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on its behalf.
7. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.

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CAUSE NO: OF 2016

BETWEEN:

ALANZO SPENCE

PLAINTIFF

AND:

THE ATTORNEY GENERAL

DEFENDANT

ACKNOWLEDGMENT OF SERVICE OF WRIT OF SUMMONS

If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY.

Important. Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

Delay may result in judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

- 1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.
2. State whether the Defendant intends to contest the proceedings (tick appropriate box)
3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff (tick box)

Service of the Writ is acknowledged accordingly

(Signed).....

Attorney for

Please complete overleaf

Notes on address for service

Attorney: where the Defendant is represented by an attorney, state the attorney's place of business in the Cayman Islands. A Defendant may not act by a foreign attorney.

Defendant in person: where the Defendant is acting in person, he must give his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered or principal office.

Indorsement by plaintiff's Attorney (or by plaintiff if suing in person) of his name, address and reference, if any, in the box below.

Samson & McGrath
Attorneys at Law
5th Floor Genesis Building
Genesis Close
PO Box 446
George Town
Grand Cayman

Indorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.

[Empty box for defendant's attorney indorsement]