

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 261 OF 1995

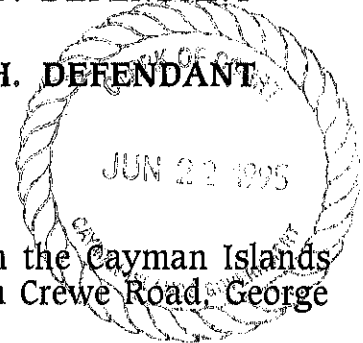
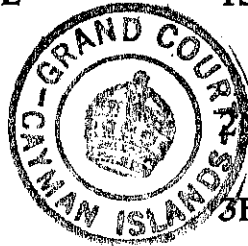
BETWEEN: PATRICIA MARSH PLAINTIFF

AND: THE HONOURABLE ATTORNEY GENERAL 1ST. DEFENDANT

THE COMMISSIONER OF POLICE 2ND. DEFENDANT

P.C. KIM EVANS 3RD. DEFENDANT

W.P.C. PEARLE PARCHMENT 4TH. DEFENDANT



STATEMENT OF CLAIM

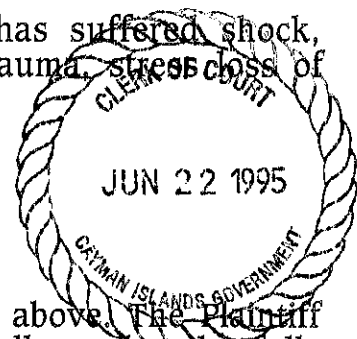
1. The Plaintiff is a Jamaican Citizen who is resident in the Cayman Islands and works as a hairdresser for Dee's Beauty Salon on Crewe Road, George Town, Grand Cayman.
2. The Plaintiff has no previous convictions and has never knowingly associated with persons who use or traffic illegal drugs nor has the Plaintiff ever been in possession of illegal drugs herself.
3. The 1st. Defendant is sued by virtue of the Crown Proceedings Law Section 11(2).
4. The 2nd. Defendant is sued as the Commissioner of the Royal Cayman Islands Police Force, appointed on behalf of the Crown by His Excellence the Governor of the Cayman Islands and under whole direction and control are police officers including the 3rd and 4th Defendants.
5. At approximately nine-thirty (9:30) pm. on Wednesday the 30th of November 1994 the Plaintiff arrived at the Owen Roberts Airport, Grand Cayman on a Cayman Airways flight from Miami and was wrongfully and unlawfully detained by the 3rd Defendant in the presence of other members of the Drug Squad of the Royal Cayman Islands Police who told her that he had reason to believe that she was in possession of illegal drugs and told her to accompany them to a nearby room. The Plaintiff complied and was detained by the 3rd Defendant and other police officers and searched for approximately three (3) hours. Throughout this period the Plaintiff insisted that the police had detained the wrong person and that she was innocent and that the police were mistaken in relation to her

identity as she was not a person who dealt with or used drugs. No illegal drugs were found with the Plaintiff or in her belongings as a result of this search.

6. In spite of the aforementioned at approximately one-thirty (1:30) am on the 1st of December 1994 the Plaintiff was taken in a police car to the Central Police Station in George Town where she was handed over by officers of the Drug Squad to the 4th Defendant who was instructed to complete the search.
7. At approximately one-forty-five (1:45) am on the 1st of December 1994 the 4th Defendant took the Plaintiff to a room at the Central Police Station in which there was a desk. The door to the room was then locked and the Plaintiff was told to take off her clothes so that the 3rd Defendant could search her body. The Plaintiff refused stating that she would only be prepared to comply if the search of her body were carried out by Medical personnel or if she was taken to the George Town Hospital where she could be examined by a doctor. The 4th Defendant insisted that the Plaintiff remove her clothes and lie on her back on the desk and raise her legs so that she could examine her private parts. The Plaintiff complied under protest and was told by the 4th Defendant that if she did not co-operate fully she would have to spend the night there. The 3rd Defendant then inter alia examined the Plaintiff's vagina and anus. No illegal drugs were found.
8. After the aforementioned search was completed the Plaintiff was taken to a bathroom. She was instructed to use the bathroom and after defecating her excrement was examined by the 4th Defendant. No illegal drugs were found.
9. After further exchanges between the Plaintiff and the 4th Defendant and other members of the Police Force the Plaintiff's luggage was returned to her and she was released from custody with an apology from Police.
10. Throughout the aforementioned incident the 3rd and 4th Defendant purported to be acting in the performance of their official duties.
11. By reason of the matters aforesaid the Plaintiff has suffered shock, humiliation, embarrassment, mental and physical trauma, stress, loss of liberty and damages.



PARTICULARS



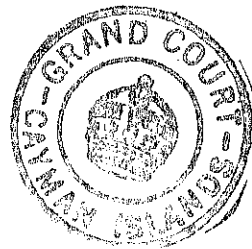
- (a) As a result of the matters set out in paragraphs 1-6 above, The Plaintiff who is forty-one (41) years of age was wrongfully and unlawfully detained and imprisoned at the Owen Roberts Airport by officers of the Royal Cayman Islands Police Force who either deliberately or negligently

failed to check out the reliability of their source of information, particularly after the Plaintiff was initially searched, nothing found and she further insisted that the police had the wrong person and were mistaken in identifying her as a person who was carrying drugs.

- (b) By reason of the facts set out in paragraphs 6 & 7 above the Plaintiff was wrongfully and unlawfully detained, falsely imprisoned and unlawfully assaulted at the Central Police Station, George Town by the 4th Defendant who deliberately refused to comply with the plaintiffs request to allow her to be examined by medical personnel or a doctor at the George Town Hospital and restrained her movements by confining her to a room and physically assaulted the Plaintiff by unlawfully touching her body and in particular her anus and vagina.
- (c) The combined effect of the aforementioned ordeal caused the Plaintiff to become humiliated and embarrassed and to become depressed and suffer from insomnia and episodes of tearfulness compelling her to seek psychiatric counselling at the George Town Hospital.

By reason whereof the Plaintiff claims against the Defendants as follows:-

- (1) Special Damages
- | | |
|----------------------------------------------------|----------|
| (a) Costs of treatment at the George Town Hospital | \$100.00 |
| (b) Miscellaneous | \$50.00 |
- (2) General Damages
- (3) Exemplary Damages
- (4) Interest
- (5) Costs



Dated this 8th day of June, 1995.

Collins Broadhurst & Furniss
Collins Broadhurst & Furniss

This Statement of Claim was issued by Collins Broadhurst & Furniss on behalf of the Plaintiff whose address for service is Elizabethan Square, P.O. Box 2503, G.T., Grand Cayman, Cayman Islands, British West Indies.