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Attorney(s)- at-law Mr. Mohabir Anil Nandlall, M.P.,
and Attorney General of Guyana;
and Ms. Prithima Kissoon
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HIGH COURT OF THE SUPREME COURT OF JUDICATURE OF GUYANA
REGULAR JURISDICTION

2020-HC-DEM-CIV-SOC-163

IN THE MATTER OF ARTICLES 40, 139, 141, 142, 144 AND 153 OF THE
CONSTITUTION OF THE COOPERATIVE REPUBLIC OF GUYANA

BETWEEN:



CHRISTOPHER JONES

Claimant

-and-

1. NIGEL HOPPIE IN HIS CAPACITY AS
ACTING COMMISSIONER OF POLICE
2. SENIOR SUPERINTENDENT
WENDELL BLANHUM
3. INSPECTOR RODWELL SARABO
4. ASSISTANT SUPERINTENDENT SINGH
5. CORPORAL SINGH
6. THE ATTORNEY GENERAL

Defendants
Jointly and Severally

DEFENCE

1. Save as hereinafter expressly admitted the defendants deny each and every allegation of fact set out in the Statement of Claim as if the same had been set out verbatim and traversed seriatim.
2. That paragraphs 3, 5, and 6 are admitted.
3. That paragraphs 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 are specifically denied and the claimant is hereby put to strict proof thereof.
4. It will be contended that the First and Second named Defendant are wrongly named as parties in these proceedings, in as much as, they were nowhere close to or in proximity of or at the Claimant's premises, nor did they arrest the Claimant, nor detained him as alleged thereof or at all.
5. As regards paragraphs 7 and 8, it will be contended that the Third named Defendant arrived at the Claimant's home on the 20th August 2020, at 18:00hrs, with police officers in uniform, where he identified himself to the Claimant as a police officer in plain clothes and the reason for his presence at the Claimant's home, that is, that he was present to conduct a search on his premises for barber chairs, air handling units, air condensing units and other items that were fraudulently or unlawfully obtained and are the property of the State.
6. It is further contended that the claimant made no objections to the search being conducted by the third named defendant but requested time to consult with his attorney-at-law, Mr. Joseph Harmon. Subsequently, the claimant

informed the third named defendant that his attorney-at-law aforesaid advised him to request a warrant.

7. It is further contended that upon this request, the third named defendant did not enter the claimant's premises. The third named defendant was subsequently joined by the fourth named defendant and other police ranks, whom he briefed, and thereafter the third named defendant left the premises.
8. As regards paragraph 10, no Order of Court was served on the defendants in accordance with law on any of the Defendants on the 20th August, 2020, at the premises of the Claimant or at any other place.
9. As regards paragraphs 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23 24 and 25, it is contended that the third, fourth and fifth named defendants went to the claimant's home on the reasonable suspicion that property owned by the State were unauthorizedly at the Claimant's premises. It is further contended that acting on the reasonable suspicion that such items were at the premises of the claimant located at Lot 609 Tuck-Ville Georgetown., the fourth and fifth named defendant in the company of other ranks entered the claimant's premises.
10. It is further contended that:
 - i. Several persons arrived at the claimant's premises and were cursing at the police and behaving in a disorderly manner protesting the presence of the police and made statements amongst others such as: 'why the fucking police come at Jones house for?'

- ii. The fourth named defendant observed approximately ten (10) females and three (3) males in the claimant's yard and inquired for the claimant but was informed that he was not at home.
- iii. The persons aforementioned proceeded to verbally abuse the fourth and fifth named defendants. The persons were warned of their behaviour but they continued.
- iv. The fourth named defendant along with other ranks entered the claimant's yard by jumping a concrete fence. The fourth named defendant proceeded to a western door at the bottom flat of the claimant's home. The door was not secure and the fourth named defendant along with other ranks entered the premises and met the claimant in the presence of a female, whom he later learnt to be the wife of the claimant.
- v. The fourth named defendant identified himself to the claimant as an Assistant Superintendent of Police in plain clothes and informed the claimant that he was there to conduct a search at his home for state properties such as a barber chairs, air conditioning units and mirrors.
- vi. The female and the claimant, after being informed of the reason for the fourth and fifth named defendant being present, both began to verbally abuse the fourth named defendant and other ranks present in a vulgar and obscene manner. The claimant and the female were warned of their behaviour but they continued.

- vii. The fourth named defendant observed in the bottom flat a number of barber chairs and an air conditioner in boxes and as a result requested from the claimant any form of documentation or proof of ownership for the items and the claimant responded in his own words, 'is my fucking things I don't have to show you nothing.'
- viii. The fourth named defendant informed the claimant that he suspected the said items to be the properties of the state and that the items will be obtained and proceeded to caution the claimant. The claimant after being cautioned responded 'that you can move nothing from in here is big problem.'
- ix. The fourth named defendant then instructed the fifth named defendant to remove the said items.
- x. In the process of removing the items, the female assaulted the fifth named defendant by unlawfully pushing him on his chest out of the bottom flat and closed the door with the fourth named defendant locked inside. The female proceeded to threaten the fourth named defendant that she will kill him.
- xi. The fourth named defendant pleaded with the female to open the door but she refused. The claimant requested the female to open the door and the fourth named defendant after approximately ten (10) minutes was permitted to leave.
- xii. Mr. Darren Wade, attorney-at-law, subsequently arrived at the premises and began to verbally abuse the fourth named defendant

saying amongst other things that the PPP sent him to the Claimant's home. Mr. Darren Wade was warned of his conduct by the fourth named defendant.

- xiii. Mr. Darren Wade, thereafter, left the premises of the claimant and returned shortly with unidentified papers in his hand which he waved around in the dark while continuously uttering that no one can enter the claimant's house. Mr. Darren Wade, then threw the papers on the ground in front of the fourth named defendant. The fourth named defendant and other ranks that remained in the premises of the Claimant were unlawfully prevented from re-entering the bottom flat of the claimant's house by the claimant, his wife and the other females present. This was reported to the superiors of the fourth named defendant.
- xiv. The fourth named defendant as a result instructed Sergeant Morris to arrest the claimant.
- xv. The fourth named defendant and other ranks, thereafter, proceeded to remove the boxes of items as aforementioned from the claimant's premises that were suspected of being stolen or unlawfully obtained by the claimant from the State and lodged at the Brickdam police station.
- xvi. The Claimant was escorted to the Diamond Police Station where he was kept in custody. The Claimant was taken to the Brickdam Police Station at approximately 7:00am on the 21st August, 2020, and

released on bail in the sum of \$100,000.00 (one hundred thousand dollars) on the 21st August, 2020, at 9:00 am.

11. It is further contended that a police officer has the power to arrest, without warrant, anyone whom he suspects, with reasonable cause, is about to commit an offence or whom he suspects has already committed such an offence, moreover, the offence need not actually have been committed to legitimize the arrest without warrant by a police officer.
12. The Claimant is not entitled to any damages at law or at all and the claim should be dismissed for being frivolous and vexatious.

Prithima L. Kissoon

Ms. Prithima Kissoon,
State Solicitor
for Mr. Mohabir Anil
Nandlal, M.P., Attorney
General of Guyana and
Attorney-at-law for the
Defendants

Dated at Georgetown, Demerara

This 10th day of September, 2020

TO:

Mr Nigel Hughes
Ronald J. Daniels
Kezia Williams
Attorneys-at-law for the Claimants
Law Offices of Hughes, Fields & Stoby
Hadfield St,
Georgetown, Guyana.



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Defendants
Jointly and Severally

PRINT NAME:	Tiffany Ramdual
SIGNATURE:	T. Ramdual
DESIGNATION:	Secretary
OFFICE:	Nyghes Field & Shoby
ADDRESS:	62 Hadfield St.
DATE:	10.09.2020
TIME:	1:58 pm.

DEFENCE