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2020-09-03  
15:10 hrs*

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IN THE 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 SUPERINTENDNT SINGH
5. CORPORAL SINGH
6. THE ATTORNEY GENERAL

Defendants  
Jointly and Severally

*Be.L.F  
FMA  
8/30/03*

INFORMATION FOR COURT USE

1. This proceeding is commenced as a:

Statement of Claim

Fixed Date Application

2. This proceeding falls under the High Court's:

Appellate Jurisdiction

Admiralty Jurisdiction

Commercial Jurisdiction

Criminal Jurisdiction

Family Jurisdiction

Regular Jurisdiction

(must check one of these boxes and, except where the proceeding is under the regular jurisdiction of the court, must specify the applicable jurisdiction in the general heading (FORM 4A))

3. The proceeding is a(n):

Admiralty Proceeding in personam

Admiralty Proceeding in rem

Probate Proceeding

Proceeding for Judicial Review

Proceeding for relief under the Constitution

Proceeding for other Administrative Order

Proceeding for Administration

Proceeding commenced under (name of Act)

Other Proceeding

4. I certify that the above information is correct, to the best of my knowledge.

Date: 31<sup>st</sup> Aug, 2020

  
Signature of Attorney-at-law

IN THE HIGH COURT OF THE SUPREME COURT OF JUDICATURE  
OF GUYANA

REGULAR JURISDICTION

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6. THE ATTORNEY GENERAL

Defendants  
Jointly and Severally

**INFORMATION FOR COURT USE**

Filed on behalf of Applicant by:

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6. THE ATTORNEY GENERAL

Defendants  
Jointly and Severally

STATEMENT OF CLAIM

TO THE DEFENDANTS

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the claimant(s). The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Attorney-at-Law acting for you must prepare a defence in Form 10A prescribed by the Civil Procedure Rules 2016, serve it on the claimant(s)'s Attorney-at-Law or, where the claimant does not have an Attorney-at-Law, serve it on the claimant(s), and file it, with proof of service at a Registry, WITHIN TWENTY EIGHT DAYS after this statement of claim is served on you.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

THIS STATEMENT OF CLAIM has no validity if it is not served within six months of the date below unless it is accompanied by an order extending that time.

Date: 31<sup>st</sup> August 2020

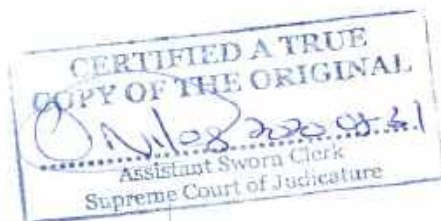


Signature of Registry

Shonett Taylor

Issued by: \_\_\_\_\_

Address of Registry where issued: 1  
Avenue of the Republic,  
Georgetown, Guyana.



TO THE DEFENDANTS:

- i. Acting Commissioner of Police Nigel Hoppie  
Guyana Police Force Headquarters  
Young Street  
Eve Leary



Georgetown

Guyana

ii. Senior Superintendent Wendell Blanhum

Guyana Police Force Headquarters

Young Street

Eve Leary

Georgetown

Guyana

iii. Assistant Superintendent Singh

Guyana Police Force Headquarters

Young Street

Eve Leary

Georgetown

Guyana

iv. Inspector Rodwell Sarabo

Guyana Police Force Headquarters

Young Street

Eve Leary

Georgetown

Guyana



v. Corporal Singh

Guyana Police Force Headquarters

Young Street

Eve Leary

Georgetown

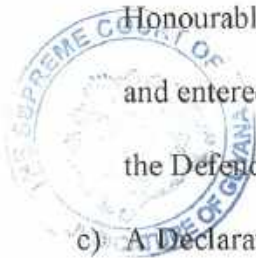
Guyana

- vi. Honourable Minister Anil Nandlall M.P  
Attorney General & Minister of Legal Affairs  
Attorney General Chambers  
95 Carmichael Street  
North Cummingsburg  
Georgetown

**CLAIM**

1. The Claimant seeks:

- a) A Declaration that the Claimant was entitled upon request to observe, read and examine any search warrant prior to the conduct of any searches on the Claimant's property at 109 Conciliation Street Tucville, Georgetown Demerara on the 20<sup>th</sup> and 21<sup>st</sup> days of August, 2020
- b) A Declaration that the interim conservatory order granted by the Honourable Justice Brassington Reynolds in favor of the Claimant, dated and entered on the 20th August 2020 was properly and or validly served on the Defendants and/or their agents.
- c) A Declaration that the Defendants and/or their agents acted in violation of the interim conservatory order issued by the Honourable Justice Brassington Reynolds on the 20<sup>th</sup> day of August, 2020 restraining the Defendants their servants and or agents from entering the Claimant's property at Conciliation Street Tucville, Georgetown, Demerara dated and entered on the 20th August 2020 when the defendant's their servants and or agents entered the Claimant's property after service of the said order on



Assistant Superintendent of Police Singh and Corporal Singh and thereafter searched the Claimant's property and removed property therefrom.;

- d) A Declaration that the search and entry of the Claimant's property at Conciliation Street, Tucville Georgetown, Demerara by the Defendants and their agents on the 20<sup>th</sup> day of August, 2020 was a breach Claimant's Fundamental right set out in Article 40 and guaranteed by Article 143 of the Constitution of the Cooperative Republic of Guyana.
- e) A Declaration that the detention of the Claimant's property by the defendants their servants and or agents on the 20<sup>th</sup> day of August, 2020 was a breach of the Claimant's Fundamental rights and freedoms set out in Article 40 and guaranteed by Article 142 of the Constitution of the Cooperative Republic of Guyana
- f) A Declaration that the search of and entry to the Claimant's property situate at Conciliation Street Tucville Georgetown, Demerara by the defendants' their servants and or agents on the 20<sup>th</sup> day of August, 2020 was in breach of Article 143 of the Constitution of the Cooperative Republic of Guyana.
- g) Damages in excess of \$100,000.00 (one hundred thousand dollars) for detinue of the Claimant's property to wit 18 (eighteen) barber chairs, and two air conditioning units.
- h) An Order directing the defendants whether by themselves their servants and or agents howsoever to forthwith return the Claimant's property to wit 18 barber chairs and two air conditioners





- i) Damages in excess of \$100,000.00 (one hundred thousand dollars) for trespass to the Claimant's property at Conciliation Street Tucville Georgetown, Demerara on the 20<sup>th</sup> day of August, 2020
- j) Damages in excess of \$100,000.00 (one hundred thousand dollars) for the wrongful arrest and detention of the Claimant on the 20<sup>th</sup> day of August, 2020.
- k) exemplary damages against the defendants jointly and severally;
- l) interest on all damages awarded pursuant to **section 12 of the Law Reform (Miscellaneous Provisions) Act Cap 6:02;**
- m) Costs;
- n) such further order or reliefs as the Court sees fit.

2. The Claimant is and was at all material times the owner in possession of the premises at Lot 609 Conciliation Street, Tucville, Georgetown, Demerara ('the Premises').

3. The Claimant is and was at all material times a public figure and the former Director of Sports for the Government of Guyana.

4. The Claimant was at all material times the owner of 18 (eighteen) barber chairs and two air conditioning units stored at his aforementioned premises.

5. The first named defendant is and was at all material times the Commissioner of the Guyana Police Force.

6. The second, third and fourth named Defendants are and were at all material times members of the Guyana Police Force and/or agents of the first named defendant at all material times.



7. On August 20, 2020 at or about 18:30hrs during a power outage, the second and third named defendants along with their agents who were armed, cordoned off the Claimant's premises and demanded entry thereto and without informing the Claimant of any lawful reason for permitting them to do so and without a warrant.
8. The claimant requested production of a search warrant which the defendants failed to provide. The Claimant thereafter denied the defendants access to his premises.
9. The Claimant thereafter made application to the High Court of the Supreme court of Judicature for and was granted an interim conservatory order dated and entered on the 20th August, 2020 restraining the defendants and their agents from entering and searching the premises.
10. The said order was entered and served on the defendants.
11. Despite the service of the aforementioned order on the defendants, on August 21, 2020 at or about 00:30hr, the second and third named defendants and the agents of the first named defendant trespassed on the Claimant's premises by jumping the fence of the Premises.
12. This entry was arbitrary and done without the Claimant's consent and without any authority and lawful excuse or justification.
13. The defendants their servants and or agents thereafter wrongfully detained and seized the Claimant's property to wit 18 barber chairs and two air conditioning units.

14. The defendants thereafter wrongfully restrained, arrested and detained the Claimant.
15. The Claimant was transported to various police stations and thereafter wrongfully restrained and imprisoned in a cell at the Diamond Police Station.
16. The conduct of the defendants was particularly egregious and has entitled the Claimant to an award of exemplary damages

### PARTICULARS OF TRESPASS

- i. Entering the Claimant's premises without a lawful excuse and or reason
- ii. No permission was granted to enter the Claimant's premises;
- iii. The entry onto the premises were made in violation of an interim conservatory order expressly prohibiting the defendants from so doing; and
- iv. The act of jumping the fence to enter the premises and the use of force to gain entry into the house were unnecessary, unreasonable, arbitrary and unlawful.
- v. Failing to provide the Claimant with a warrant authorising the search and entry to the Claimant's premises

17. The second, third, fourth and fifth named defendants and/or the agents of the first named defendant subsequently wrongfully arrested and detained the Claimant.



## PARTICULARS OF WRONGFUL ARREST AND DETENTION

- i. Without lawful authority or excuse, the second and third named defendants and the agents of the first named defendants detained the Claimant or caused him to be detained at approximately 01:00hrs on August 21, 2020.
  - ii. The Claimant was detained at the Diamond Police Station at or about 02.00 a.m. until or about 11.00 a.m. on the same day whereupon he was taken to Brickdam Police station.
18. The wrongful arrest and detention of the Claimant constituted a breach of his right to personal liberty as is guaranteed by Article 139 of the Constitution.
19. After entering the Premises in the manner set out above and wrongfully arresting and detaining the Claimant, the second and third named defendants and/or the agents of the first named defendant wrongfully broke down an outer door of the premises and wrongfully remained on the Premises to execute a search.
20. In violation of the interim conservatory order, the second and third named defendants and the agents of the first named defendant made an untidy search of the Premises.
21. The search of the Premises by the second and third named defendants and/or the agents of the first named defendant was arbitrary, done without the consent of the Claimant and without lawful excuse or justification and violated the Claimant's fundamental right of protection from arbitrary search as is guaranteed by Article 143 of the Constitution of Guyana.



22. The second and third named defendants and/or the agents of the first named defendant, without lawful excuse or justification, wrongfully detained and took possession of, seized and retained 18 (eighteen) barber chairs and two air conditioning units property of the Claimant and valued at \$4,800,000.00 (four million eight hundred thousand dollars)
23. The actions of the defendants and their agents were arbitrary, oppressive and unconstitutional.
24. The Claimant will rely upon the matters above and on the following facts and matters in support of his claim for exemplary damages.

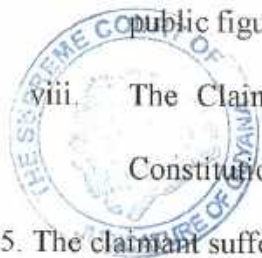
#### **PARTICULARS OF EXEMPLARY DAMAGES**

- i. The second, third, fourth and fifth named defendants and their agents in the early hours of the morning during a siege of the Claimant's house unlawfully entered and illegally searched the Claimant's premises and detained the claimant's property
- ii. The second and third named defendants and their agents executed the entry, search and detention of property in violation of an interim conservatory order expressly prohibiting them from doing so after service of the same by An Attorney at law upon the defendants;
- iii. The second, third, fourth and fifth named defendants and their agents executed the entry, search and detention of property without a search warrant lawfully authorizing them to do so;





- iv. The second and third named defendants and their agents arrested the Claimant without a warrant and without lawful justification;
- v. The manner in which the second and third named defendants and their agents executed the entry, search and arrest was violent, aggressive, arbitrary, unconstitutional and devised to evoke, and did evoke, fear in the Claimant and his family;
- vi. The presence of armed officers and the cordoning of the Claimant's premises were wholly unjustified and disproportionate to the offence alleged when the Claimant offered no resistance to cooperate with the Defendants in a lawful manner;
- vii. The second and third named defendants and their agents acting in the manner set out above caused the Claimant particular humiliation as a public figure in society.



- viii. The Claimant is entitled to all the rights and protections of the Constitution of the Cooperative Republic of Guyana.
25. The claimant suffered loss and damage.

**PARTICULARS OF LOSS AND DAMAGE.**

- (i) Detention of 18 barber chairs and two air conditioner units \$4,800,000.00
- (j) Damage to one door lock \$5300.00

Dated at Georgetown, Demerara  
This <sup>st</sup> 31<sup>st</sup> day of August, 2020

  
-----  
Messr. C.A Nigel Hughes  
Hughes, Fields & Stoby  
62 Hadfield & Cross Streets  
Georgetown  
Tel: 592 226 4978  
Fax: 592 225 7996  
Email:  
[hflaw@guyanlaw.net](mailto:hflaw@guyanlaw.net)



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6. THE ATTORNEY GENERAL

Defendants  
Jointly and Severally

**STATEMENT OF CLAIM**

Filed on behalf of Applicant by:

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