

QUEEN'S BENCH DIVISION

B E T W E E N:-

LESLIE ALPHONSO BURNETT

Plaintiff

- and -

THE COMMISSIONER OF POLICE
FOR THE METROPOLIS

Defendant

PLAINTIFF'S STATEMENT IN OPEN COURT

1. The Plaintiff in this action is now aged 34. At the time of the events which gave rise to his claims against the Defendant in April 1988, he was 31.
2. The Defendant is the Commissioner of Police for the Metropolitan area and, as such, is responsible for the acts of the several police officers who purported to arrest the Plaintiff, on the night of Wednesday, 13th April 1988.
3. The Plaintiff's claim against the Defendant is for false imprisonment and malicious prosecution, that is, that he was wrongfully and unlawfully arrested and detained and, thereafter, wrongfully and maliciously accused of committing certain criminal offences by police officers under the Defendant's control. The Plaintiff claims damages, aggravated damages and exemplary damages in compensation for this unlawful treatment.
4. The Plaintiff was arrested on Wednesday, 13th April 1988 on

Marquis Road, Stroud Green, London N4 within a matter of feet from his door, and within sight of several of his neighbours. Two police officers, Police Constables 595 'YR' Roy Hedley and 352 'YR' Alan Earl, stated that they had observed the Plaintiff interfering with a neighbour's motor vehicle and acting suspiciously in relation to other vehicles in the area.

5. The Plaintiff maintains that he had left his home address at Wall Court, Stroud Green Road, London N4 to use a public telephone situated a matter of feet from his front door, and, having used the telephone, he had walked to another block of flats on the same Council estate to see a friend, who, as it transpired, was not at home. On turning to retrace the few yards to his home he was approached by the two officers, questions were put to him about his actions, and whilst attempting to give an explanation, he was arrested by the officers who had not, at that stage nor at all, told him that he was under arrest. The Plaintiff protested his innocence.
6. In full view of his neighbours the Plaintiff was placed in a police van and conveyed to Hornsey Police Station. The Plaintiff was detained overnight at the police station for a period of some 18 hours. He was charged with the following offences arising out of this incident.
 - (a) interfering with a motor vehicle;
 - (b) assault occasioning actual bodily harm to Police Constable Earl;
 - (c) assault occasioning actual bodily harm to Police Constable Hedley.

7. On 7th December 1988, following the Plaintiff's pleas of not guilty to these charges, he was unanimously acquitted by the jury of all charges.
8. Thereafter, the Plaintiff issued these proceedings, claiming damages for false imprisonment and malicious prosecution against the Defendant. The Plaintiff's case is, and has always been, that the allegations against him were fabricated by the police officers.
9. The Plaintiff found this whole experience humiliating, embarrassing, frightening and oppressive.
10. The Plaintiff has alleged from the outset, that he was falsely imprisoned and maliciously prosecuted by Police Constables Earl and Hedley. The Defendant has denied the allegations. The Defendant has nonetheless paid various sums of money into Court in satisfaction of the Plaintiff's claim. A recent payment into Court by the Defendant has brought the total sum paid into Court to £40,000.00. In addition, the Defendant has agreed to pay the Plaintiff's costs.
11. The Plaintiff has decided to accept the payment into Court of £40,000.00. He feels that by accepting the sum of £40,000.00 his name and reputation will have been sufficiently vindicated.

COURTENAY GRIFFITHS

Dated this 24th day of June 1991

BY B.M. Birnberg & Co.
103 Borough High Street
London SE1 1NN

Solicitors for the Plaintiff

1990.-B.-No.1259

IN THE HIGH COURT OF JUSTICE

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