

# [Case and judge accepted police evidence over](https://assignbuster.com/case-and-judge-accepted-police-evidence-over/)

Case Name and CitationWalker andthe Commissioner of the Police of the Metropolis (2014) EWCA  Civ 897CourtCourt of Appeal: Civil DivisionCentralLondon Civil Justice Centre JudgesCourt of Appeal – (CivilDivision)Lord JusticeRimerLord JusticeTomlinson Sir BernardRix LJPartiesAppellant      – Walker         Respondent -The Commissioner of the Police of the Metropolis Courts and Hearing DateCamberwellGreen Magistrates Court, Central London County Court, Court of Appeal. 21stMarch 2014Material Facts ·        On12th July the claimant Mr. Walker got into a fight with the policein Rita Road London, following a complaint that he hit his partner Mrs. CadiceLecky.·        Laterhe was charged of assault of police officer and detained for 7 hours before releasedon bail.

The custody record showed that Mr. Walker was arrested for “ affray, assaultpolice officer”. ·        On23rd of September 2008 charged and detained, Walker stood trial on20-21 April 2009 in the Camberwell Green Magistrates and found innocent onbasis of his initial detention had been unlawful under the given situationbecause the district judge found that the police officer concerned, PC Adams, had restricted Mr. Walker’s movements in a doorway without purporting to arresthim.·        On11th February 2011 a letter of claim was written by walkers’ lawyersand his claim was issues on 2nd July, in it he claimed damages forfalse imprisonment, assault, and malicious prosecution. The trail of the civil claim took place before a judge, His HonourJudge Freeland QC, in the Central London County Court, between 1–5 July 2013and a detailed judgment was given 1 August 2013. Mr.

Walkers claim failedtotally and judge accepted police evidence over the appellant’s evidence. Because the police evidence was more credible and straightforward than theevidence backed up by walker’s mother. Furthermore, police evidence was backedby the neighbor Mr. Buckmaster and also some of the walker’s mothers evidencewas detracted her son’s case. On thesereasoning’s County Court Judge dismissed the appellant’s claim.

Mr. Walkers Mothers Evidenceü  Mr. Walkers evidence was supported byof his mothers. Police Evidenceü  PC Adams said that on arrival at thescene that he heard Ms. Lecky say that Mr. Walker had punched her, Hecontemplated that he had enough reasons to arrest MR Walker. PC Cracknell andPC Barton both confirmed the PC Adams Claim. ü  Despite the fact that he had enoughreasoning for arrest he decided to make some enquiries to avoid an arrest.

ü  Mr. Walker was in a door way and PCAdams cornered him to prevent him getting past, His first words were “ Calm downmate or you will end up getting arrested” and he made sure that appellant wasnot free to move.  ü  The appellant was shouting in anaggressive manner and firmly pushed PC Adams in the chest, at that point PCAdams decided to arrest him for “ public order”. He had no time to add thesection of the Public Order Act 1986 because at that time Mr. Walker started afight. ü  PC Adams was bitten by Mr.

Walker onhis forearm and finger. ü  PC Adams evidence was supported by PCCracknell and PC Barton and Mr. Walker’s neighbor, Ms. Buckmaster who was awitness.  ·        Consideringthose facts judge decided to dismiss the civil claim. He was convinced that PCAdams evidence was more reliable and honest and also that PC Adams acted thatway to prevent more harm being caused and to stop appellant from escaping thescene.

It was clear that cornering at the door was not to arrest but to enquireon the case.                                                                     ·        Eventhough the critical findings were in favor of the police the judge accepted andawarded Mr. Walker that he is entitled for a nominal of 5 pounds as damages forbrief and “ technical” imprisonment immediately before his own initial arrest, inbasis of false imprisonment. Questions of Law/Issues ·        WasMr. Walker`s initial detention in the doorway unlawful, thus amounting to falseimprisonment?·        Ifso, was Mr. Walker`s reaction to that detention a reasonable and proportionateexercise in self-defense? ·        Wasthe purported arrest for “ public order” a valid arrest within section 28(3) ofPACE? Decision/JudgmentLord Justice Rix stated that Mr.

Walkers appeal wouldbe allowed on the first issue, and dismissed on issues two and three. And hewould receive a nominal of £5. Lord JusticeTomilinson and Rimer agreed unanimously.

Detailed reasons for the decisionLord justice Rix judgment was that apart from theabove mentioned facts of the incident had been mentioned in appellants claim. He went over the evidence before the county court judge. Furthermore, PC Adamscornering Mr.

Walker was unlawful and accepted that appellant is entitled fordamages to the brief and “ technical” imprisonment, before his unlawful andviolent behavior before his arrest. It wasaccepted by the defense that this behavior of Mr. Walker resulted in thedetention, appellant argues that on the factors his initial detention beforethe arrest was unlawful and made him use considerable force to get him out ofthe situation prior to the arrest. Furthermore, Lord Justice saw that initial detention at the doorway wasn’t to arrest him butto inquire about the scene at the relevant time. Court accepted that theappellant’s imprisonment as a technical detention even though it lasted forsome time. The lastissue, was the purported arrest for “ public order” a valid arrest within the section28(3) of PACE? LJ Rix identified that PC Adams had it in mind but could not finishwhat he was going to say and also judge identified that Mr. Walker was givenenough reasons for his arrest prior to the actual arrest being performed.

Onconclusion Lord Justice Rix stated that he would have awarded 1400 for assaultif proven and also 2000 for the imprisonment of 7 hours which followed. Due tothe fact that appellant couldn’t prove his claim he was only awarded with 5 forthe damages. Lord Justice Tomlinson agreed and added few points to thejudgement, that Mr. Walkers conduct attracts no sympathy but that is of courseoften the way when a fundamental principle is at stake.

The previous judge’sdecision of 5 being an appropriate figure was considered generous to theappellant by him. Furthermore, LJ Tomlinson stated that The Court would order that appellant should recover25% of his costs of appeal. Lord Justice Rimer Agreed with both judgementsEvidence Presented Witnessstatement of PC AdamsEvidence by Mr. Walkers mother and a neighbor that was an eye witness, Ms. BuckmasterEvidence byPC Barton and PC Cracknell RATIO DECIDENDI