

Case and judge
accepted police
evidence over



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Case Name and Citation Walker and the Commissioner of the Police of the Metropolis (2014) EWCA Civ 897
Court Court of Appeal: Civil Division
Central London Civil Justice Centre
Judges Court of Appeal - (Civil Division) Lord Justice Rimer Lord Justice Tomlinson Sir Bernard Rix
LJ Parties Appellant - Walker Respondent - The Commissioner of the Police of the Metropolis
Courts and Hearing Date Camberwell Green Magistrates Court, Central London County Court, Court of Appeal. 21st March 2014
Material Facts · On 12th July the claimant Mr. Walker got into a fight with the police in Rita Road London, following a complaint that he hit his partner Mrs. Cadice Lecky. · Later he was charged of assault of police officer and detained for 7 hours before released on bail.

The custody record showed that Mr. Walker was arrested for “ affray, assault police officer”. · On 23rd of September 2008 charged and detained, Walker stood trial on 20-21 April 2009 in the Camberwell Green Magistrates and found innocent on basis of his initial detention had been unlawful under the given situation because the district judge found that the police officer concerned, PC Adams, had restricted Mr. Walker’s movements in a doorway without purporting to arrest him. · On 11th February 2011 a letter of claim was written by walkers’ lawyers and his claim was issued on 2nd July, in it he claimed damages for false imprisonment, assault, and malicious prosecution. The trial of the civil claim took place before a judge, His Honour Judge Freeland QC, in the Central London County Court, between 1-5 July 2013 and a detailed judgment was given 1 August 2013. Mr.

Walker’s claim failed totally and judge accepted police evidence over the appellant’s evidence. Because the police evidence was more credible and

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straightforward than the evidence backed up by walker's mother.

Furthermore, police evidence was backed by the neighbor Mr. Buckmaster and also some of the walker's mother's evidence was detracted her son's case. On this reasoning's County Court Judge dismissed the appellant's claim.

Mr. Walker's Mother's Evidence
Mr. Walker's evidence was supported by his mother's. Police Evidence
PC Adams said that on arrival at the scene that he heard Ms. Lecky say that Mr. Walker had punched her, He contemplated that he had enough reasons to arrest MR Walker. PC Cracknell and PC Barton both confirmed the PC Adams Claim. Despite the fact that he had enough reasoning for arrest he decided to make some enquiries to avoid an arrest.

Mr. Walker was in a door way and PC Adams cornered him to prevent him getting past, His first words were "Calm down mate or you will end up getting arrested" and he made sure that appellant was not free to move. The appellant was shouting in an aggressive manner and firmly pushed PC Adams in the chest, at that point PC Adams decided to arrest him for "public order". He had no time to add the section of the Public Order Act 1986 because at that time Mr. Walker started a fight. PC Adams was bitten by Mr.

Walker on his forearm and finger. PC Adams evidence was supported by PC Cracknell and PC Barton and Mr. Walker's neighbor, Ms. Buckmaster who was a witness. Considering those facts judge decided to dismiss the civil claim. He was convinced that PC Adams evidence was more reliable and

honest and also that PC Adams acted that way to prevent more harm being caused and to stop appellant from escaping the scene.

It was clear that cornering at the door was not to arrest but to enquire on the case.

Even though the critical findings were in favor of the police the judge accepted and awarded Mr.

Walker that he is entitled for a nominal of 5 pounds as damages for brief and

“technical” imprisonment immediately before his own initial arrest, in basis

of false imprisonment. Questions of Law/Issues · Was Mr. Walker’s initial detention in the doorway unlawful, thus amounting to false imprisonment?

· If so, was Mr. Walker’s reaction to that detention a reasonable and

proportionate exercise in self-defense? · Was the purported arrest for “

public order” a valid arrest within section 28(3) of PACE?

Decision/Judgment Lord Justice Rix stated that Mr.

Walker’s appeal would be allowed on the first issue, and dismissed on issues

two and three. And he would receive a nominal of £5. Lord Justice Tomlinson

and Rimer agreed unanimously.

Detailed reasons for the decision Lord Justice Rix judgment was that apart

from the above mentioned facts of the incident had been mentioned in

appellant’s claim. He went over the evidence before the county court judge.

Furthermore, PC Adams cornering Mr.

Walker was unlawful and accepted that appellant is entitled for damages to

the brief and “technical” imprisonment, before his unlawful and violent

behavior before his arrest. It was accepted by the defense that this behavior

of Mr. Walker resulted in the detention, appellant argues that on the factors

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his initial detention before the arrest was unlawful and made him use considerable force to get him out of the situation prior to the arrest. Furthermore, Lord Justice saw that initial detention at the doorway wasn't to arrest him but to inquire about the scene at the relevant time. Court accepted that the appellant's imprisonment as a technical detention even though it lasted for some time. The last issue, was the purported arrest for "public order" a valid arrest within the section 28(3) of PACE? LJ Rix identified that PC Adams had it in mind but could not finish what he was going to say and also judge identified that Mr. Walker was given enough reasons for his arrest prior to the actual arrest being performed.

On conclusion Lord Justice Rix stated that he would have awarded 1400 for assault if proven and also 2000 for the imprisonment of 7 hours which followed. Due to the fact that appellant couldn't prove his claim he was only awarded with 5 for the damages. Lord Justice Tomlinson agreed and added few points to the judgement, that Mr. Walker's conduct attracts no sympathy but that is of course often the way when a fundamental principle is at stake.

The previous judge's decision of 5 being an appropriate figure was considered generous to the appellant by him. Furthermore, LJ Tomlinson stated that The Court would order that appellant should recover 25% of his costs of appeal.

Lord Justice Rimer Agreed with both judgements
Evidence Presented
Witness statement of PC Adams
Evidence by Mr. Walker's mother and a neighbor that was an eye witness, Ms. Buckmaster
Evidence by PC Barton and PC Cracknell
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