

COMMONWEALTH OF THE BAHAMAS

IN THE SUPREME COURT

Common Law and Equity Division

2022/CLE/gen/287

B E T W E E N

DEBORAH SEYMOUR

Claimant

AND

SUPERINTENDENT STEPHEN CAREY

1st Defendant

AND

THE COMMISSIONER OF POLICE

2nd Defendant

AND

THE ATTORNEY-GENERAL

3rd Defendant

Before: Assistant Registrar Akeira Martin

Appearances: K. Melvin Munroe for the Claimant

Angelo Whitfield for the Defendants

Hearing Date: On the Papers

RULING – ASSESSMENT OF DAMAGES

1. This ruling quantifies the damages awarded to the Claimant, a police officer with the Royal Bahamas Police Force (the “RBPF”), after she was granted leave to enter Judgment in default of defence by Order made 20th March 2024 and filed 22nd April 2025 (the “Judgment Order”).
2. The Judgment Order also ordered that damages were to be assessed by a Registrar of the Supreme Court together with interest pursuant to the Civil Procedure (Award of Interest) Act 1992 at 6.25% per annum.
3. Although a Notice of Appearance and a Memorandum of Appearance were both filed on behalf of the Defendants on 12th April 2022, no Defence was filed thereafter and after the

Judgment Order was entered the matter was set down for an assessment of damages pursuant to a Notice of Assessment filed 16th June 2025.

Background Facts

4. The Claimant's claim was commenced by way of a Generally Endorsed Writ of Summons filed 15th March 2022 by which she sought damages for personal injury and loss, interest and further or other relief as the Court deemed just and Costs not less than \$20,000.00 after being assaulted and battered by Superintendent Stephen Carey, another police officer of the RBPF at the RBPF Training College, during the course of their employment (the "Claim").
5. The Claim, more particularized in the Statement of Claim filed 5th October 2022 and undefended by the Defendants, states that on Monday, 30th August 2021 the Claimant attended the RBPF Training College in the course of her employment and took up her normal duties of checking the compound. While checking the recruits living quarters she was confronted by the First Defendant who shouted at her to ask her why she was in the area and who questioned whether the Claimant was vaccinated, requesting her vaccination card.
6. After the Claimant informed the First Defendant that she was vaccinated but that she did not have her vaccination card, the First Defendant told her to leave the area or be physically put out. The Claimant continued her conversation with other police officers present at the time.
7. The First Defendant grabbed the Claimant by her hand and forcefully pulled her to which the Claimant resisted. The First Defendant then forcefully pushed the Claimant until she was pushed into a stack of tiles, fell and was unconscious. Upon regaining consciousness, she noticed blood draining from her head and other police officers were asking her if she was alright. The Claimant was attended to by medical technicians and later taken to the hospital where she was treated by a doctor for her injuries.
8. As a result of the Judgment Order granting leave to enter judgment against the Defendants, from which no application was made to set it aside, they have been found liable for assault and battery against the Claimant with no lawful justification for being hostile and physically touching the Claimant without her consent.
9. Moreover, since the First Defendant was acting in the course of his employment as a police officer and servant of the Crown, the Second and Third Defendants are vicariously liable for each assault and battery committed against the Claimant.
10. Liability being established, the only task at hand is to determine the amount to be awarded for the injuries, loss and damages, if any, if the aforesaid can be proven by the Claimant.

11. Pursuant to the Claimant's Particulars of Injury in the Claim she avers and it has been determined that she has a post-concussion syndrome, head injury, radiation to right shoulder and right lateral arm and pain in lower neck and upper thoracic spine.
12. Pursuant to the Claimant's Particulars of Loss in the Claim she avers and it has been determined that she lost her confidence and ability to perform romantic activities due to her head injury and chronic pain disorder. She has also lost her confidence and ability to carry out regular exercise and sporting activities.
13. Finally, pursuant to the Claimant's Particulars of Special Damage the Claimant avers that she has incurred medical expenses, transportation expenses and travel expenses.

The Assessment

14. The Claimant relies on her Witness Statement filed 22nd April 2026 by which she reiterates her particulars as set out in her Claim. Her uncontested evidence continues with the exhibition of a photo depicting the physical injury to her head while still dressed in her RBPF uniform as "DS1".
15. The Claimant goes on to say that after being transported to the hospital by ambulance, she was advised by a doctor that her diagnosis was head trauma/injury. This assertion is confirmed by a Doctors Hospital (Bahamas) Limited Discharge Package exhibited at "DS2 and DS3", which states, *inter alia*,

"Head Injury Trauma

You have been diagnosed as a case of head trauma/injury by your doctor. This means that you have suffered trauma, which jolted the brain and produced some degree of swelling. Any symptoms, such as headaches, nausea or dizziness will usually resolve spontaneously without any residual effect."

16. Upon being discharged from the hospital, the Claimant was referred to and attended a psychologist and psychotherapist, Dr. Marie Allen Ph.D., ("Dr. Allen") Counseling Psychologist & Psychotherapist and the Clinical Director of The Discovery Clinic at the Renaissance Institute International as confirmed by a letter from Dr. Allen dated 17th March 2022 (the "17th March Letter") exhibited at "DS4".
17. By the 17th March Letter, which was addressed to the National Insurance Board, Dr. Allen certified that she met with the Claimant who was referred to her after exhibiting symptoms of depression and anxiety due to an altercation at her workplace. Dr. Allen indicated that the Claimant continued to experience feelings of depression and anxiety due to the traumatic incident and the fact that it was still unresolved, adding that the Claimant would benefit from additional therapy sessions to help her cope with the psychological ramifications of the workplace incident.
18. The Claimant also attended the Nassau Neurological and Neurodiagnostic Centre where she was seen by Dr. Charles Rahming MD ("Dr. Rahming") for physical therapy, a Board

Certified Neurologist and Neurophysiologist Consultant. The findings of Dr. Rahming were exhibited at “DS5 and DS7” in letters dated 4th April 2022 (the “4th April Letter”) and 7th July 2022 (the “7th July Letter”) respectively.

19. By the 4th April Letter, Dr. Rahming recommends that physical therapy be performed to the Claimant’s neck who was diagnosed with post-concussion syndrome with cerebral concussion from 30th August 2021, lower neck-upper thoracic pain with pain in right shoulder right (incomplete) and HTN.
20. By the 7th July Letter, Dr. Rahming informed the Claimant’s attorney that the Claimant was under his care from 4th April 2022 to June 2022,

“Nassau Neurological and Neurodiagnostic Centre

Dated: July 7th, 2022

K. Melvin Munroe LL.B (Hons.)

Nassau, Bahamas

Dear Mr. Melvin Munroe,

RE: Mrs. Deborah Seymour

This is to inform you that patient, Mrs. Deborah Seymour, was under my medical care from April 4th, 2022 to June 2022. Here are the answers to your questions on your letter dated June 17th, 2022.

- 1. She is diagnosed with a Post-Concussion Syndrome.**
- 2. Effects of injuries: Pain in lower neck and upper thoracic spine radiating to Right shoulder and Right lateral arm likely secondary to HNP C4-C5 as a result of being thrown into a stack of ceramic tiles on August 30th, 2021. Her prognosis is guarded as she may have neck and shoulder pain for months or years to come. It is unclear if surgery will be required as no MRI e-spine has been performed yet.**
- 3. It is unclear at this time if patient will make a full recovery as MRI’s have NOT been performed yet.**
- 4. She has pain in her Right shoulder and neck if she lifts anything heavy or does any house work.**
- 5. She is limited in performing tasks that require her to lift heavy items with her Right upper limb.**
- 6. Patient’s injuries are not expected to affect her life expectancy.**
- 7. These injuries may have caused changes in her body but MRI can demonstrate if this is indeed the case.**

If you have any questions or concerns, please do not hesitate to contact me.”

Submissions

Claimant's Submissions

21. The Claimant contends that damages must be assessed by reference to the severity of the injuries, comparable awards and the need to provide fair compensation and relies on the Privy Council's decision in **Scott v The Attorney General and another [2017] UKPC 15**.
22. Her injuries, which include a cerebral concussion, a post-concussion syndrome, chronic headaches, lower cervical and upper thoracic pain syndrome, right shoulder pain, neurological and cognitive symptoms, anxiety and emotional trauma, treatment by a neuropsychologist, counselling and psychotherapy, represent a significant traumatic brain injury accompanied by substantial psychological consequences. Therefore, an award of general damages in the range of \$100,000.00 to \$150,000.00 is appropriate to compensate for her pain, suffering and loss of amenities.
23. The Claimant relies on the case of **Darren Rutherford v The Commissioner of Police and The Attorney General 2012/CLE/gen/00414** where the Claimant was awarded \$100,000.00 and it was held,

“Damages for pain and suffering are incapable of exact estimation and their assessment must necessarily be a matter of degree, based on the facts of each case. They must be assessed on the basis of giving reasonable compensation for the actual and prospective suffering entailed including that derived from the plaintiff's necessary medical care, operations and treatment.”

24. The Claimant submits that because the assault constituted a serious abuse of state authority, resulting in both physical and psychological injury, her case falls squarely within the category of cases contemplated by the **Attorney General of Trinidad and Tobago v Ramanooop [2005] UKPC 15** where the Privy Council held that when a state agent abused official power and violated fundamental rights, the Court may award damages not only to compensate the victim but also to vindicate the constitutional rights infringed and publicly mark the gravity of the misconduct.
25. The Claimant also submits that her constitutional rights pursuant to **Article 17 (1) of the Constitution of The Bahamas (the “Constitution”)** was violated. **Article 17 (1) of the Constitution** states,

“No person shall be subjected to torture or to inhuman or degrading treatment or punishment.”

26. As the actions of the First Defendant were inhuman and degrading, she is entitled to vindicatory damages.

27. The Claimant relies on **Whyley v The Attorney General 2019/CLE/gen/FP/00213** where it was held,

“In considering both parties submissions on this head of damage, I again refer to the case of Merson (supra) where the Court awarded the sum of \$90,000.00 for the assault and battery which amounted to a breach of her Constitutional Rights under Article 17 coupled with the tort of false imprisonment, an additional sum of \$100,000.00 to vindicate the breaches of her Constitutional rights. Therefore, taking into account the foregoing guidance, and using the comparable common law measure of damages, I award the sum of \$150,000.00 for the breach and an additional award of \$75,000.00 (which takes into account the exemplary damages as well) to prevent further breaches resulting in compensatory and vindicatory damages being accessed and awarded in the total sum of \$255,000.00.”

28. The Claimant further relies on **Attorney General of Trinidad and Tobago v Ramanoop** where it was held,

“An award of compensation will go some distance towards vindicating the infringed constitutional right. How far it goes will depend on the circumstances, but in principle it may well not suffice. The fact that the right violated was a constitutional right adds an extra dimension to the wrong. An additional award, not necessarily of substantial size, may be needed to reflect the sense of public outrage, emphasise the importance of the constitutional right and the gravity of the breach, and deter further breaches.”

29. The Claimant submits that an award in the range of \$50,000.00 to \$100,000.00 would vindicate the breach of her constitutional rights under Article 17 of the Constitution as it would reflect the serious abuse of state authority.

30. The Claimant also seeks an award for exemplary damages and relies on the case of **Latario Rolle v Cpl 2054 Moutrie 2016/CLE/gen/00025** where the Claimant was awarded exemplary damages in the amount of \$100,000.00 for the arbitrary actions of the officer and where the Court held,

“Exemplary damages are awarded to punish arbitrary, oppressive and unconstitutional behavior perpetrated by agents of the state.”

31. The Claimant goes on to say that an example should be made to prevent any future actions of the First Defendant by awarding exemplary damages in the range of \$50,000.00 to \$100,000.00.

32. The Claimant again relies on **Latario Rolle** in support of her claim that she should be awarded aggravated damages in the range of \$50,000.00 to \$75,000.00 as a result of her physical injury and injury to feelings, humiliation or mental suffering, arising from the humiliating and oppressive nature of the assault by a police officer.

33. In relation to special damages for all medical expenses, neuropsychological treatment, psychotherapy, counselling, medication, transportation and related expenditures, the Claimant submits that together with interest and costs, an amount in the range of \$15,000.00 to \$20,000.00 would be appropriate.

Defendants' Submissions

34. The Defendants' submit that the following issues must be determined.
- 34.1 What is the appropriate quantum of general damages to be awarded to the Claimant for Assault and Battery?
 - 34.2 Whether the Claimant is entitled to exemplary damages?
 - 34.3 Whether the Claimant is entitled to aggravated damages?
 - 34.4 If so what is the appropriate quantum of damages under each head?
35. The Defendants rely on Lord Pearce's explanation of the court's task in assessing damages for wrongs that cannot precisely be quantified in the case **H West & Sons Ltd v Shephard [1964] AC 326**,
- “The court has to perform the difficult and artificial task of converting into monetary damages the physical injury and deprivation and pain and to give judgment for what it considers to be a reasonable sum.”**
36. The Defendants interpret Lord Pearce's quote to mean that when a person suffers non-pecuniary loss such as physical injury, pain, loss of amenities, enjoyment of life or disfigurement, an exact price tag cannot be put on that. As there is no receipt for pain, the court has an artificial job of taking something that is not money, such as injury, deprivation and suffering and converting it into a cash figure that is reasonable and fair unlike being able to calculate lost wages.
37. The Defendants also rely on the Bahamian case of **Matuszowicz v Parker [1987] BHS J. No. 80 (1985 50 WIR 24)** which they submit establishes that assessment of damages in cases of this nature should be informed by comparable awards in similar Commonwealth Caribbean jurisdictions with analogous socio-economic conditions.
38. In **Matuszowicz v Parker (supra)**, the court set out that the tender treatment of the Claimant compared to the cruel and inhumane treatment of another go towards the court determining the amount of compensation. Moreover, the court held that each case must be compared on its own specific facts which assists in determining the amount awarded.
39. The Defendants add that English authorities and practice texts, including Kemp and Kemp on Damages are highly persuasive.
40. Additionally, the Defendants cite **Douglas Ngumi v The Attorney General [2021] SCCiv App No of 2021**, where the Court of Appeal adopted one of the main principles

set out in **Matuszowicz v Parker** holding that the treatment of the Claimant is of critical importance and that the Defendants' intent to cause harm were critical in determining the amount to award.

41. The Defendants submit that the Claimant was neither treated cruel or inhumane as the First Defendant was trying to protect the Claimant and his fellow officers due to the Claimant being unvaccinated. They add that the Claimant did not seek medical assessment and intervention until some seven months later which demonstrates that she was not seriously injured and that she did not suffer any physiological or mental damage, nor face any embarrassment from the incident.
42. As it pertains to damages for assault and battery, the Defendants rely on **Alseran and Others v Ministry of Defence [2019] Q.B. 1251** where the English Court stated at paras. 876 – 880,

“876. First of all, where a person is a victim of an assault or false imprisonment, the wrong itself—that is to say, the interference with the Claimant’s bodily integrity or liberty—is an injury for which the Claimant is entitled to be compensated in English Law whether or not the interference has resulted in any “actual harm” to the Claimant. As Lord Rodger of Earlsferry said in *Ashley v Chief Constable of Sussex Police (Sherwood intervening)* [2008] AC 962 (Tab 90), para 60: “battery or trespass to the person is actionable without proof that the victim has suffered anything other than the infringement of his right to bodily integrity.” (Tab 10), para 68. Likewise, it is well established that loss of liberty is itself an injury for which a Claimant is entitled to be compensated apart from any damage which has resulted from the loss of liberty: see *R v Governor of Brockhill Prison, Ex p Evans (No 2)* [1999] QB 1043, 1060 (Tab 11). This kind of injury which is inherent in the wrong itself is often referred to as “moral injury”.

43. The Defendants submit that the First Defendant forcibly grabbing the Claimant’s hands, pulling her against her will and pushing her into a stack of tiles causing her injuries was less egregious than the injury caused to the claimant in **Latario Rolle v Commissioner of Police 2016/CLE/gen/00025** who was awarded \$35,000 for being assaulted and battered after he was struck by the police in his mouth which caused him to lose several teeth. The Defendants add that the contact to the Claimant was limited to the event only whereas in **Latario Rolle** (supra), she was not arrested and there was no continuation of contact.
44. The Defendants further submit that based on the reasonable sum standard, that Court does not aim for perfection but uses precedent, judicial experience and guidelines to pick a figure that society considers fair compensation.
45. The Defendants add that the Claimant was merely grabbed by the hand with minimum force by the First Defendant and that there was no evidence of gratuitous violence or

excessive force which would constitute battery which was, in **Collins v Wilcock [1984] 1 WLR 1172**, stated to be, “**the actual infliction of unlawful force on another person**”.

46. The Defendants suggest that the Claimant’s case only calls for a minimal award for exemplary and aggravated damages in the amount of \$5,000.00 each as the Claimant’s treatment was far less callous than the treatment described in **Pedro Morley v The Commissioner of Police, Rooke v Barnard AC 1129** and **Thompson v Commissioner of Police of the Metropolis QB 498**.
47. In **Pedro Morley**, the Plaintiff was awarded damages after an off-duty police officer pulled a firearm on Morley while he was outside a nightclub. He was then later stopped by a marked police car and then punched by the off-duty police officer who arrived at the stop in his private vehicle, damaging eight of Morley’s teeth. The off-duty police officer’s behavior was classified as high-handed and outrageous and a contemptuous disregard for Morley.
48. The Defendants conclude that the Claimant has provided no proof to support her claim of experiencing discomfort, embarrassment and emotional stress, no proof of special damages, nor receipts regarding any care she received.
49. The Defendants pray that the Court adopt the figures arrived at in Morley and offer:
 - 36.1. General Damages between \$30,000.00 and \$45,000.00
 - 36.2. Exemplary Damages \$5,000.00
 - 36.3. Aggravated Damages \$5,000.00
 - 36.4. Legal Costs between \$7,500.00 and \$12,000.00
 - 36.5. Interest at 6.25% from the date of settlement to date of payment of Damages.

Legal Analysis

50. As indicated at para. 8 above, the Judgment Order has not been set aside. Therefore, it has already been established that the Defendants are liable for the causes of action pled against them. More precisely, the First Defendant assaulted and battered the Claimant and the remaining Defendants are vicariously liable for his actions.

Assault and Battery

51. The Bahamian jurisprudence does not provide for a formula to calculate the amount that should be awarded for the torts of assault and battery. However, judicial officers rely on existing case law as a useful guide for the amount that should be assessed.
52. In **Lynden Saunders v Jeron Thompson Sr. and Jamecko Thompson 2019/CLE/gen/00522**, Charles SJ (as she then was) awarded a civilian. \$50,000.00 who was threatened with being hit and thereafter hit in the back of his head, body slammed to the ground, kned in the neck and throat area by police officers and as a result sustained pain to his mouth, bleeding to his wrist and nose with other minor scratches on his face.

53. In **Latario Rolle v Corporal 2054 et al 2016/CLE/gen/00025**, Toote Assistant Registrar (as he then was), awarded a civilian who was handcuffed, dragged to the backdoor of his home and punched to his mouth by police officers causing his teeth to become loose, \$35,000.00.
54. In **Gray-Clarke v. Doctors Hospital (Bahamas) Limited [2012] 3 BHS J No. 88**, Deputy Registrar Meeres (as she then was) considered the case of **Re Taylor** where the plaintiff was diagnosed with post-concussion syndrome with headaches continuing for a year and insomnia and the plaintiff was awarded general damages in the sum of \$13,080.00.
55. By her submissions, the Claimant seeks an award for general damages in the range of \$100,000.00 to \$150,000.00 whereas the Defendants suggest that \$35,000.00 is an appropriate sum.
56. The referenced case law seems to suggest that the ensuing injury from an assault and battery is considered when determining an amount to be awarded. The claimants in those cases however, did not have a diagnosis similar to the Claimant's.
57. The Claimant, a female police officer was threatened and then forcefully pulled and pushed by a male police officer, with the latter push causing her to fall and receive a serious head injury and she was diagnosed with post-concussion syndrome, lower-neck thoracic pain, pain in her right shoulder, depression and anxiety and has lost the confidence and ability to perform romantic activities. While the assault and battery was not similar to those described in **Lynden Saunders (above)** and **Latario Rolle (above)** I disagree that the acts of the First Defendant were less egregious and not forceful as it caused an unwarranted injury to the Claimant.
58. In the circumstances, I consider an award of \$50,000.00 for the torts of assault and battery appropriate.

Constitutional Damages

59. Unfortunately, while both parties' submissions address constitutional damages, the Claim was limited to relief for assault and battery only with damages to be assessed. This is rather unfortunate however, as the Claim falls squarely within the category of cases referred to in the well-known case of **Attorney General of Trinidad and Tobago v. Ramanoop**, which was also cited by Counsel in the present case.
60. The First Defendant, as an agent of the state, who is supposed to be a peace officer, abused the power that he held as a police officer and expected to get away with it. Such acts by police officers towards other officers should not be condoned. Even worse, he is a male who was forceful against a female. One should never turn a blind eye to a man laying hands on a woman. Thus, the Defendants' Counsel's submissions that the First Defendant's acts were not cruel and inhumane is worrisome.

61. More than worrisome is the Defendants' Counsel's incorrect submission that the First Defendant was protecting the other officers from the unvaccinated Claimant which is an incorrect assertion as the facts as undisputed are that the Claimant was indeed vaccinated but that she did not have her vaccination card. Moreover, there were better ways to de-escalate the situation, even if the Claimant had said that she was not vaccinated. The justification of the First Defendant's actions by his Counsel is in itself cruel and inhumane.
62. Nonetheless, as I am bound by the Claim as pleaded I decline the making of an award for constitutional damages.

Special Damages

63. Although the Claimant sought special damages for medical expenses, transportation expenses and travel expenses, no evidence was provided to warrant making an award for the latter two expenses and only one receipt was provided with respect to her diagnosis of a post-concussion syndrome. Accordingly, the Claimant is awarded special damages in the amount of \$250.00.
64. Accordingly, damages are assessed and awarded in the amount of \$50,250.00.


Interest

65. Post-judgment interest is awarded on the total sum of \$50,250.00 at the rate of 6.25% from the date of judgment until payment.

Costs

66. Costs are awarded in the amount of \$20,000.00

Dated this 1st day of July 2026


Akeira D. Martin
Assistant Registrar