

TO ALL CONCERNED

PLEASE NOTE

THE LAWS AGAINST FALSE ARREST
BY POLICEMEN

IN A RECENT ALABAMA SITUATION, A GROUP OF NEGRO AND CAUCASIAN PEOPLE WERE ARRESTED FOR DISTURBING THE PEACE WHEN THEY FREQUENTED A RESTAURANT THAT HAD BEEN PREVIOUSLY USED ONLY BY CAUCASIAN PEOPLE. THESE PERSONS WERE CONVICTED OF THE CHARGE. THEY SUBSEQUENTLY SUED THE ARRESTING OFFICERS FOR FALSE ARREST AND MALICIOUS PROSECUTION. WITH REGARD TO THE FALSE ARREST SUIT, THE FOLLOWING WAS THE RESULT: THE COURT OF APPEALS FOR THE FIFTH CIRCUIT HELD;

...that the initial arrest and imprisonment
of plaintiffs was unlawful as a matter of law.

"AS A MATTER OF LAW" MEANS THAT THE QUESTION OF THE "RIGHTNESS" OF THE ARREST IS NOT A QUESTION FOR THE JURY, BUT A QUESTION OF LAW FOR THE COURT TO DECIDE. THE COURT FURTHER HELD IN THIS CASE THAT THE LIABILITY OF THE POLICE IS FOR

misuse of the legal process to effect a
valid arrest for an improper purpose.

THE ACT WAS HELD TO BE IN THE NATURE OF A TRESPASS, BEING A DIRECT INTERFERENCE WITH THE PLAINTIFFS' PERSON.

All that is necessary to establish false imprisonment is that an individual be restrained of his liberty under the probable imminence of force without any legal cause or justification thereof.

from attorney

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