

IN THE CARIBBEAN COURT OF JUSTICE
APPELLATE JURISDICTION

ON APPEAL FROM THE COURT OF APPEAL OF THE
EASTERN CARIBBEAN SUPREME COURT (DOMINICA)

CCJ Application No DM/A/CV2023/001
DM Civil Appeal No DOMHCVAP2020/0009

BETWEEN

LEVI MAXIMEA

APPLICANT

AND

THE CHIEF OF POLICE
THE POLICE SERVICE COMMISSION
THE ATTORNEY GENERAL

RESPONDENTS

Before: Mr Justice Saunders, President
Mme Justice Rajnauth-Lee
Mr Justice Jamadar

Date of Reasons: 26 April 2024

On Written Submissions

Mr Levi Maximea on his own behalf

Ms Nadira Lando for the Respondents

*Practice and Procedure – Appeal – Leave to appeal – Special leave – Abuse of process
– Re-litigation – No real prospect of success – Permission to file further claims before
High Court Judge.*

Cases referred to:

Maximea v Chief of Police [2021] CCJ 9 (AJ) DM.

REASONS FOR DECISION

Saunders P (Rajnauth-Lee and Jamadar JJ concurring)

SAUNDERS P:

- [1] This is an application by Levi Maximea for special leave to appeal the decision of the Court of Appeal dated 12 May 2023. Mr Maximea appears in person.
- [2] The Court of Appeal had dismissed Mr Maximea’s appeal against the decision of the High Court to strike out claims DOMHCV 2018/247 and DOMHCV 2018/0248 (‘the current proceedings’) in which Mr Maximea claimed damages for wrongful dismissal. The Respondents to the application for special leave are the Chief of Police and The Attorney General of the Commonwealth of Dominica.
- [3] The High Court struck out the current proceedings as the judge determined that they were an abuse of process as they sought to relitigate issues (wrongful dismissal and constructive dismissal of Mr Maximea by the Police Force) previously raised in DOMHCV2011/139 and DOMHCV2012/121 (‘the old proceedings’). The Court of Appeal carefully considered Mr Maximea’s submissions on appeal and dismissed the appeal with costs to the Respondents to be assessed if not agreed.
- [4] It is unnecessary to trace at great length the history of this matter. Our previous judgment delivered on 19 July 2021¹ did much of that. The parties in that suit were identical to the parties in the present proceedings. Moreover, the Court of Appeal’s judgment in the present proceedings also records that history.
- [5] Very briefly, the Applicant was a member of the police service from February 1982 up to the time of his dismissal in April 2012. He filed before the court several different suits against the Respondents in relation to his eligibility and entitlement for promotion in the service; for damages for misfeasance; for damages generally for dismissal and/or constructive dismissal; and for constitutional relief. In one of those suits, he was awarded damages of XCD20,000. Despite this, he has persisted in filing additional suits each essentially relating to his dismissal from the police service.

¹ *Maximea v Chief of Police* [2021] CCJ 9 (AJ) DM.

[6] On 19 July 2021 we denied Mr Maximea special leave to appeal the old proceedings. We made it clear that he was not entitled continually to attempt to re-litigate his dismissal. Our warning went un-heeded.

[7] We have carefully considered the judgments of the courts below as well as the Applicant's submissions for special leave in the current proceedings and we are satisfied that the intended appeal does not have any real prospect of success. These proceedings deal with the same issues of wrongful dismissal and constructive dismissal as were previously litigated before the courts by the Applicant. Mr Maximea's current proceedings were struck out because they were an attempt by him to re-litigate issues that had already been heard by the court. The Court of Appeal rightly indicated that his claims were now an abuse of the court's process.

Disposition

[8] In all the circumstances, we deny the application for special leave. We shall not order costs against Mr Maximea, but we shall order him to make written submissions by 30 April 2024 and in not more than five pages stating why this Court should not make an Order that he shall not file any further claims in the High Court relating to his dismissal from the Police Service without first obtaining the permission of a High Court Judge.

/s/ A Saunders

Mr Justice Saunders (President)

/s/ M Rajnauth-Lee

Mme Justice Rajnauth-Lee

/s/ P Jamadar

Mr Justice Jamadar