**Unlawful arrest and false Imprisonment**

**If you believe the statutes apply to you, you should be aware of the following:**

**When an individual is detained, without warrant and without having committed a crime (traffic infractions are not crimes), the detention is a false arrest and false imprisonment.**

**DAMAGES AWAREDED**

**TREZEVANT *v.* CITY OF TAMPA, 741 F2d 336 (11th Cir. 1984)**

 Motorist illegally held for 23 minutes on a traffic charge was awarded $25,000 in damages. (Sets foundation for $ 75,000/hr., 1,800,000/day)

**CIVIL RIGHTS**

**SANDERS *v.* ENGLISH, 950 F2d 1036 (6TH Cir. 1992)**

False arrest, illegal detention (false imprisonment), and malicious prosecution are recognized as causes of action under Title 42, Section 1983.

**PRECEDENT**

**JAMES *v.* KENTUCKY, 466 US 341, 80 LED 2d 346, 104 SCt. 1830 (1984)**

The supreme court held that state statutes did not take precedent over constitutional law.

**BROWN *v.* TEXAS, 443 US 47, 61 LED 2d, 357,99 SCt. 2637 (1979)**

**MOYA *v.* US, 761 F2d, 322 (7th Cir. 1958)**

People are entitled to refuse to provide information to police. Moya went to the supreme court and back. (held to be valid)

**Padelford, Fay & Co. *v*. The Mayor and Alderman of the City of Savannah, 14 Ga. 438 (1854)**

 “But, indeed, no private person has a right to complain, by suit in court, on the ground of a breach of the constitution. The constitution, it is true, is a compact [contract], but he is not a party to it. The States are a party to it.”