

No. 53

**Application for Leave to Apply for Judicial Review (0.53, r.3)**

IN THE GRAND COURT OF THE CAYMAN ISLANDS

G0301

CAUSE NO: GC OF 2011

BETWEEN: **Dennie Warren Jr.**

PLAINTIFF


AND: **Commissioner of Police**

DEFENDENT



EX PARTE APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW

To the Clerk of the Court, Law Courts, George Town, Grand Cayman

Name, address and description of applicant	Dennie Warren Jr. P.O. Box 11490 Grand Cayman KY1-1009 CAYMAN ISLANDS Mobile: 1-345-926-0716	
Judgment, order, decision or other proceeding in respect of which relief is sought	Refusal of Firearms License	
Relief Sought		
<ol style="list-style-type: none"> <li>1. Quash the decision of the Commissioner of Police</li> <li>2. Declaration on how to interpret the Firearms Law</li> </ol>		
Name and address of applicant's attorneys, or, if no attorneys acting, the address for service of the applicant	Applicant is self-represented and a layperson  52 Keturah St, Apt #3, George Town, Grand Cayman	
Signed 	Dated August 4, 2011	

**Application for Leave to Apply for Judicial Review (0.53, r.3)**

GROUND ON WHICH RELIEF IS SOUGHT

An application for leave to apply for judicial review is being made on the basis that the Commissioner of Police has acted outside the accepted public law principles that he must adhere to. His blatant disregard covers a number of critical and pertinent areas. The grounds include:

1. **Illegality:** The Commissioner of Police has acted without legal authority and has acted ultra vires and therefore his actions as they relate to the forfeiture of the Plaintiff's restricted license ("firearm license") are therefore without legal effect. The Commissioner of Police is in contravention of section 20(b) of the Firearms Law (2008 Revision) ("Firearms Law") which requires applications to be made "in the prescribed form". There are express limitations in the relevant section of the law that the Commissioner of Police has chosen to ignore parliamentary intent and supremacy. Instead he has caused to be unlawfully published other forms that are not included in the First Schedule Firearms Law Regulations (1999 Revision) ("Firearm Regulations"). In particular he has purported to amend the prescribed FORM F to include a requirement that falls materially outside the content of the form prescribed by the Governor in Cabinet. In so doing, he purposely usurps the powers of the Governor in Cabinet pursuant to section 43 of the law. Additionally, he has unlawfully construed section 19(e) of the law and in making his decision to not renew said firearm license has exceeded his lawful powers. In Lord Diplock's summation the Commissioner of Police "must understand correctly the law that regulates his decision-making power and must give effect to it".
2. **Procedural Impropriety:** The Commissioner of Police's actions amount to procedural impropriety/unfairness and go against the rules of natural justice. The decision amounts to a forfeiture of an existing license which has been legally held since May 31, 1993. His actions including the unlawful creation of new application requirements (including unauthorized entry into a private residence) amounts to improper process as the statute is succinct and prescriptive on this point. The Commissioner of Police has erroneously relied upon his powers to impose restrictions contained in section 19(e) of the Firearms Law to create application requirements for the renewal of a Firearms User's (Restricted) License. Additionally, he has created new application requirements which he does not have the power to do subject to section 30(3) and 43 of the Firearms Law. As a result, the demand that the Commissioner of Police has unfettered, open access to my personal premises is both ultra vires and demonstrates improper process.
3. **Biased:** The Commissioner of Police's decision to revoke the aforementioned firearm license is blatantly unfair and biased against lawful gun ownership in the Cayman Islands. On several occasions the Commissioner of Police has made public statements in his professional capacity as Commissioner of Police contradicting the statutory legal right to gun ownership

**Application for Leave to Apply for Judicial Review (0.53, r.3)**

in these islands. He has taken a view that directly contradicts that of the Firearms Law and the general right of a person to lawfully own a firearm in the Cayman Islands. Furthermore, the plaintiff is known in the community as a gun rights advocate. The Commissioner of Police is well aware of the plaintiff's position and views regarding the right to bear arms and as such has been singled out by the Commissioner of Police and the RCIPS. The rules of natural justice require that the Commissioner of Police has no interest in the outcome of an application to renew a firearm license; but his express position of a "firearm reduction strategy" is clearly contrary to that requirement.

4. **Improper purpose:** In pursuing the broader aims described in paragraph three above, the Commissioner of Police is pursuing a purpose for which the law was never intended.
5. **Exhaustion of alternative remedies:** Judicial review is the most effective and convenient remedy because of the exceptional circumstances of the case. This includes the amount of legal knowledge required to address the substantive issues relating to the revocation of the applicant's license. The alternative statutory remedy of appeal is 'nowhere near so convenient, beneficial and effectual' as the requested judicial review process. Judicial review is the most effective and convenient remedy to rectify this matter which centers primarily on issues of legality and the rules of natural justice. The available alternative method would not fully resolve the questions and the matter requires special knowledge and legal interpretation skills.
6. **Public Interest:** Additionally, the matter at hand is one of great public interest and in all the circumstances judicial review would be the most effective, expeditious and convenient remedy available for all the parties involved as well as the greater community at large. There have been numerous public statements by the Commissioner of Police that indicate a position that is contrary to the statutory mandate that he has and therefore impacts the entire Cayman Islands community at large.