

IN THE GRAND COURT OF THE CAYMAN ISLANDS

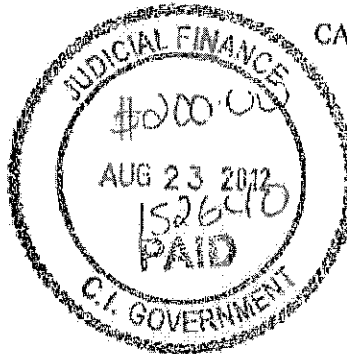
CAUSE NO: GC <sup>0301</sup> OF 2012

BETWEEN: THE QUEEN

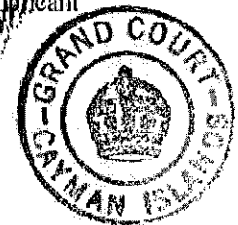
Respondent

LOUIS M. EBANKS, J.P.

*Ex parte Sandra Catron*




Applicant



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	Sandra Catron PO Box 32066 Grand Cayman KY1-1208 CAYMAN ISLANDS Mobile: 1-345-929-2291  Aggrieved Person
Judgment, order, decision or other proceeding in respect of which relief is sought	One search warrant issued by the Respondent at the request of Mr. Neblett on 27 <sup>th</sup> July 2012 copy of which is attached to this application ("the Warrant") and search of 144 N. Church St. without a search warrant.
<b>Relief Sought:</b>	
1. Orders of certiorari in respect of the Warrant	
2. Declarations that the entry of the police officers, whether named in the Warrant or otherwise, into the Applicant's home at No. 125 Rackley Blvd. #2 Newlands, Grand Cayman ("Home"), and the Applicant's office and vehicle at #144 North Church Street, George Town, Grand Cayman ("Office") on 27 <sup>th</sup> July 2012 were unlawful	
3. Delivery up of all items seized from the Home and Office	
4. Damages, including aggravated damages, for trespass to land and goods, and/or	

<p>damages for unlawful interference with goods, unlawful detention, unlawful arrest and false imprisonment</p> <p>5. Costs</p> <p>6. Such further or other relief as the Honourable Court thinks fit</p> <p>AND a direction that this application for judicial review be expedited, and that return date for the substantive hearing be set on or before 6<sup>th</sup> September, 2012 together with all other consequential directions</p> <p>The Applicant requests an urgent <i>ex parte</i> hearing on this application.</p>	
<p>Name and address of applicant's attorney, or, if no attorney's acting, the address for service of the applicant</p>	<p>Applicant is self-represented and a layperson</p> <p>#125 Rackley Blvd. #2</p> <p>Newlands</p> <p>Grand Cayman</p>
<p>Signed </p>	<p>Dated: 22/08/2012</p>

#### GROUND ON WHICH RELIEF IS SOUGHT:

The decision, dated 27<sup>th</sup> July 2012, of the Justice of the Peace, Louis M. Ebanks ("The Respondent"), to grant an application for a search warrant to enter and search the home and vehicle of Sandra T. Catron at 144 N. Church Street, George Town and at 125 Rackley Blvd., Apt. 2, Newlands (home) were unlawful for the following reasons:

1. The Respondent, by his own admission, had no, or no sufficient, information (whether on oath or otherwise) before him prior to the issue of the Warrants upon which he could, or could on any reasonable or rational basis, be satisfied that there were reasonable grounds to suspect the commission of the offence of *Misuse of ICT* contrary to Section 90 of the Information and Communications Technology Law (2010 Revision).
2. The Warrant neglected to name all of the officers authorized to carry out the search and seizure. Accordingly, the Warrant does not comply with the provisions of Sections 26 and 28 and Schedule 2 of the Criminal Procedure Code (2011 Revision). See **R v. Douglas** [1980-83] CILR 119 and **King v. R** [1968] 2 All ER 610.

3. Therefore the Warrant would be quashed and the subsequent search and seizure and arrest unlawful.
4. The arrest of the Applicant would therefore have constituted a non-arrestable offence and is unlawful per **R v. Ebanks, ex parte Henderson** [2009] CILR 57.
5. The Respondent has refused to subsequently provide the names of the officers and the search record despite 4 written requests.
6. The Warrant does not sufficiently list the items that are sought as required per Section 26 of the Criminal Procedure Code. See **Groves v. Miller, Williams, Walton and Collins** [2002 CILR Note 16] and it became obvious during the search of the premises and confiscation of several items that the police were on an oppressive fishing expedition contrary to what would be permitted by law. **R v. Ebanks, ex parte Henderson** [2009] CILR 57.
7. The officers executing the Warrant went through person documents in the Applicant's file cabinet including an envelope labeled "Cayman Islands Government". It clearly contained exam results from the Applicant's attendance in the Professional Practice Course at the Cayman Islands Law School in 2011. One male officer then handed the same document to SDC Neblett for his perusal as well. The relevant to this type of search and review of documentation having nothing to do with the allegation or alleged victim would lead a reasonable person to conclude that the police search/seizure was both a fishing expedition and clearly malicious in nature.
8. Throughout the evening of the 27<sup>th</sup> July 2012 the police officers who were in possession of the Applicant's cell phones were reading private messages on Blackberry messenger that were coming through from concerned contacts who had not heard from the Applicant all evening.
9. The Warrant purports to have been issued by the Court, whereas the Respondent is not a competent Court of the Cayman Islands. Accordingly, the Warrant does not comply with the provisions of Section 26 and 28 and Schedule 2 of the Criminal Procedure Code (2011 Revision).
10. The Warrant contains addition defects: (1)The Warrant purports to bear the seal of the court and it does not (2) the articles were not produced forthwith before a court (3) the warrants were not returned to a court (or the respondent) with an endorsement certifying the manner of execution;

The decision, of Inspector Collins Oremule and other unidentified officers to enter the premise at 144 North Church Street and the office of the Applicant and confiscate without legal authority her personal computer hard drive is unlawful because it was done without a search warrant and no one on said premises could authorize the confiscation of her personal computer.