

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

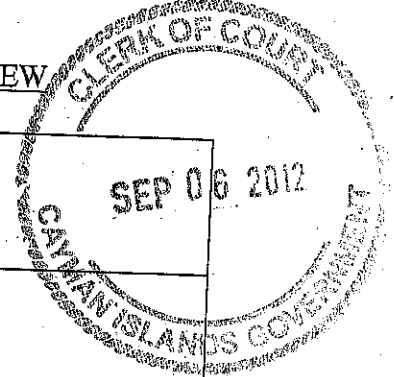
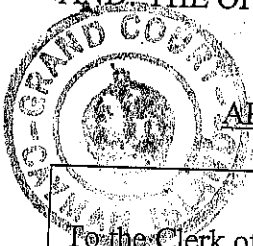
IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: ³⁷⁸ OF 20¹²
LIA# 114/2012
PLAINTIFF

BETWEEN: OSBOURNE DOUGLAS

AND: THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS DEFENDANT

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(s)	Osbourne Douglas #3 Myles Lane, George Town, Grand Cayman Current Address: H.M.P. Northward Cayman National
Judgment, order, decision or other proceeding in respect of which relief is sought	Decision of the DPP's office to prosecute the plaintiff for possession of an unlicensed firearm and failing to provide a specimen

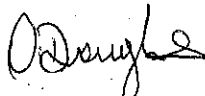
Relief Sought

An order of Certiorari quashing the decision of the DPP's office to charge; and

An order that indictment 81/12 and 81/12A pertaining to the Plaintiff be stayed; and

Such further and other relief as the Court may deem appropriate in all the circumstances; and

Costs

Name and address of applicant's attorneys, or, if no attorneys acting, the address for service of the applicant	Fiona Robertson Samson and McGrath, Attorneys at Law for the Plaintiff 5 th Floor Genesis Building Genesis Close George Town Grand Cayman KY1-1106 PO Box 446
Signed 	Dated 4 th September 2012

GROUNDS ON WHICH RELIEF IS SOUGHT

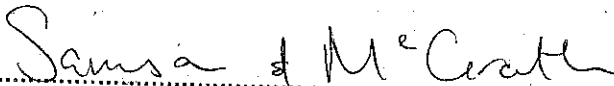
The grounds are that the decision of the DPP's office to charge the applicant with possession of an unlicensed firearm was a breach of natural justice and *Wednesbury* unreasonable as the prosecution were aware they did not have sufficient evidence to provide a realistic prospect of conviction. The subsequent charge of failing to provide a specimen has been laid in bad faith and following deliberate attempts to mislead Mr. Douglas. The defence rely upon the cases of *R v Nathaniel* [1995] 2 Cr. App. R. 565 and *R v Weir* (2000) 97(27) L.S.G. 37.

The delay in lodging these proceedings has arisen as they were not required until the later decision of the DPP's office to charge Mr. Douglas with failing to provide a specimen. Until this decision alternative means of redress were open to Mr. Douglas by seeking to have the evidence excluded at trial. Although this route is still open to Mr. Douglas the subsequent charge of failing to provide a specimen has the effect that a specimen may be forced prior to the trial. The prosecution are, therefore, endeavouring to circumvent the Grand Court's exclusionary powers by amending the errors in their case through the laying of further charges.

Particulars are contained in the supporting affidavit of Osbourne Douglas

Dated the 4th day of September 2012

Filed the day of September 2012



 Samson and McGrath
 Attorneys-at-Law for the Applicant

TO: The Clerk of the Courts

THIS APPLICATION was filed by Samson and McGrath, Attorneys-at-Law for the Applicant, whose address for service is 5th Floor, Genesis Building, PO Box 446, George Town, Grand Cayman KY1-1106