

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: *GP 211 | 2013*

IN THE MATTER OF AN APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW PURSUANT TO GCR 0.53, r.3

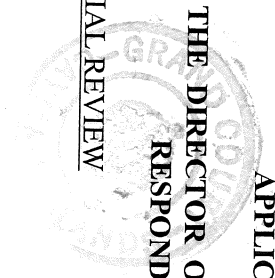
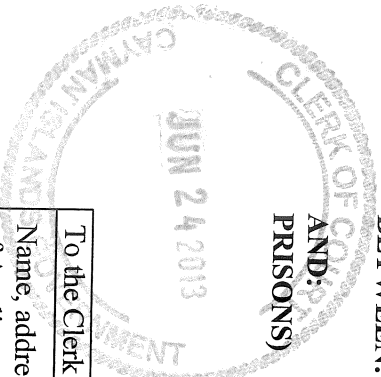
BETWEEN: KISHA LETOYA McLEAN

APPLICANT

AND: PRISONS

ATTORNEY GENERAL (ON BEHALF OF THE DIRECTOR OF RESPONDENT

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)	Miss Kisha McLean, HMP Fairbanks, Grand Cayman.
Judgment, order, decision or other proceeding in respect of which relief is sought	Decision of the Director of Prisons on advice from the Attorney General on the 7 th June 2013 finding (1) The Applicant has committed an offence contained on The Schedule of The Prisons (Amendment) Law 2005; and (2) By virtue of Section 2(1)(a) the Applicant was not eligible to be released on licence until having served five-ninths of her sentence.
Relief Sought	
1. An order <i>Centiorari</i> quashing the decision reached by the Director of Prisons that the Applicant is:	
(a) Subject to The Schedule of The Prisons (Amendment) Law 2005; and	
(b) By virtue of 2(1)(a) above not eligible to be released on licence.	
2. A <i>Declaration</i> that the Applicant has not committed an offence listed in the Schedule to the Prisons Law (2005 Revision) and thus the Applicant's release on licence is to be governed by section 2(1)(b); namely after one-third of her sentence.	
3. An order of <i>Mandamus</i> that the Director of Prisons determine the Applicant's eligibility for release on licence with reference to section 2(1)(b) of the Prisons Law (2005 Revision).	
4. Give effect to Article 5(1) of the Bill of Rights, Freedoms and Responsibilities of the Constitution of the Cayman Islands: in that no one shall be deprived by government of liberty where such deprivation is not in accordance with a procedure prescribed by law.	
5. Give effect to Article 5(6) of the Bill of Rights, Freedoms and Responsibilities of the	

Constitution of the Cayman Islands: in that any person who is deprived of his or her liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his or her detention shall be decided speedily by a court and his or her release ordered if the detention is not lawful, and he or she shall be entitled to compensation if unlawfully arrested or detained.

6. Damages pursuant to O.53, r.7 for unlawful imprisonment through the failure of the Director of Prisons to observe and protect the statutory and common law rights of the Applicant.

7. Such further, consequential or other relief that this Honourable Court determines is just; and

8. Costs

Name and address of Applicant's attorneys, or, if no attorney's acting, the address for service of the Applicant	Priestleys, Unit 11, Galleria Plaza, 638 West Bay Road, P.O. Box 30310 George Town, Grand Cayman KY1-1202, Cayman Islands
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Signed



Dated

24/6/13.