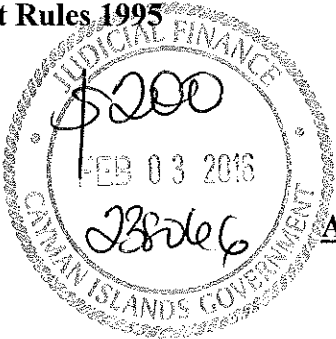


IN THE GRAND COURT OF THE CAYMAN ISLANDS

IN THE MATTER OF an application for a Writ of Habeas Corpus ad subjiciendum
AND IN THE MATTER OF Order 54 of the Grand Court Rules 1995

BETWEEN

CRAIG GASKILL

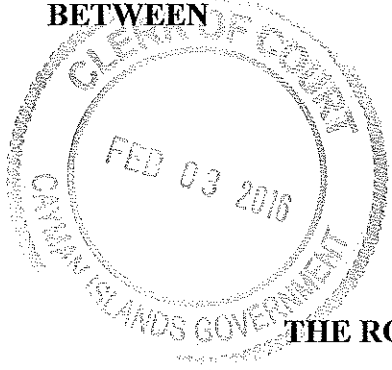


Applicant

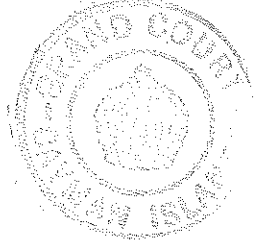
- and -

THE COMMISSIONER OF
THE ROYAL CAYMAN ISLANDS POLICE SERVICE

Respondent



NOTICE OF ORIGINATING MOTION



TAKE NOTICE that the Honourable Mr [the Chief] Justice sitting at the Law Courts, George Town, Grand Cayman will be moved on day the day of February 2016 at o'clock, or so soon thereafter as counsel can be heard, by counsel on behalf of the above-named Applicant Craig Gaskill for the following relief:-

1. An order for the release of the Applicant from arrest alternatively from the condition of his bail that he surrender his passport to the custody of the above-named Respondent, the Commissioner of the Royal Cayman Islands Police Service, or his officers;
2. An order that the Respondent forthwith restore to the Applicant his passport and release any surety taken on the basis that the Applicant is a "flight risk" or for the return of the Applicant to the Cayman Islands; alternatively to 1 and 2
3. The issue of a Writ of Habeas Corpus ad subjiciendum directed to the Respondent to show cause why the Applicant should continue to be subject to restraint on his liberty to leave the Cayman Islands;
4. An order that the Respondent pay to the Applicant his costs of these proceedings;
5. Such further or other order as the Court shall think just and expedient.

AND FURTHER TAKE NOTICE that the grounds of this application are as follows:-

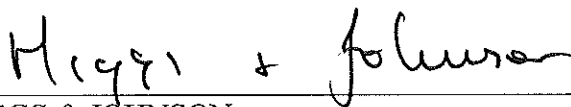
- (1) The conditions of bail set by the Respondent's officers on 10 December 2015 including the surrender of the Applicant's passport were unreasonable and disproportionate to the nature of the offence being investigated by those officers.
- (2) A reasonable time has elapsed for the full investigation of the allegation against the Applicant who is still not charged with any offence. Accordingly his continuing arrest on police bail is unlawful and he is entitled to be released.
- (3) The Respondent's officers had no reasonable grounds (having regard to the circumstances of the Applicant) for considering that the Applicant would not surrender to his bail if he left the Cayman Islands on either 9 or 10 December 2015.
- (4) On 26 November 2015 and 9 December 2015 when granting bail the Respondent's officers did not require the surrender of his passport. The reason given by them for requiring surrender of the passport on 10 December was the fact that the Applicant's family (his wife and two of his children) intended to move back to the United States. This reason was inadequate to support the Applicant's detention in the Cayman Islands as:-
 - a) Mrs Gaskill was not entitled to remain in the Cayman Islands with or without the children as she could not herself maintain them financially.
 - b) The Applicant had himself informed them by 9 December 2015 that he intended to visit his family in the United States and their reaction had been to require a further surety, and not surrender of the passport which was not required until he was required to attend the police on 10 December.

DATED the 29th day of January 2016

TO: The Clerk of the Court

AND TO: The Respondent or his Attorney

Signed



HIGGS & JOHNSON

Attorneys at law for the Applicant