

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 128 /2020
LACV 0081/2020

BETWEEN:

BRANDON BECKETT

PLAINTIFF




AND



THE CHAIRMAN OF THE CONDITIONAL RELEASE BOARD

DEFENDANT

APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW

To the Clerk of Court, Law Courts, George Town, Grand Cayman	
Name, address and description of applicants (s)	Brandon Jamahl Beckett, HMP Northward
Judgment, order, decision or other proceeding in respect of which relief is sought	Decision of the Conditional Release Board not to grant the applicant conditional release.
Relief Sought	
An order of <i>certiorari</i> in respect of the decision detailed above.	
Name and address of applicant's attorneys	Samson Law Associates, 4 th Floor Harbour Center, 42 North Church Street, George Town, P.O. Box 2255, Grand Cayman KY1-1107, Cayman Islands
Signed 	Dated 21/8/20

GROUNDINGS ON WHICH RELIEF IS SOUGHT

- [1] On 19th June 2020, the Conditional Release Board heard an application on behalf of applicant prisoner for conditional release in accordance with the *Conditional Release Law (2019 Revision)*. At that hearing, the Board heard submissions from the applicant's counsel on the progress made since his last denial in November 2018.
- [2] A three-sentence decision was issued 19 days later on 8th July 2020, and is reproduced below:

Decision:

The Board took into consideration all of the reports and decided the prisoner is not suitable for release at this time.

Reasons for decision/recommendations:

The Board does not consider that his risk of reoffending can be adequately managed in the community at this time.

The Board encourages him to take all opportunities available to him to participate in rehabilitative programs in the prison until his release.

- [3] It is this decision that is the subject of the present challenge.
- [4] Section 22 of the Law, in effect, affords prisoners a statutory right of appeal against decisions of the Board by way of Judicial Review. It reads:

"A prisoner who is dissatisfied with a decision of the Board may seek leave from the Grand Court to apply for judicial review of the decision and the Grand Court shall in that regard exercise all the powers vested in it in relation to judicial review."

- [5] The decision of the Board fails to engage with any of the submissions made on behalf of the applicant. The Board has simply reproduced its previous recommendations (15th November 2019) without acknowledging the fact that he successfully participated in all rehabilitative programs offered to him since the Board last made recommendations and

his successful reduction in reoffending risk as assessed by the Department of Community Rehabilitation. The decision of the Board lacks detail and justification.

- [6] The applicant complied with all of the recommendations made by the board in November 2019. To refuse his application on the same grounds was unreasonable.