7 September 2009

Casey William HARDISON
HMP Wellingborough LH5330
Wellingborough
Northants NN8 2NH

Criminal Cases Review Commission
Alpha Tower
Suffolk Street Queensway
Birmingham B1 1TT

Re: R v Hardison: T20040197-1; 200504343 C4; [2006] EWCA Crim 1502

Dear Sir / Madam,

I received from the Court of Appeal ("CoA") a letter dated 28 August 2009 stating I am not entitled to a second application for leave to appeal against conviction, on the grounds of new evidence, for want of jurisdiction. The CoA directed me to the CCRC.

This letter accompanies my formal application to the CCRC and a documents bundle re my 8 August 2009 application for leave to the CoA:

1. Letter from Court of Appeal – 28 August 2009
2. Order Court of Appeal – 25 May 2006 – refusing first application for leave
3. Letter to Court of Appeal – 8 August 2009
4. Completed Form NG – 10 August 2009
5. Draft Grounds – Appeal against Conviction
6. The Point of Law – Appeal Against Conviction
7. Arguments in Support of Grounds – Appeal against Conviction
8. Statement of Facts – Appeal against Conviction
9. Application for Extension of Time – Appeal against Conviction
10. Judgment Court of Appeal – *R v Hardison* [2006] EWCA Crim 1502
11. First Application for Leave to Appeal against Conviction – 1 November 2005
12. Transcript Lewes Crown Court Abuse of Process ruling 13 January 2005
13. Excerpts HM Government Command Paper Cm 6941 – 13 October 2006
14. Home Office Response to Better Regulation Executive – 27 September 2007

Additionally, I will compile a CD with all case law and reports as well as digital copies of all other documents referred to in documents 5-8 above.

Crucially, my grounds of appeal against conviction are unrelated to the issue of guilt or innocence; rather they are about unconscionable behaviour by the executive giving rise to abuse of process and severe inequality of treatment depriving liberty.

This category of the abuse doctrine is exceptional. It arises from the duty of the Courts to oversee executive action so as to prevent the State taking advantage of acts that threaten either basic human rights or the rule of law.

Since the CoA refused my application for leave on 25 May 2006, new evidence in the form of public documents, chiefly Command Paper Cm 6941, has become known.

When compared to legislation, case law, and other public documents, Cm 6941 elucidates the executive abuse of power and the subsequent inequality of treatment I suffer. This abuse of power makes my convictions "unsafe" within the meaning of s2 Criminal Appeal Act 1968.

Here is my common law equality of treatment synopsis in third person:

> Rooted in the deeply emotive issue correctly identified by the SSHD in Cm 6941, "substances that alter mental functioning", this case unavoidably raises questions as to the balance between the judiciary, the legislature and the executive in matters of common law.
>
> Having recognised that the use of "substances that alter mental functioning" results in a variable likelihood of risks and benefits to the public and individuals alike, and that these require conscious balancing, Parliament embodied beautifully neutral principles of general applicability in the Misuse of Drugs Act 1971 ("the Act").
>
> Yet, as administered by the executive, Hardison shows that, re the drugs he prefers, the Act denies him rights equivalent to the rights granted to persons who use, commerce and/or produce alcohol and/or tobacco whereas the executive denies the public equal protection under the Act from the harmful effects of alcohol and tobacco misuse. This is contrary to the Act's policy[1] and contrary to the equality-of-treatment doctrine.
>
> It therefore falls to the judiciary to refuse to countenance the executive's "partial and unequal"[2] administration of the Act. And in so doing, Hardison requests that this Court respect Lord Scarman's words in *McLoughlin v O'Brien* [1983] AC 410 at 430:
>
> > "By concentrating on principle the judges can keep the common law alive, flexible and consistent, and can keep the legal system clear of policy problems which neither they, nor the forensic process which it is their duty to operate, are equipped to resolve. If principle leads to results which are thought to be socially unacceptable, Parliament can legislate to draw a line or map out a new path". (Emphasis added)
>
> Principle will lead this Court to conclude that Hardison's convictions rest unsafely upon executive abuses of discretionary power that have abused the Court's process.

Similarly, I believe that principle will lead the CCRC to refer my convictions under s9 of the Criminal Appeal Act 1995.

Accordingly, as it is crucial to the determination of my appeal, I request that the CCRC refer the point of law outlined in my "Point of Law – Appeal against Conviction" document, pages 18-21 of enclosed bundle, to the CoA under s14(3) of the 1995 Act.

More, I request that the CCRC conduct all necessary investigations re this matter including, seeking the disclosure under s17 of the 1995 Act of HM Government documents relating to the administration of the 1971 Act, particularly re the exclusion of alcohol and tobacco from the 1971 Act, and the unequal deprivations of liberty that I, and many others, suffer.

Further, I expect the CCRC will perform to the best of its statutory ability and that it will inform me as to the relevant processes, practice directions and time estimates. I want and will seek accountability and clear communication at every stage.

Thank you,

Casey William Hardison

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[1] *Padfield v Minister of Agriculture, Fisheries and Food* [1968] AC 997 at 1030
[2] *Kruse v Johnson* [1898] 2 QB 91 at 99, per Lord Russell CJ