

IN THE HIGH COURT OF JUSTICE
QUEENS BENCH DIVISION
ADMINISTRATIVE COURT

CO/7548/2007

BETWEEN:

**The Queen on the application of
CASEY HARDISON**

Claimant

-and-

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Defendant

**DEFENDANT'S SUMMARY
GROUNDS FOR CONTESTING
THE CLAIM**

1. The Secretary of State opposes this claim for judicial review, for the reasons set out below.
2. The Claimant is serving a twenty year term of imprisonment after being convicted of manufacturing Class A drugs on a commercial scale. This case is the latest in a series of vexatious legal challenges brought before the Courts by the Claimant, all of which effectively raise the same or similar arguments based upon the Claimant's assertion that the criminalisation of his drug related activities is unfair.

These arguments are legally hopeless and can sound only in public policy debate.

3. In dismissing the Claimant's appeal against his conviction ([2006] EWCA Crim 1502), the Court of Appeal (Criminal Division) summarised the Claimant's position, and swiftly dealt with it as follows:-

9. The appellant's portmanteau defence to these charges was that he was a victim of society's war on drugs. We all have the inalienable right to do with our own bodies as we wish, and that includes the right to alter our own consciousness by taking drugs whose hallucinogenic qualities free the mind. The appellant claims that he was doing no more than enabling members of the human race to expand their horizons by exploring the world through hallucinogenic drugs. The criminalisation of what he did was said to be an infringement of his and everyone else's human right to have autonomy over their own person. The judge was unimpressed by this argument. He told the jury that it was not a defence in law.
10. In our judgment, the judge was right to reach that conclusion for the reasons which he gave. Although the appellant has filed reams of material challenging that ruling on this application for leave to appeal, we do not regard it as necessary to address his argument in any detail. If there is any Convention right which is properly engaged by this argument, it is that which guarantees the right to respect for one's private life. But as this Court was to say in **Taylor (Paul)** [2002] 1 Cr.App.R. 519, in which the appellant argued that the consumption of cannabis was part of his religion and was used as an act of worship, the prohibitions contained in the Misuse of Drugs Act 1971 did not amount to an unwarranted interference with the appellant's rights to a private life or to his freedom to practice his religion. They were part of this country's policy to combat the dangers of

narcotic drugs to public health which included international treaty obligations.

4. Most recently, in case CO/687/2007, the Claimant sought judicial review in respect of an alleged failure by the Secretary of State to consider the re-classification of illegal substances. The claim involved effectively the same bases of argument as the present claim. The relief sought by the Claimant in that case extended as far as an order requiring the Secretary of State to impose prohibition of alcohol and tobacco in the United Kingdom (in the Claimant's reasoning, this would place the drugs which he traded on an equal footing with alcohol and tobacco).
5. Sullivan J dismissed that claim on the papers, concluding that the case was completely without merit. On 31st August 2007, Beatson J, after an oral hearing on the Claimant's renewed application for permission, gave a detailed judgment dismissing the claim, and agreeing with Sullivan J's evaluation thereof.
6. The current challenge is utterly without merit, by reference to clear principles in public law. The Secretary of State is not required too formulate public consultation on a matter of public policy such as

Drug Strategy in order to accommodate the personal platform of the claimant.

7. The Claim is, as with the Claimant's other claims and his unavailing defence to the criminal charges against him, a challenge to Parliamentary and Governmental policy decisions as to the classification of drugs under the Misuse of Drugs Act 1971.
8. The Government's policy is and has been to regulate drugs which are classified as illegal through the 1971 Act and to regulate the use of alcohol and tobacco separately. This policy sensibly recognises that alcohol and tobacco do pose health risks and can have anti-social effects, but recognises also that consumption of alcohol and tobacco is historically embedded in society and that responsible use of alcohol and tobacco is both possible and commonplace.
9. The Claimant's lengthy claim boils down to a disagreement with this policy. He maintains his legally misconceived line that he is the victim of some form of "discrimination" because the drugs in which he was trading are classified as illegal whereas other substances are regulated but not so classified.

10. There is no question of procedural unfairness to the Claimant. He is free, if he so chooses, to make representations the Secretary of State as to what should be the appropriate strategy for dealing with all substances capable of causing harm. The Secretary of State is consulting with an open mind on Drugs Strategy, but cannot be compelled to adopt any particular policy view on the inclusion or exclusion of substances such as alcohol and tobacco within or from the same legal category as controlled drugs.
11. The Court is invited to conclude that this claim is completely without legal substance and to dismiss it.
12. The Court is also invited to consider imposing restrictions on the Claimant's ability to bring further legal challenges raising in effect the same arguments as those in this claim, or giving directions for the future management of such claims. Continued reiteration of these vexatious proceedings imposes an undesirable drain on limited public resources.

GERARD CLARKE