

Casey William HARDISON

-v-

United Kingdom

PART IV-VII
Application Questions
Pursuant to
Articles 3, 5, 6, 8, 9, 10, 13 & 14

European Court of Human Rights

Application 37238/05

“As of today, the federal government is waging an all-out effort to reduce illegal drug use in America.”
— *G.W. Bush, May 10, 2001*

“We need, fully and completely, to marshal the nation's energy in a true all-out war against drugs.”
— *H.W. Bush, Jan 13, 1989*

“We need a nationwide crusade against drugs, a sustained, relentless effort to rid America of this scourge.”
— *R.W. Reagan, 1986*

“We must wage a total offensive, world-wide, nation-wide, government-wide . . . war on drugs.”
— *R.M. Nixon, June 17, 1971*

Prepared By

Casey William Hardison

8th December 2005

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16. Final decision (*date, Court or authority and nature of decision.*)

Mr. Hardison faced an 8 count Indictment at Lewes Crown Court as follows:

Count 1

STATEMENT OF OFFENCE

PRODUCING A CONTROLLED DRUG OF CLASS A contrary to Section 4(2)(a) of the Misuse of Drugs Act 1971.

PARTICULARS OF OFFENCE

Casey Hardison between 1st day of April 2002 and 13th day of February 2004 produced 4-BROMO-2,5-DIMETHOXYPHENETHYLAMINE, a controlled drug of Class A in contravention of Section 4(1) of the Misuse of Drugs Act 1971.

Count 2

STATEMENT OF OFFENCE

PRODUCING A CONTROLLED DRUG OF CLASS A contrary to Section 4(2)(a) of the Misuse of Drugs Act 1971.

PARTICULARS OF OFFENCE

Casey Hardison between 1st day of April 2002 and 13th day of February 2004 produced 2,5-DIMETHOXY-4-iodo-phenethylamine, a controlled drug of Class A in contravention of Section 4(1) of the Misuse of Drugs Act 1971.

Count 3

STATEMENT OF OFFENCE

PRODUCING A CONTROLLED DRUG OF CLASS A contrary to Section 4(2)(a) of the Misuse of Drugs Act 1971.

PARTICULARS OF OFFENCE

Casey Hardison between 1st day of April 2002 and 13th day of February 2004 produced N,N-DIMETHYLTRYPTAMINE, a controlled drug of Class A in contravention of Section 4(1) of the Misuse of Drugs Act 1971.

Count 4

STATEMENT OF OFFENCE

PRODUCING A CONTROLLED DRUG OF CLASS A contrary to Section 4(2)(a) of the Misuse of Drugs Act 1971.

PARTICULARS OF OFFENCE

Casey Hardison between 1st day of April 2002 and 13th day of February 2004 produced LYSERGIC ACID DIETHYLAMIDE, a controlled drug of Class A in contravention of Section 4(1) of the Misuse of Drugs Act 1971.

Count 5

STATEMENT OF OFFENCE

PRODUCING A CONTROLLED DRUG OF CLASS A contrary to Section 4(2)(a) of the Misuse of Drugs Act 1971.

PARTICULARS OF OFFENCE

Casey Hardison between 1st day of April 2002 and 13th day of February 2004 produced Mescaline, a controlled drug of Class A in contravention of Section 4(1) of the Misuse of Drugs Act 1971.

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Count 6

STATEMENT OF OFFENCE

POSSESSING A CONTROLLED DRUG OF CLASS A WITH INTENT, contrary to Section 5(3) of the Misuse of Drugs Act 1971.

PARTICULARS OF OFFENCE

Casey Hardison on 12th day of February 2004 had in his possession approximately 171,500 paper doses of LYSERGIC ACID DIETHYLAMINE, a controlled drug of Class A with intent to supply it to another in contravention of Section 4(1) of the Misuse of Drugs Act 1971.

Count 7

STATEMENT OF OFFENCE

POSSESSING A CONTROLLED DRUG OF CLASS A, contrary to Section 5(2) of the Misuse of Drugs Act 1971.

PARTICULARS OF OFFENCE

Casey Hardison on 12th day of February 2004 had in his possession 0.369g of N,N-DIMETHYL-5-METHOXY-TRYPTAMINE, a controlled drug of Class A in contravention of Section 5(1) of the Misuse of Drugs Act 1971.

Count 8

STATEMENT OF OFFENCE

BEING KNOWINGLY CONCERNED IN THE FRAUDULENT EVASION OF A PROHIBITION ON THE EXPORTATION OF GOODS, contrary to Section 170(2)(b) of the Customs and Excise Management Act 1979.

PARTICULARS OF OFFENCE

Casey Hardison between the 1st day of July 2003 and the 11th day of July 2003 in relation to a Class A controlled drug, namely MDMA, was knowingly concerned in the fraudulent evasion of the prohibition on exportation imposed by Section 3(1) of the Misuse of Drugs Act 1971.

The drugs particularised in the indictment are commonly known as:

Count 1: "2C-B"
Count 2: "2C-I"
Count 3: "DMT"
Count 4: "LSD"

Count 5: "mescaline"
Count 6: "LSD"
Count 7: "5-Meo-DMT"
Count 8: "MDMA"

Mr. Hardison was convicted at Lewes Crown Court on Counts 1, 3, 4, 6, 7 and 8 and acquitted on Counts 2 and 5. Mr. Hardison was sentenced at Hove Crown Court on April 22nd 2005 in the following manner after conviction on 6x Misuse Drugs Act 1971 offences:

Count 1 **2C-B**; Production, 20 years
Count 3 **DMT**; Production, 20 years
Count 4 **LSD**; Production, 20 years

Count 6 **LSD**; Possession/intent, 15 years
Count 7 **5-MeO-DMT**; Possession, 1 year
Count 8 **MDMA**; Exportation, 7 years

Mr. Hardison has submitted an Appeal against Sentence and Conviction in the Domestic Courts but does not see any effective judicial remedy available in the United Kingdom in regards the entire operation, investigation, arrest, trial and ultimate conviction.

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17. Other Decisions (*list in chronological order, giving date, court or authority and nature of decision for each of them.*)
- a. Decision October 2003 to investigate Mr. Hardison re Mr. Carstensen's statement to Kootenai County, Idaho, USA, Officer Northrup and OIC Cuttris, Sussex Police, England
 - b. Decision to authorize entry into Mr. Hardison's back yard at 8 the Vale, Ovingdean, at 0130 hours on 11th February 2004. OIC Cuttris, Sussex Police, England
 - c. Decision re second search of 8 the Vale and failure to ask occupier for permission, DI Pike Sussex Police, February 16th 2004.
 - d. Decision re withholding of MDMA charge pending forensic analysis of package RD/1, OIC Cuttris, Sussex Police, February – April 2004. Chronologically Count 8, MDMA, was first action but last charge.
 - e. Decision re editing photos of exhibit MC/4 so as to withhold information from Mr. Hardison as to the investigation of Mr. James Buckley. OIC Cuttris, Sussex Police, Summer 2004.
 - f. Decision re withholding of information as to disclosure of Mr. Carstensen's statements, judicial disposal and whereabouts, OIC Cuttris, Sussex Police and Richard Barton, CPS, Fall/Winter 2004.
 - g. Decisions re withholding complete surveillance videos of 8 the Vale, Ovingdean, OIC Cuttris, Sussex Police, Richard Barton, Crown Prosecution Service 2004/05.
 - h. Ruling re: Human Rights Argument, Lewes Crown Court HHJ Niblett, January 13th 2005.
 - i. Ruling re interlocutory appeal, custody time limits and start of trial, Lewes Crown Court HHJ Niblett, January 18th 2005.
 - j. Discussion and Ruling re trial being rushed and unhappy with evidence, Lewes Crown Court HHJ Niblett, January 13th 2005.
 - k. Ruling re: abuse of Process Re: Count 7 (Amended Count 6, MC/4), Lewes Crown Court HHJ Niblett, January 17th 2005.
 - l. Ruling not to sever Count 9 and following discussion regarding amended indictment containing only 8 Count (Amended Count 8, MDMA), Lewes Crown Court HHJ Niblett, January 18th 2005
 - m. Submissions and ruling on line of Cross-examination of Jerry Northrup re: Thomas Carstenson by the Appellant, Lewes Crown Court HHJ Niblett, January 20th 2005.

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18. *Is there or was there any other appeal or remedy available to you which you have not used? If so, explain why you have not used it.*

- a. Yes, there exists Appeals to Appeal Court and the House of Lords; I am currently utilizing the available Appeal to the Appeal Court. However, it must be noted that my original Human Rights submissions were dismissed out of hand by HHJ Niblett at Lewes Crown Court as manifestly ill-founded citing **R. v. Taylor [2002] 1 Cr. App. R. 37** and the United Kingdoms purported *obligation* to the United Nations Conventions. **Taylor [2002]** was an appeal that failed on similar grounds. *See: DR 14/186*

I was also denied a Interlocutory Appeal of the ruling re the Hearing of the Human Rights arguments which should have been classified as a Preparatory Hearing pursuant to Section 29(1) of the CPIA 1996 and Section 31(3)b CPIA 1996. On all accounts this was a complex case. Because the Human Rights Argument was not stated by His Honour Judge Niblett to be a Preparatory Hearing, I lost my right to Interlocutory Appeal, which would have been possible pursuant to Section 35(1) of the CPIA 1996. However, this hearing took place before the jury were sworn.

In the ruling re custody time limits, 18th January 2005, p2 line 21 *et. seq.* HHJ Niblett stated: ‘at the invitation of the Prosecution, and without objection by the Defendant, I directed, on the Morning of the 5th of January, that “the trial is starting today” ... there can have been no doubt in the minds of all concerned, that the trial commenced on that day.’ Therefore according to Domestic Law the hearing which took place after the start of trial and the subsequent ruling was made under Section 31(3)b CPIA 1996. Yet, I was denied an Interlocutory Appeal.

- b. I wrote a letter to Paul Goggins MP on the 19th September 2005, as he is the Parliamentary Under Secretary of State responsible for United Kingdom drug policy, in which I laid out my objections to the new Drugs Act 2005 and his reliance on the UN Conventions re the MDA 1971 and also my same Human Rights Skeleton arguments I sent to your Court.

I received a letter in response dated 23rd November 2005 from Jeremy Snare of the Drug Legislation Unit via the Direct Communications Unit of the Home Office. In the letter Mr. Snare states: “I am bound to say the government has no intention of acceding to your request that section 21 of the Drugs Act 2005 be repealed nor is there any immediate prospect of an amnesty for all prisoners incarcerated for violations of the Misuse of Drugs Act 1971.” He further relies on the UN Conventions to support his arguments. *Until there is a firm ruling as to whether the UN Conventions can disapply the Human Rights Act 1998 or the ECHR, I feel there is no prospect of any relief from the Domestic Courts.*

- c. I do cite issues in my submissions of Alleged Violations to your Court, particularly paragraphs 9 & 48. Both of these hinge on similar issues, namely PII matters, found in ***Edwards & Lewis v UK, Application nos. 39647/98 and 40461/98, The Times July 29 2003.*** It may be in this light that the Domestic Court will find these convictions to be unsafe; but, it will not be a remedy effective in all respects.

I have submitted to the Appeal Court in relation to paragraphs 9 & 48 that Section 78 of the Police and Criminal Evidence Act 1984 introduced a substantial chink in the armour of common law and in light of the full force of the Human Rights Act 1998 requires this Court to approach Section 78 applications for exclusion of evidence where a Convention right is engaged in the context of the ‘necessity’ and ‘proportionality’ tests found in ***Silver v. United Kingdom, [1983] 5 E.H.R.R. 347, at p 97*** and ***R (Daly) v Home Secretary, [2001] 2 AC 532.***

Most recently, October 2005 the House of Lords has reserved judgment on the exclusion of evidence that is obtained illegally, i.e., via torture. A ruling in favour of exclusion would be a substantial change to common law in this jurisdiction where previously ‘the method by which evidence was obtained was strictly irrelevant.’ If evidence under torture is found inadmissible then all other illegally obtained evidence must be found so as well; and with this, the end of what I see as evidential tyranny and rebirth of the doctrine of Natural Justice.

- d. My main contention with the entire Court process is my lack of perceived credibility as I am associated with the pejorative world of *drugs*. As such, the Court, PII and related legislation all discriminate against me as I am a member of the substantial National Minority called ‘drug users’.

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19. *Statement of the Object of the Application.*

- a. I am seeking an unequivocal declaration that the United Nations Conventions regarding ‘illicit’ drugs have no power to disapply the Human Rights Act 1998 or the ECHR.
- b. I am seeking an unequivocal declaration that the Misuse of Dugs Act 1971 is incompatible and that EU Member State drug laws must be redrafted in light of the ECHR and this ruling.
- c. I am seeking an unequivocal declaration that *Article 9(2) does not prescribe any interference in freedom of thought.*
- d. I am seeking an unequivocal declaration that Article 9 protects the right of each individual to think independently and autonomously, to access and use the full spectrum of his or her mind, to willfully engage in multiple modes of thought, and that decisions concerning whether or how to change a person’s thought processes *must* remain the province of the individual as opposed to the government or corporation, i.e. informed consent.
- e. I am seeking an unequivocal declaration that Medical Freedom, i.e., Freedom of therapeutic choice is encompassed within and protected by Article 9.
- f. I am seeking an unequivocal declaration that ‘drug users’ are a national minority and are not wrong, bad, dirty, shameful, scourges or scapegoats to be purged.
- g. I am seeking an unequivocal declaration that civilized nations do not make war on its own citizens and that there must be a truce declared in the War on Drugs.
- h. I am seeking to have my convictions quashed and to be granted interim relief including amnesty for *all* adult prisoners of the ‘War on Drugs’ across the EU that are incarcerated for nothing other than violations of the Misuse of Drugs Act 1971 and related EU Member State drugs legislation or regulations, i.e. non-violent, no crimes against the person, and no theft or other such offences.
- i. I am seeking specific redress for lost earnings, lost property, expenses and non-pecuniary damages for inner-turmoil and anxiety of myself and family members. I will make a full cost order in time but I expect at minimum the approximately £50,000 pounds in lost property to be compensated at full value including interest.
- j. I am seeking an unequivocal declaration that it is time to develop a jurisprudence of the mind, accounting for the latest understandings of the brain, the advancing powers of psychopharmacology and pharmacotherapy and situating these within our traditions of embracing individual freedom, self-determination, and limited government.
- k. I am also seeking political asylum in an EU member State to escape persecution by the United States; given their affinity for the spoils of the War on Drugs, I can see the United States administration being very upset with me and I am certain that if I am deported to the United States I will face double jeopardy type charges, thus violating Article 3. If the United States will commit publicly to this Court that I will not face charges in the United States were I to return and that I would be free to leave the United States, I would accept and voluntarily return to the United States.

20. *Statement Concerning other International Proceedings*

- a. There are no other international proceedings; however, I have sent a copy of my Skeleton Arguments on Human Rights to the EC, ICJ and the UN Human Rights Commission for archival purposes.

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21. *List of Documents:*

- b. Application
- c. Statement of Facts
- d. Statement of Alleged Violations
- e. Application Question PART IV-VII
- f. Express Limitations – Conceptualizations and Arguments
- g. Annex A – Brief Outline of My Life and Prosecution Summary
- h. Annex B – United Kingdom Attorney General’s Guidelines
- i. Annex C – Statements Re Count 8
- j. Annex D – Code for Crown Prosecutors and Disclosure Code of Practice CPIA 1996 s23(1)
- k. Annex E– Extracts from Police And Criminal Evidence Act 1984, Code of Practice B & s78
- l. Annex F – Various Rulings by HHJ Anthony Niblett
 - i. Judge’s Reasons for Ruling on abuse of Process/Human Rights Arguments
 - ii. Discussion with Judge re trial being rushed and unhappy with evidence
 - iii. Judge’s Ruling Re: Custody Time Limits (including Interlocutory Appeal)
 - a. Consent Order Queen’s Bench Divisional Court CO/356/2005
 - iv. Judge’s Ruling on Abuse of Process Re: Count 7 (Amended Count 6, MC/4)
 - v. Judge’s Ruling not to sever Count 9 and following discussion regarding amended indictment containing only 8 Count (Amended Count 8, MDMA)
 - vi. Submissions and ruling on line of Cross-examination of Jerry Northrup re: Thomas Carstenson by the Appellant
 - vii. List of Witnesses, summing up and verdict
 - viii. Proceedings following verdicts
- m. Annex G– Submission by C. Hardison to Court of Appeal – Appeal against Conviction
- n. Annex H – Miscellaneous
 - ix. An Entheogenic Reformation
 - x. Nuts and Bolts I & II
 - xi. Necessity Defence
 - xii. Atha Research Foundation letterhead
 - xiii. Judicial Review Submissions re: Internet Access for Litigation Research
 - xiv. Novel Condensation of d-LA into d-LSD via PyBOP
 - xv. Guideline Judgments Case Compendium – Sentencing Guidelines Council – LSD

I am limited to providing this Court the documents within my grasp; as such, many judgments have been unavailable to me despite repeated requests to Her Majesty’s Court Service and others. I have utilized and synthesized snippets of judgments when and where I could find them.

Also, in the filing of my legal Claims it has been necessary to obtain photocopies and the services of a fax machine. In doing so, I have had to surrender original privileged documents to members of HM Prison Staff thus effectively losing control of any ability and certainty in the maintenance of privileged communications. Accordingly, some documents I have *not* sent as I cannot maintain my privilege and I have been requested not to send originals. In short time I will be able to send clean un-annotated copies of documents related to Count 6 and 8 including the Skelton Abuse of Process Arguments, however, I must first obtain them from the trial solicitor, Jeff Schone of Harris Paley Solicitors, 9 St. Georges Place, Brighton, ENGLAND BN1 4GB.