

**Ombudsman Appeal Hearing 107-202500113 For Freedom of Information Request
FOI/111515**

Reply Submissions By Alric Jeremy Lindsay (the “Applicant”) September 2, 2025

IN THE MATTER OF ACCESS TO RECORDS UNDER THE FREEDOM OF INFORMATION
ACT (2021 REVISION)

BETWEEN:

(1) ALRIC JEREMY LINDSAY (APPLICANT)

AND:

(1) JUDICIAL ADMINISTRATION (RESPONDENT)

REPLY SUBMISSIONS BY ALRIC JEREMY LINDSAY

1) Introduction

These submissions are made by Alric Jeremy Lindsay (the “Applicant”), a financial services professional and a journalist based in the Cayman Islands, pursuant to Part VII of the Freedom of Information Act (2021 Revision) (“FOIA”), appealing the decision of the Freedom of Information Manager (“the Manager”) of the Cayman Islands Judicial Administration dated January 17, 2025, refusing part of a FOIA request dated December 9, 2024.

Prior to the Applicant’s current role as a journalist, the Applicant was a journalist with *Loop* for several years before *Loop* ceased operations. In his capacity as a journalist, the Applicant attended several court cases where tourists and Caymanians were charged with for firearms and ammunition possession offences. However, in most cases, tourists received a fine only and no convictions were recorded, while Caymanians were convicted and imprisoned. It is a matter of public interest that the Respondent discloses data on nationality, together with the reasons for non-convictions of tourists. If the data discloses sentence disparities for firearms and ammunition possession offences in the Cayman Islands, then these disparities should require further investigation and explanations should be provided. The Applicant’s FOIA request seeks access to court records to determine whether Caymanians receive harsher sentences than tourists for similar offences, a matter of significant public interest concerning equality before the law and the administration of justice.

2) Reply Submissions

The Respondent refused the Applicant's FOIA request under section 9(c) of the FOIA, claiming it would unreasonably divert resources. The Applicant submits that this refusal undermines the principles of open justice and the rule of law, particularly where the data sought could expose systemic biases in sentencing. The Respondent's position prioritises administrative convenience over transparency and accountability, which are foundational to a democratic society.

These submissions address (a) the factual background, (b) the legal framework emphasising open justice and journalistic access to court records, (c) the application of section 9 in light of the Respondent's inadequate resources, (d) the overriding public interest in disclosure, and (e) the Applicant's position that the appeal should be allowed.

a. Background

The Applicant's FOIA request, submitted on December 9, 2024, sought disaggregated data on convictions for importation and/or possession of firearms and ammunition from 2019 to 2024, including breakdowns by nationality, citizenship status, sentencing outcomes, acquittals, and demographics. This request stems from journalistic investigations into reports of sentencing disparities, where tourists often receive fines or absolute discharges without convictions, while Caymanians face imprisonment for comparable offences.

Media reports highlight this disparity. For instance, in June 2018, newspapers made a reference to tourist fines: "A [Georgia pilot](#) who flew in his own plane to Cayman Brac was fined \$8,000 last year after failing to declare a gun and ammunition in his possession. In January, a judge fined an [American tourist](#) \$13,000 after importing a .22-caliber revolver with five rounds of ammunition."

<https://caribbeannewsworld.com/gun-charges-turn-americans-cayman-islands-retirement-dream-into-possible-prison-nightmare/>

<https://www.sun-sentinel.com/2018/06/06/gun-charges-turn-americans-cayman-islands-retirement-dream-into-possible-prison-nightmare/>

In a Cayman Compass article dated June 10, 2025, "A 79-year-old American visitor who admitted accidentally bringing a bullet into the islands escaped a criminal conviction...after a magistrate delivered a no-conviction-recorded verdict."

<https://www.caymancompass.com/2025/06/10/elderly-tourist-in-court-after-bullet-found-in-bag-at-airport/>

In a Cayman Compass article dated August 12, 2022, “An American man found with a loaded revolver and extra bullets, while trying to leave Cayman, was fined \$7,500 by the Summary Court.”

<https://www.caymancompass.com/2022/08/12/tourist-fined-for-loaded-gun-in-backpack/>

Christopher Logan Ballow, a visitor from Texas, appeared in the Summary Court on August 6, 2025, to face a charge of possession of an unlicensed firearm in the form of 9 millimetre ammunition. Cayman authorities made the discovery when Ballow was preparing to depart the Cayman Islands. After hearing arguments from lawyers, the Chief Magistrate fined Ballow \$750 and ordered an absolute discharge, with no conviction recorded.

<https://blackboxinsight.org/tourist-fined-750-after-9-millimetre-ammunition-found-in-backpack-while-departing-the-owen-roberts-international-airport/>

On July 2, 2025, Patrick Edwards, a tourist who travelled to Cayman from Texas, appeared in the Summary Court to face a charge of possession of bullets contrary to the Firearms Act. The Chief Magistrate found that there were “extenuating circumstances” in the case, fined Edwards \$4,500, but did not record a conviction.

<https://blackboxinsight.org/tourist-fined-4500-for-three-bullets-found-in-his-carry-on-bag/>

Brian Richard Carlson, a retired American pathologist, appeared before the Summary Court today, May 7, 2025, to face a charge of importation of unlicensed firearm ammunition, being a live 0.38 calibre round. The Chief Magistrate ordered that he pay a fine of \$2,000. No conviction was recorded.

<https://blackboxinsight.org/76-year-old-retired-american-doctor-fined-for-importation-of-38-calibre-ammunition-no-conviction-recorded/>

Michael Daly, a retired United States law enforcement officer and consultant for Homeland Security, appeared in the Summary Court on January 14, 2025, to face a charge of possession of a single round of 9-millimetre ammunition. He was fined \$2,500 or 20 weeks in prison in default of payment.

<https://blackboxinsight.org/retired-us-law-enforcement-officer-fined-2500-for-possession-of-9-millimetre-ammunition-while-departing-cayman-airport/>

David William Hamilton, a visitor to the Cayman Islands, appeared before the Summary Court on December 30, 2024, to answer a charge for the possession of an unlicensed firearm, specifically one .22 calibre round of ammunition discovered within his luggage, as he was departing from Owen Roberts

International Airport. Hamilton was subsequently fined \$5,000, and a conviction was not recorded against him.

<https://blackboxinsight.org/visitor-fined-5000-no-conviction-recorded-after-ammunition-found-in-luggage-departing-cayman/>

A 17-year-old Italian girl appeared in Summary Court on November 26, 2024, and pled guilty with an explanation for possession of an unlicensed firearm, being a live 0.22 calibre round. She was fined \$5,000 and ordered that no conviction be recorded.

<https://blackboxinsight.org/17-year-old-visitor-found-with-0-22-calibre-bullet-in-her-jeans-at-airport-while-departing-cayman-fined-5000-no-conviction-recorded/>

In contrast, Caymanians convicted of similar offences often serve prison time, as evidenced by public concerns over unequal treatment in the justice system. This is generally highlighted in an article from the Cayman Compass comparing tourist cases to Caymanian cases.

<https://www.caymancompass.com/2024/07/22/armed-but-not-so-dangerous-the-hidden-victims-of-zero-tolerance-firearms-laws/>

Looking at specific cases, on December 6, 2024, Caymanian Fritz Albert McPherson was sentenced to seven years in prison on December 6, 2024, for his “momentary” possession of a firearm and ammunition. Justice Richards found no exceptional circumstances that would have qualified McPherson for a further reduction in the sentence.

<https://blackboxinsight.org/fritz-albert-mcpherson-gets-7-years-imprisonment-while-momentarily-possessing-a-firearm/>

55-year-old Caymanian Mitchell Chean Ebanks was sentenced to nine years prison on November 12, 2024, for the possession of a submachine gun, being a 9 millimetre L17 handgun fitted with an automatic sear (Glock Switch) and ammunition.

<https://blackboxinsight.org/man-gets-9-years-in-prison-for-possession-of-submachine-gun-ammunition/>

Dayne Neil Wilson appeared in the Grand Court on December 17, 2024, to hear the verdict in his case of alleged possession of an unlicensed firearm, being a 9-millimetre Luger pistol and seven rounds of ammunition. Justice Richards found him guilty after considering the DNA evidence and attributing knowledge of the gun to Wilson. This is notwithstanding that David Hurlston, the driver of the car, already pleaded guilty to the offences.

See: <https://blackboxinsight.org/man-found-guilty-of-possession-of-firearm-ammunition/>

Joshua Kayan Pars, a 33-year-old Caymanian, appeared in the Summary Court on December 11, 2024, to face a charge of possession of a firearm with intent to commit an offence. Magistrate Gunn sentenced him to 7 years imprisonment for firearm possession.

See: <https://blackboxinsight.org/joshua-kayan-pars-gets-7-years-imprisonment-for-firearm-possession-at-cotton-club-bar/>

On Friday, December 13, 2024, the Firearm Response Unit, whilst conducting patrols, stopped and searched a man behaving suspiciously, and during a further search of the surrounding area, officers recovered a loaded handgun.

The man, age 30, of North Side, was arrested on suspicion of possession of an unlicensed firearm as well as drug-related offences.

See: <https://blackboxinsight.org/one-man-arrested-for-possession-of-an-unlicensed-firearm/>

On August 5, 2025, it was reported that “A man who was arrested following a police chase which ended after he crashed and fled, leaving a gun and ammunition in the vehicle, has been sentenced to 12 years in prison for possession of an unlicensed firearm and ammunition.”

<https://caymanmarlroad.com/2025/08/05/man-sentenced-to-12-years-in-prison-for-firearm/>

The Applicant submits that the sentencing pattern in tourist cases underscores the need for data to confirm disparities.

The Respondent disclosed only aggregate conviction numbers (240) but refused further breakdowns, citing manual review burdens. Despite the Applicant’s willingness to narrow the request and even review files personally (subject to oversight), the refusal persists, blocking journalistic scrutiny.

b. The Legal Framework

While the Respondent relies on section 9(c) of the FOIA to refuse access due to unreasonable diversion of resources, this must be balanced against constitutional and common law principles of open justice, which demand transparency in court proceedings and records.

As mentioned in the Applicant’s initial submissions, the Cayman Islands Constitution Order 2009 guarantees freedom of expression, including the right

to receive and impart information, underpinning journalistic access to public records. It also reinforces access to information held by public authorities.

Cayman Grand Court Rules (GCR) Order 63 governs access to court files, affirming the principle that court records are public unless sealed. See cases referred to the Applicant's initial submissions where the Grand Court confirmed Cayman's commitment to open justice, allowing inspection of court files by non-parties where it serves legitimate interests.

The Cayman Islands Court of Appeal has clarified third-party access to litigation documents. See case referred to the Applicant's initial submissions where the Court applied the open justice principle, granting a non-party access to documents in private proceedings, emphasising that justice should not only be done, but should manifestly and undoubtedly be seen to be done.

UK Privy Council precedents, binding on Cayman, underscore journalistic access. In **Cape Intermediate Holdings Ltd v Dring** [2019] UKSC 38, the Supreme Court held that courts have inherent power to allow non-parties access to materials placed before the court, to advance open justice and enable public scrutiny.

Similarly, in **Guardian News and Media Ltd v AB** [2010] UKSC 1, the Court stressed that anonymity orders must be justified, as open justice requires public access to foster accountability.

These principles extend to journalists, who act as "watchdogs" for the public. Refusal to provide access undermines the rule of law and the Constitution provides the starting point for rights to information on court files. Unreasonable and wide restrictions in primary legislation would actually or threaten to breach those rights.

c. Application of the Law

The Respondent's reliance on section 9(c) of the FOIA is misplaced. While the regulations consider staff capacity and workload, the refusal fails to account for the public interest override and the feasibility of narrowed access. The Applicant offered to review files personally, alleviating the burden, but this was dismissed without justification.

If the Respondent lacks sufficient staff for basic data retrieval, as claimed (one officer for file retrieval), this reveals systemic under-resourcing that impacts

the rule of law. Caymanians seeking justice may face delays in case management, echoing broader concerns about access to courts. Compelling disclosure would not divert resources unduly but highlight the need for better funding to uphold judicial functions.

The purported insufficient staffing may also be linked to the Respondent's budget being subject to decisions of the Parliament. If this is the case, then perhaps, the Respondent should seek to become financially and operationally independent of the Parliament. This may assist with staffing and operational issues that lead to inconveniences for the Respondent.

The narrowed request reduces the scope without eliminating value. Manual review, while time-consuming, is proportionate given the public interest. The Respondent's duty under the regulations to consult was superficial, as it did not explore viable alternatives like supervised Applicant access.

d. Public Interest Considerations

Disclosure is emphatically in the public interest, not a personal pursuit of the Applicant. Journalists serve as surrogates for the public, enabling scrutiny of potential biases in sentencing that erode confidence in the judiciary. Confirming disparities—such as Caymanians imprisoned while tourists are fined—would foster accountability and reform, aligning with the FOIA's transparency goals.

The Attorney General has acknowledged similar concerns in related contexts. Media articles reveal that the Attorney General Samuel Bulgin stated he would ask the Chief Justice to review sentences amid fears of a two-tier justice that favours foreigners over Caymanians, proposing a review of five years of data for empirical evidence.

Cayman Compass (caymancompass.com) entitled "AG calls for review of drug sentences amid fears Caymanians hit harder than visitors" (by Raymond Hainey, dated 18 December 2024)

Cayman News Service (caymannewsservice.com) entitled "AG agrees to ask CJ to review inequities of drug sentences" (dated 7 January 2025);

Although focused on drugs, this reflects broader worries about sentencing inequities, including for firearms, warranting investigation into gun offences.

Open justice is undermined by refusal, as per Privy Council and Cayman precedents. Without access, the public cannot verify if nationality influences sentences, risking erosion of the rule of law. The incremental benefit is substantial: exposing disparities could prompt legislative changes, enhancing equality and public trust, outweighing administrative costs.

If resource shortages prevent disclosure, this itself harms Caymanians' access to justice, delaying cases and impairing court efficiency—outcomes contrary to public interest.

If the resource shortages are linked to the Respondent's finances being subject to the decisions of the Parliament, this also raises serious concerns about the doctrine of separation of powers, the rule of law and access to justice.

3) Conclusion and relief sought

The Respondent has failed to balance its duties under the FOIA with open justice principles. The appeal should be allowed, granting access to the requested data under supervised conditions if needed.

The denial is unlawful, disproportionate, and relies on legislation which is incompatible with the Constitution. It stifles journalistic inquiry into gun crime trends and judicial equity, undermining public trust.

The Applicant seeks from the Office of the Ombudsman the following declarations:

- (a) The actions of the Respondent were and continue to be unlawful and/or irrational and/or disproportionate and/or procedurally unfair;
- (b) The FOI Manager breached regulation 6 of the Freedom of Information (General) Regulations (2021 Revision) in that no reasonable efforts were made to locate the records requested and there is no record of the efforts that the information manager made;
- (c) The actions or omissions of the FOI Manager and/or the Respondent were and continue to be in breach of the National Archive and Public Records Act (2015 Revision);
- (d) The actions or omissions of the Respondent were and continue to be a breach or a threatened breach of the Appellant's constitutional right to access information

from a public Respondent (restrictions or exceptions explored by the Respondent under the FOIA cannot be wider than those stated in the Constitution)

- (e) The Ombudsman monitor and report on the compliance by the Respondent with its obligations under the National Archive and Public Records Act;
- (f) There was a breach of natural justice in that the Respondent failed to give the Applicant an opportunity to review the records himself;
- (g) There is a breach of the principles of open justice that the Respondent continues to restrict access to the requested information.

For these reasons, the Ombudsman is respectfully urged to overturn the refusal and direct disclosure.