



**In the High Court of Justice
Queen's Bench Division
Administrative Court**

CO Ref no: CO/3590/2011

In the matter of a claim for Judicial Review

The Queen on the application of

ALLMAN

versus HM CORONER FOR WEST SUSSEX

Notice of RENEWAL of claim for permission to apply for Judicial Review (C P R 54.12)

1. *This notice must be lodged in the Administrative Court Office and served upon the defendant (and interested parties who were served with the claim form) within 7 days of the service on the claimant or his solicitor of the notice that the claim for permission has been refused.*
2. *If this form has not been lodged within 7 days of service (para 1 above) please set out below the reasons for delay:*
3. *Set out below the grounds for renewing the application:*

(IN A SEPARATE DOCUMENT
HEREWITH)

4. *Please supply*
COUNSEL'S NAME:
COUNSEL TELEPHONE NUMBER:

Signed

Claimant's Ref No.

Dated

12/5/11

Tel.No.

07901 502538

Fax No.

0872

110 7676

To the Administrative Court Office, Royal Courts of Justice, Strand, London, WC2A 2LL

Case Number CO/3590/2011

The Queen (on the application of John Allman)

versus

HM Coroner for West Sussex

Grounds for Renewing the Claim for Permission to Apply for Judicial Review

Form 86B section 3 : statement of grounds

In reply to Mr Justice Lindblom's "Observations":

- 1. Promptness:** "The application for permission to apply for judicial review has not been made promptly." A timely application was made, but enclosing too few additional photocopies of the papers, and naming as defendant the particular assistant deputy coroner who had delivered the decision in dispute. The claimant complied immediately with the contents of a letter from the court, by altering the defendant to the coroner and making additional photocopies of the paper. He completed an application for urgent consideration because the hearing was imminent, and explained on the claim form the reason that the resubmitted application for permission was sent a matter of mere days after the expiry of the limitation period. Given that the substantive application for judicial review would raise Article 2, right to life issues, it is unsafe and disproportionate to deny permission for such trivial and understandable lateness on the part of a litigant in person.
- 2. No arguable basis?:** "... I do not discern an arguable basis for contending that the Assistant Deputy Coroner's ruling of 11 January 2011 is infected by any error of law." The judge has not mentioned in this "observation" of his, any of the grounds for review stated in the claim (q.v.), as reiterated and expanded below.
- 3. Irrationality:** It is not in dispute between the claimant and the defendant that, as findings of fact already reached, the deceased alleged that he was the victim of threats and abuse on the part of public sector staff, nor that he asked the claimant to participate in any inquest into his violent death, if, as the deceased feared, he met a violent death, which he did about six weeks after making this request of the claimant. It is also common ground that the claimant promised the deceased that he would comply with this request to take the keenest of interests in any inquest. It therefore is beyond dispute that the claimant *is* interested in any inquest. In view of his promise to the deceased, the claimant believes that it

would be *improper* for him *not* to take the closest possible interest in any inquest. The claimant rightly described in his grounds for judicial review in his claim, the coroner's decision that the claimant's interest in the inquest, an interest taken at the request of the deceased, wasn't a "proper" interest, as "a decision that an ordinary member of the public might consider perverse to the point of being irrational." The judge has not referred to this ground of the claim, the sheer irrationality of the coroner's decision.

4. **Article 2:** The coroner applied narrow Rule 36 criteria in determining whether the claimant's undoubted interest in the inquest was proper or improper. In view of the deceased's allegations against the UK, made right up until the day before his death, the deceased's Article 2 right is engaged. The coroner ought therefore to have applied broader criteria, that ensured that any inquest fulfilled the UK's ECHR treaty obligations. If the coroner had applied criteria informed by Article 2, she ought to have conceded to the claimant that he was indeed a properly interested person.
5. **The erroneous "analogy" test:** The coroner held that for an interest to be proper under class (h) in Rule 36, the relationship of the interested person to the deceased had to be analogous to the interest of a person in one of the classes (a) thru (g). It is "arguable" that the coroner fettered her discretion unjustifiably.
6. **The erroneous proximity test:** The claimant sought to be a person whose interest was held to be "proper" under class (h). Many persons who have never met a deceased, can qualify in classes (a) thru (g) as properly interested persons at an inquest into the death of that deceased. The coroner therefore considered an irrelevant fact, in holding that the fewness and shortness of the claimant's meetings with the deceased justify holding his interest to be other than proper.
7. **Prejudicial and wrong findings of fact:** The coroner stated that there was no evidence of the existence of electromagnetic weaponry, such as the deceased claimed was being deployed to his detriment. In fact, the claimant is willing and able to call compelling evidence that, for several decades, there has existed technology that has been perfectly capable of inflicting, from a distance and through masonry, upon individuals such as the deceased, the sleep deprivation to which he testified several times during the week before he died, and which appears to have contributed as a major cause of his death at the end of that week of sleep deprivation.

The claimant hereby requests an oral hearing, before a different judge, of his application for permission to apply for Judicial Review. Furthermore, he requests that this Form 86B request for an oral hearing should also be considered by a different judge.