

Her Honour Judge Rosemary Horgan
President of the District Court
c/o The Four Courts
Dublin 7

3 pages 'cc' interested parties

July 28th 2016

Dear Judge Horgan;

I acknowledge receipt of a letter dated July 26th signed 'on your behalf' by one 'Tom Ward, Chief Clerk'. Unfortunately Judge, and due to the catalogue of misconduct, misfeasance and obfuscation emanating from various State agencies, I regret we cannot accept correspondence ostensibly issued 'in another person's name' and therefore respectfully require you to sign off on the same and return it to us by return – in the overall interest of transparency and accountability. Thank you.

Given we have not had previous dealings with you Judge Horgan, we are presuming of course upon your own personal integrity and professionalism (as we do with all agents of the State until such time as they demonstrate otherwise) and we apologise in advance if any of our general critiques of the Irish justice system come across as personal criticisms of your good self, or indeed, of any others who are not complicit in the serial wrongdoings which are the subject of these correspondences.

As to the contents of Mr Ward's letter however; as a professional courtesy and in the interests of expediency so there is no misunderstanding of the position, we note (as is now considered 'usual' from State agencies) that the response from Mr Ward does NOT address a number of key issues raised; that there is NO copy of the Courts Service memo requested (indeed no further mention of it); that there is NO indicator whatsoever that any remedial or corrective action will be taken in regards to the crimes being committed in the District Courts; and that Mr Ward's letter does NOT – even by implication – guarantee our fundamental rights and personal safety in the District Courts.

In context of the undeniably unlawful, unconstitutional and criminal activities being directed, committed and/or facilitated by District Court Judges (as outlined in previous correspondence and as documented on social media) the casual reference in Mr Ward's letter to the supposed 'independence' of the judiciary is, if you will forgive my candour, quite frankly an inane misdirection and a clearly-absurd departure from the Constitutional requirement that judges are "*subject to the law and the Constitution*". (Article 35.2) There is also the Constitutional requirement under Article 34.6 (1) that ALL judges swear the following oath before taking office:

"In the presence of Almighty God I do solemnly and sincerely promise and declare that I will duly and faithfully and to the best of my knowledge and power execute the office of (Judge) without fear or favour, affection or ill-will towards any man, and that I will uphold the Constitution and the laws. May God direct and sustain me."

Furthermore, and in addition to the requirements of the *European Convention on Human Rights*, may I respectfully point out that Article 40 of the Irish Constitution also 'guarantees' that:

1. *All citizens shall, as human persons, be held equal before the law.*
- 3.(1) *The State guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate the personal rights of every citizen.*
- (2) *The State shall, in particular, by its laws protect as best it may from unjust attack and, in the case of injustice done, vindicate the life, person, good name, and property rights of every citizen.*

It is therefore clear and evident Judge Horgan, that those named judges are in blatant breach of Articles 34, 35 and 40 of the Irish Constitution; are likewise in breach of their terms of employment; and are similarly in breach of their supposed 'solemn oaths of office' and our fundamental human rights. Given that these judges' rule over the Courtrooms is supposedly 'absolute' and 'independent' then there can be no doubt nor question that in circumstances where these Judges are NOT abiding by the law and the Constitution, that said Courts are; (i) clearly and obviously unlawful, illegitimate and unconstitutional; (ii) that the decisions and rulings made therein are likewise invalid; and (iii) that accordingly NO law-abiding member of the public can therefore be lawfully compelled to participate. In short, that when judges act in blatant contempt of the law and of the Constitution, then they are acting in contempt of OUR public Courts – and have therefore become lawbreakers. It is a very straightforward concept Judge Horgan; if so-called 'judges' are operating outside of the law and the Constitution then they have 'outlawed' themselves and have surrendered any jurisdiction they had been previously gifted 'on behalf of the people' and in supposed service TO the people. It matters not how many ways the various State agencies try to fog the issue with selective avoidances of key questions and overlapping and clearly-contradictory declarations of 'judicial independence' – the fact of the matter is that we have a veritable slew of District Court Judges (in particular) masquerading as Constitutional agents but acting with deliberate criminal intent and purpose – and doing so with apparent impunity. And this is being done at the great and everlasting cost to the long-suffering Irish public, and to the integrity and historical credibility of the modern Irish State.

It might be accurate (and prudent) to further note Judge Horgan, that any 'Statutory Authority' or any person (such as the Minister for Justice, the Taoiseach or the Chief Justice for example) who is endowed with statutory powers or facilities to address this criminality in the District Courts – yet who continues to do nothing about it – is likewise technically guilty of complicity in said misconduct.

Speaking on my own behalf, but in the awareness that the great majority of the Irish public would no doubt agree that none of us would have any great difficulty going into a Courtroom that is being overseen by a Judge who is wise, fair and prudent. But what we DO have a problem with is entering Courtrooms which are being presided over by politically-appointed, supercilious, arrogant, overbearing and often tyrannical despots who act in overtly biased and unjust ways, who abuse their power and station with impunity and who clearly have no respect for the law, for the Constitution, nor for the privileged positions of service that they hold – supposedly 'on behalf of the Irish public'.

In added context of the fact that we have just been informed by a trusted source that 'a plan' is now afoot on the part of State agencies to 'silence and incarcerate' outspoken anti-corruption activists; and that a District Court Judge intends to try me in my absence next month on ridiculous 'public order' charges; and the fact that my family has been rendered virtually penniless because of years of State-sponsored malfeasance; I dare not even approach these District Courts at present Judge Horgan for fear of, (i) being unlawfully denied access; (ii) being intimidated and physically assaulted; (iii) being denied the right to speak; (iv) being falsely charged with public order offences; (v) being threatened with incarceration, or (vi) otherwise placed in fear, danger or jeopardy through the unlawful actions of Judges, Gardaí and Courts Service staff. All of this makes a complete nonsense and a mockery of Mr Ward's seemingly cynical suggestion that I 'seek appropriate legal remedies' through my supposed 'legal advisers'. Some of us are NOT on hundreds of thousands per year plus expenses Judge, and some of us do NOT have the 'protection' of 13,000 Gardaí at our personal beck and call (although perhaps we should)? In any event, it should NOT be our job to insist upon proper judicial conduct – especially when it is supposedly 'guaranteed' to us under the Constitution.

While we are on the subject Judge Horgan – and in light of the fact that there appears to be some considerable 'confusion' amongst the Irish judiciary regarding the issue of alleged 'contempt of Court' may I respectfully draw your attention to pp.175-178 of the *'Integrity Ireland S.O.S. Guide'*

(ISBN 9781906628727) which details various rulings and decisions by the UK's Lord Chief Justice, the US Supreme Court and the European Court of Human Rights which effectively prohibits any given judge from adjudicating on any alleged act of 'contempt' in their own Court. In context of Judges Hughes, Lindsay and Faughnan overreaching their jurisdiction in this arena just this past month, may we respectfully suggest that these binding rulings be brought to the immediate attention of all District Court Judges so as to avoid any more inadvertent breaches of the ECHR, and the resultant professional embarrassment (to the judges concerned) and the added costs to the Irish taxpayer when those who have been mistreated or falsely accused issue claims for damages against the State.

Likewise with the 'Common Informer' process which seems to be causing considerable consternation in the District Courts. In the failure and refusal of the Courts Service to supply us with a copy of the memo sent to all judges on this procedure, and in the repeated refusals and failures of a number of District Court Judges to abide by Superior Court rulings in this regard, we felt obliged to lay the legislation and process out in detail in another short publication for the perusal of the public and the judiciary alike: '*D.I.Y. Justice in Ireland – Prosecuting by Common Informer*' (ISBN 9781906628734). Both of these publications are now freely available via the internet, or by request from high street bookstores or via the *Integrity Ireland* website, and we have offered to provide discounted copies to the Courts Service CEO Brendan Ryan at his request. We would therefore expect no more obstructionism or lack of compliance on the part of various 'Officers of the Court' when we next avail of our unquestionable statutory right to prosecute in our own names in the District Courts.

Accordingly Judge Horgan, may I respectfully suggest that you review the said letter ostensibly issued by Mr Ward 'in your name' with a view to addressing the points originally made – as well as those reiterated above – and return to me with something approaching a proper and comprehensive response that incorporates some mention of *S.21 of the Courts of Justice (District Court) Act 1946* and *S.73 of The Courts of Justice Act 1924* – which (despite misleading assertions otherwise by Minister Frances Fitzgerald) clearly document two statutory processes (other than by formal impeachment in the Dáil) whereby the Minister for Justice and/or the Chief Justice CAN take direct action in the face of alleged misconduct by District Court Judges.

I am therefore asking again Judge Horgan, most respectfully, for your personal guarantee that; (i) I will be safe from unlawful assault and injury in the District Courts; (ii) that my other fundamental rights will be respected; and (iii) that any and all applications for private prosecutions legitimately applied for by myself or others will be processed according to law without further obstructions, interference or unlawful hindrances by District Court Judges. I also require a copy of the memo sent to the judiciary by the Courts Service regarding the Common Informer process, and an outline of what measures you intend to take – as the President of the District Court – to address the unlawful and unconstitutional activities ongoing in our District Courts.

In context of the thousands of man-hours already spent engaging with 'the statutory authorities' in what appears to be utterly fruitless and futile attempts to secure proper responses and service, I regret to add Judge Horgan that if we do not receive a full and proper response within seven days – signed in your own name – that we will interpret the same as a deliberate refusal to respond on your part, and will feel at liberty to take the appropriate action without further recourse to you.

I reiterate the position as laid out in previous correspondence and trust the position is clear.

Yours,

Stephen Manning

(A member of *Integrity Ireland* and independent candidate for Co. Mayo)