

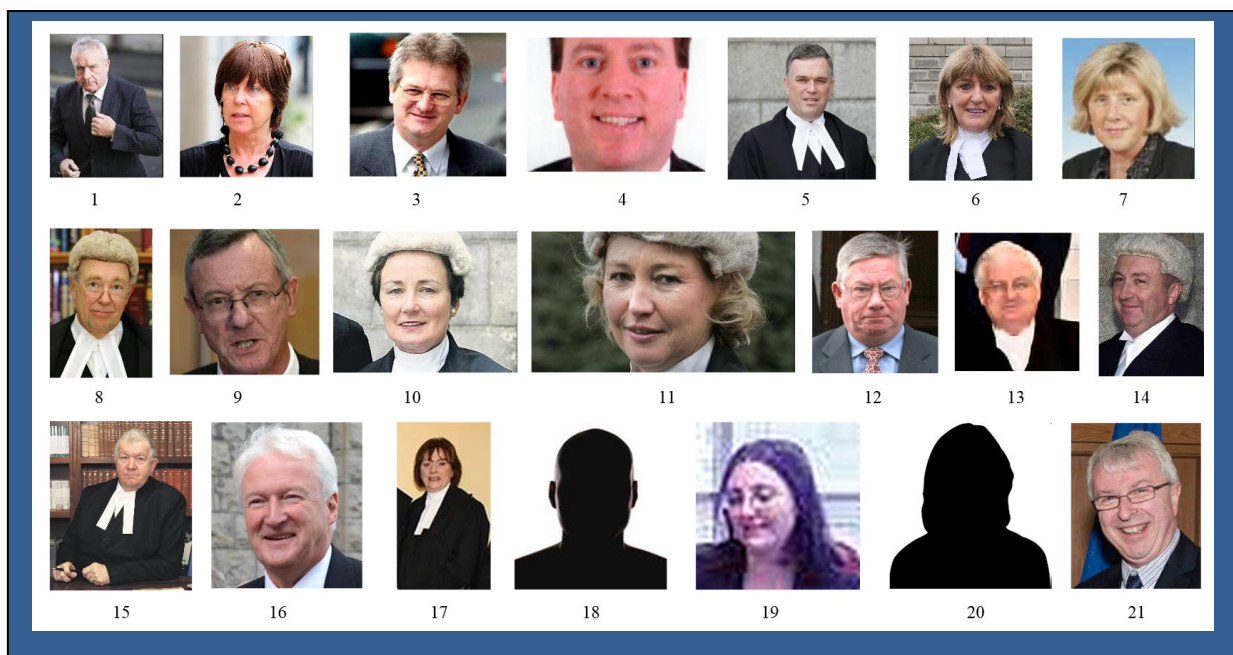
“Misconduct in Public Office - 21 Examples to Ponder”

(and what we ‘ordinary folk’ can do about it)

Formal complaints were lodged against all of the public figures profiled in this report. As of the time of writing, no sanctions, penalties or formal remedial action has been taken by ‘the respective authorities’ or any of their supposed ‘statutory oversight bodies’.

A simple question: Why pay good money for bread that is mouldy? Or, what’s the point of taking a bus that won’t stay on its route? Or... why return to a restaurant where the owner is abusive and the menu is a lie? These are the sort of questions that could be asked about any products or services that we purchase daily in good faith. These people are being paid to provide a product or a service, and if they don’t give us decent value, then we have every right to go elsewhere. Because only a fool continues to pay for goods or services that are sub-standard – right? And only a bigger fool allows others to continue to repeatedly abuse them – time after time – right? The problem with our justice system however, is that there *IS* no alternative and nowhere else to go.

There are approximately 160 sitting judges at any given time in Ireland – and another 26 County Registrars. We have had occasion to come before at least 50 of them in the past 7 years – mostly as a lay litigant advancing our own cases, and sometimes as an observer with *Integrity Ireland*.



At first, just like everyone else, we were awestruck and intimidated by the imposing surroundings, by servile solicitors and smart-looking barristers, and by sombre Judges and Registrars making complicated legal pronouncements which everyone – bar us – seemed to understand. Often, Gardaí were present in numbers – sometimes in riot gear – ready to pounce on the public at the slightest nod or gesture from the Judge. It was all designed to impress and intimidate – and to a certain extent it worked, because at first, we had no idea what was really going on. Just like everyone else who is NOT embedded in the system, we actually thought that our Gardaí, our Registrars and our Judges were obliged to follow some rules – right? After all, it is clearly stated in our Constitution that ALL citizens are equal under the law, and even our esteemed Minister for Justice and the Supreme Court’s Chief Justice has conceded that even our highest-ranking Judges ARE themselves.. (supposedly) “..subject to the Constitution and the law”. This is what the Government has to say:

Equality before the law

All citizens in Ireland shall be held equal before the law. This means that the State cannot unjustly, unreasonably or arbitrarily discriminate between citizens. You cannot be treated as inferior or superior to any other person in society simply because of your human attributes or your ethnic, racial, social or religious background.

The right to fair procedures

The courts, and all other bodies or persons making decisions that affect you, must treat you fairly. There are two essential rules of fair procedure.

- The person making the decision that affects you should not be biased or appear to be biased.*
- You must be given an adequate opportunity to present your case. You must be informed of the matter and you must be given a chance to comment on the material put forward by the other side.*

So, to put it plainly, we ALL have a right to fair and equal treatment, and we are ALL equally subject to the law. Naturally, this *includes* people who work for the State – and most especially those who work in the justice system – right? After all, if THEY aren't abiding by the rules, then why on earth should the rest of us do so? We can't have one group of citizens imposing laws on the rest of us which THEY won't respect themselves – can we? That would be hypocrisy, duplicity and double-standards of the worst order, wouldn't it? There's nothing fair, democratic or even lawful about one group breaking all the rules and oppressing another group – especially when WE are paying their wages – right? In fact, whenever dishonest people visit unlawful acts on others we usually describe them as 'criminals'. Wearing an official uniform or a robe doesn't change this fact, and getting a pay-packet from the State shouldn't be an automatic cloak of immunity. Come to think of it, wasn't this what the 1916 rising was all about? The rejection of an unjust system where a rich and privileged elite oppressed and exploited the rest of us with impunity. According to the *European Convention on Human Rights*; governments simply can't treat their citizens this way anymore – because to put it bluntly; it would be criminal for them to do so.

So, what can we ordinary citizens do when Registrars and Judges break the law? Well, according to the Office of the Chief Justice, *"There is no facility at present, via this Office, to complain about the conduct of a Judge."* According to the office of President Higgins, *"The President cannot interfere in judicial matters."* And according to the Minister for Justice Frances Fitzgerald, *"I have no role to play in this matter."* Well, apart from the fact that we now know that Mrs Fitzgerald was being very 'economical with the truth' (otherwise known as lying) – and that there appears to be an unspoken policy of immunity for State employees across the board – the other thing we also now know is that we CAN do something about this. All we need is the will and the courage to stand up to these abuses of power and position, and hold each individual *personally* to account.

There is a simple procedure – enshrined in the law – whereby any one of us can walk straight into a District Court and ask the Judge to issue a summons against ANY OTHER PERSON on the basis of their alleged criminal acts or behaviour. This includes, *"misconduct in public office"* or any action which is designed to, *"interfere with, obstruct or pervert the course of justice."* And you can rest assured that this sort of thing is regularly happening on a routine basis - especially in our Courts. In fact, in a disturbing irony, the most recent slew of unlawful and unconstitutional behaviours by over a dozen Judges has been their combined attempts to prevent us from prosecuting Gardaí, County Registrars and other authority figures for clear and undeniable criminal acts. The process

used is called '**prosecution by Common Informer**' and dates back to 1851, yet remains embedded in our fundamental rights and is supported by a lengthy Supreme Court ruling as recently as July 2015. But for some strange reason, the whole Irish justice system seems intent on denying us our statutory right to prosecute State-affiliated criminals in our own names. The following examples come from our own personal experiences before various Registrars and Judges.. and yes, we respectfully invite any one of them – or all of them together (if they wish) to challenge the truth and accuracy of the following details, because we would be all too happy to thrash out the facts in the full glare of the international media. This is how some of our Judges, Registrars and supposed 'public servants' are purportedly 'doing their jobs' and serving the law and the Constitution.

1. Judge Kevin Kilrane – Taken somewhat by surprise at first, he was obliged (by law) to issue our first '*Common Informer*' summonses against a Garda Sergeant and Mayo County Registrar Fintan Murphy. But then, along with a number of other 'legal professionals' he colluded with the Courts Service to ensure that neither of the accused would appear in Court... at least, not yet! 😊

2. Judge Mary Devins – Had the Gardaí block public access to her Court after hearing we were going to lodge *Common Informer* applications. Then, in collaboration with the local Courts Service tried to introduce obstructive and punitive measures to forestall future applications. Suggested she had 'the right' to go against Common Law precedent and High Court and Supreme Court rulings – a suggestion which would make an absolute nonsense of our whole system of law.

3. Justice Michael White – Abrupt and overbearing; tried to intimidate us into silence while facilitating an all-too obvious conspiracy to undermine our efforts to prosecute certain officials under the *Common Informer* legislation, and then continued with a gravely unsound Court hearing after being served with a formal notice that his actions were 'demonstrably unconstitutional'.

4. Judge James Faughnan – Usually composed and well-mannered, but nevertheless refused to dismiss a vexatious case (as is normal) when the prosecuting Garda didn't show, and exited his Courtroom twice 'in haste' while we were talking; once when we tried to lodge *Common Informer* applications which we had notified the Courts Service about in advance. A Garda cordon ensured he could drive away without interference or without having to answer awkward questions.

5. Judge Alan Mitchell – Came across as fair and reasonable at first, but nevertheless oversaw the violent Garda assault of a person who simply wanted clarity on why he was in Court. Refused to view evidence and exited the Court while the litigant was speaking. Also failed to accept *Common Informer* applications on the grounds that he had to read-up on a lengthy Supreme Court Ruling (which we now know actually supports and reinforces our right to private prosecution).

6. Judge Miriam A. Walsh – Brusque and overbearing; when faced with legitimate applications to prosecute Gardaí and GSOC Officers, she couldn't find any reason not to proceed, so she simply declared, "*I didn't like your behaviour last week, so you can take this to another Court!*" The 'behaviour' referred to was us asking her (firmly but politely) where she was going on the previous occasion when she too, 'exited in haste' at the sight of our *Common Informer* applications.

7. Judge Miriam Malone – Previous President of the District Court; likewise, when asked politely to please identify herself she remarked ominously, "*You'll know who I am soon enough!*" ..before embarking on a travesty of a hearing that facilitated an obviously contrived attempt by Gardaí and the DPP to 'set-up' an innocent person. Due process, perjury and flawed 'facts' were completely overlooked. Also conveniently 'recused' herself without being asked when presented with

legitimate *Common Informer* applications, after first of all 'losing' key paperwork and then giving us only 35 minutes to draft, copy and lodge seven sets of papers with the Courts Service.

And that small selection only covers our recent efforts to lodge these private prosecutions. A few other noteworthy examples of 'questionable judicial conduct' we witnessed first-hand includes:

8. Justice Nicholas Kearns (ret) – As President of the High Court he held a hearing *without* the initiating party being notified. He revised his own verbal Orders after-the fact and allowed a criminal to masquerade as 'an attorney' in the High Court. Referred to unseen affidavits to 'indefinitely suspend' a serious court case naming three Gardaí and a relative of Enda Kenny's from proceeding – on the basis that the defendant was supposedly 'too ill' to attend Court. He also did nothing when threats to kill occurred in his own Court. Took early retirement last year, shortly after being advised by us that he faced an imminent citizens' arrest and a personal civil claim for damages, and that a criminal complaint had been lodged against him with the Gardaí.

9. Justice Sean Ryan – (now president of the Appeals Court) Accepted clearly fraudulent notices of service. Held a hearing in the absence of the Plaintiff and illegally overruled the legitimate ruling of another High Court Judge when he had absolutely no jurisdiction to do so; thus favouring a 'connected' litigant and his criminal representative.

10. Justice Mary Finlay Geoghegan – Knowingly facilitated a criminal who had posed illegally as 'an attorney' over 18 times in the High Court and the Circuit Court. Referred to affidavits unseen by the Plaintiff and facilitated other breaches of due process and unconstitutional activity.

11. Justice Margaret Heneghan – Refused to identify herself. Also refused to allow a legitimate litigant the right to speak in Court and arranged in advance for Gardaí to remove him by force.

12. Justice Raymond Groarke – (President of the Circuit Court) Has engaged in a series of improper and unconstitutional acts over several years, including changing Court Rules at will; acting in prejudiced and punitive ways; mocking lay litigants; blocking or refusing due process; and generally being a classic example of why we need urgent reform in our judiciary.

13. Judge Gerald Keys – Said quietly, to a barrister representing a 'connected' defendant who had just lied openly in Court; *"Have a word with your client – he just perjured himself."* The Plaintiff (a lay litigant) still lost the case, despite it being proven in his favour without doubt.

14. Judge James O'Donohoe – Conducted a trial without allowing the Defence the opportunity to present their case – which is such a fundamental breach of due process that it beggars belief. This prompted another 18 months of costly High Court appeals & rulings, and more 'jobs for the boys'.

15. Judge Rory P. MacCabe – Held a Court hearing in our absence; accepted forged 'notice' papers; facilitated obvious attempts to deceive the Court; allowed flawed procedures to proceed, and failed to take any action against State employees who were proven to be lying on the stand.

16. Justice Iarfhlaith O'Neill (ret) – Hostile and overbearing; ordered a lay litigant (who asked for his travel expenses when opposition solicitors repeatedly failed to comply with due process) to leave the Courtroom or 'face the consequences' – and then joked about the spectacle afterwards.

17. Judge Karen Fergus – Smug and condescending; point-blank refused to enforce valid witness summonses. Used a legitimate defamation case to further publicly insult and offend the Plaintiff

(and denigrate *Integrity Ireland*) while ordering the media NOT to disclose the names of a ‘connected’ criminal in their midst. Implied she had ‘the right’ to ignore Superior Court Orders and instructions, and even set new legal precedent. Dragged out proceedings unnecessarily for months, and then topped it all off by contradicting her own baseless arguments in her final summing up. Another classic example of why we need urgent reform in our judiciary.

And then there are the side-kicks..

18. Principal Registrar Kevin O’Neill (Four Courts) – Evasive, unhelpful and uncooperative; failed to respond to correspondence and formal complaints; refused to identify Courts Service staff that were being difficult and obstructive and deliberately giving out false information to the public.

19. Registrar Angela Denning – Obstructive, uncooperative, supercilious and unhelpful; assisted Justice Kearns in facilitating improper actions in the High Court, including failing to notify us of an important hearing which subsequently went ahead in our absence.

20. Registrar Margaret Mulligan – Refused to amend an erroneous High Court Order in spite of the fact that 17 eyewitnesses and a digital recording proved the Order was absolutely incorrect.

21. County Registrar Fintan Murphy – Almost too many incidents to list, but some include illegally ordering Gardaí to ‘remove’ (i.e. assault and injure) members of the public who dared to raise awkward (but legitimate) questions in his repossessions Court. ‘Selectively’ refused to provide due service and then brazenly lied about the facts. Refused to communicate further on the matter. Colluded with the criminal Collins fraternity to mislead us as to Court dates and deceive the Courts as to ‘proper service’. Entered documents ‘into the record’ without notifying all parties to the case. Facilitated a barrister in his improper attempts to block access to information that would identify those who were threatening and harassing us, and so on...

To put things in another perspective; what if your team turned up for the long-awaited cup final only to discover that the referee had decided in advance that YOUR team was going to lose the game – and that he was willing to change any or all of the rules and even send all of your players off – if necessary – to achieve that unjust result? Well, you can be absolutely sure that that referee would NOT be out the following weekend – nor the weekend after that! Indeed, and speaking as a sports official myself, you can be absolutely sure that any official who failed to comply with the basic rules in this manner – or who showed clear bias and favouritism towards any party – would immediately, and permanently, lose his licence!



That my friends, is called ‘accountability’. And if we don’t have the will or the courage to hold these people properly to account, then maybe we deserve what we get!?! Because clearly, the so-called ‘statutory authorities’ are not going to do anything about this appalling national scandal, and the mainstream Irish media is doing its level best to ignore the elephant in the room – even though that elephant is (metaphorically speaking) – putting us all neck-deep in elephant dung.

The tools are there, the law is there, and the support is there. You DON’T need to put up with this anymore. Let these people know that they WILL be held fully to account – under the law – if they continue to betray our trust and abuse the privileged positions they hold. So please check out the *Integrity Ireland* website and *facebook* pages for more information, because..

“One by one – together – we CAN make a difference!”

