

Seeking Legal Representation: Summary of Proposed Case Against The Irish State.

1. My name is Dr Stephen Manning. I am a married father of 3 school-age children, one with special needs. I have dual British-Irish nationality and my wife is Japanese. I am an ex-university teacher, a book publisher and a sports official with no previous criminal record. I am the founder of the Integrity Ireland project which is a pro-justice association.
2. I was recently jailed for 2 months based on an utterly biased, contrived and unlawful 'trial' (without any legal representation and without even entering a defence) based on fabricated evidence concerning an alleged 'Section 6' public order offence that arose out of an incident in September 2015 where a District Court Judge abandoned his Court. No allegations were made against me on the day; no notes were even taken by a dozen Gardaí present; and no complaints were made by anybody – not even by the Judge.
3. The politically-driven DPP prosecution case was based on 18 (contrived) written statements by agents of the State which were delivered to me 9 months later. Some are clearly backdated. Others make specific and/or misleading reference to audio evidence that subsequently 'went missing' after the Prosecution was ordered by the Court (twice) to release the DAR records to me (proofs of criminal damage are now in my possession). The summons was purportedly 'applied for' exactly 6-months to the day from the alleged offence but no interviews or statements were taken from about 25 members of the public present in Court, during the supposedly 'thorough' Garda investigation.
4. Another co-accused (Mr Colm Granahan) was listed on the same charges. He had applied for a separate trial but was refused. We attended 2 preliminary hearings on June 1st & 15th 2016. On both occasions I asked the judges to guarantee our personal safety as long as we were not doing anything unlawful. (Mr Granahan and myself were both carrying injuries from previous assaults). The first Judge got up and walked out without responding, and the second threatened to jail me if I didn't "*Shut up!*" I had not entered a plea, and was not allowed to apply for legal aid. I was then forcefully 'escorted' outside by Gardaí whilst continuing to try to speak reasonably to the judge (we have this recorded).
5. On the first day of the trial (Sept 6th 2016) I was finally granted legal aid by Judge Aeneas McCarthy (from Limerick) but was then given only 1 hour to secure it. When I reported back to the judge that I hadn't been able to find a solicitor in so short a time, he said bluntly, "*We are continuing the trial, nevertheless!*" We told him this was unlawful.
6. Four days of trial ensued with me objecting at every opportunity to the legitimacy of the proceedings, especially the fact that I still had no legal representation. Then there was a break of over 2 months during which time we discovered that the prosecution had unlawfully deleted audio evidence files from a CD which they were ordered by the Court to disclose to us. Judge McCarthy had conveniently 'ruled out' that evidence on the morning of Sept 6th on the grounds that it was 'incoherent' – but this was because the prosecution had also artificially speeded it up. I have in my possession as proofs; two different CD's covering the same events, plus a letter from Fujitsu Corporation stating categorically that the erasure or speeding-up of DAR files could NOT be done at their end. I also have an email from a Courts Service manager identifying the person responsible as Castlebar Courts Service Manager Peter Mooney, the very same person who 'issued' the original (backdated) summons against us in the first place.

7. I took these criminal-damage incidents (plus the legal aid issue) to the High Court under judicial review alleging 'serious prosecutorial misconduct' but 3 separate JR applications were all refused by the same Judge (Richard Humphries) without any proper explanation. His much-belated written judgements are awash with fog and misdirection and did NOT deal with most of the substantive issues raised, including the fact that I was being repeatedly denied access to my own case file and to my own Garda records.

8. The prosecution ended their case on Nov 23rd 2016 with District Court Judge Aeneas McCarthy (now fully aware of the still-ongoing JR applications and of criminal complaints lodged against him with Gardaí) still refusing to grant my applications; (i) for copies of the DAR; (ii) to enter the proofs of serious prosecutorial misconduct into evidence; (iii) to order the local Courts Service and Garda HQ/Records to cooperate with me and give me my case file and other evidence; (iv) for him to strike out the case on the basis of proven fraud, perjury, criminal damage and/or (v) to recuse himself on the grounds of overt bias.

9. The trial was set to continue on Jan 26th 2017 (as noted in our contemporaneous notes and heard by 7 witnesses) but the prosecution moved the hearing date forwards to Jan 23rd WITHOUT any notification to us whatsoever (I was in the Supreme Court on related business that day). The Judge then declared me 'guilty in absentia' and had me arrested off the train on a bench warrant and jailed overnight in the Garda Station.

10. Mr Granahan was en route to hospital for heart surgery that day, but was likewise declared 'guilty in absentia' – a decision which was unexpectedly and bewilderingly 'revoked' by Judge McCarthy in Castlebar District Court, some 12 weeks later.

11. My High Court JR papers (which had been rebutted and contested by sworn affidavit by the DPP's Office) specifically mention the date of "Jan 26th 2017" for the continuance of the trial and the start of the defence case. This date was common knowledge to ALL of the parties concerned, including being widely advertised on social media. At this point, also without any notification to us, the DPP's Office had replaced the Mayo State Prosecutor with, 'The Deputy-Director of Superior Court Operations at the Office of the DPP', (operating under the title of 'Chief Prosecution Solicitor') plus a new Barrister.

12. The next morning, Jan 24th, I was brought before the Court in handcuffs and told I had been found 'guilty in absentia'. I immediately requested a 'consultative case stated' but Judge McCarthy bluntly refused. He then sentenced me to 2 months imprisonment and I was told that if I didn't immediately appeal the matter to the Circuit Court (on papers that were already prepared for me) that I would go straight to jail.

13. In an emailed JR Order issued out of the High Court on midday Jan 23rd (the previous day) reference is made TWICE to the (upcoming) 'Circuit Court proceedings' - but those proceedings would NOT come into force until I lodged the appeal notice under duress on Jan 24th!? My repeated questions as to how High Court Judge Richard Humphries could make such a prescient reference in these curious circumstances have gone unanswered.

14. Similarly, the Courts Service has repeatedly refused us sight of any of the relevant documentation requested. The appeal was immediately put up for mention on Feb 10th (13 working days later) then scheduled to be fully 'heard' on May 2nd, again, without any legal representation being assigned to me. The prosecution's witness list had now been reduced to 5 and Mr Granahan (the co-accused) was not named as a co-Defendant. I had

by then made 6 separate applications for legal aid (in person, by letter and in Court) without a solicitor being assigned, and had written scores of letters (literally) to all of the respective authorities about what was going on – again, without any proper responses.

15. The Circuit Court Judge (Sean O'Donnabhain from Cork) also; (i) refused my requests for the DAR recordings; (ii) he refused to identify any 'injured party' in the case; (iii) he refused to direct the prosecution witnesses to wait outside when their colleagues were giving evidence; (iv) he dismissed three State witnesses before I had finished questioning them; and (v) he repeatedly refused to speak into the microphone 'for the record'. (iv) He badgered and interrupted me in a very intimidatory manner throughout (which I noted 'for the record') and (vii) he refused to accept a 'NOTICE' and request that he recuse himself; (viii) Judge O'Donnabhain then pre-emptively shut down proceedings mid-way through my first defence witness' testimony and BEFORE I could call 7 of 8 defence witnesses, declaring irately that he was now refusing the appeal and endorsing the 2-month prison sentence issued 'in absentia'. He also ridiculed a legal authority that I read out to him (about 'void' & unlawful proceedings) authored by Lord Denning saying, "*We don't have much truck with English Lords and such like in the Republic of Cork!*"

16. I was then taken to Castlerea Prison on May 4th on foot of flawed and misleading papers (i.e. that falsely stated that the case had been 'properly heard' and absent Judge McCarthy's signature, which was hand-printed on it) which I duly brought to the attention of the Prison Authorities. Three legitimate habeas corpus applications were then inexplicably refused outright by the High Court and a whole raft of 'peculiarities' (missing or backdated documents / unanswered letters to the authorities / people turned away from the prison because I supposedly had legal representation etc.,) ensured that my efforts to address these issues in a timely manner were thwarted. Likewise, a criminal case scheduled for May 11th where I was the lead witness against 4 Dublin Gardaí being charged with assault and criminal damage apparently just 'disappeared' off the books without any notice to me, with the DPP & Courts Service refusing to answer questions.

17. In jail, I was a 'model prisoner' and resigned myself to do the time with as much dignity as possible. My conversations with prisoners and Prison Officers underscored the fact that I was the ONLY sentenced prisoner in Castlerea who had been charged, tried and sentenced; (i) without having any legal representation; (ii) without entering a plea; and (iii) without being allowed to present a defence. The additional *proven* prosecutorial misconduct whereby agents of the State had concocted false statements, perjured themselves under oath, failed to obey a Court Order, and conspired to interfere with evidence and to reschedule court dates, appear to be somewhat commonplace occurrences (if one is to believe the other prisoners' accounts of their cases). In any event, there was very little trust or respect for 'the system' amongst those I spoke to.

18. I had access to certain law-books in jail and discovered that my incarceration was in flagrant breach of international protocols and ECHR rulings which are binding on Ireland. So, as well as lodging formal habeas corpus applications, I also wrote various letters to the statutory authorities and to Human Rights agencies – mostly without due response.

19. I was released early on the 'temporary release' program thanks to the efforts of the Prison Authorities. My official release date was Saturday June 17th 2017. Judge Aeneas McCarthy (whose 'signature' is absent from the committal order) retired on June 16th.

20. So, after a few weeks' rest-and-recuperation in Castlerea, I am now 'free' and eager to sue the State for false imprisonment, malicious prosecution, conspiracy to pervert justice etc., but I am being completely stonewalled by the establishment as regards getting documents, information, DAR records or files that would reinforce my case. I had appealed all of the earlier JR refusals directly to the Supreme Court under the new 'leapfrog' rules before I was jailed, and that SC application has since been assigned a record number but has otherwise yet to be dealt with.* The DPP has indicated that they intend to contest that SC application and had recently asked me for permission to file late papers. I refused. They filed the papers anyway. I am awaiting a response from the Supreme Court Office as to the status of that SC application. (*July 2017 – refused)

21. From my readings in prison, I believe that the following legal principles have been breached:

- The right to a fair hearing before an independent and impartial tribunal.
- The right to be tried in my presence and to have legal aid assigned.
- The right to access evidence, and call witnesses, with adequate time and facilities.

There have also been clear and blatant violations of the following:

- Articles 38(i) & 40 (i) of the Irish Constitution.
- Articles 6 & 13 of the European Convention of Human Rights.
- Articles 47 & 48 of the E.U. Charter of Fundamental Rights.
- Article 1 of the Council of Europe.
- Articles 2 & 14 of the United Nations Covenant on Civil & Political Rights.
- Articles 8 & 10 of the United Nations Universal Declaration of Human Rights.

22. I have also alerted the ECHR as to what is going on and have received official complaints packages from them – as yet, not acted upon. As the founder of the '*Integrity Ireland Association*' I would be reasonably well-known as a pro-justice spokesperson in Ireland having also run (unsuccessfully) as an independent candidate in the 2016 election on an anti-corruption platform – hence another possible reason for all of this 'special treatment' and/or acts of 'political policing' by the authorities?

23. I also have 2 solid personal injuries cases against the State which I am eager to move forwards, as well as two outstanding civil Court judgements of over €25,000 which I could do with some help in collecting. Everything is meticulously documented and supported by Court records, credible eye-witnesses and/or audio-video.

24. I need some courageous, capable and determined legal assistance to at least TRY to get some justice in this sorry situation. We have been financially exhausted by these extended events, so any agreement as to legal assistance would have to be on State legal aid (which we would qualify for) or on a 'no-win, no-fee' basis. Thanking you for your time and interest. Please direct any further enquiries to:

Dr Stephen Manning, Mountain, Forthill, Ballyhaunis, Co. Mayo, Rep. of Ireland.
Tel: +353 86 218 9229 email: legal@checkpoint.ie

Links: Flawed committal documents (i) [Originals](#) (ii) [Originals with explanatory notes](#)
[International political magazine 'CICERO' covers the story](#)
[20-minute video report](#) of the case and the trial