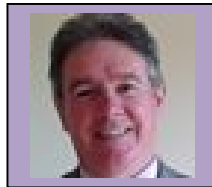


This amended document is being made available for public viewing in the overall interests of justice; to expose the truly shocking levels of criminal malfeasance ongoing in these cases; and to counteract the Courts Service's policy of hiding from public view a great many case files which highlight serial wrongdoings by agents of the State and in particular by persons in senior positions of power and authority at the Office of the DPP, and in the Courts.

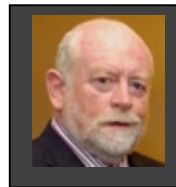
THE HIGH COURT

Record No. JR 2017/798

Between



STEPHEN MANNING



Applicant

-v-

CIRCUIT COURT JUDGE SEAN O'DONNABHAIN

Respondent

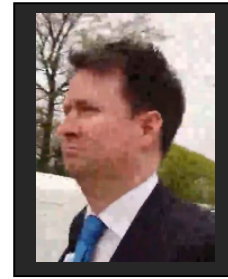
AFFIDAVIT OF STEPHEN MANNING

(In response to the Affidavit of DPP Solicitor Raymond Briscoe dated April 5th 2018)

I, Stephen Manning, publisher, father and husband, social justice advocate and a member of *Integrity Ireland* who ordinarily resides at Mountain, Forthill, Ballyhaunis in the County of Mayo, aged 18 years and upwards **MAKE OATH AND SAY** as follows:

1. I am the Applicant in this matter and I make this affidavit from facts within my own knowledge save where otherwise appears and where so appears I believe the same to be true and accurate. I say that I am acting as a lay litigant without legal aid or legal guidance and without access to certain records, and I ask that the Court takes this into consideration.
2. I say that at the High Court hearing of this matter before Justice Michael MacGrath on June 5th 2018 in Court No 26 at the Four Courts, Dublin, that I raised a number of objections to the Affidavit of Ray Briscoe of April 5th 2018 as per the issues detailed in paragraphs 18 to 22 in my Affidavit of May 1st 2018 (as laid out in paragraph '5. A - M' following).
3. I say that the Court acknowledged my objections, but pointed out that because I was relying on some of the contested contents of Mr Briscoe's affidavit to support and prove my case, that the said affidavit should therefore be allowed 'into the record' and the Court granted Mr James B Dwyer, Counsel for the DPP the required extension of time to formally lodge the said affidavit even though the said affidavit does not directly address, nor even refer to most of the specific details and concerns of my original grounding affidavit of October 20th 2017 – nor to the detail of my subsequent submissions and affidavits since.

4. That the Court then granted me 'two weeks' to formally respond to the said affidavit as follows, which I am doing without access to the respective Court DAR records. (Right – DPP Solicitor Raymond Briscoe)



5. That I open this responding affidavit by quoting verbatim paragraphs 18 – 22 of my affidavit of May 1st 2018 (listed here '*A – *M') as referenced at paragraph No 2 above:

*A. 18. That I later viewed an email which had been sent to me by Mr McLoughlin at 16.49 hrs on Thursday 5th April which stated: *"Dear Sir, Please find attached herewith affidavit in this matter by way of service. Please be advised that we do not intend to file submissions in this matter. Regards, Brian McLaughlin, Principal Prosecutor, Judicial Review Section."* (Ex 13)

*B. 18a. That a scanned copy of an affidavit signed by Raymond Briscoe and dated 'April 5th 2018' was attached. That apart from being, (i) over a month out of time; (ii) containing an abundance of blatant mistruths, inaccuracies, false facts and disingenuous omissions; (iii) being listed as *'responding to the affidavit of February 13th 2018'* and NOT my originating grounding affidavit of October 20th 2017 [see 12a above]; (iv) that the said affidavit contained no visible indicators that it had been 'properly filed', (v) it contained no cover letter nor any references of any sort to the fact that it was being sent to me in such an informal, unannounced, unstamped and untracked format, whilst (vi) also being a month 'over time' (according to the High Court Order of February 13th) and (vii) without even remotely referring to the critical detail in my original grounding affidavit. In short, that it was, and remains, a most disingenuous contrivance of the most mischievous and contemptuous sort, an absolute abuse of process, and an insult to this Court.

*C. 19. That a paper copy of the same affidavit arrived by normal post on April 12th complete with a cover letter (which was not previously sent to me by email) signed by DPP Chief Prosecution Solicitor, Helena Kiely and apparently backdated to 'April 6th' which, somewhat audaciously, not only makes disingenuous reference (again) to the supposedly 'missing documents' but also attempts to prohibit the advancement of this case on the utterly misleading grounds that I have NOT served the DPP's Office with any papers. (Ex 15)

*D. 19a. I say that the said cover letter goes on to make a contrived pretence of the supposed 'fact' that the DPP's Office have not received supposedly 'unseen' documents – despite these being the very same documents and materials which were Ordered delivered to the DPP by Justice Noonan on January 30th and which compliance thereof has been emphatically confirmed in writing by the CSSO's Maura Teahan (Ex 9a). Not to mention the ineluctable fact that Ms Kiely (or indeed any such person assigned to defend the Respondent) can access those documents in the case file at any time they choose.

*E. 19b. The said cover letter contains a number of other incongruities including; (i) having a '2016' DPP reference number; (ii) improperly listing the case (in what may be a classic Freudian slip) as *'DPP v Stephen Manning'* instead of *'Stephen Manning v Judge*

Sean O'Donnabhain; (iii) making misleading use of the terms, "*as you are aware*" and "*I reiterate*" etc; (iv) totally ignoring the Court Orders and my prior written submissions in this case to date; (v) making imperious demands about 'due process' and about having documents 'properly stamped and filed' when the accompanying affidavit of Raymond Briscoe is not only a month out of date, but bears NO formal Courts Service stamps at all; and finally, (vi) the letter is addressed to "*Stephen Manning Esq*" which, given my own experience with certain named members of the legal profession to date, I really don't know whether to take this '*Esq*' suffix as an unintended compliment, or as an insult?

*F. 20. As to the affidavit of Raymond Briscoe itself and notwithstanding the fact that it is technically an illegitimate document which I trust I should NOT have to respond to [*see 18a above*]; I believe it is important 'for the record' to briefly register my abhorrence at this astonishingly brazen and devious attempt to rewrite the specifics of the case and to completely mislead the Court as to the historical facts, the circumstances, and even the personal role of Mr Briscoe himself (who was not even present during the earlier District Court proceedings of which he is giving an apparent 'first-hand account'). (Ex 19)

*G. 20a. That Mr Briscoe's participation in the entirely contrived events of January 23rd and 24th 2017 in Castlebar Courthouse as well as in the subsequent 'half-trial' / appeal in the Circuit Court (which is central to this judicial review application) exposes a range of grossly unethical, unlawful and devious actions on the part of Mr Briscoe and some of his associates 'in public office' that illustrates truly shocking levels of contempt for the law and the truth, which are further exposed in this belated, and utterly contrived affidavit.

*H. 20b. I say that the very construction and production of this 'sworn document' by a senior solicitor at the DPP's Office who is also a purported 'Officer of the Court' constitutes clear and obvious grounds for criminal charges of perjury, deception, of interfering with the administration of justice, and (arguably) also 'corruption in public office' as against the author Mr Raymond Briscoe and as against any others who have conspired in the same.

J. 21. The added fact that the said affidavit does not even attempt to address the main points of law or of contention as raised in my original grounding affidavit other than with a vague and utterly dishonest assertion that I was, (i) "..at all times afforded fair procedures..*" plus the additional fact that the opposition has declared that they; (ii) '*have NO intention of making any submissions in this matter*', but that they will nevertheless, (iii) '*object to any hearing of this matter proceeding*' – supports my contention that this document has been produced solely as a tool of obstructionism and obfuscation; that it has been composed with absolute contempt for the truth and for the principles of justice; and that it has only been 'served' on me at this belated juncture for the purposes of further subverting the progress of this judicial review application and to embroil me (as a legitimate Applicant in a clearly-indefensible case) in further unnecessarily time-consuming and frustrating legal exercises which, as a lay litigant, I am ill-equipped to manage or even to properly understand – other than as being blatant and repeated violations of the universal principles of 'natural justice'.

*K. 22. Given that this scandalous production of Mr Briscoe's authorship has been produced in clear breach of the time limits imposed by the High Court Order of February 13th, I believe I am within my rights NOT to formally acknowledge or respond to it, and I respectfully ask the Court to uphold this position – especially in circumstances where a major aspect of my application for judicial review is the *proven* serial abuses of due process, of the law and of the Constitution by agents and agencies of the State, via the Courts – including by the very same Mr Briscoe – which has brought me before this Court in the first place. (Ex 20)

*L. 22a. I feel I must say 'for the record' on the part of us ordinary people, who are untrained in legal matters but who are dependent on the probity and efficacy of our justice system to protect and defend our fundamental rights, that I am increasingly bewildered, taken aback and indeed scandalised, at the manner in which certain such 'agents of the State' go about their daily business, as well as being increasingly dismayed at the licence afforded to them to do so – whilst ostensibly being subject to the rule of law (just like the rest of us?) and to the moral and ethical requirements of being 'Officers of the Court' – and I do most sincerely hope that this honourable Court will—upon assessing the accompanying evidence and exhibits, and upon identifying the multiple lies, obstructions and mendacities being so contemptuously perpetrated on this Court—immediately take the appropriate action 'in the interests of justice' and accede to the Applicant's requests to have those responsible committed, attached and/or sanctioned without further ado.

*M. 22b. I say that the said actions (and non-actions) by the opposition require the Court to take immediate and robust action in defence of due process and of the legal obligations on any party who is subject to an Order of the High Court; for to fail to do so would be to tacitly support and endorse the unlawful, improper, fraudulent, disruptive and obstructive activities of the Respondent's representatives; which would in turn make a mockery and a farce of the notion of 'professional justice' here in Ireland and would arguably render anyone so involved—either directly or indirectly—complicit in the same. I note that in '*Kelly v Ireland [1986] ILRM 318*' it was decided that a Court has jurisdiction to strike out any claim which is 'an abuse of process of Court' and I respectfully suggest that the same principles must apply when it is agents of the State – so-called 'public servants' and 'Officers of the Court' – who are perpetrating that abuse of process.

6. That I continue this affidavit by commenting on each of the 23 paragraphs of Mr Briscoe's affidavit of April 5th2018 in sequence ('ARB' 1,2,3 etc) noting that other than relying on the partial DAR of the District Court hearing of September 2nd 2015, that I am commenting solely from my recollection of events, based on contemporaneous notes and the corroborations of eyewitnesses, and that I am doing so without access to the respective DAR recordings of the other hearings referred to; which have been repeatedly denied to me in spite of numerous formal requests in a number of Court appearances.

6a. I say that it would be entirely unfair for the DPP to have access to those recordings in preparing their respective affidavits or responses when the same facility has NOT been extended to me – an injustice which clearly prejudices these ongoing proceedings and exposes me to further unfair practices, delays and obfuscations – which is a core complaint throughout the originating case, and these judicial review proceedings.

6b. That the principle of 'Equality of Arms' in particular, as laid out in paragraph 14 of my Submissions (of April 17th 2018) as well as several other fundamental rights as indexed at paragraph 9 of the said Submissions and continued through paragraphs 43 – 49 of my Additional Submissions of May 21st are being jeopardised again in this unequal access to the respective DAR files, and indeed, in the whole progress of these cases and respective Judicial Review applications to the Courts which are being conducted on my part as a lay litigant without any legal representation and in the face of multiple acts of deliberate obstructionism and obfuscation by agents of the State.

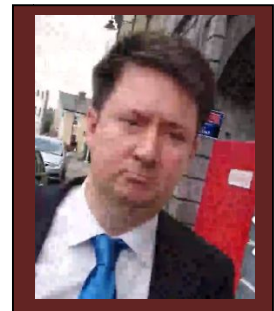
7. Responses and rebuttals to the affidavit of Raymond Briscoe of April 5th, by paragraph.

AFFIDAVIT OF RAY BRISCOE

I, Ray Briscoe, solicitor, of the Office of the Director of Public Prosecutions, Infirmary Road, Dublin 7, aged 18 years and upwards MAKE OATH AND SAY as follows:

1. I make this affidavit from facts within my own knowledge and save where otherwise appears and where so otherwise appears I believe the same to be true and accurate.

'ARB' 1: Mr Briscoe opens his affidavit with a clear declaration that the said document is a truthful document and that those facts which are NOT of his own personal knowledge, he 'believes' to be true. I say that this is the first of a great many deliberate mistruths, deceptions, omissions and contrivances in the said document which I say again is a scandalous attempt to mislead the Court, to corrupt the record, and to fraudulently rewrite the original history and facts of this otherwise indefensible case.



2. I am a solicitor and senior principal prosecutor in the office of the Chief Prosecution Solicitor, solicitor for the Director of Public Prosecutions (hereinafter "the DPP") with carriage of these proceedings. I make this affidavit for the purpose of setting out the procedural background to these proceedings and in reply to the affidavit sworn by the applicant on February 13th 2018. I prosecuted the applicant before the District Court and the Circuit Court.

'ARB' 2: (i) The lengthy and somewhat grandiose titles Mr Briscoe assigns to himself appear to change with each set of circumstances or proceedings wherein he is involved. I note for

example that he is currently listed on the DPP's Organisational Chart as the, '*Head of the District Court Section of the Solicitor's Division*', but in this affidavit of April 5th 2018 Mr Briscoe refers to himself as the '*Senior Principal Solicitor at the Office of the Chief Prosecution Solicitor, Solicitor for the Director of Public Prosecutions*.' However, at the time of his first 'appearance' in this matter on January 23/24th 2017 in Castlebar that he presented himself to the Court simply as the, '*DPP Prosecuting Solicitor*' when he was in fact, '*The Deputy Director of Superior Court Operations at the Office of the DPP*'. I believe the secondary title being used on that occasion was intended to deceive the record and prevent the Defendants (myself and Mr Colm Granahan) from making the all-too obvious connection between my application (ongoing at the time) for a leapfrog appeal to the Supreme Court alleging serious prosecutorial misconduct by agents of the DPP in that same District Court Case, and the realisation that a senior agent of the DPP's Office who was most certainly involved in 'dealing with' those Supreme Court applications¹ was now being sent in to replace Mayo State Solicitor Mr Vincent Deane (without notice to the Defendants) to cover a mini-minor 'Section 6' public order allegation, and thereby 'deal with' an increasingly embarrassing case wherein Mr Deane and other 'Officers of the Court' were already implicated in serious wrongdoing that amounted to a conspiracy to pervert justice.

- a) It might also be noted that it was then as, '*Principal Prosecuting Solicitor at the Office of the DPP*' that Mr Briscoe intervened, uninvited, in April 2017 in a legitimate 'common informer' prosecution initiated by myself wherein the DPP's Office had NO jurisdiction and NO part to play whatsoever at that stage of proceedings; whereupon a threatening letter was delivered to me by registered post arriving on April 11th, the day before the scheduled issuance of summonses in Belmullet District Court as against Peter Mooney (Castlebar Courts Service Manager), Vincent Deane (Mayo State Prosecutor), Joe McKenna (Garda Superintendent) and Rory O'Connor (local solicitor) for various crimes committed during the preliminaries and during the prosecution phase of the District Court trial in Castlebar (as referred to at paragraph 28 in my grounding affidavit of October 20th 2017). That the said intimidatory letter implied that any return approach by me to the District Court would be interpreted by the DPP as an act of 'interfering with witnesses' (which carries a 10 year jail sentence) etc. But in any event, the scheduled Judge Gerald Haughton was 'reassigned' at the last moment out of Belmullet Courthouse which would have effectively denied me the opportunity to continue those prosecutions that day.
- b) That all of the parties concerned would have been fully aware that the allegations grounding those 'common informer' applications were also going to be raised in the defence portion of the Circuit Court Appeal trial along with all of the refusals by the various statutory authorities to acknowledge or deal with those incriminating issues; and I say that this would have provided additional incentive for those concerned to want to prevent any public airing of the same 'on the record' in the Circuit Court.

¹ The Applicant had initiated two applications to the Supreme Court: ('2017/008' & '2017/059') which dealt with concurrent judicial review rejections of Justice Richard Humphries, (i) regarding the unlawful refusal of a number of District Court Judges to process 'common informer' applications, and (ii) regarding allegations of criminal conduct in the District Court trial being presided over by Judge Aeneas McCarthy in Castlebar.

c) That it should also be noted that when I raised the issue of the DPP's threatening letter to Judge O' Donnabhain on May 2nd, that instead of defending my lawful right to apply *the Petty Sessions (Ireland) Act 1851* (as supported by law and by several Superior Court rulings) that instead he congratulated Mr Briscoe along the lines of, "*It's about time someone at the DPP's Office did something about this!*" He then dismissed the issue as being irrelevant and ordered me, "*Now! Move it on!*"

(ii) The question must be asked as to why Mr Briscoe is replying to my affidavit of February 13th when he should obviously be responding to my original grounding affidavit of October 20th 2017 – which has yet to be responded to, some 9 months after being filed? I say again, that an 'oversight' of this nature in these particular circumstances (where I have repeatedly complained to the High Court, on affidavit, about serial contrivances, obfuscations and orchestrated delays on the part of solicitors at the CSSO and the DPP's Office) that this 'oversight' of Mr Briscoe's cannot be other than another engineered contrivance.

(iii) It needs also be asked—given my direct and explicit allegations of serious wrongdoing by Mr Briscoe and his colleagues as laid out in paragraphs 22, 23 and 29 of my grounding affidavit of October 20th 2017—why Mr Briscoe does not even address those allegations of criminality against him personally, nor deal with the explicit details backing the same – not even with the usual generic rebuttal that he, "*refutes any such scandalous allegations*"? For clearly, those details and allegations have a direct and explicit bearing on matters currently before this Court. I say that this omission of any rebuttal suggests, either;(a) a sense of absolute impunity on Mr Briscoe's part, where he believes that his role and position at the DPP's Office gives him effective 'licence' to do as he pleases, as-and-when he wants, whether lawful, ethical, moral, or not; and/or (b) that Mr Briscoe dare not consider defending those allegations for fear of opening up the door to subsequent damaging discovery and proofs.

(iv) Mr Briscoe then states that he prosecuted me in the District Court, leading the reader to believe that Mr Briscoe had carriage of the case from the outset. He did NOT. It was Mayo State Prosecutor Vincent Deane who represented the DPP from day one in the District Court beginning June 1st 2016 through several preliminary hearings (seeking due disclosure, legal aid, etc) and through the whole of the prosecution phase of the case beginning September 6th 2016 and finishing on November 23rd 2016. As far as we (Defendants) were aware, Mr Deane was going to continue the same role in the defence portion of the trial which was scheduled to continue on January 26th 2017. The first time I saw or heard of Mr Briscoe was on January 24th, the day after my arrest and jailing on the contrived bench warrant alleging untruthfully that I had 'missed' the unscheduled hearing of January 23rd which of course, I was never notified of – if indeed that alleged hearing was ever properly 'on the list' – or indeed, if it ever actually took place? Because Solicitor Conor MacGuill who spoke to me after the event in context of possibly representing me in a Judicial Review, immediately remarked that 'no Court sitting' was listed for January 23rd or 24th, and in his letter of February 1st to Barrister Fionnuala O'Sullivan BL, Mr MacGuill notes that the Circuit Court appeal process was being rushed through with, "*an unusual degree of alacrity*". In short, that Mr Briscoe's statement that he prosecuted me in the District Court is an outright lie

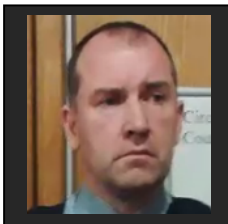
which is in no way remedied by his presence at my (reported) 'conviction in absentia' on January 23rd and when Judge McCarthy sentenced me on January 24th, where Mr Briscoe again made additional false and misleading utterances on the record, which can be established by releasing the respective DAR records.

3. The case has an extensive history. On the 6th September 2016, the applicant and his then co-defendant Colm Granahan were before Castlebar District Court in relation to two offences. Each defendant had been summoned with committing an offence contrary to section 6 of the Criminal Justice (Public Order Act) 1994 on September 2nd 2015 in Castlebar District Court.

'ARB' 3: Here, Mr Briscoe refers to the case's 'extensive history' but for some reason does NOT begin at the first hearing of June 1st 2016 which was followed by four other preliminary hearings which were, in turn, highly problematic inasmuch as several improper and unlawful actions on the part of the DPP Prosecution Team and the respective Judges involved had occurred, including; (a) my being denied access to the Court (on two occasions); (b) having legitimate applications refused; (c) being denied access to my case file (several times); (d) not having entered a plea; (e) having been given fraudulent DAR 'evidence'; (f) having a judge walk out of Court while I was trying to make an application; (h) being threatened with "7 days jail" by another Judge if I continued to speak; (j) not being informed of my right to legal aid, and (l) having no legal representation assigned to me even though the same had already been assigned to Mr Granahan (the co-accused) and even though I would eventually be granted legal aid on September 6th 2016 – but then given only 1 hour to secure it before the trial continued "*nonetheless*", etc., etc.

4. It was alleged that the applicant and Mr Granahan participated in a public order incident during a sitting of Castlebar District Court in 2015. It was alleged that a large number of people in the court chanted "*off the bench*" loudly and repeatedly to the presiding judge saying he was to be placed "*under citizen's arrest*". This forced the sitting judge to rise and abandon the court list.

'ARB' 4: This paragraph is generally accurate, but is misleadingly incomplete and sparse as to certain crucial facts such as; (a) the fact that myself and my colleague were acting as lay-prosecutors under *The Petty Sessions (Ireland) Act 1851* and were in Court that day (September 2nd 2015) to prosecute Mayo County Registrar Fintan Murphy (right) and Garda Sergeant Peter Hanley for committing multiple unlawful physical assaults on members of the public.



(b) That the accused did NOT respect the summonses issued by that very same presiding Judge Kevin Kilraine and by Judge Conal Gibbons; and (c) that multiple improper and unlawful acts were being indulged in by the Judge and various other 'Officers of the Court' in a desperate (and clearly

unlawful) attempt to prevent the prosecutions from going ahead – and/or to prevent bench warrants being issued for the accused's arrest, as should

have been the case. Several other 'standard procedures' and Court Rules were not observed which effectively facilitated the improper adjournment of those cases – and their eventual suppression and refusal.

5. The trial of the applicant and Mr Granahan was presided over by District Judge Aeneas McCarthy. At the hearing of the charges, a large number of witnesses were called by the prosecution and both defendants spent a considerable period of time cross-examining each witness. Both defendants represented themselves. The case commenced on the 6th September 2016, and continued on the 7th, 8th and 9th of September 2016. The case was then adjourned to the 21st November 2016

before being further adjourned to the following day namely the 22nd November 2016.

'ARB' 5: (i) Apart from giving the somewhat misleading impression that he is giving a first-hand account of District Court proceedings from which he was entirely absent; and without mentioning the fact that the 'large number of witnesses called' (18 of them) were ALL in the pay of the State, or were affiliated 'Officers of the Court' with NO members of the public (who were present on the day in question) even being interviewed by the Gardaí...

..(ii) Mr Briscoe then misleadingly declares that, *"Both defendants represented themselves"* (as if that was our original choice) while making NO mention whatsoever of the fact that I was granted legal aid by Judge McCarthy on the morning of September 6th 2016 (but only given one hour to secure it), and that I made repeated requests and objections to the absence of any legal representation throughout the two 'half-trials' in the District Court and in the Circuit Court – including having six subsequent formal applications (both written and oral) refused and/or ignored by the Court and the Courts Service. Mr Granahan too had been granted legal aid in June 2016 and WAS represented by Solicitor Cahir O'Higgins via Barrister Shannon Haynes at the outset of the District Court trial, but dismissed them early in the proceedings due to Mr Granahan's belief that he was not getting a proper service. I say again, that there can be no excuse or explanation for Mr Briscoe making such misleading statements other than as a deliberate attempt to deceive the Court; to avoid the exposure of clear illegalities on the part of the Prosecution and of the Judges involved; and to prejudice this application for Judicial Review.

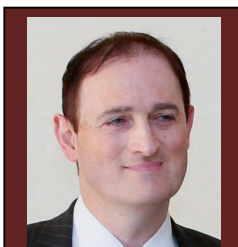


Judges Aeneas McCarthy, Conal Gibbons, Kevin Kilraine, Gerald Houghton, Raymond Groarke & Rory McCabe – each involved at various stages in these proceedings..

(iii) Mr Briscoe also fails to mention that the reason the Court was adjourned on November 21st is because I had secured a judicial review hearing in the High Court that day, before Justice Richard Humphries where I was presenting proofs of gross prosecutorial misconduct, fraud, perjury and criminal damage by the DPP's Prosecution Team, and of repeated bias, prejudice and denial of legal representation by Judge McCarthy. The fact that a Garda Sergeant was sent all the way from Castlebar to the High Court that morning to order me to be in the District Court the following day is also not mentioned – even though there was a distinct possibility that the High Court *could* have ordered a stay on proceedings – or indeed made any other order which may have affected the continuance of that District Court in Castlebar. I say and believe that this is further evidence of improper collusion behind the scenes; i.e. that Judge McCarthy was already aware that my judicial review was going to fail that day, and that I was going to be returned to Castlebar to continue with the case.

6. On the 22nd November 2016, the evidence resumed and continued on the 23rd November 2016, with further witnesses giving evidence for the prosecution and the defendants cross-examined those witnesses. The prosecution case against both defendants closed on the 23rd November 2016. Both defendants unsuccessfully applied to have the charges dismissed at the close of the prosecution case. The defendants were then remanded to 23rd January 2017 for the defence to go into evidence.

'ARB' 6: (i) I say that our 'unsuccessful applications' to have the case struck out on November 23rd 2016 would be better and more accurately described as, *"Judge McCarthy's unlawful refusal of several applications by the Defendants, including their wholly-legitimate applications to strike out."* For example, when I explained to Judge McCarthy that we had uncovered indisputable evidence of gross prosecutorial misconduct including criminal damage (erasure of DAR evidence), perjury, collusion and contempt of a Court Order by the DPP's Prosecution Team, Judge McCarthy tried to dismiss the issue by saying, *"That evidence is not before the Court. I will only deal with sworn evidence!"* I then held up three documents and asked, *"Well, Judge, here is that evidence. If you put me in the witness box I will swear it into the record."* Whereupon Judge McCarthy responded, *"No! Refused!"* Which retort basically sums up the Judge's responses to any and all applications and requests made – other than the original application for legal aid, wherein I was allowed just one hour to secure the same before Judge Aeneas McCarthy announcing that the trial was continuing *"nonetheless"* in spite of my repeated objections and references to domestic and EU law.



(ii) The case was set for continuance on January 26th 2018, and NOT January 23rd as is falsely claimed. Release of the respective DAR records will establish this fact and expose many of the surrounding actions as being utterly unlawful and indeed criminal in intent.

7. On the 23rd January 2017, there was no attendance by either defendant at Castlebar District Court. The case was called initially at 10.30 am with no appearance by the defendants. The Court then rose to 11.10 am, before recommencing again there was no attendance at this point there was another short adjournment to 11.45 am for members of An Garda Síochána to try to contact the defendants directly and to make enquiries e.g. of the local hospital to determine if the defendants were present in that hospital.

8. At 11.45 am on that date the court recommenced proceedings hearing the evidence of Inspector Butler who stated that there was no further information available as to the potential location of the defendants at that time. At that point Judge McCarthy provided his judgement taken into account the evidence heard in the proceedings and in the absence of any defence being put forward, the Judge convicted both defendants. Judge McCarthy then issued bench warrants to compel the defendants to attend court to be sentenced.

‘ARB’ 7 & 8: (i) It must be assumed by the detail in these paragraphs (with exact and specific timings) that Mr Briscoe is (at last) speaking from first-hand knowledge of circumstances where he was actually present on January 23rd in Castlebar – or at least he is purporting that this was the case; which in turn raises some serious questions as to the integrity of this whole account, and of the personal credibility of Mr Briscoe and of others involved because:

(ii) There was ‘no attendance’ by the Defendants at this alleged ‘sitting’ of the Court on January 23rd because no-one notified us of any change in schedule – if indeed there was any such formal change. The DPP’s Office was aware that we (Defendants) were returning to Castlebar on January 26th for the continuance of the trial because that date is listed at paragraph **40(iv) in my JR 2016/918 affidavit of December 5th 2016** of which the DPP’s Office was fully aware, because Chief Prosecuting Solicitor Helena Keily and solicitor Mr Brian McLoughlin rebutted that JR affidavit on December 21st 2016 with Ms Keily making curiously vague reference to that same hearing as being, “..scheduled to continue in January 2017” rather than specifically “on January 26th” as quoted in my affidavit of December 5th?

(iii) Furthermore, the fact that we were due back in Castlebar on January 26th was common knowledge amongst hundreds of thousands of persons who viewed our public video update on the case that was posted from outside the High Court after the 3rd failed judicial review (before Justice Richard Humphries) and it is an easily established fact that both the DPP’s Office and Garda HQ have been ‘tracking’ the I-I websites since 2012. In short, it is not at all credible that the prosecution were somehow ‘taken unawares’ at our absence from Castlebar on January 23rd, and I maintain that the various attempts on their part to uphold this falsehood (such as in this sworn affidavit by Mr Briscoe) is further proof of the deviousness, collusion and deceptions at work here.

(iv) In context of my allegation that the whole surreptitious moving of Court dates was a devious, pre-planned and orchestrated scheme, the lack of specificity in the DPP's responding affidavit of December 21st 2016 as well as in Mr Briscoe's contested affidavit of April 5th 2018 whilst they were clearly, very well aware that we (Defendants) were planning on returning to Castlebar District Court on January 26th to enter our defence, are highly suspicious omissions.

(v) If the remainder of paragraphs 7 and 8 of Mr Briscoe's affidavit are to be taken as a true account of what actually happened on January 23rd (as far as Mr Briscoe is concerned) then Mr Briscoe most certainly needs to ask Inspector Dermot Butler why the Inspector misled the Court as to the fact that the Gardaí *absolutely* knew the location and whereabouts of the Defendants – something easily proven by voice recordings and phone records secured under the *Data Protection Acts 1988 and 2003*? The true facts are that I received a phone call at 11.00am whilst sitting in the Supreme Court, from a Garda who indicated that Judge McCarthy was 'sitting in Castlebar'. I made it clear to that Garda that I had no knowledge of the supposed change of dates from January 26th to January 23rd; that I was convinced that an unlawful contrivance of some sort was underway; that I was ready for the hearing on January 26th but because Mr Granahan was scheduled for heart surgery that week, that in any event the case would NOT be able to continue on Thursday 26th and that I had no problem coming in and explaining this to the Court when I got back.

I further asked the Garda to 'make sure' that Judge McCarthy was told that I was in the Supreme Court. The Garda assured me he would do so. Accordingly, Mr Briscoe needs to account for one or all of the following:

Inspector Dermot Butler (right)



- (a) Why didn't the Garda who spoke to me at 11.00am that morning relay the message back to the Court? Indeed, why on earth would he NOT do so?
- (b) And/or; why did the Gardaí deliberately mislead Mr Briscoe that day?
- (c) And/or; why did the Gardaí, Inspector Butler and/or Mr Briscoe mislead the Judge?
- (d) And/or; was Judge Aeneas McCarthy *knowingly* allowing himself to be 'misled' as to the facts so as to facilitate the contrived opportunity to 'convict in absentia'?
- (e) And/or; whether or not this whole, detailed rendition in this sworn affidavit is a knowingly fraudulent and fictitious account of events on Mr Briscoe's part?

(vi) Because if (as it appears is being suggested here) the unexplained absence of the Defendants is what predicated (at least in part) the 'conviction in absentia' and the issuance of bench warrants and my arrest and jailing overnight in Claremorris Garda Station on January 23rd (and the subsequential events which resulted in my unlawful imprisonment in Castlerea in May 2017) then clearly, those particular actions by Judge McCarthy on January 23rd 2017 were wholly invalid, being based as they were on the *provable* inaccuracies and the false and misleading reports of Inspector Butler and whoever else was involved in those deceptions – that is, if we are to believe Mr Briscoe's sworn, firsthand account of events.

(vii) The added fact that Inspector Dermot Butler has since deliberately misled the District

Court in another contrived prosecution against myself that was scheduled to commence on June 14th in Belmullet District Court (Case 2017/180452) adds more weight to my contention that serious irregularities and injustices are afoot in these cases. I refer here to the formal **Notice & Advisory** at (Exhibit 'A') detailing the events of the morning of January 23rd which was sent by me by email at 1.38pm the same day to each of the following named parties:

- Justices Lafoy, McKechnie, Denham, Clarke & Dunne c/o the Supreme Court Office.
- Garda ***** , Castlebar Garda Station, Co. Mayo.
- District Court Judge Aeneas McCarthy, c/o Castlebar Courts Service.
- Mr Owen Duffy, High Court Registrar.
- Mr Brendan Ryan, CEO Courts Service.

(viii) I further refer to the audio recording of May 9th 2018 where I confirm the same facts with Data Protection phone records staff.

9. The applicant was brought to the District Court on 24th January 2017 by execution of the bench warrant issued in relation to him the previous day. Judge McCarthy imposed a custodial sentence of two month's imprisonment. The applicant appealed the conviction *de novo* to the Circuit Court.

'ARB' 9: Is also misleading inasmuch as there are some serious omissions of fact including; (i) that I was arrested coming off the train at 5pm on January 23rd in front of my family and jailed overnight (without any legal representation) in Claremorris Garda Station – an action that was totally unnecessary (even if the warrant HAD been issued in legitimate circumstances) as I had already declared my intention to go to Castlebar Court to explain the next day and had advised the arresting Gardaí that the warrant was an obvious contrivance.

(ii) Mr Briscoe makes NO mention of the formal Notice I had dispatched at 1.38pm that day by email to a broad range of authorities including to Judge McCarthy c/o Castlebar Courthouse which explained in detail what had happened that day (Exhibit A)

(iii) Mr Briscoe makes no mention of the fact that my request for a *Case Stated* appeal to the High Court was refused outright by Judge McCarthy – thereby forcing me into the only other legal challenge available to me (a *de novo* Circuit Court Appeal); nor of the exchange between myself and the Judge where I alleged a criminal conspiracy which he was actively participating in, nor of Judge McCarthy's refusal to release the respective DAR recordings.

(iv) Neither is it mentioned that I was in effect coerced and forced into signing the prepared Circuit Court Appeal documents under threat of immediate incarceration 'for two months' if I did not sign – with my wife and children desperately upset and crying in the background. That the technical legitimacy of those papers is also being raised in my judicial review.

10. Mr. Granahan was dealt with separately as he produced medical evidence at Castlebar District Court on the 4th April 2017. On this date he appeared in front of Judge McCarthy at Castlebar District Court for the purposes of sentencing. On the production of medical evidence in the form of a letter, Judge McCarthy vacated his previous order of the court convicting Mr Granahan. He recused himself and fixed a new hearing date. Mr Granahan's case was eventually heard in October 2017 by another judge. He was convicted and fined €250.

'ARB' 10: (i) This is another misleading, crafted and disingenuous statement inasmuch as Mr Briscoe was present on January 24th when I had presented a valid doctor's note on behalf of Mr Granahan who had been transported to hospital the previous day. This doctor's note had been drafted on Friday 20th January and was to be presented to the Court at the originally-scheduled hearing of Thursday 26th January, but when I tried to present it to Judge McCarthy on January 24th to explain Colm's absence (because he was having heart surgery that very day) and to emphasise the fact that we had had NO notice whatsoever of any apparent change of schedule, that Judge McCarthy refused it outright.

(a) That I am still awaiting some explanation for how and why we were refused separate trials at the outset, but that as of January 23rd/24th 2017 it was decided, without any consultation with us, that we were now to be dealt with individually?

(ii) There is no mention either of the lies told in Court on April 4th by certain named Gardaí who are also involved in the latest contrived prosecution in Belmullet – which I note by coincidence are again grounded on contrived allegations arising out of the very same date concerning a verbal exchange at the Courts Service Office with Courts Service Manager Peter Mooney some 5 minutes after the conclusion of the referred-to hearing on April 4th.

Nor (iii) of the fact (possibly unknown to Mr Briscoe) that at Colm's subsequent rehearing in October 2017, District Court Judge David Waters also refused to accept a doctor's note and a letter from a surgeon; he refused to accept an *amicus curiae* application to bring some crucial information to the attention of the Court; and he ordered me 'removed' from the Court without lawful cause in circumstances where I was Colm's lead witness, as well as ordering Gardaí to physically eject Colm's McKenzie friend for suggesting that something needed to be 'put on the record', before convicting Colm summarily and fining him €250.



That Mr Granahan has since initiated separate judicial review proceedings in that case and has lodged a complaint with the Minister for Justice about the improper behaviour of, and the belligerent and contentious manner of the said judge, David Waters, (left).

(iv) It should perhaps be noted that at the playing of the partial DAR in the Circuit Court on May 2nd 2017 that Judge Sean O'Donnabhain remarked to the Court that he considered Mr Granahan's input to the alleged 'disturbances' in Castlebar Court on September 2nd 2015 to have been more grievous than any of my own – thus raising the uncomfortable question of why then was I sentenced to two months in prison on a very first (alleged) offence, while Mr

Granahan only received a €250 fine? I say again, that these facts reflect the true agenda and intent behind these malicious prosecutions – which I say and believe has always been to silence, to intimidate and to unlawfully ‘punish’ those of us who speak truth to power.

11. The applicant’s appeal, was heard over three days on Tuesday 2nd May 2017, Wednesday 3rd May 2017 and Thursday 4th May 2017 at Castlebar Court House. The appeal was presided over by the respondent. The prosecution called the following witnesses: Peter Mooney (Court Services Manager), Superintendent Joseph McKenna, Sgt Naomi De Ris (investigating garda) Rory O’Connor (solicitor) and Cathy McDarby (solicitor). Each witness was cross-examined at length by the applicant.

‘ARB’ 11: Again, this statement is not strictly true, because nothing actually happened on the third day other than Judge O’Donnabhain (and Court Clerk Marie Quinn) refusing to accept the written applications and NOTICES which I handed in to the Court and which had already been forwarded in advance by email to Castlebar Courts Service. I made oral objections to this unlawful refusal, and reiterated all of the other improper and unlawful acts that had been committed by the DPP Prosecution, by the Courts Service, by Judge McCarthy and by Judge O’Donnabhain himself, and I asked him again, *“Can you please speak into the microphone Judge.”* But he tried to ignore my requests and leaned further away from the microphone while making stabbing gestures with his index finger towards the witness stand, barking at me to, *“Move it on!”* But I persisted in my requests that he please speak into the microphone ‘for the record’ (which was turned 90° away from him to his left). I then asked him pointedly, *“Are you refusing to speak into the DAR Judge?”* To which he eventually responded, *“Yes, I am!”* Whereupon I said that I would need to repeat everything he said so that it would be properly ‘on the record’. This ‘stand-off’ lasted a few minutes (including an exchange between the Judge and DPP Barrister Patrick Reynolds) before the Judge ordered me jailed. So in reality, ‘day 3’ lasted only a few minutes before I was handcuffed and removed to the Garda Station for transportation to jail.

12. During the course of the appeal hearing various applications were advanced by the applicant. On the first date the applicant repeatedly complained that he had

not been provided with a legal aid solicitor. He had been written to by Court Services inviting him to attend Court to apply for legal aid but he did not complete any applications for legal aid. The court repeatedly asked him to bring in any solicitor of his choosing into the appeals court and stated that upon doing so that the Judge would grant him legal aid. He failed to do so and continued submitting that the State had to provide a solicitor to him by physically bringing a solicitor to court and directly instruct that solicitor to act for him in the proceedings.



Peter Mooney, Joe McKenna, Naomi DiRis, Cathy McDarby & Vincent Deane..

‘ARB’ 12: This paragraph again contains outright lies about; (i) the legal aid situation, which Mr Briscoe MUST fully realise, given the amount of times I have referred to the same in Court proceedings which he has either been a party to – or of which the DPP’s Office is fully aware of, and has even issued formal rebuttals to. The fact alone that Mr Briscoe is attempting to mislead the reader into believing that I did NOT make several oral and written applications for legal aid should be enough to illustrate the wholesale deceit that underlines his ‘sworn affidavit’.

(ii) Mr Briscoe’s curious reference to my valid contention that it is ultimately the State’s obligation to ‘provide effective legal representation’ indicates that either Mr Briscoe isn’t aware of ECHR law in this regard, or, that he is simply throwing some more misleading ‘mud’ at this issue in the hope that some will stick. The assertion that the State is under that particular obligation is grounded in the quote from paragraph 20 of my Submissions of April 17th 2018 which states:

“The Right to Legal Aid in Criminal Proceedings: (i) Under CoE law, an explicit right to legal aid in criminal proceedings is set out in Article 6 (3) (c) of the ECHR and is **guaranteed** under Article 48 (2) of the EU Charter of Fundamental Rights. This provides that **everyone charged with a criminal offence has a right to free legal aid if they do not have ‘sufficient means’ to pay for legal assistance** (the financial or means test), where the ‘interests of justice’ so require. The ‘interests of justice’ test includes consideration of the seriousness of the offence and the severity of the potential sentence, the complexity of the case and the defendant’s personal situation.

(ii) **Where liberty is at stake, the interests of justice call for legal representation. The right of access to a lawyer in criminal proceedings applies through out the entire proceedings, from police questioning to the appeal.**²

(iii) Mr Briscoe further attempts to mislead the reader with his assertions that the Court ‘invited’ me to bring in a solicitor of my own choosing whereupon Judge O’Donnabhain would then grant me legal aid. What Mr Briscoe has NOT explained however, is the derisory and condescending manner with which Judge O’Donnabhain dismissed my proofs of having *already* made several applications for legal aid, and how he disregarded my arguments that I was being systematically denied my fundamental rights; whereupon Judge O’Donnabhain nonchalantly advised me—complete with studied looks directed towards the Prosecution—that if I did now choose to go out looking for a solicitor, that the case would continue in my absence nevertheless – thus making a complete nonsense of the said ‘offer’ and exposing the Judge’s real intent to continue to compound the injustices that were already in train.

²ECtHR, *Salduz v. Turkey*, No. 36391/02, 27 November 2008.

13. The case proceeded to hearing. The respondent set out the procedure in terms of the structure of the hearing *de novo* to ensure the applicant understood it. The presiding Judge ensured at various points that the applicant was not prejudiced by representing himself by for example eliminating reference by the applicant to prejudicial evidence lead by the applicant that was unnecessary on various occasions.

‘ARB’ 13: (i) It appears that Mr Briscoe has access to the DAR of those proceedings in order to recount any such specific details – something which I reiterate places me at an unfair disadvantage. Nevertheless, my own recollection is that whatever facilitations the Judge may or may not have made to me were greatly outweighed by his overbearing, irascible and intimidating manner throughout, as well as in context of all of the other issues as summarised in paragraph 26 of my grounding affidavit of October 20th 2017, and I quote:

“Castlebar Circuit Court Appeal (between February 10th and May 4th 2017)

(i) I was again effectively denied legal representation throughout, and the trial Judge (the Respondent in this matter) ignored my repeated objections in this regard.

(ii) I was again denied access to my District Court case file.

(iii) The newly-appointed DPP Prosecution solicitor and barrister as well as the trial Judge failed and refused to identify any victim of the alleged offences.

(iv) The trial Judge refused outright – and repeatedly – to speak into the Court's official audio recording apparatus 'for the record'.

(v) The prosecution witnesses were allowed to remain in Court during the prosecution's case, in spite of my repeated formal objections.

(vi) The Judge refused to consider or enter into the record our evidence of serious prosecutorial misconduct.

(vii) The Judge dismissed 3 of 5 prosecution witnesses before I had finished cross-examining them.

(viii) The Judge refused several requests and formal applications for the disclosure of State-held evidence, and refused to accept a NOTICE and application for his recusal.

(ix) The Judge unlawfully terminated the re-trial at a point where I had only called the first of 8 defence witnesses (at a point where my witness had not yet finished giving his evidence); therefore I was again denied the right to present a defence.

(x) The Judge then fraudulently signed a Court Order indicating that he had fully 'heard the District Court Appeal' (which was patently untrue) and ordered that I be imprisoned on the basis of the attached committal Order from the District Court which was NOT a genuine copy of the original (as was stated on its face), and which was NOT even signed by District Court Judge Aeneas McCarthy – as is required by law.”



(ii) The implication therefore at ‘ARB’ 13 that Judge Sean O'Donnabhain (left) was overall ‘helpful and accommodating’ to me is again, an inaccuracy designed to misinform the record.

14. The evidence and submissions continued over three days. The submissions took the form of various conspiracy theories including that State forces had interfered with his phone and the phones of other members of the organisation Integrity Ireland. In general it was submitted by him that the whole process was a criminal conspiracy against him personally.

'ARB' 14: Apart from the correction that 'three days' should be amended to 'two days and (perhaps) 20 minutes', I concur with the contents of this paragraph and indeed reiterate the assertions made.

15. The DAR recording of the impugned District Court proceedings on September 2nd 2015 was played at length as evidence in the case. The contents of the DAR clearly identified the applicant who could be heard putting himself forward as an 'amicus curiae' initially for Mr Granahan. The applicant then proceeded to shout at the judge and put himself forward to take over all court proceedings on that date and refused to let any other court users take up their cases on that date.

16. The applicant could be heard on the DAR expressly seeking the presiding judge's arrest and sought a show of hands from his supporters in the court for that. At one point the applicant is heard stating that if the Superintendent present in court on that date would not arrest the judge then he and his supporters would do so. However Mr Granahan can then be heard intervening by stating they should not do so on the basis that they were not 'thugs'. The applicant can be heard at 11.43 am on the DAR recording shouting at a solicitor in the court to sit down and to shut up referring to that person as being 'another filthy one'.

'ARB' 15 & 16: (i) Again, these submissions are misleading inasmuch as no mention is made of the fact that the DAR played in the Circuit Court was absent the first 20 minutes of the District Court proceedings of September 2nd 2015, where I am to be heard (politely) outlining the fact that Judge Kilraine was in violation of the law and of a number of Superior Court rulings.

(ii) No mention is made of the fact that the previous DAR released in the District Court was absent an additional 5 minutes of Court-Order disclosure, and (iii) that both CD's were mysteriously absent that portion where Judge Kevin Kilrane informs me personally that, 'Yes, the DAR is switched on!' In short, that it is NOT accurate to state that, "the DAR recordings were played at length" without mentioning the critical fact that both were incomplete; that both were absent crucial sections that had an important bearing on the case; and that one of them at least was the product of a *proven* act of criminal damage.

(iii) I believe it cannot possibly be overlooked by this honourable Court that either, (a) Judge Kevin Kilraine was lying to me and to the whole Courtroom on September 2nd 2015 when he stated, emphatically, that the DAR was switched on; or (b) that even after the release of two

different versions of the 'original' DAR upon Court Orders, that we *still* haven't received the true, unedited, complete, original DAR files. I say and believe that to overlook this glaring evidence of repeated acts of deception, of criminal damage, and of attempts to pervert justice by persons who are currently implicated in other injustices against myself ongoing in the Courts, is to ignore the most obvious of evidence of criminal collusion as alleged herein.

(iv) I further maintain that I did not gratuitously 'shout' at Judge Kilraine on September 2nd 2015 other than to raise my voice of necessity in order to be heard above the noise of the outraged public present. I was however, adamant in my tone and insistent that crimes were being perpetrated in that Courtroom by Judge Kevin Kilraine and other 'Officers of the Court' – something which is clearly evident from even a cursory examination of what was going on that day, and I still maintain that it was not only my right as a law-abiding citizen, but indeed my lawful duty to object to what was going on in the strident manner in which I did, including seeking the arrest of the said Judge by the Gardaí present.

do so on the basis that they were not 'thugs'. The applicant can be heard at 11.43 am on the DAR recording shouting at a solicitor in the court to sit down and to shut up referring to that person as being 'another filthy one'.

'ARB' 16: The last line rehashes a false allegation against me that was dealt with at length during the respective proceedings – including in the Circuit Court where Mr Briscoe was present, so he has absolutely no excuse for repeating this allegation other than as another attempt to cast aspersions, because Mr Briscoe has now brought in a third differing version of what was allegedly said. The quote referred to is the only alleged example of overtly 'insulting' language during a period of some 1.5 hours that day that could (or would) even remotely fit the text of the contrived 'Section 6' charges against me. The actual phrase stated by me was, *"Sit down Mr Morahan, you're as bad as the rest of them!"* This has been rehashed in three different formats alleging that I said variously, 'filth' 'filthy' or 'scum' and is clearly designed to throw a little more mud into the pot so as to prejudice my otherwise lawful position and my reasonable reactions to what was happening in Court that day.

17. The applicant can be heard over the course of the one and half hours of the DAR (starting at c. 10.45 am and ending at c. 12.00 pm) with the applicant and his supporters at that point in time effectively running the judge of the bench and taking over the court. He is heard shouting at the judge that he is corrupt and leading chants of 'out, out, out' and 'off the bench' etc. with the rest of his followers in the court following suit, making it impossible to conduct any court business with the deafening shouts and thumping of furniture.

'ARB' 17: (i) Again, this is a highly inflammatory and tendentious account of events – at least as far as my *personal* participation and involvement in the disturbances in Castlebar Court is concerned. The truth is that the responses of the public were largely spontaneous and were in no way orchestrated or coordinated by me – something which Mr Briscoe is fully aware of

given that the DPP's Office is in possession of a copy of a surreptitious recording of a meeting we had in a Courts Service 'private' meeting room prior to entering the Courtroom where I can be heard advising a group of *Integrity Ireland* supporters to conduct themselves lawfully and appropriately – as to do otherwise would not only 'play into their hands' but would automatically negate their I-I membership. In any event, I cannot and should not be made culpable for the actions of other adults who, even if they are members of I-I must be held responsible for their own actions. The fact is that many of those present in Court that day were not I-I members, and were not even personally known to me at that time.

(ii) Furthermore, the allegation that I 'led' the chants is a straightforward lie, as can be determined by listening to the respective recordings. The derogatory comments and chants originated in the body of the Court (as was testified to by several State witnesses who were NOT called by the DPP Prosecution the second time around in the Circuit Court) and these responses by the public were in direct response to the clearly-unlawful actions of Judge Kilraine. I do not deny that I joined in with some of those chants at times and that I made a couple of 'speeches' in firm and even strident language, outlining the illegalities that were ongoing, but I most certainly did NOT initiate those chants, and I had no foreknowledge of the way things were going to unfold that day other than a genuine expectation on my own part that we were going to prosecute the accused, and a parallel suspicion that we were going to meet with some form of resistance by agents of the State, in our attempts to do so.

18. In the conduct of his appeal, the applicant handed into court various written political manifestos and statements alleging conspiracies, he submitted that he was a doctor and that he had written books on legal subjects.

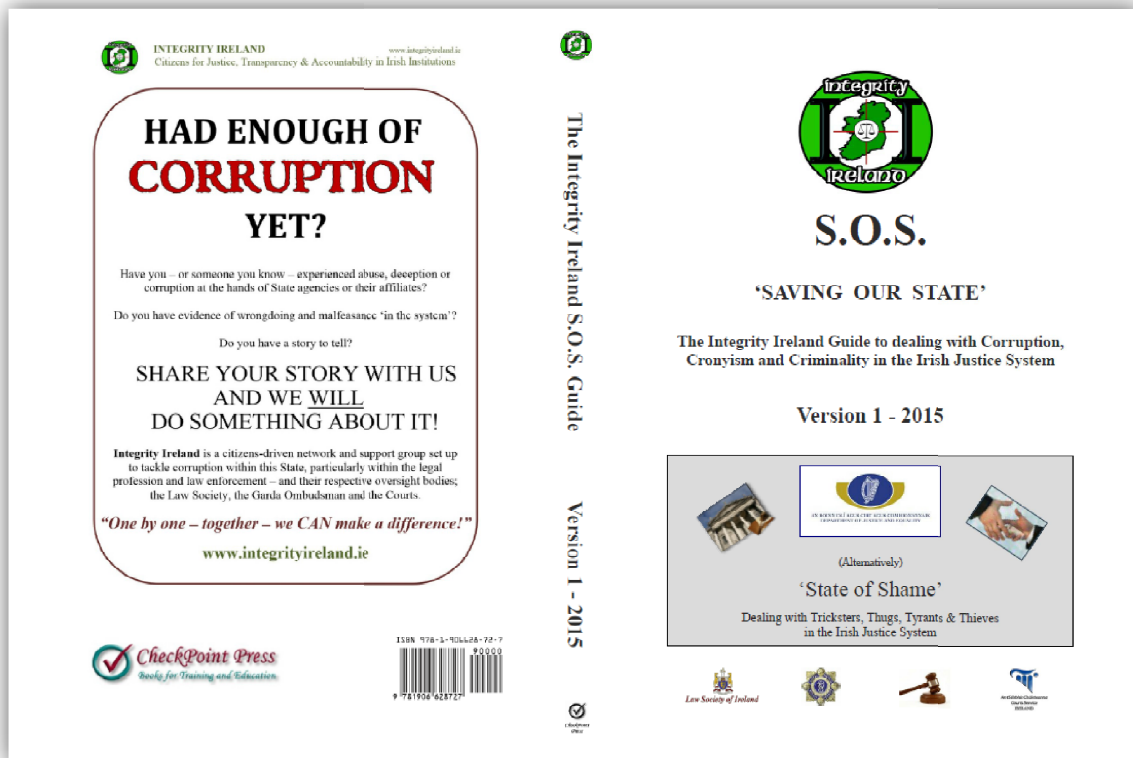
'ARB' 18: (i) I genuinely do not know what Mr Briscoe is referring to as a 'political manifesto', but this specific political reference does raise the issue of a possible 'political element' being a part of the injustices visited upon myself and my family, especially since I ran a modest campaign as an independent candidate in the general election of 2016 in Co. Mayo where the aim was to highlight corruption in the justice system in particular.

At the time, the sitting Taoiseach Enda Kenny TD had been 'stonewalling' me for over four years regarding ongoing issues and in particular the criminal activities of the Collins brothers, whom I had discovered were not only being inexplicably protected and in some cases being actively facilitated by State agencies, but who were in fact Mr Kenny's second cousins.



(ii) I have no idea why Mr Briscoe has referenced my academic qualifications and books unless it is to suggest that I was somehow misleading the Court – or to point out the apparently 'shocking' fact that I have had the audacity to author two elementary, justice-related guidebooks for persons who are overwhelmed by the technicalities and vagaries of

'Irish legal proceedings'? But the facts are that technically I am 'a doctor' inasmuch as I hold a PhD in psychology, and I have authored two justice-related books; (a) *'The Integrity Ireland S.O.S. Guide'* and (b) *'D.I.Y. Justice in Ireland – Prosecuting by Common Informer.'* Also, as a small publisher, I have produced a number of other social-justice-related books for authors in Ireland, the UK and the USA, for example; (c) *'Towards a United Ireland'* by Dr Billy Leonard; (d) *'No Smoke – the shocking truth about British justice'* by Dr Sandra Lean; (e) *'Addiction Papers'* by Dr John Smethers; (f) *'The Quran's Challenge to Islam'* by Prof. Khalid Sayyed; (g) *'Delivered Unto Lions'* by David Austin; (h) *'Humantruth'* and *'Slaves to the Machine'* by John Bapty Oates; (i) *'A Very British Conspiracy'* by John Dekker; and recently (j) *'The Secret Courts – How and why child protection is failing our children'* by Joe Burns; plus some 80+ other titles under the proviso that they are 'books with something to say'.



(iii) As to my other written applications and oral submissions which I maintain were legitimate and deserved to be at least considered by the Judge, these were largely ignored, dismissed or rejected in a highly-charged and intimidatory atmosphere, with Judge O'Donnabhain invariably barking at me, *"I heard you the last time! ...Now, move it ON!"*

19. The respondent proceeded with the case. The applicant called his one defence witness (Mr. Granahan). This evidence lasted for a number of hours, there were no further defence witnesses called. The applicant then refused to continue to participate in his own appeal any further. The respondent repeatedly warned the applicant that this was his appeal that he was bringing the proceedings and that he would have to engage in the process.

‘ARB’ 19: Again, Mr Briscoe tries to blend facts with misleading half-truths and outright lies in a contrived attempt to rewrite the true events. Because, (i) I did NOT have, *“one defence witness”*. I had eight witnesses who were lined up to testify that week, and possibly another 15 who had indicated their willingness to testify ‘if it should become necessary’. But even before Mr Granahan had finished testifying on the afternoon of day two (the prosecution having already finished due mainly to Judge O’Donnabhain directing three of five prosecution witnesses to ‘step down’ before I had finished questioning them) Judge O’Donnabhain completely lost the run of himself on the afternoon of May 3rd and stormed out of the Court after I had asked him (respectfully) to *“please speak into the microphone Judge”* a number of times – explaining to the Judge all of the ‘difficulties’ we had had with the DAR and the need for a clear record of events for future reference.

(ii) It should be noted that previously, before Court commenced that day, Court Clerk Marie Quinn had refused to confirm that the DAR was picking up the Judge’s comments saying, *“You know I’m not going to answer that question!”* In any event, instead of moving the microphone back into its natural position, Judge O’Donnabhain just upped and exited the Court in a huff, muttering, *“We’re having no more of this nonsense tomorrow”* etc..

(iii) Accordingly, it was Judge O’Donnabhain (and NOT I) who ‘terminated the proceedings’ firstly on the afternoon of May 3rd and then again on the morning of May 4th before my first witness had even finished giving evidence – evidence I might add, which was clear and articulate and which pointed out the many lies and other illegalities that had occurred in the events preceding, and which said evidence of Mr Granahan was clearly irritating and annoying Judge O’Donnabhain, and causing annoyance and frustration to the lawyers for the DPP, Solicitor Raymond Briscoe and Barrister Patrick Reynolds.

(iv) In short, I did NOT refuse to participate further in my appeal, only inasmuch as it was unlawful to do so given the catalogue of criminal and unconstitutional conduct of the prosecution and of the trial judge as laid out in Articles 38 & 40 of the Constitution and in light of my *‘Constitutional Declaration & Affirmation’* as affirmed *‘qui tacet consentit’* in 2016 by; (a) **The President of Ireland**, Michael D. Higgins; (b) **An Taoiseach** Enda Kenny TD; (c) **Minister for Justice & Tánaiste** Frances Fitzgerald TD; (d) **Garda Commissioner** Nóirín O’Sullivan; (e) **Attorney General** Marie Whelan; (f) **Director of Public Prosecutions** Claire Loftus; (g) **Chief Justice** Susan Denham (and any and all State-sponsored affiliates or subordinates thereof). And that I was absolutely insisting that the trial judge abide by the law and the Constitution, which he was apparently not prepared to do.

20. The applicant refused to further engage and therefore having voluntarily disengaged from the appeal the respondent affirmed the District Court order and a committal warrant issued for Mr. Manning to serve the two month custodial sentence originally imposed in the District Court.

‘ARB’ 20: (i) Again, this statement by Mr Briscoe is misleading and disingenuous. At NO time did I state that I would NOT engage with a proper, lawful process. However, I did object,

repeatedly not only to the many illegalities ongoing, but also to the domineering and bellicose manner in which Judge O'Donnabhain was addressing me, including a number of occasions where he stared malevolently at me in silence (which will NOT be recorded on the DAR of course) repeatedly jabbing his finger towards me and the witness stand in a menacing manner – mannerisms which I informed the Judge a number of times which I found to be threatening and intimidatory. As I recollected the litany of illegalities that I had experienced before Judge McCarthy and now Judge O'Donnabhain—and explained repeatedly how 'these proceedings' were absolutely unlawful, and how and why the Judge should already have recused himself—that Judge O'Donnabhain eventually turned to DPP Counsel Mr Patrick Reynolds asking him what did he have to say, whereupon Mr Reynolds replied along the lines of, "*Mr Manning appears to be engaged in a filibuster Judge..*" and it was shortly after this (to the best of my recollection without access to the DAR) that Judge O'Donnabhain exited the Court and returned a few minutes later declaring that he was affirming the Order of the District Court and sending me to jail.

(ii) Also absent from Mr Briscoe's account is the fact that the paperwork that was used to send me to jail included; (a) an unsigned Order of Judge Aeneas McCarthy; (b) a fraudulent assertion by Clerk Alish McGuinness; and (c) two fraudulent 'utterances' by Judge O'Donnabhain that he had 'properly heard' the case etc.

(Barrister Patrick Reynolds)



21. The applicant has previously brought a number of judicial review proceedings in relation to this prosecution as follows:

(a) *Manning v District Judge McCarthy* (High Court Record No. 2016/865JR) and *Manning v Director of Public Prosecutions* (High Court Record No. 2016/865JR). These two cases heard together comprised an application brought to prohibit the trial which was then at hearing before the District Court. Leave was refused by This Honourable Court (Humphreys J.) on November 21st 2016 having heard from the applicant and counsel for the DPP. Humphreys J. delivered an *ex tempore* judgment in which he was obliged to refuse leave in the light of the decision of the Supreme Court in *Mellet v O'Reilly* [2002] IESC 33.

(b) *Manning v McCarthy* (High Court Record No. 2016/918 JR) This was another attempt by the applicant to prohibit his trial then pending before the District Court. Opposition papers were filed by the DPP. Leave was refused on January 11th 2017 by This Honourable Court (Humphreys J.) who again delivered an *ex tempore* judgment. Costs were awarded to the DPP who were substituted as the respondent in place of Judge McCarthy.

'ARB' 21: (i) It is correct to say I brought three successive judicial review proceedings during

the District Court prosecution phase of this case, to try to stop the continuance of what Mr Granahan and myself saw as an unbelievable catalogue of improper and unlawful acts on the part of the Prosecution team and by the trial Judge Aeneas McCarthy, and even to this day I remain astonished – as do a great many right-thinking people – as to the High Court’s failure or refusal (in the person of Justice Richard Humphries) to act in light of all of the solid evidence of collusion between Mayo State Prosecutor Vincent Deane, Garda Superintendent Joe McKenna and Castlebar Court Service Manager Peter Mooney in particular – each of whom could be demonstrated to have had foreknowledge of crucial audio files which would have assisted our defence, but which were unlawfully erased – in an act of deliberate criminal damage; a provable *fact* that simply *cannot* be contested.

(ii) The added facts that, (a) I had no legal representation (although having been granted legal aid on September 6th 2016); (b) that Judge McCarthy was refusing, point-blank, to allow our evidence of prosecutorial misconduct into the record; and (c) his refusals to accept or properly consider ANY additional applications we made, were, in our opinion, more than sufficient qualifiers to attempt to arrest those proceedings via judicial review.

(iii) It should perhaps be noted that these were my first attempts at judicial review, and that the main reason I am bringing judicial review proceedings now in this case at this point in time is because one of the reasons given for refusal previously, was that once a trial had started it could only be stopped ‘in exceptional circumstances’. And although I would argue that this level of criminal conduct on the part of the DPP Prosecution team surely qualifies for ‘exceptional circumstances’ – it may indeed be an indictment of our justice system that unlawful conduct of this nature is not actually considered to be ‘exceptional’ nor indeed even unusual. Arguably, the only exceptional aspect of what is going on is my own personal determination—and that of my family and colleagues—NOT to suffer any more of these arbitrary injustices, and my continued commitment to exposing the same in the overall public good, and in the overall interests of justice.

(iv) It may also be worth noting that, (a) the Order and, (b) the written judgment of Justice Humphries of January 11th 2017 were just two of the documents being denied to me by the Courts Service at that time, and this, along with multiple other acts of obstructionism, misinformation and misdirection by certain senior Courts Service Staff was part of the reason I was in the Supreme Court ‘ex-parte’ on January 23rd 2017, seeking an Order directing the Courts Service to cooperate with me in delivering to me those very documents because I needed to make urgent applications to the Supreme Court in challenging Justice Humphries’ judicial review refusals on two main issues: (c) the progression of District Court Case 2016/40190 in Castlebar; and (d) the fact that (at that time) some nine District Court Judges in succession had unlawfully refused to process legitimate ‘common informer’ applications – which was another matter inexplicably ‘dealt with’ and then ‘refused’ without proper explanation by Justice Humphries under judicial review. That after many delays and obstructions, that I eventually lodged my draft Supreme Court application on January 11th 2017.

(v) Also worthy of note is the curiously coincidental fact that although the Order of Justice

Humphries carries the date of “January 11th 2017” and therefore *should* have been available to me (or at least a copy thereof) via the Courts Service during the 12 days previous; that it wasn’t perfected until January 23rd 2017 and sent to me by email at 13.06 that day – the very same day I had approached the Supreme Court for an order of compliance just 2 hours earlier; the same day I had been at the CCJ seeking other withheld documents; the same day that I had supposedly ‘missed’ the unannounced hearing in Castlebar; and less than 4 hours before I would be arrested off the train and jailed overnight in Claremorris Garda Station.

(vi) The added fact that Justice Richard Humphries twice makes explicit reference to ‘Circuit Court Proceedings’ in that perfected Order – at a time when, unless he was aware in advance that I was somehow going to ‘miss’ the hearing of January 23rd and then be coerced into lodging an appeal to the Circuit Court the next day – that Justice Humphries could NOT possibly have known about those Circuit Court proceedings in advance, unless he was a party to – or at the very least aware of – the devious shenanigans ongoing that day. The fact that Justice Humphries makes *two* such direct references to ‘the Circuit Court proceedings’ in his written judgment of January 11th concerning a case which he was by then intimately familiar with, puts beyond doubt any mere (and very uncharacteristic) ‘oversight’ on Justice Humphries’ part, such as has been suggested by the DPP’s Brian McLoughlin in an attempt to explain away not just one, but two otherwise highly suspect references to as-of-then inexistent ‘Circuit Court proceedings’. I therefore respectfully suggest that there is so much evidence of collusion surrounding the contrived events of January 23rd in particular, that to ignore it is to deliver yet another serious injustice not only upon myself as the applicant in this matter, but indeed upon the very notion of justice itself.

22. The applicant was at all times afforded fair procedures in the conduct of both his District Court trial and appeal before the Circuit Court. Given that he represented himself he was afforded extensive latitude. His complaints in relation to the fairness of procedures are without any evidential basis.

‘ARB’ 22: (i) This closing paragraph of Mr Briscoe’s where he declares that, “*..at all times the applicant was afforded fair procedures..*” and “*His complaints... are without any evidential basis*” is best summed up by the handwritten comments I made when submitting a copy of Mr Briscoe’s affidavit to Bridewell Gardaí on May 1st 2018, where I wrote: “*Absolute ridiculous statement. False and untrue. This whole document is proof of outrageous perjury, contempt of court and corruption in public office, and I ask An Garda Siochána to investigate this as a criminal complaint.*”

(ii) Having already reported Inspector Dermot Butler to Gardaí for making false utterances in Castlebar District Court on February 21st 2018 (regarding the non-release of CCTV footage under a Gary Doyle Order in Case 2018/180452) – and having been informed by GSOC that Gardaí had passed my complaint onto them, I delivered, by hand to the Garda Ombudsman Commission (GSOC) on May 1st a copy of those sections of Mr Briscoe’s affidavit which refer to Inspector Butler (reportedly) misleading the Court on January 23rd 2017. I have since

visited GSOC Offices on three occasions and spoken with GSOC case officer Kevin Dillon by phone making it absolutely clear and emphatic that, (a) I wanted my original criminal complaint fully investigated; (b) that I wished to add the contents of Mr Briscoe's sworn affidavit to the original complaint; and (c) that I needed 'something in writing' from GSOC that confirmed they had received the said documents, complaints and requests.

(iii) I say that at the time of writing that no such confirmation or follow-up correspondence has been forwarded to me either by GSOC or by Bridewell Gardaí, and that this type of blatant 'stonewalling' and failures and refusals to act according to their statutory mandate is something, very unfortunately, which myself and many others of my acquaintance, have repeatedly experienced when attempting to lodge any such legitimate complaints against persons in the employ of the State.

(iv) It should also be noted that I emailed Castlebar Courts Service Office, Castlebar Gardaí and the Office of the CEO of the Courts Service (Brendan Ryan) on Friday June 8th at 13.24 advising them of the Order of Justice MacGrath of June 7th and requesting acknowledgements, but that no such acknowledgements were forthcoming.

(a) That after I had publicised these facts and alerted various authorities that I was NOT getting any responses, that Castlebar Gardaí did then belatedly acknowledged receipt of that email on June 12th at 15.48, albeit by an unknown source.

(b) That a follow-up letter which arrived by post on the morning of June 19th 'on behalf of' Superintendent Patrick Diskin, stated that they would NOT be informing Mr Peter Mooney of any details regarding the (now long-past) hearing of June 14th in Belmullet – even though he is the accuser and the lead witness in their own case.

(v) That I sought copies of the said Order(s) of Justice MacGrath by email also on June 8th from the Central Office and followed up on June 12th, and again on June 15th but at the time of writing that no such copies have been made available to me other than a digital version containing the word 'copy' emblazoned across their face which renders them invalid for Court purposes.

(a) I say this demonstrates again the increasingly ridiculous levels of obstructionism, 'stonewalling' and denials of service due which I am constantly being subjected to.

(b) That emails to the CEO of the Courts Service Brendan Ryan; to Central Office Manager Angela Denning; to the DPP's Office and to other key offices and personnel involved with these cases who have a statutory duty to respond are in effect, being ignored.

(c) It should also be mentioned in context of all of these convolutions on the part of the State (whether intended or not) that I asked the Courts Service in Ballina (who are responsible for Belmullet Court) to inform me as to the outcome of the stayed hearing in Belmullet on June 14th last, but that the responses I have received are so vague and imprecise that it has left me wondering whether I should be expecting a repeat of the unlawful decision of last year to 'convict in absentia' despite my many sincere attempts

to inform the District Court, the DPP's Office and the Gardaí involved of the decision of the High Court to 'stay' proceedings in Belmullet last Thursday June 14th?



(d) That at the time of filing this affidavit, that Ballina Courts service office have NOT answered the specific question as to what transpired at Belmullet Courthouse on June 14th other than to tell me that Judge Deirdre Gearty (left) 'heard' the case and that the (unnamed) State Solicitor would advise me of the result.

(vi) That I attended the appeal hearing of another prominent 'father's rights' activist and a member of *Integrity Ireland* on June 11th at the CCJ, and upon seeing Mr Dwyer as the DPP's Prosecuting Barrister in that case as well, I approached him politely outside the Courtroom to enquire as to his first name 'for my JR affidavit' (which I didn't know at the time) – to which he brusquely retorted, "No!" and then spun away in a very irritated manner.

(vii) That I also passed Mr Cahir O'Higgins, Solicitor, on Parkgate Street, Mr O'Higgins having been directed by Judge Deirdre Gearty on March 14th last to represent me in the pending Belmullet case. But Mr O'Higgins did not acknowledge me or respond to my greeting, and has NOT responded to historical and recent correspondence as to getting some sort of update or indication as to what my 'legal aid' status is.



James B Dwyer, Cahir O'Higgins, Raymond Briscoe

9. I say that whilst Mr James B Dwyer, counsel for the DPP who attended Justice MacGrath's court on June 5th last can be excused for officially 'standing over' the contrived affidavit of Raymond Briscoe on the basis that he is simply 'representing the DPP' in this matter, that I believe that it is worthy of mention that Mr Briscoe himself was NOT in Court to defend this otherwise vital document; it being the only affidavit, and indeed the only document being entered 'into the record' by the opposition to date. I believe the question needs to be raised as to why another layer of separation has been introduced here with the introduction of Mr Dwyer – if not to further compound and obfuscate proceedings, and if the DPP intends contesting this rebuttal affidavit then I will be seeking the attendance of the named players in the reported events of January 23rd 2017 in Castlebar District Court including retired Judge Aeneas McCarthy, Inspector Dermot Butler, the Garda who spoke with me by phone, and Mr Raymond Briscoe for a proper examination of those events so as to put to bed once and for all, this litany of criminal activities by persons in the employ of the justice system.

10. I say that it is remarkable to say the least that Mr Briscoe has chosen NOT to respond to the specific allegations of criminal conduct on his own part in the said proceedings in Castlebar – not even to refer to them in any way even by way of a generic broad-sweeping denial of the said allegations, which literally, stand 'on the record' as being serious

allegations as against Mr Briscoe personally.

11. It should perhaps be noted that Mr Dwyer, acting for the DPP on June 5th also made no references to those serious allegations and even suggested that if the hearing of January 26th 2017 had in fact been surreptitiously (and unlawfully) moved to January 23rd, that this was somehow 'of no consequence' in these proceedings because I was challenging the Circuit Court decision to jail me – and NOT the preceding events in the District Court.

11a. I say and I believe that this artificial separation of – and attempted contrived uncoupling of – issues that are inextricably linked and are clearly bound to each other by construction, process and combined intent, is not only an affront to common sense, but seems designed to remove the jurisdiction of the presiding judge to act in a 'well-informed, wise, judicial and fair manner' in the overall interests of justice.

12. I say that it is indicative of the breadth and depth of the illegalities, deceptions, and abuses of power and authority visited upon me in this extended case that I would even remark on the possibility (as suggested to me by a colleague in respect of the repeated refusals of the Courts to release the respective DAR records) that the so called 'hearing' of January 23rd 2017 in Castlebar District Court ever actually occurred at all, and I repeat my assertion that the release of the respective DAR records are absolutely vital to establishing the proofs of what actually occurred, and will service this Honourable Court in making a fair and just assessment of the matters in question.

13. As a concluding comment it may be timely and appropriate to quote Justice David Keane's recent rebuke of a solicitor who was engaged in deceptions of the High Court where he said: *"A solicitor has an overriding duty to the Court to ensure the proper administration of justice is achieved and should not, knowingly or recklessly, mislead the Court."*

The Sunday Times, June 17th 2018

14. On the basis of these collected facts I therefore respectfully ask this Court to award the reliefs sought in my various accompanying Statements of Claim, Affidavits and Submissions.

Signed:

Stephen Manning,

EU Citizen.

Exhibits following..

I am here today to respectfully ‘seek directions’ from the Supreme Court on a very urgent matter which should take no more than two minutes of the Court’s time – possibly before they rise for lunch?

I have lodged an application in the Supreme Court Office for an appeal from a decision of the High Court under the criteria laid out under the respective ‘*appellate jurisdiction*’, namely that:

- i. the decision involves a matter of general public importance;
- ii. the interests of justice (Article 34.5.4 of the Constitution).

My application was filed on January 11th but I am experiencing wholesale obstructionism and denials of due service from persons in the employ of the Courts Service as detailed in the accompanying 18-page booklet of emails, letters and notices exchanged with the same these past twelve days – a copy of which is available to this Court as evidence, if required.

I am simply seeking an Order of compliance from the Supreme Court – directed to the Courts Service – to provide me (the prospective Appellant) with the documents and materials needed to comply with Supreme Court practice directions without further delays, hindrances, obfuscations, obstructions, misdirection, deception or costs.

I ask that this matter be presented to the Supreme Court as a matter of urgency please, as I believe that those involved in this obstructionism are actively engaged in an effort to deny me due process according to *Order 58 of the Superior Court practice directions* and are thereby deliberately obstructing the administration of justice.

I believe and I say that it will NOT be possible to comply with Superior Courts practice directions within the time allowed without an explicit intervention by this Court in the issuance of a direct Order of compliance specifically to; (i) Mr Owen Duffy, High Court Registrar, Court No 24. (ii) Ms Geraldine Hurley, Principal Officer, District Court Office at the CCJ. (iii) Mr Ciarán McIlwee Judicial Assistant to Justice Richard Humphries; (iv) Ms Mary O'Donoghue, Assistant Registrar in the Supreme Court Office; (v) Mr Brendan Ryan, CEO of the Courts Service, and any affiliated others as are associated with this application.

Signed:

Dr Stephen Manning

Witnessed:

FOR THE ATTENTION OF THE IRISH SUPREME COURT

Listed below are the details of email-letters, NOTICES and other urgent correspondence sent to Courts Service personnel and Departments concerning my application to appeal to the Supreme Court about the proven serious misconduct of several judges and other 'Officers of the Court'.

Unfortunately, it appears again, that we are being systematically obstructed; being refused proper service; being fed misinformation; being delayed and ignored; being passed from Department to Department; and generally being given the almighty run-around so as to make it impossible to meet the Supreme Court deadlines – and thereby (it seems) to have our application summarily rejected on an 'out of time basis'.

Having spent three days in Dublin working on the application, and after encountering considerable 'difficulties' in submitting the S.C. application in the first place (details to follow) our application was finally accepted in the Supreme Court Office and stamped '11th January 2017'. Then, on Friday 13th at around 1.30pm, a letter arrived from the S.C. Office telling me I had three working days to submit a whole raft of documents – in multiples of four – as well as present sworn proofs that all affected parties had been 'served' etc., etc., The letter also confusingly stated that I had 'eight weeks' to get the paperwork in. So, I sought some clarity from the Supreme Court Office, from the High Court and from the District Court at the CCJ, and copied Courts Service CEO Brendan Ryan into the same. These are the emails and letters exchanged between us during the period Friday 13th to Friday 20th January 2017. In most cases there were NO responses—or no named signatory—as you can see, and when any responses DID come, they have generally been incomplete, inaccurate or seemingly designed to cause further confusion, frustration, costs and delay to a legitimate litigant with a very serious application to the Supreme Court to process. So whatever this is, it most certainly isn't a 'service' in any normal understanding of the word. In fact, it appears to be the complete opposite!

Clearly, it is an absurd and ridiculous situation where Courts Service personnel are failing or refusing to provide proper support or responses in these particular circumstances, and so I am now respectfully 'seeking directions' directly from the Supreme Court in this matter. Thank you.

(Stephen Manning, litigant-in-person, Sunday January 22nd 2017)

Notice & Advisory 'cc' interested parties

For immediate email delivery to:

- (i) Justices Lafoy, McKechnie, Denham, Clarke & Dunne c/o the Supreme Court Office.
- (ii) Garda ***** , Castlebar Garda Station, Co. Mayo.
- (iii) District Court Judge Aeneas McCarthy, c/o Castlebar Courts Service.
- (iv) Mr Owen Duffy, High Court Registrar.
- (v) Mr Brendan Ryan, CEO Courts Service.

I Stephen Manning, of Mountain, Forthill, Ballyhaunis, Co. Mayo aged 18 years and over hereby place 'on the record' the following facts.

1. That I travelled from Co. Mayo to the Supreme Court in Dublin this morning, January 23rd for the express purposes of seeking 'emergency directions' regarding the systematic obstructionism being deployed against me by agents of the Courts Service in my sincere efforts to lodge a Supreme Court Appeal application which names several 'Officers of the Court' including a number of Judges in various unlawful and unconstitutional acts.
2. That I handed in, a one-page NOTICE to Registrar Mary O'Donohue (as attached) at approximately 10.50am after the five abovementioned Justices were seated.
3. That at 11.00 I received a missed call from Castlebar Gardaí and then another call at 11.05 from Garda ***** , who (briefly) advised me that a DPP prosecution case scheduled for January 26th was actually 'in session' this morning, and that I was supposed to be there – along with co-defendant Colm Granahan.
4. That I advised Garda ***** that I had NO notice whatsoever of this change of date from the 26th, and that I would like him to place it 'on the record' that I was ready to continue the case on Thursday 26th as per the directions given by Judge Aeneas McCarthy at the last hearing in Castlebar; that I believed this to be yet another contrivance on the part of the Courts Service and the DPP (in addition to the serious crimes already proven).
5. That I called Mr Granahan to advise him of the situation, and found that he too was taken aback at this latest underhanded act, and confirmed to me that he had NOT received any notice from the State Prosecutor not the DPP's Office of this change in schedule.
6. Mr Granahan has also informed me that he is seriously ill, and cannot possibly attend the Court this week – nor for some considerable time to come – and that he is making arrangement to notify the Court before the scheduled hearing of Thursday 26th next.
7. That I sat patiently in the Supreme Court until the Judges rose, but Registrar Ms O'Donohue did not make any efforts to present my request for 'emergency directions'.
8. I say that I spoke with Ms Donohue about the situation and was frankly astonished when first she point-blank refused me the right to raise these matters directly with the Supreme Court, and secondly, then tried to order Gardaí to *'take this person out of here'* etc., etc.,
9. That I then went to the Supreme Court Office with a number of witnesses and a Garda and handed in a copy of the document that was given to Ms O'Donohue with an undertaking to send the full packet of evidence of obstruction and denial of due service as detailed therein.
10. That I also approached the Master's Court to seek relief, but said Court was empty.

Signed: Stephen Manning. 13.48hrs Jan 23rd 2017

Statement of Facts; as occurring at the Four Courts – October 4th & 9th 2017

1. On Wednesday October 4th at approximately 12.30pm I attended at the Four Courts, Dublin, along with a colleague for the purposes of lodging an 'ex-parte' judicial review application in the High Court in relation to an ongoing District Court Case 2016/40190: DPP vs Granahan & Manning (and affiliated matters). We first of all approached High Court No 6 but found it locked. We then tried a number of other Courtrooms and spoke to various Court Officials asking where we could be heard that day, but each in turn advised that the various judges were either gone for the day or were busy with other matters, and that we should seek further instructions from the Central Office.
2. At approximately 2pm, a staff member at the Central Office advised us to do another tour of the High Courts to see if we could find a sitting judge. Alternatively, we could come back the next day (Thursday 5th) – or better still, be in Court No 6 at 11am on Monday 9th for the official 'ex-parte' list. It was clarified to us that we could NOT lodge our papers 'as-is' at the Central Office, but needed to present the one-page ex-parte NOTICE to the respective High Court Judge as a first instance. Given that no other Courts were available that afternoon, I returned on Monday 9th along with a colleague and positioned myself in Court No 6 at 10.50am in a very full Courtroom. I approached the female Registrar to hand in my application but was advised that she was not the person who dealt with ex-parte applications, and that I should wait for the other Registrar to arrive.
3. At approximately 11.20, with Judge Seamus Noonan already sitting, Registrar Mr Owen Duffy took his seat. My colleague lodged his ex-parte application without issue. However, when I approached Mr Duffy I was met with a hostile stare, whereupon he pushed my papers back at me without even reading them. I had attempted to hand in the one-page ex-parte NOTICE along with a half-page handwritten note explaining that I may be called as a witness in a criminal case in the CCJ, and would therefore appreciate my application being dealt with as soon as possible. Mr Duffy would not even look at the note and again aggressively pushed the papers back at me in a clear gesture of rejection.
4. I was confused and bewildered – especially as Mr Duffy was NOT giving any explanation for his actions. So I slid the papers back towards him, but Mr Duffy again pushed them away without reading them. I then asked (in a moderate voice), *"Are these papers being refused?"* but Mr Duffy would not reply and simply glared at me. At this point, Judge Noonan (who was engaged in conversation with a solicitor) turned his head and barked at me, *"If you disrupt this Court I will have you removed, Mr Manning!"* I tried to ask again politely, *"Is this application being refused?"* But Mr Duffy remained silent while Judge Noonan glared at me in an intimidatory manner. I felt I had no choice but to retrieve my papers and exit the Courtroom. I was surprised that Judge Noonan had called me by name, because I had never had face-to-face dealings with him previously, although it was in fact Justice Noonan who had refused (without proper explanation) the first of four habeas corpus applications to have me released from jail in May 2017 – regarding the very same issue of 'unlawful imprisonment' which I was attempting to have heard by way of judicial review that day.

5. A few minutes later a Garda Sergeant entered the Courtroom. It appears the Sgt had been 'called' by the Court in respect of 'a possible disturbance'. I invited the Sgt into the corridor and explained the situation, reassuring the Sgt that I was NOT in any way trying to disrupt the Court and asking the Sgt to observe as I made a second attempt to lodge my paperwork. On this occasion, I simply placed the NOTICE on Mr Duffy's desk without making comment or even eye contact, and then walked away and exited the Courtroom. In order to ensure that I was following 'due process' I then returned to the Central Office, took a ticket, and waited to be called. I presented the staff member with an exact copy of my ex-parte NOTICE whereupon he said, *"Oh no. We can't take that here. You have to present it to Judge Noonan's Registrar in Court No 6 – if you aren't too late."* I informed the staff member that I had already done that but that the Registrar (Mr Duffy) would NOT accept it. The staff member looked puzzled and repeated the procedure – which I was already quite familiar with, having previously lodged four judicial review ex-parte applications via the same Mr Duffy using the exact same procedure in Justice Richard Humphries' Court earlier this year. I thanked the staff member for his assistance and returned to Court No 6 at about 12.20pm, noticing that the Registrar Mr Duffy had still not touched my paperwork, which was still lying at the front corner of his desk.

6. At around 12.50pm, Justice Noonan made some remarks about dealing with ex-parte applications by lay litigants after lunch. He then rose for lunch around 1.00pm, whereupon I decided to check with Mr Duffy that my paperwork had indeed been 'accepted'. A short conversation ensued where Mr Duffy refused again to accept the NOTICE saying that the information I had received from the Central Office was 'wrong'; he then turned away to speak with a barrister. I waited patiently for them to finish and then repeated the sequence of events explaining that this was the same procedure used—when he was the Registrar—in Justice Humphries' Court on several occasions; that I had clarified the process with the Central Office now three times; and that I believed that Mr Duffy's refusal to accept my ex-parte NOTICE (which was also backed up by the required Statement of Grounds and accompanying Affidavit) was a deliberate act of obstructionism on his part. I then exited the Courtroom with my colleague and set about composing this statement of facts.

7. It should be noted that on the previous occasions where I had to deal with Mr Duffy regarding the production of documents out of Justice Humphries' Court regarding this very same case (during October 2016 to January 2017); that all manner of unexplained delays, failures or refusals to respond to emails, letters, or other legitimate requests ensued, to the point where I had to place Mr Duffy personally 'on notice' that I believed that I was being deliberately obstructed and denied due service by the Courts Service, in an unlawful attempt to prevent me completing an ongoing appeals process to the Supreme Court regarding these very matters. It should also be noted that it was Mr Duffy who sent me an email at 1.06pm on January 23rd containing a copy of the highly-contentious judgment of Justice Humphries, which directly implicates Justice Humphries—in his own hand and words—in a conspiracy by the DPP and the Courts Service to have me unlawfully arrested and jailed off the train that very afternoon, for allegedly 'missing' a District Court appearance which had been surreptitiously rescheduled without any notice whatsoever to

me; the full details of which are contained in my sworn affidavit accompanying this attempted judicial review process.

8. In context of the wholesale abuses of process being visited upon us in these matters; of the well-documented catalogue of criminal actions by various 'Officers of the Court' over an extended period; and in context of my absolute right to challenge my unlawful incarceration by way of judicial review based on 'new evidence' that establishes the aforesaid criminal actions of the various 'Officers of the Court' – including by certain named Judges; then it is clear that I am now the subject of a deliberate and premeditated strategy of 'official stonewalling' by certain agents of the State, which is in clear and obvious violation of my fundamental human right to access justice.

9. Recipients of this Statement of Fact are hereby placed respectfully 'on notice' as to these contents and to the urgent statutory need for the appropriate action to be taken without delay.

Sworn by Dr Stephen T Manning.


October 9th 2017

See: ['Stonewalling in the Irish Courts'](#): the August 2017 article in Berlin's **CICERO** Political Magazine.




Below: how to prosecute in your own name – for free!

We have all been conditioned to believe that whenever a crime is committed against us that we should report the matter to An Garda Síochána. The Gardaí will then diligently investigate the crime with the intention of arresting and charging the perpetrator. The perpetrator then appears in Court to face the music. This is how we get justice, and this is how 'the bad guys' get their comeuppance - right?




Wrong! The description above is how things are *supposed* to work. But unfortunately, as many victims of crime will testify, our justice system is repeatedly and systematically failing us. Worse than that, it seems that many of those in exalted positions of authority are greatly abusing our trust and in far too many cases are in fact engaged in criminal activity themselves - and are doing so with brazen impunity. Because it remains an open secret here in Ireland that if the perpetrators are in any way 'connected' that our justice system is far more likely to throw up a wall of protection and denials around them - than to expose and prosecute them. This is where this little book comes in.




This book details a free and simple legal process whereby you or I can take immediate and effective action against any other person who commits a crime against us. And if that other person happens to be a Garda, a lawyer, an 'Officer of the Court' or a Government Minister - well, all the more reason perhaps to take firm and immediate action - right?

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