

THE DISTRICT COURT

Record No. 2017/180452

DPP vs STEPHEN MANNING

**Application for Guarantees of Fundamental Human Rights and Protections as per the European Convention on Human Rights Act 2003.**

AFFIDAVIT OF STEPHEN MANNING

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:

I am the named Defendant 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.

1. This application is being made 'in person' without any professional legal assistance, and the Applicant respectfully asks the Court to take this into consideration.

2. Notwithstanding my repeated assertions that this vexatious complaint and prosecution by the Office of the DPP is an extension of the unlawful activities of that Office – in conjunction with various agents and agencies of the State – to harass, intimidate and criminalise those of us who maintain a public stance against criminality and corruption within Irish State institutions and within the Department of Justice in particular; and notwithstanding the objections already raised in the District Court to the continuance of this prosecution on the grounds that; (a) this is a patently ridiculous, malicious and spurious prosecution; (b) that the DPP's Applicant for this summons, Sgt Gerard McEntee has failed or refused to pursue longstanding indictable criminal complaints against the complainant Mr Peter Mooney, Castlebar Courts Service Manager; and (c) that the Prosecution has again failed or refused to properly comply with the Order of Judge Deirdre Gearty on January 17<sup>th</sup> to provide me with CCTV evidence of the alleged incident; I hereby present this affidavit and application for the purposes of; (i) documenting multiple previous and ongoing denials of justice, and (ii) for ensuring and securing the fundamental rights due to me in these particular circumstances.

**3. NOTICE & DECLARATION & FORMAL APPLICATION TO THE COURT:** As a citizen of Europe currently residing in the Irish State and acting in good faith, I hereby submit this formal written application and affidavit to this Court in context of the attached legal NOTICE & CONSTITUTIONAL DECLARATION as endorsed '*qui tacet consentit*' by the President of Ireland; An Taoiseach; the Minister for Justice; the Garda Commissioner; the Attorney General; the Director of Public Prosecutions; the Chief Justice (and any and all State-sponsored affiliates or subordinates thereof) in August 2016.

4. In context of this APPLICATION I respectfully draw the Court's attention to the fact that according to; (i) Common Law, (ii) to Irish Acts & Statutes, (iii) to the Irish Constitution, (iv) to the European Convention of Human Rights, (v) to the Charter of Fundamental Rights of the European Union, (vi) the Universal Declaration of Human Rights and, (vii) other international treaties and protocols to which the State of Ireland is a signatory; that I am not only being denied due access to justice through the unlawful activities of various agents and agencies in the employ of the Irish State, but that I have also been submitted to multiple false and vexatious allegations, spurious traffic charges, unlawful surveillance and interference with post and email, and other acts of criminal harassment, intimidation, physical assaults, false imprisonment, fraud, deception, collusion, perjury, conspiracy to pervert justice and other cheats against justice by various 'Officers of the Court' over an extended period on occasions where I am NOT engaged in unlawful conduct; to the point where it is apparent that I remain in constant, direct and explicit risk of having further criminal acts visited upon me on any given occasion where I encounter or present myself in person to the said authorities, or when or where my family or myself makes any form of official request or complaint via the respective statutory authorities – or via the Irish Courts – which complaints in turn are invariably ignored, suppressed, delayed, denied or unlawfully obstructed in contravention of our fundamental right to access justice and to the due protection of the Irish State under Article 40 of the Irish Constitution.

5. With no specific disrespect to this particular Court or to the sitting Judge today; but given the serial proofs of criminal conduct in other Court-related matters on the part of agents of the DPP's Office in conspiring with the Courts Service and at least three named judges to have me unlawfully jailed in blatant breach of Article 6 of the ECHR in May of last year; which event was the culmination of a series of sinister and illicit episodes visited upon myself and my family over several years – by agents or agencies of the State – which has

caused myself and my family major upset, costs, emotional and psychological trauma, including various physical injuries and catastrophic disturbance in all aspects of our lives. I therefore say and believe that I cannot in good faith, confidence, safety or conscience continue to present myself before this Court – in these particular circumstances without the following guarantees (numbered 6: (i) – (iii) following) for fear that I may be subject to further criminal acts or that I may inadvertently participate in or facilitate further unlawful conduct on the part of the said authority figures.

## **6. Requested Guarantees**

(i) That I will not be unlawfully manhandled or assaulted by members of An Garda Síochána and/or by any other ‘Officer of the Court’ and/or removed, blocked or prevented from accessing this Courtroom as long as I am not engaged in unlawful conduct.

*Context: That I am carrying serious physical injuries from a previous unlawful, unprovoked assault in a Courtroom under the direction of a Judge and have also been denied lawful access to the Courts on a number of occasions – especially here in Castlebar Courthouse.*

(ii) That I will not be unlawfully silenced or intimidated by threats of removal, or of unlawful imprisonment, for alleged ‘contempt in the face of the Court’ in violation of existing ECtHR rulings which prohibit the same.

*Context: That this has occurred in previous Court sittings where I was a named party.*

(iii) That any and all applications I make to the Court will be properly considered, and if refused, that full and proper explanations will be given for the same in understandable language.

*Context: That previous legitimate applications have been ignored, disregarded or refused out-of-hand without proper explanation by the sitting judges on over a dozen occasions.*

## **7. Formal Applications to the Court**

(i) That I be allowed to make a private recording of all Court proceedings wherein I am a named party.

*Context: That recordings, transcripts and Orders issuing out of the Courts Service have been shown to have been unlawfully interfered with, amended and/or fraudulently altered after the fact by persons in the employ of the State, and with the full knowledge and participation of other agents or affiliates of the State.*

(ii) If ‘(i)’ is refused, that I be given a copy of the DAR immediately after each case hearing.

*Context: That secrecy and obstructionism are being deployed improperly by certain ‘Officers of the Court’ for the purposes of covering up criminal acts committed in our*

*Courts. That parties to any given case should have equal access to the history of the same in the overall interests of justice, and to facilitate 'equality of arms' and 'best practice'.*

(iii) That I be provided with effective legal representation by the State as per the Legal Aid Act and/or via the Department of Justice / Attorney General's Scheme.

*Context: That I was formally granted legal aid in 2016 but then repeatedly denied any legal representation whatsoever throughout 16 days of trial and 26 days of false imprisonment. That it is my right to have 'effective legal representation' assigned to me. That I cannot reasonably or with any prospect of success be pitted against so many miscreants in the pay of the State without some measure of professional legal support – especially in the matter of securing documentation or materials & evidence that is lawfully due to me and in adhering to the often-capricious 'due process' requirements which are being deployed as a costly and obstructive means of thwarting due progress and access to justice. That the pursuit of 'costs' by the DPP's Office in any future judicial review in this case is another oppressive tool designed to intimidate and compel otherwise genuine complainants and/or litigants into abandoning their pursuit of justice.*

(iv) That the presiding judge will not vacate the Court in face of legitimate and lawful applications and/or affidavits that name agents of the State in alleged criminal acts.

*Context: That in cases where I am a named party, that over a dozen District Court Judges to date have engaged in improper and/or unlawful conduct in violation of the law and of Superior Court rulings in this regard, and that two Circuit Court Judges and two High Court Judges have likewise exited their Courts without proper explanation – thus denying me access to justice.*

(v) That the Court either; (a) Orders a local firm of solicitors to verify my signature as required by Court rules or, (b) that my signature be accepted 'as is' on Court documents.

*Context: The effective refusal of two local solicitors to authorise Court documents when requested, and the impracticality of having to travel considerable distances to secure the services of another solicitor for this purpose.*

(vii) That I (and/or my legal team) be granted full access to any and all relevant evidence as needed for a full and proper presentation of this case.

*Context: That various State agencies including the DPP's Office, An Garda Síochána, the CSSO and the Courts Service have effectively been 'stonewalling' and/or ignoring my requests for disclosure – as has happened repeatedly in cases where I am a named party.*

(viii) That I be allowed to call and properly cross-examine witnesses.

*Context: That No's (vii) & (viii) were denied to me in Castlebar District and Circuit Courts in 2016-17 which, along with the fraudulent signing of committal orders and the covert moving of Court dates, resulted in my unlawful imprisonment and the grounds for an application to the European Courts and a human rights claim against the Irish State.*

(ix) That all instructions, directions or Orders of the Court be confirmed in writing for the avoidance of doubt or confusion, and copies forwarded to me as a matter of course.

*Context: That on a number of previous occasions, Court dates have been moved without notice; fraudulent declarations of service have been accepted by the Courts; Court Orders have NOT matched the verbal instructions of the Judge; Courts Service records and record numbers have been improperly interfered with and/or whole cases have gone inexplicably 'missing'; and senior Courts Service staff up to and including the CEO Mr Brendan Ryan have deliberately lied, misled and misinformed us repeatedly – as has Mr Peter Mooney, Castlebar Courts Service Manager who is the initiating complainant in this spurious case.*

(x) That I be awarded my costs and expenses for this hearing.

*Context: That the DPP Prosecution have failed to comply with the Order of this Court to provide me with CCTV footage of the alleged offences (as detailed in my concurrent application to strike out), thereby setting this process back unnecessarily.*

(xi) That the presiding Judge(s) will abide by their constitutional oath.

*Context: Regrettably, this has not occurred with sufficient consistency or reliability for the Applicant to presume upon the same.*

8. I respectfully conclude this NOTICE & APPLICATION and affidavit declaring my sincere belief that the obstructions and delays being visited upon me by agencies of the State – as well as the parallel vexatious public order charges currently being brought against me in Castlebar District Court by the DPP's Office – are a continuation of the ongoing unlawful harassment, intimidation and State 'targeting' of whistleblowers and pro-justice campaigners and activists – and myself in particular because of my work with the *Integrity Ireland Association* – for the unlawful purposes of suppressing the truth; of quashing any lawfully-expressed dissent; and to prevent the advancement of any and all criminal complaints and/or any legitimate 'common informer' private prosecutions of the aforesaid wrongdoers in the pay of the State under *The Petty Sessions (Ireland) Act 1851*.

Signed: Stephen Manning, EU Citizen.

Sworn by the said Stephen Manning at

before me a Practising Solicitor / a Commissioner for Oaths and I know the deponent whose identity has been established by reference to a Public Services Card bearing a photograph of the deponent with the number 644199125463.

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Practising Solicitor / Commissioner for Oaths

Filed on the ... day of ..... 20... by ..... on behalf of ..... the Plaintiff/Defendant