

Grounds for Appeal as against the decision of Judge Miriam Malone on March 15th 2016

This appeal is being lodged on the primary grounds that the appellant did not receive a fair hearing; that several abuses of process occurred before and during the respective hearings; that key evidence was ignored or overlooked; that perjured evidence was accepted; that the trial Judge demonstrated bias, prejudice and inconsistency in her approach to the Defendant and to the case.

1. On March 15th 2016 District Court Judge Miriam Malone heard a case against Stephen Manning whereby the following five offences were alleged:

- a. That on September 17th 2014 that Mr Manning entered a bus lane in Dublin at a time when restrictions were in place.
- b. That he had no valid NCT certificate.
- c. That he had no valid insurance disc.
- d. That he failed to produce a valid NCT certificate within 10 days.
- e. That he failed to produce a valid insurance disc within 10 days.

2. At the hearing of March 15th it was accepted by the Court that charges b, c, d & e were to be struck out, as Mr Manning was able to demonstrate beyond doubt that all of these allegations were either partly or wholly untrue, misleading, inaccurate, contrived and/or vexatious.

3. In this appeal to the Circuit Court today it is Mr Manning's contention that the facts surrounding the remaining allegation; (a) that Mr Manning entered a bus lane during a restricted time – as well as the curious and unusual circumstances under which these summonses were compiled, issued and served, were such as to require the District Court to act in the overall interests of justice and fairness; to sanction the prosecution for abuse of process; to strike out all charges; and award Mr Manning his costs and/or expenses for these multiple vexatious and unnecessary journeys to Dublin.

4. However, despite having heard evidence supported by photos and an eyewitness account – which in turn was supported by a digital audio recording (which the judge refused to allow into evidence) that would have demonstrated that Mr Manning (who, as the Administrator of the *Integrity Ireland* project and a prospective general election candidate was on his way to speak at a protest outside the Dail) had in fact; (i) been tailed by a Garda vehicle for several minutes before being directed to pull over into a bus lane by the prosecuting Garda Keith Lambe; (ii) who in turn was 'hiding' on foot behind road works at a place which contained NO signage whatsoever on the approaches to said location as to alert drivers as to the 4–7pm bus lane restriction; (iii) which was NOT a marked Garda checkpoint; and (iv) where the existence of extensive roadworks prohibited any vehicle from crossing safely away from the location where Mr Manning's vehicle was legitimately placed at traffic lights; just before (v) being directed by Garda Lambe to pull over and stop in the temporary bus lane.

5. Apart from the suspicious circumstances of the alleged incident itself, Mr Manning also advised Judge Miriam Malone of a number of mitigating and compounding factors leading up to the hearing of March 15th 2016 in Dublin – many of which should have been grounds in-and-of themselves to have the summonses struck out and the prosecution sanctioned for multiple abuses of process:

- a. The summonses were hand-delivered by uniformed Gardaí to Mr Manning at an unregistered location instead of being sent by registered post.
- b. The summonses were allegedly 'issued' and then served 7 & 10 months respectively *after* the

alleged incident – which is outside of the statutory 6-month time limit for the prosecution of summary offences. No explanation has been offered by the prosecution for these inordinate delays – nor for the 3-month delay between the alleged time of issuance and the time of service.

c. These five summonses were issued shortly after Mr Manning initiated a private prosecution against a Garda Sergeant for assault in Castlebar Courthouse.

d. Other vexatious NOTICES were ‘served’ on Mr Manning at around the same time by Gardaí by registered post, requiring several attendances at the District Court, where the related notices and summonses were eventually proven to be vexatious and contrived – and ALL were struck out.

e. These summonses and notices were issued at a time when Mr Manning was alerted by various professionals that his phone calls and emails were being monitored; that his post was being intercepted, redirected or otherwise being interfered with (this can be demonstrated to the Court); and that a special Garda detective unit had been set up in Harcourt Street to investigate the *Integrity Ireland* project.

f. At the first scheduled hearing in Dublin in this matter on July 15th 2015 the prosecuting Garda Keith Lambe didn’t turn up. Mr Manning had not been informed of this and the case should have been dismissed. It was not. Instead it was adjourned. Mr Manning had all his proofs of insurance, tax, NCT, and a prepared affidavit and witnesses with him but his efforts to address Judge James Faughnan were completely ignored, and he was ordered to return again in November.

g. Mr Manning sought clarity from Garda Lambe as to why he wasn’t in Court, but Garda Lambe has repeatedly refused point-blank to provide any documentary evidence for his absence.

h. Despite Mr Manning’s suspicions that this whole exercise was a series of abuses of process designed to frustrate his anti-corruption work with *Integrity Ireland*, he has nevertheless endeavoured to treat the prosecuting Garda Keith Lambe with courtesy and respect. For example, Mr Manning agreed to Garda Lambe’s request that he postpone another hearing in this matter on very short notice so as to accommodate Garda Lambe’s personal schedule.

i. At the rescheduled hearing of November 9th 2015 Mr Manning again arrived with his witnesses and evidence but was again refused proper audience – this time with Judge Alan Mitchell. When Mr Manning attempted to object to having the matter adjourned a third time, he was subjected to a violent assault by several attending Gardaí – including by Garda Keith Lambe – suffering physical injuries and the ‘loss’ of key paperwork during the fracas. Mr Manning is attempting to prosecute the Gardaí involved for assault, theft and for criminal damage after a number of them returned to the Court and unlawfully deleted the evidence of the assault from members of the public’s phones. Mr Manning has been in constant pain since the assault and will require surgery on some of the injuries suffered.

j. At the third rescheduling of the hearing before Judge Miriam Malone on March 15th 2016 (which particular hearing is the subject of this appeal) a number of additional anomalies and irregularities arose which have given rise to this appeal.

6. Judge Malone demonstrated open hostility and prejudice as against Mr Manning from the outset when Mr Manning politely asked for her name for his records. Judge Malone responded in a very irritable tone before a packed Courtroom, “You’ll know who I am soon enough!”

7. Mr Manning was repeatedly interrupted by Judge Malone throughout – often in an intimidatory

manner – and was not allowed to read his prepared statement-affidavit ‘into the record’.

8. Garda Lambe misled the Court as to certain material facts – most notably the issue of signage at the location and the nature and content of his conversation with Mr Manning when he ordered Mr Manning to pull over into the bus stop. These inaccuracies could have easily been disproven by referring to the photos and audio recordings. But Judge Malone ‘accepted’ Garda Lambe’s highly questionable testimony which is a clear injustice and an affront to commonsense, fact and logic.

9. Judge Malone was given detailed evidence by Mr Manning – supported by maps and pictures – that not only were there NO signs on display leading up to the approaches to that junction that day, but even if it was supposedly ‘common knowledge’ among Dubliners that bus restrictions existed between 4-7pm at that particular location, then how on earth was someone from Co. Mayo supposed to know that? This is mentioned in context of alleged inconsistency and bias on Judge Malone’s part because on another occasion in Judge Malone’s Court where Mr Manning and others were present, the case of a woman who was similarly accused of driving in a bus lane was summarily dismissed based upon the simple claim by the woman that she was, “*unfamiliar with Dublin streets.*” Another prosecution was likewise summarily dismissed by Judge Malone because the prosecuting Garda was not present. Therefore, there is a clear and demonstrable inconsistency between the manner in which Mr Manning was treated in comparison with these other two Defendants.

10. When questioned by Mr Manning, Garda Lambe conceded that he hadn’t even contacted Castlebar Garda Station to enquire as to whether Mr Manning had complied with the directions to ‘produce’ as Mr Manning claimed he had on September 24th 2014. Yet Garda Lambe was nevertheless prepared to prosecute Mr Manning without even a cursory check as to the facts. This too should raise serious questions as to the legitimacy and purpose of these dubious proceedings.

11. On several occasions during the hearing Mr Manning alerted the Judge that he believed he was being seriously mistreated by the Court and that he believed that this whole exercise was designed to cause vexatious harassment, costs and expenses to Mr Manning due to his work with *Integrity Ireland*; due to his existing High Court cases against the State; and due to his repeated allegations that certain persons in high office such as the Garda Commissioner, the Minister for Justice, certain Judges and the Taoiseach for example were actively engaged in criminal activity. But Judge Malone repeatedly interrupted Mr Manning – thereby in effect, denying him the right to a fair trial.

12. For example, when Mr Manning agreed to remain silent on the grounds that he would eventually be given a chance to speak; Judge Malone used the opportunity to deliver her judgement which was to find Mr Manning ‘guilty’ of entering a bus lane and fining him €100. By the time Mr Manning responded, the Order had already been made, thus requiring Mr Manning to either; (i) accept a blatant injustice and a ‘criminal conviction’ against his good name; or (ii) immediately lodge an appeal against Judge Malone’s decision – which will undoubtedly cost Mr Manning a considerable amount in time, costs and expenses in order to reverse a clearly-unjust and unfair decision.

13. Judge Malone’s alleged bias towards Mr Manning was demonstrated again a few weeks later when Mr Manning made a legitimate approach to Judge Malone’s Court in Dublin to initiate private criminal prosecutions as against Garda Lambe and others for their parts in the criminal assaults and acts of criminal damage on November 9th 2015. After keeping Mr Manning and witnesses waiting for several hours Judge Malone’s point-blank refusal to process those applications on the grounds that she somehow needed to ‘recuse’ herself simply because Mr Manning had criticised Judge Malone’s

handling of the unconnected traffic case – doesn't stand up to scrutiny – especially when considering that Judge Malone is only one of several District Court Judges who have avoided, refused or evaded dealing with similar applications of late that name agents in the pay of the State in alleged criminal acts. This matter (amongst similar others concerning our fundamental rights) is currently being addressed to the Superior Courts and to the European Court of Human Rights.

14. The matter of costs and expenses also plays an important part in this appeal, inasmuch as Mr Manning and his eyewitness have had to attend Court in Dublin on several occasions in order to defend himself against what he maintains are spurious and politically-motivated allegations. In direct travel and accommodation expenses alone, Mr Manning has spent approximately €1,260.00 dealing with this matter alone, which, in the opinion of any right-thinking person should arguably never ever been brought before the Courts in the first place.

a. Six trips to Dublin from Co. Mayo with one eyewitness, either by train or car, staying overnight at an approximate cost of €210 per journey = €1,260.00

b. If compensation is added for time spent preparing for these hearings, not to mention all the stress and inconvenience caused, then the figure claimed should of course rise exponentially.

15. However, Mr Manning is aware that there is a legal difference between 'costs' and 'expenses' and that lay litigants are not as a rule entitled to claim for 'costs' unless such were paid out to a solicitor or barrister acting on their behalf. However, Mr Manning is also aware of *Rule 1(1) of Part 1 of Order 99 Rules of the Superior Courts 1962* – which relates to the exercise of a discretion by a trial Judge in relation to costs – and that the State should NOT have automatic immunity from being financially penalised for issuing vexatious or unfounded prosecutions, and Mr Manning would like the Court to take this ruling into account when making its decision. (*Copy available to the Court*).

16. In summary, the main purpose of this appeal to the Circuit Court today is to quash an unfair conviction and fine and award Mr Manning his direct and reasonable expenses incurred in defending against false allegations which were contained in spurious summonses that were issued in highly questionable and arguably unlawful circumstances inasmuch as; (i) they arose out of an act of premeditated Garda entrapment, which was then compounded (ii) by a series of abuses of due process and procedure, and (iii) then further amplified by the inconsistencies and irregularities as carried out in the various District Courts, including (iv) physical assaults and other offences as listed, which in turn has resulted in unnecessary and unjustified physical injury and emotional and financial distress to the appellant Stephen Manning and his family.

17. The appellant therefore requires that this Court strikes out the criminal charge and conviction of entering a bus lane on September 17th 2014 along with the €100 fine imposed, and if there is a case for vexatious or wrongful prosecution that can subsequently be taken as against the State, that Mr Manning will consider that option in due course.

18. The appellant further respectfully asks that his expenses as listed be reimbursed.

Signed: Stephen Manning

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