

THE HIGH COURT

Record No. JR

Between

STEPHEN MANNING

Applicant

-v-

CIRCUIT COURT JUDGE SEAN O'DONNABHAIN

Respondent

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 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.

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. This application is being made on strength of 'new evidence' which was first brought to the Applicant's attention on July 20th 2017. The said evidence comprises audio recordings of the events of September 2nd 2015 at Castlebar Courthouse which supports and qualifies the Applicant's contention that the contrived 'Section 6' public order charges originating out of that date which ultimately led to his unlawful conviction and incarceration (and the main reason for this application) were the product of a conspiracy by agents of the State to interfere with, obstruct and/or pervert the course of justice – which in turn – and in addition to the other matters raised herein, would render the whole prosecution case and the ensuing conviction and incarceration of the Applicant unlawful, void, and a serious abuse of process, as well as being a grave miscarriage of justice.

3. Immediately prior to the discovery of this 'new evidence' the Applicant had sought direction from the Courts Service (on July 10th 2017) in context of his original standing as a co-defendant in the District Court 'half-trial' as to whether or not he was obliged to wait for the conclusion of ongoing District Court proceedings against the other named co-defendant before lodging judicial review on the various other grounds articulated herein?

4. The co-defendants were originally refused separate trials but, *after* the conclusion of the DPP prosecution case but *before* either co-defendant had entered a defence or called any

witnesses, the Court and the prosecution orchestrated a situation (which remains beyond the Applicant's understanding of due process or proper procedure) whereby a new DPP Prosecution Team was installed without any notification to the Defendants, and a scheduled hearing date was then moved forwards by 3 days, again, without any prior notification to the Defendants. The case then continued as against the Applicant as a sole Defendant who had by then been found 'guilty in absentia' in utterly contrived circumstances – with the DPP's prosecution of co-defendant Mr Colm Granahan still pending at the time of writing this Application.

5. The Courts Service agents responded to this enquiry stating they, '*were not qualified to offer legal advice*' and directed the Applicant to Order 84 of the Superior Court Rules which, on the face of the said Order on the Courts Service website, clearly states:

21. (1) An application for leave to apply for judicial review shall be made promptly and in any event within three months from the date when grounds for the application first arose, or six months where the relief sought is certiorari, unless the Court considers that there is good reason for extending the period within which the application shall be made.

5b. Note: This same quote is also repeated verbatim in the 2012 edition of the Law Society's '*Criminal Litigation*' Manual.

6. On this basis the Applicant understood that if his specific complaints solely regarding his unlawful imprisonment were to be dealt with as an isolated separate issue; that is, unconnected from the ongoing District Court proceedings against his previously-listed co-defendant Mr Granahan, that the Applicant had at least until November 4th 2017 to lodge a Judicial Review appeal regarding the decision made by the Respondent on May 4th 2017.

7. On the other hand, if the District Court proceedings are not yet considered 'fully concluded' by the Court (which clearly, they are not) then there should be no obligation or need for the Applicant to approach the Court at this time for Judicial Review other than in context of the Applicant's wish to secure a timely remedy to a serious miscarriage of justice.

8. However, compounding and confusing the issue; the Applicant has recently been alerted to an amendment to Order 84 s.21 (which is not in the main body of the text on the Courts Service website) which has the effect of reducing certiorari applications to 3 months.

9. Accordingly, and in order not to fall afoul of any detrimental interpretation (or mis-interpretation) of Superior Court Rules, the Applicant is now seeking Judicial Review within 3 months of first knowledge of this additional 'new evidence' on July 20th last; which said date in turn fell within 3 months of the Circuit Court's contested decision to jail the Applicant on May 4th last, said unlawful decision being the main issue being contested in this application.

10. However, to further compound matters; having had 4 habeas corpus applications refused by 3 different High Court Judges during the Applicant's official prison time – with the last of those refusals being communicated to the Applicant in a letter from the Courts Service on June 12th 2017 which contained a somewhat ludicrous suggestion (in response to

the Applicant's rebuttal letter of a previous habeas corpus refusal sent from prison) that the Applicant could lodge an appeal to the Court of Appeal about the refusal of the High Court to grant habeas corpus. But, of course, given the Applicant has been without legal representation throughout, this could only possibly be done AFTER the Applicant was released from prison, thereby completely nullifying any need or purpose in revisiting a spent refusal Order regardless of any obvious flaws and defects of reasoning contained therein.

11. In any event, it appears that Judicial Review of the unlawful decision to convict and imprison the Applicant on the additional strength of the 'new evidence' audio recordings discovered on July 20th appears the only practical approach to an expedient remedy through the Courts, and it is upon this basis that this application is now being made.

12. In full and due consideration of all of the above points; should the Court still deem this application to be technically 'out-of-time' then the Applicant hereby seeks the permission of the Court for an extension of time to lodge this Judicial Review Application on the additional grounds that without legal help he could not reasonably have been expected to be aware of the contents of the said s.21 amendment, nor properly understand the somewhat convoluted legal position which he now finds himself in.

13. In addition, the effect of the decision of the Prosecution to lodge these false charges in the first place; the subsequent contrived 'conviction in absentia'; and the decision of the Respondent on May 4th to then unlawfully jail the Applicant in the face of so much blatant wrongdoing and extraordinary departures from due process by those concerned, has caused great emotional turmoil, upset and disruption in the Applicant's personal life and family circumstances both pre-and-post incarceration to the point where he has been under long-term special medical supervision, and continues to struggle to find legal representation.

14. Furthermore, in light of the overriding fact that there is no other suitable or effective domestic remedy available to the Applicant in these particular circumstances, other than those already unsuccessfully applied for prior to the discovery of the aforesaid 'new evidence' (4 habeas corpus applications and a number of formal written complaints to the respective authorities); it remains the Applicant's firm position that a series of improper and unlawful acts have been visited on him by those in the employ of the State that constitute grave violations of his fundamental rights which, in the overall interests of justice should now be seen to be properly dealt with by the Irish Courts without further prevarication or delay.

15. It should further be noted that the Applicant's co-defendant in this case Mr Granahan has since lodged a formal criminal complaint with An Garda Síochána and has furnished them with copies of the said 'new evidence' audio recordings, and has received a PULSE number for his complaint. He has been advised that a criminal investigation is ongoing.

16. **Background detail:** The Applicant was one of two named Defendants in District Court case 2-16/40190 'DPP vs Granahan & Manning' where he was charged with a 'Section 6' public order offence which allegedly occurred in September 2015 in Castlebar District Court.

17. The Applicant and his colleague (who were acting as lay-prosecutors on the day of the alleged offence and were standing in the prosecutor's area of Court) maintain that; (i) the charges against them were utterly false and spurious; (ii) that they were the product of a provable conspiracy by agents of the State to pervert justice; (iii) that the charges were maliciously concocted after-the-fact based on provable acts of criminal damage and knowingly-fraudulent witness statements; (iv) that the advancement of this malicious prosecution was grounded in a calculated act of 'political policing' due largely to the Applicant's leading role in the pro-justice *Integrity Ireland Association* and his colleague's role in the *Anti-Corruption Taskforce*; (v) that serious improprieties were being perpetrated on the public on the day in question, and that (vi) unassailable, documented proofs demonstrate that further serious criminal acts have since been committed by the Prosecution and by the trial Judges, including before and during the trial with foreknowledge and scienter; and (vii) that other agents of the State within the justice system were involved in unlawful collusion in the advancement of this case; in the suppression of key evidence; and in the wilful and repeated violation of the Applicant's fundamental rights in violation of the law, of the Constitution and of several ECHR Protocols.

18. **Grounds for this application:** On May 4th 2017 the Applicant was unlawfully incarcerated in Castlerea Prison and kept there for 26 days on the Order of the Respondent, Judge Sean O'Donnabhain. The Respondent had been appointed to oversee an appeal hearing against the contrived decision by District Court Judge Aeneas McCarthy to; (i) find the Applicant 'guilty in absentia' from an artificially-rescheduled Court hearing which the Applicant had NOT been notified or informed of, and (ii) to sentence the Applicant to 2-months in prison.

19. The Applicant was arrested off the train (coming from an appointment at the Supreme Court regarding this same District Court case) and held overnight in a police cell on January 23rd 2017 on the orders of Judge McCarthy and then coerced against his will into lodging a Circuit Court appeal on January 24th 2017 on pain of 2 months immediate imprisonment.

20. It can be demonstrated 'beyond any reasonable doubt' that the unannounced moving of that hearing from January 26th to January 23rd 2017 was a calculated deception on the part of the DPP prosecution team in collusion with affiliated persons in the pay of the State, so as to unlawfully deny the Applicant the opportunity to enter his defence. Said defence consisting in part of, (i) Court-supplied audio recordings of the events of the day in question which had been unlawfully interfered with by the prosecution and which incriminated Judge Kevin Kilraine as the key source of the disruption in Castlebar Court that day; and (ii) to prevent the production of multiple credible defence eyewitnesses who would publicly undermine and expose the lies and other falsehoods presented by the State in this case.

21. That the previously-appointed DPP Prosecutor Vincent Deane had been placed on verbal instructions by Judge McCarthy on November 23rd 2016 to inform the Defendants if there was any change of hearing dates; but Mr Deane, the Mayo State Prosecutor, failed to do so.

22. It has since been established as a documented fact that; (i) the DPP's Deputy Director of Superior Court Operations (Raymond Briscoe); trial Judge Aeneas McCarthy and High Court Judge Richard Humphries (who was dealing with the Applicant's Judicial Review applications at the time) each had foreknowledge that the hearing dates had been surreptitiously moved without notice to the Applicant, and that the Applicant was going to be 'found guilty in absentia' and coerced into a Circuit Court Appeal or face imprisonment on January 24th 2017

23. The Applicant asserts that these acts of 'official' misfeasance and nonfeasance, and the collusion required to conspire to deny the Applicant his defence, reveals a particularly sinister abuse of power, position and due process, on the part of those involved in this case.

24. During the original District Court 'half-trial' (and subsequent appeal against conviction) the following incidents and/or omissions occurred in Castlebar Court which the Applicant repeatedly brought to the express attention of the Respondent; which the Applicant asserts are in flagrant breach of his fundamental rights; (i) to 'fair procedures'; (ii) to 'a presumption of innocence'; and (iii) to 'unbiased decision making'; as well as breaching Articles 1, 5, 6 & 13 of the European Convention on Human Rights, of which Ireland is a Contracting Party:

25. Castlebar District Court Trial (between June 1st 2016 and January 24th 2017):

(i) I was denied physical access to the Courtroom on two occasions during preliminary hearings, I therefore could not, and did not, enter a plea. Neither was I informed of my right to legal aid. I was also physically assaulted by Gardaí on both occasions, but had committed no offence, and was not accused of any offence.

(ii) I was denied effective legal representation throughout the trial, despite qualifying for legal aid and repeatedly requesting the same. I was afforded only 1 hour to secure same.

(iii) I was denied access to evidence in my defence which was in the possession of the State; including Garda records (under data protection law) and DAR Court recordings.

(iv) I was denied access to my own case file.

(v) The State prosecution team violated Court Orders and unlawfully erased evidence.

(vi) The DPP Prosecution solicitor and the trial Judge failed and refused to identify a victim of the alleged offences.

(vii) All the prosecution witnesses were in the pay of the State. No members of the public present on September 2nd 2015 were questioned or interviewed at any time by Gardaí.

(viii) The trial Judge refused all formal applications to address any of these serious issues, or enter them into evidence.

(ix) I was denied the right to present a defence. No defence case was heard by the Court.

(x) I was effectively denied the right to call any witnesses; including the right to summon particular State witnesses.

(xi) I was then found guilty 'in absentia' from a hearing which I can demonstrate was artificially moved from January 26th to January 23rd 2017 without any notification to the Defendants, but with the full foreknowledge of the Courts and the DPP Prosecution.

(xii) The trial Judge refused all my requests for digital audio recordings (DAR) of the case hearings and refused outright my request for a 'consultative case stated' (a special appeal) to the High Court, at the time he pronounced me 'guilty in absentia'.

26. 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 (see 25.'v' above).
- (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.

27. It should be noted that throughout the progress of the preliminary hearings in the District Court beginning June 1st 2016 and the commencement of the trial proper on September 6th 2016 that the Applicant (as a named defendant) made strenuous and repeated efforts to alert the Irish authorities as to the situation including writing numerous letters and lodging formal criminal complaints with the Gardaí and the Courts, all of which were effectively refused, ignored or suppressed.

28. For example: having identified four individuals in the pay of the State who had committed acts (variously) of perjury, fraud, criminal damage, contempt of Court, and conspiracy to pervert justice during the prosecution phase of the District Court 'half-trial' - the Applicant initiated criminal proceedings in Belmullet District Court on April 4th 2017 under the Petty Sessions Act 1851 only to receive a threatening letter from Mr Raymond Briscoe at the DPP's Office warning that if the Applicant pursued the prosecution on April 12th that the DPP's Office would consider it 'an attempt to interfere with witnesses' which carries a possible 10-year jail sentence. It may be pertinent to note that it was District Court Judge Gerard Houghton who had instructed the Applicant to return to him with written statements on April 12th but Judge Houghton was also absent from Belmullet Court that day.

29. The Applicant also lodged 3 Judicial Review applications to the High Court concerning this case and other directly-related matters in November and December 2016, which were, in the opinion of the Applicant and many other interested parties 'artificially suppressed' and then inexplicably dismissed by Justice Richard Humphries in the face of overwhelming evidence of serial breaches of due process; of criminal conduct by the Prosecution Team; and of overt bias on the part of Judge Aeneas McCarthy.

30. The refusal and/or dismissal of these Judicial reviews was followed by two Constitutional applications to the Supreme Court - which raised 3 crucial issues under Article 34.5.4° which requires that the matters raised are of 'general public importance', and/or 'in the interests of justice' or that there are 'exceptional circumstances' to qualify, namely: (i) That several District Court Judges in succession had failed or refused to process legitimate 'common informer' applications in clear and knowing violation of Superior Court rulings; (ii) concerning the proofs of a criminal conspiracy by agents of the State to pervert justice in this case; and (iii) concerning multiple parallel abuses of the Applicant's fundamental rights.

31. However, these S.C. applications in turn were likewise refused while the Applicant was incarcerated (and without any written notification to him) after many, many months of delays, denials of service, obfuscations and point-blank stonewalling by the various State authorities that the Applicant engaged with - most notably by the Courts and the Courts Service; by An Garda Síochána; by the Ministry for Justice; by the Office of the DPP; by the Offices of Taoiseach Enda Kenny and of President Michael D Higgins.

32. The Applicant also made five additional attempts between the end of the District Court 'half-trial' in January 2017 and the beginning of the Circuit Court 'half-trial' in May 2017 to secure a Judge's signature for a legal aid certificate to acquire the representation that he was entitled to (which he had been verbally granted on September 6th 2016), but again, despite reminding each Judge in turn that it was the State's constitutional duty to provide the Applicant with legal representation, that all of these approaches were unsuccessful with; (i) Circuit Court President Raymond Groarke flatly refusing to accept 2 formal applications before exiting, smiling from his Court; with (ii) Courts Service Manager Peter Mooney refusing legitimate written applications and statutory advisories and telling the Applicant (recorded) to, *"..take it up with the Department of Justice if you don't like it!"* And with Circuit Court Judge Rory McCabe telling the Applicant implausibly that he had, *"No jurisdiction to order the Courts Service to cooperate with the Applicant."*

33. Although sincere efforts are ongoing on the part of the Applicant to secure relevant data, records, and other evidence from agencies of the State in support of this application as well as other efforts to address the wrongs done to him; the fact of the matter is that he has become a 'targeted individual' on account of his pro-justice and anti-corruption efforts who is being subjected to all sorts of illegalities including denials of service and information; to clandestine surveillance and interference with private communications; to multiple vexatious traffic prosecutions; and to fictional charges and allegations of wrongdoing; who is being effectively 'stonewalled' by various State agencies who have adopted the tactic of

completely ignoring legitimate requests and letters and/or are sending the Applicant round-and-round in endless circles of frustration through the blatant misuse of statutory powers.

34. For example, after GSOC failed and refused to properly investigate, the Applicant initiated 'common informer' prosecutions as against 4 members of An Garda Síochána for a serious physical assault that occurred in a Dublin Court on Nov 9th 2015. A number of protracted hearings were held in the Criminal Courts where it can now be proven that the DPP's Office, State-sponsored defence lawyers, and certain Judges colluded to mislead the Applicant about statutory deadlines – the only other possible explanation being that all of those implicated persons were astonishingly ignorant of a law that they were each frantically debating in open Court; and on March 30th 2017 Judge Conal Gibbons rescheduled the case for continuance on May 11th awaiting instructions from the DPP's Office.

35. But according to Court Service CCJ personnel as of July 24th last, there is NO trace or official record of this case ever having existed, and neither Claire Loftus or her subordinates at the DPP's Office nor the CEO of the Courts Service Mr Brendan Ryan will respond to the Applicant's repeated requests for some clarity as to what has happened to this case? It has apparently, simply 'disappeared' without trace completely off the records.

36. In short, that even as the Applicant continues to search for legal representation and advice in the hope that there may be some as-yet unexplored avenue of legal recourse available to him; the fact of the matter is that without the cooperation of State agencies the Applicant is now being effectively denied access to justice across the board; and there are no real 'effective remedies' after-the-fact to the reality that he was jailed unlawfully for 26 days with all of the accompanying stigmatism and suspicion of wrongdoing after what can only be described as 'a criminal farce of a trial', and that 4 successive habeas corpus applications to the High Court during his official period of detention that detailed ALL of these alleged violations of law, of due process and of his fundamental rights were either refused or dismissed without the Applicant even being called to attend Court.

37. The Applicant can demonstrate that some of the arguments returned to him for refusing habeas corpus are inconsistent with the stated facts; are incoherent as to the rationale given for refusal; and are incompatible with any common understanding of natural justice.

38. For example, all of the Applicant's habeas corpus applications stated as central facts that; (a) he had NO legal representation whatsoever in either the District Court Trial or the Circuit Court Appeal; and (b) that he had NOT been allowed to enter a defence or call his defence witnesses. Nevertheless, in giving a detailed 6-page judgment which dismissed the 3rd habeas corpus application on May 18th 2017, High Court Judge Donald Binchy notes: *"In his first ground the applicant complains that the Circuit Court hearing was terminated improperly and unlawfully in circumstances where HE HAD NOT ENTERED A DEFENCE."* Then, in the following paragraph Justice Binchy states: *"The decision of the Circuit Court to affirm the order of the District Court is taken ONLY AFTER A FULL REHEARING OF THE EVIDENCE."*

39. The Judge thereby confirms he is fully aware of the specific 'abuse of process' detailed in the application, but then, in an utterly absurd contradiction uses the invalid argument of a supposed 'full rehearing of the evidence' (which clearly did NOT occur) to seemingly 'qualify' why he dismissed the application outright, without even giving the Applicant a hearing!?

40. In two other locations in the same document Justice Binchy indicates that he somehow 'doesn't understand' the clear and lucid points articulated by the Applicant regarding the unlawful erasure of DAR evidence by the Prosecution (which said points are quite literal and unambiguous); yet instead of calling the Applicant to Court to clarify these obviously-critical matters in person, the Judge leaves the Applicant languishing in jail and simply fogs over the issues with vague and misleading commentary before blithely concluding: *"For all of these reasons, I dismiss the application."*

41. In the meantime, whilst the Applicant was under the strict regime of Castlerea Prison only being allowed one 6-minute phone call a day to try to coordinate efforts to secure his release, a local solicitor, Mr Alan Gannon lodged an advisory at the Prison gates indicating that he had been approached to represent the Applicant. This notice was then used by the Prison authorities to deny access to a number of visitors who needed the Applicant's signature to process legal papers. Mr Gannon did NOT contact the Applicant during his time in prison, and refused to explain himself when approached by the Applicant after his release

42. That in the face of such manifest and undisguised departures from due process, common sense and natural justice, that the Applicant finds himself in the almost impossible situation of having to return to the Superior Courts for a remedy to the *proven* misconduct, obstructionism and collusion of agents of the State—including by certain named Judges—who appear quite untroubled by the callous misuse and abuse of due process; or the use of protracted obstructions, obfuscation and contrived 'legal gobbledegook' so as to frustrate the Applicant's sincere efforts to address the various criminal wrongs which have been committed against him – and/or to expose further wrongdoing by agents of the State.

43. **In Conclusion:** The Applicant maintains that the 'new evidence' audio recordings in conjunction with the facts of this case demonstrate that the original 'Section 6' public order charges levied against him were conceived and born out of malice in a politically-driven prosecution which relied on a complete reversal of the facts on the day in question (September 2nd 2015); whereby the Applicant and his colleague Mr Granahan were attempting to apply the law (as can be heard in the said recordings) in circumstances where various agents of the State including 2 solicitors, a Courts Service Manager, a Garda Superintendent and a District Court Judge (at very least) were engaged in various underhanded acts with the intention of preventing the legitimate prosecution of two State employees for crimes committed against the public. This renders the original summons a fraudulent and void document upon which no subsequent trial should have proceeded.

44. The Applicant further asserts that the behaviour of the Prosecution Team in; (i) pressing knowingly-false and vexatious charges; (ii) fabricating, manipulating and erasing evidence;

(iii) failing to obey a Court Order; (iv) conspiring to move Court dates without notification to the Applicant; and (v) colluding to interfere with the administration of justice and to pervert the course of justice in order to secure a malicious conviction, constitutes such an abhorrent contamination and tainting of the legal process as to render the whole prosecution 'void ab initio' (void from the beginning).

45. That the corresponding prejudicial behaviour of several Judges in knowingly facilitating and advancing a malicious prosecution while denying the Applicant his fundamental rights to fair procedures and legal representation in the Courts is likewise such an abhorrent departure from the Constitutional and moral obligations of the judiciary (to act in a fair, unbiased and impartial manner) as to constitute another grievous wrong which renders; (i) the whole trial process, (ii) the contrived 'conviction in absentia', (iii) the imposition of a 2-month prison sentence; (iv) the coercion of the Applicant into participating in a Circuit Court Appeal; (v) the pre-emptive and unlawful termination of that Appeal, and (vi) the incarceration of the Applicant on foot of committal documents which were of themselves (vii) overtly fraudulent and unlawful: That all of this renders the whole trial process 'void ab initio' and tainted almost beyond belief, and deserving of being immediately struck from the record – especially in circumstances where the Applicant's repeated efforts to have the Irish authorities deal with these serious issues have fallen completely on deaf ears – or, have resulted in additional acts of overt and covert intimidation of the Applicant and his family by the Gardaí, by the Courts Service and by the Office of the DPP.

46. For the benefit of the Court, the Applicant hereby quotes verbatim from the law books:

*A. **The concept of presumption of innocence** is fundamental to the Irish legal system and is internationally recognised as an essential safeguard. It is the cornerstone of the criminal justice system. An accused person is **presumed innocent** until proved guilty. The burden of proving this guilt is on the prosecution and it must be proved beyond a reasonable doubt.*

*B. **The right to fair procedures:** The courts, and all other bodies or persons making decisions that affect you, **must treat you fairly**. You are entitled to **fair procedures** in how the decision is reached. This means that the decision-maker must not be **biased** and the decision-maker must give you a **fair hearing**. **You must be given an adequate opportunity to present your case.***

47. There can be absolutely no doubt that these principles have been callously, maliciously and repeatedly violated in this case, and it remains incumbent on the Irish Courts – if they are to maintain any semblance of probity or expect to sustain the ongoing confidence of the public, that these serious matters are dealt without further delay or prevarication in accordance with Ireland's solemn obligations under international Human Rights Law.

48. Additional grounds upon which such relief is sought:

(i) This Application is made in specific context of **Article 38 (1) of the Irish Constitution** which states; "No person shall be tried on any criminal charge save in due course of law."

(ii) **Article 40 (1) of the Irish Constitution** which states that; *“All citizens shall, as human persons, be held equal before the law.”*

(iii) **Article 40 (3) 1° of the Irish Constitution;** *“The state guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen.”*

(iv) **Article 40 (3) 2° of the Irish Constitution;** *“The state shall, in particular, by its laws protect as best it may from unjust attack and, in the case of injustice done, vindicate the life, person, good name, and property rights of every citizen.”*

(v) **Article 40 (4) 1° of the Irish Constitution;** *“No citizen shall be deprived of his personal liberty save in accordance with law.”*

(vi) **Article 40 (6) 1° of the Irish Constitution;** *“The state guarantees liberty for the exercise of the following rights, subject to public order and morality: the right of the citizens to express freely their convictions and opinions.”*

(vii) **Article 35.2 of the Irish Constitution** which states that judges MUST operate within the law and the Constitution: *“Judges shall be independent in the exercise of their judicial functions, subject only to this Constitution and the law.”*

49. With so much at stake as regards (i) the Applicant’s good name and all that flows from it, including; (ii) the unsettling effects on his family (being impecunious and with a special needs son); (iii) the broader interests of the Irish public and their trust in our Courts and our justice system; and (iv) perhaps most importantly of all, in the overall interests of justice, transparency and accountability; the Applicant hereby requests the following reliefs:

50. Reliefs Sought:

(i) **An Order of certiorari** striking out the Applicant’s unlawful conviction and subsequent incarceration on May 4th 2017 at the Circuit Court Appeal of District Court Case No 2-16/40190 “DPP vs Granahan & Manning” on each, any or all of the foregoing and/or the following grounds.

- That the Applicant was entitled to a presumption of innocence
- That the Applicant was denied effective legal representation
- That the Applicant was denied the right to enter a defence or call witnesses
- That the Court acted in excess and breach of its jurisdiction
- That the Court failed to observe constitutional and natural justice
- That the Court failed to act according to its legal duty
- That the trial Judges acted with extreme bias and prejudice throughout and in violation of their solemn Oaths of Office.
- That there were flaws and errors on the face of the committal orders
- That there have been multiple breaches of the Applicant’s fundamental rights as per the European Convention on Human Rights.

(ii) **An Order for compensation** for the period the Applicant was unlawfully imprisoned as per Article 5.5 of the European Convention on Human Rights.

(iii) **An Order for damages.**

(iii) **Any other Order** as deemed fit and appropriate by the Court in the overall interests of justice and in context of the fact that the Applicant is acting without legal representation.

51. In the event the above reliefs are denied or refused, the Applicant seeks the following ex-parte reliefs for the purposes of preparing a case to the European Court of Human Rights.

- A. **An Order of Mandamus** directing the Courts Service to release the **full unedited** DAR recordings of the following five District Court hearings in Castlebar regarding case 2016/40190 "DPP vs Granahan & Manning": (i) September 2nd 2015 before Judge Kevin Kilraine; and (ii) November 22nd 2016; (iii) November 23rd 2016; (iv) January 23rd 2017; and (v) January 24th 2017 each before Judge Aeneas McCarthy all of which have been either refused or denied to us without proper or lawful explanation.
- B. **An Order of Mandamus** directing the Courts Service to release the full unedited DAR recordings of the following Circuit Court hearings in Castlebar concerning the Applicant's Circuit Court Appeal: (i) February 10th 2017 before Judge Rory McCabe; (ii) February 17th before Judge Raymond Groarke; and (iii) May 2nd, 3rd & 4th 2017 before Judge Sean O'Donnabhain.
- C. **An Order of Mandamus** directing the Office of the DPP to withdraw the threatening letter of Raymond Briscoe of April 11th 2017 and to respond to the issues raised by the Applicant in recent correspondence.
- D. **An Order of Mandamus** directing the CEO of the Courts Service Mr Brendan Ryan to respond to the issues raised by the Applicant in recent correspondence.
- E. **An Order of Mandamus** directing An Garda Siochána to properly investigate the criminal complaints lodged by the Applicant and his colleague Mr Colm Granahan in respect of alleged criminal offences committed in the course of these proceedings.
- F. **An Order of Prohibition** restraining any Judges (who have not since retired) who have previously been involved in this case from adjudicating further in these matters on the grounds that it would give the public appearance of possible impropriety, bias and/or a conflict of interest.
- G. **Costs** (and/or expenses).
- H. **Further or other Orders** as this Court sees fit in respect of the fact that the Applicant is acting as a lay litigant, impecunious, without legal access or support.

Sworn by the said Stephen Manning of Forthill,
Ballyhaunis, Co. Mayo this day of
2017 before me a Practising Solicitor / a
Commissioner for Oaths and I know the deponent.
Practising Solicitor / Commissioner for Oaths