

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 the matter of alleged contempt of Court on the part of the Respondent's representatives' failures to abide by Orders of the High Court and a parallel application to award judicial review to the Applicant, plus additional reliefs as laid out herein)

I, Stephen Manning, publisher, father and husband, special needs carer, social justice advocate and a member of *Integrity Ireland* who ordinarily resides at Mountain, Forthill, Ballyhaunis, 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 this affidavit/application is being made 'in person' without any professional legal assistance—in spite of ongoing attempts to secure the same—and the Applicant respectfully asks the Court to take this into consideration.

1a. I say that no overarching disrespect is meant to this Court on my own part in the text of this document, nor to those institutions or agencies of the State which have been set up, ostensibly, to serve the interests of justice – nor to those individuals therein who endeavour to perform their duties ethically and honestly. However, I feel morally and technically obliged to be precise and uncompromising in rendering an accurate account of events, and in identifying those involved in this case who are abusing their positions of trust and authority; who are clearly in violation of the law, of the Constitution and/or of their respective oaths of Office, their codes of conduct, and/or terms of employment; and who are collaborating together with scienter in abusing the instruments, resources and institutions of justice available to them, to discriminate against, to deny justice to, to oppress, harass, intimidate and unlawfully persecute otherwise law-abiding residents of this State – such as is clearly occurring in this particular case.

2. I say that I first approached the High Court with an ex-parte application in this matter on October 3rd 2017, and followed up with five subsequent appearances 'in person' in the High

Court before Justice Seamus Noonan on the following dates: (i) October 9th (ii) October 23rd (iii) December 12th 2017; (iv) January 30th (v) February 13th 2018.

2a. I respectfully refer to; (i) the existing submissions / applications / affidavits in this matter; (ii) the surrounding circumstances as outlined in the said materials as well as; (iii) the various discussions and exchanges before Justice Noonan in the High Court on the said dates; (iv) the respective Orders issued by the High Court as referenced herein; and (v) the exhibits accompanying this affidavit which are referenced e.g. ('Ex 1, Ex 2') etc.

3. I say that the materials as referred to in paragraph 2a above (i)-(iv) which *precede* this application detail a catalogue of 'improprieties' including acts of deliberate misdirection and obstructionism on the part of certain named Courts Service staff at the attempted initiation of this judicial review process, as well as repeated stonewalling and obfuscation by the Respondent's assigned representatives in this matter to date; namely, (a) representatives of the Chief State Solicitor's Office (CSSO) and more recently, (b) representatives of the Office of the Director of Public Prosecutions (DPP), inasmuch as each has at times; (i) failed or refused to acknowledge formal correspondence sent to them; (ii) that each has either completely or selectively ignored issues requiring a response, and have avoided explicit references to certain important details when the same has served the purposes of obfuscation; (iii) that each has attempted to mislead the Court and the Applicant in various ways; and/or (iv) that each has attempted to rely on 'excessive formalism' or on an over-exacting application of 'the rules' whenever this serves the purposes of obfuscation, obstruction or delay, while at the same time openly breaking or disrespecting those very same rules. I say that these acts are in breach of the professional standards which apply to 'Officers of the Court' and persons ostensibly 'in public service' as well as being in clear violation of the *Civil Service Code of Standards and Behaviour*.

3a. I say that these activities as summarised at 3.(i) – (iv) above are not only replications of similar types of illicit behaviours which gave rise to this judicial review application in the first place, but they are again, in clear violation of my rights under Irish and EU legislation to fair procedures from State agencies, without prejudice or discrimination.

4. I say that in the interests of expediency I will not repeat here the detail of the said acts of obstructionism and stonewalling as laid out in detail in *previous* oral and written submissions to the Court other than to generally refer to the same as a foundation for this particular application in light of additional illegitimate acts (and inactions) of the said parties since; which extend and compound the various existing collusive actions; which are likewise in repeated violation of due process and in direct contempt of the verbal directions of Justice Seamus Noonan and of the written Orders of the High Court.

4a. I say that due to those additional illicit activities (as detailed following) that I sought an urgent appearance before Justice Noonan by way of email/letter dated April 17th to Ms Angela Denning, Four Courts Office Manager, and received an email response from Court Service Staff at 17.08 hrs that day, advising in these circumstances that I should

make an Application under Order 44 of the Rules of the Superior Courts seeking an Order of Attachment / Committal as against the Respondent's representatives on the grounds of repeated contempt of Court, which I hereby present to this honourable Court. (Ex 17 & 18)

5. Background: I say that the High Court Order of Justice Noonan dated 23rd October 2017 directed that I put the Chief State Solicitor's Office formally 'on notice' of this judicial review application because as 'solicitors for the State' who act under the authority of the Attorney General, they would be undertaking the representation/defence of the named Respondent, Circuit Court Judge Sean O'Donnabhain in this matter. That I duly complied with that Order and engaged with the CSSO in good faith, leading through two more appearances before Justice Seamus Noonan on December 12th 2017, and January 30th 2018.

6. That at the appearance of December 12th I made formal complaints to the Court that the CSSO and the Courts Service (as well as two local solicitors firms in Co. Mayo) were NOT properly corresponding with me or affording me 'proper service' and that they appeared to be deliberately obstructing the advancement of these proceedings – including claiming NOT to have received documents that they had already acknowledged in writing. That the CSSO gave every appearance at that Court hearing that they intended continuing representing the named Respondent as directed by Justice Noonan in his Order of October 23rd 2017, and they were now, '*seeking another adjournment so as to better prepare (their) objections*'.

6a. However, in what appears to be another underhanded attempt to scuttle or thwart these proceedings; firstly Ms Maria Browne (who holds the Office of Chief State Solicitor, 'CSSO') dispatched a letter which arrived on the very eve of the impending High Court appearance claiming *again* NOT to have possession of that filed document (and therefore supposedly not being in a position to continue) – while late the very same afternoon, I received a phone call from solicitor Ms Maura Teahan indicating without any prior notice or warning, the sudden intention of the CSSO – at this belated stage – to apply to the Court the following morning to transfer the defence of the case to the DPP's Office. (Ex 7)

7. That at the appearance on January 30th – (over 3 months since the issuance of the said High Court Order) and having repeatedly failed; (i) to engage properly with me as the Applicant, and (ii) having misinformed the Court as to the due receipt of filed documents (in particular, my grounding affidavit of October 20th 2017) – that the CSSO's solicitor Ms Maura Teahan applied orally to 'come off record' and asked for the Court to direct that the DPP's Office should now, "*have carriage of this case*". This request was granted by Justice Noonan who directed that the CSSO should provide ALL of the materials received from the Applicant to date directly to the DPP's Office; and who noted that the alleged 'missing document' which the CSSO had previously claimed NOT to have received was not only clearly 'on file' before him, but that Justice Noonan also accepted my oral evidence that Ms Maria Browne had first of all acknowledged receipt of an *unsworn* copy of my affidavit in her letter of 6th November 2017 (Ex 2), and then (eventually, after several promptings and requests) had personally signed off on another acknowledgement dated 7th December 2017 (Ex 6) that she

had in effect, “received recent correspondence”– a suspiciously vague and nonspecific reference to important correspondence from me which made explicit and recurring reference to the dispatch of the said ‘sworn document’ to her on 7th November 2017, as is shown in the attached emails, letters and proof of posting. (Ex 1, 2, 3, 4, 5 & 6)

7a. That in any event, the said document (my grounding affidavit) is clearly in the case file since 20th October 2017 last and the responding parties have been granted ‘free and unfettered access’ to that file and ‘any other materials in the possession of the Courts Service wherein I am a named party’ which will assist them in advancing this judicial review application fairly, justly and expediently. Accordingly, there can be no credible claim by the Respondents that the said document has NOT in fact been filed and served.

7b. I believe it is important to note however, that I have been given no formal reason or explanation for this unilateral transfer of the defence of this application from the CSSO to the DPP – which I have been reliably informed is ‘highly unusual’ if not also in direct contravention of the statutory roles of the CSSO and of the DPP’s Office respectively.

7c. Indeed, that the Applicant can find NO references anywhere to the DPP’s Office assuming the formal ‘defence’ of any individual or agency of the State who has been accused of criminal activity (other than when the DPP undertook to object to my previous judicial review applications alleging criminal conduct on the part of agents of the DPP’s Office, and others in the pay of the State). That it is the DPP’s stated statutory role to *prosecute* those accused of criminal acts, “*On behalf of the People of Ireland*” (not to try to defend them) and it is the stated role of the CSSO to, “*Provide solicitor services to Government Departments and agencies of the State*”. Which obviously raises the questions of; (i) why has the CSSO suddenly withdrawn from this case; (ii) why is the DPP’s Office now assuming the contradictory role of assigning public prosecutorial resources to the *defence* of this claim; and indeed, (iii) why has the Court allowed this?

8. That in a letter from the DPP’s Office dated 5th February 2018 signed by one Helena Kiely, Chief Prosecution Solicitor (who has been the direct instrument of repeated acts of unlawful harassment of the Applicant and of several unacknowledged complaints of the same to DPP Claire Loftus in matters relating to this case) Ms Kiely again asserts that she has NOT received documents from the CSSO which were Ordered delivered to the DPP by Justice Noonan. (Ex 8)

9. That on 7th February, in partial and selective response to my urgent email of enquiry that Ms Maura Teahan, CSSO, confirmed as follows: “*Dear Mr. Manning, I acknowledge receipt of your email. I confirm that I have passed all papers to the Office of the DPP. Brian McLoughlin Solicitor is dealing with the matter there. Judge Noonan directed that the papers be sent there and that the DPP have carriage of the case. I trust this answers your query. Regards, Maura Teahan, State Solicitor, Judicial Review Section, CSSO.*” (Ex 9 & 9a)

10. I say that at the Hearing of February 13th that Ms Teahan did NOT attend Court as

requested by me so as to personally reassure the Court of her compliance with the said directions of the Court; whilst Mr McLoughlin from the DPP's Office again informed the Court that he had NOT received certain documents from the CSSO as Ordered? This directly contradicts Ms Teahan's written assurances and indicates that one or the other of these parties is either, (i) lying to me and deliberately misleading the Court, or, (ii) that they in turn are being misinformed as to the facts by persons in their respective Offices?

10a. I say that it is clearly the responsibility and the obligation of these parties to present truthful information to the Court and that there can be no reasonable excuse for these 'inconsistencies and inaccuracies' as to the facts, when there are no barriers whatsoever to open communication and collaboration between the DPP's Office and the CSSO.

10b. Furthermore, Mr McLoughlin informed me privately that he had not even brought the case file with him that day – thereby supporting my contention that despite my many sincere attempts to properly advance this matter to date, that neither the CSSO (up to January 30th 2017) nor the DPP's Office to date, has any real intention or expectation of being able to properly defend this matter because (I assert again) the allegations and evidence in my original grounding affidavit are clearly and self-evidently 'indefensible'.

11. I believe that all of this ongoing obstructionism (including the detail to follow) comprises a collusive and underhanded attempt to delay or obstruct proceedings until such time as I will not be able to progress – either through sheer mental exhaustion – or through logistical impossibility, or via other underhanded means such as the ongoing acts of harassment and intimidation by the DPP's Office including; (i) multiple unsigned demands on threat of Court proceedings for 'immediate payment' of thousands of euros for the DPP's alleged 'costs' in an associated matter – despite these demands being in clear violation of the terms of the respective High Court Order; as well as (ii) the threat of impending incarceration (again) on false and spurious charges being brought by persons who were directly involved in my original unlawful incarceration – which, in the total absence of any legal representation, would render me physically unable to advance these current matters through the Courts.

11a. I say for example, that since the initiation of this judicial review application in October 2017 that I have received another DPP summons to the District Court supported by fraudulent witness statements authored (again) by State employees, complete with the now usual 'missing' evidence and false declarations to the District Court by named Gardaí, as well as the inexplicable non-actions of the assigned Judge; and (ii) no less than seven such formal demands for payment by the DPP in the name of Ms Helena Kiely—all unsigned—and marked "STRICTLY WITHOUT PREJUDICE AND SUBJECT TO TAXATION" and that (iii) the same have overlapped several unanswered letters to the DPP regarding this case which contain legitimate requests and informations which the DPP is supposedly 'statutorily obliged' to deal with, but which have been repeatedly ignored. (Ex 14)

12. I say that Justice Noonan issued another Order on February 13th directing that, (i) "*the Respondent*" (now Mr McLoughlin from the DPP's Office) "*be at liberty to file a Replying*

affidavit by March 6th 2018.” That the said Order lists the dates of March 26th / April 17th and May 8th 2018 respectively to allow for the filing of; (ii) the Applicant’s Responding Affidavit; (iii) my Written Submissions; and (iv) the Respondent’s Written Submissions, and (v) the date of June 5th 2018 was set aside for a full day’s hearing of the case, with Justice Noonan agreeing with me (as the Applicant) that after nearly 5 months of ‘messaging about’ by the opposition (as I put it) that it was high time to get this process properly ‘on track’. (Ex 20)

12a. Given the contents of our exchanges in Court that day (not to mention standard ‘due process’ and simple common sense) it was clear that Justice Noonan was referring at clause 12(i) above to my initiating affidavit of October 20th 2017 – that being the original grounding affidavit for this judicial review application which contains the main arguments for consideration, with the usual allowance for the Respondent to make added reference to any of my subsequent oral or written submissions to the Court, if they so wished.

13. I say that the Respondent has failed or refused to comply with clause (i) of that Order of the High Court despite being reminded by me (in unanswered correspondence) of the requirements of that Order, and that as a result, the subsequent clauses at 12(ii) (iii) and (iv) above which applied to me as the Applicant have apparently either been rendered sequentially pointless or have been negated, or have been technically now ‘run out of time’.

14. I say that I sent a detailed email letter to Ms Teahan (CSSO) and Mr McLoughlin (DPP) on February 14th outlining all of the outstanding issues and seeking clarity as to how and why the High Court (and myself as the Applicant) were apparently being deliberately and repeatedly misled and/or deceived—and indeed why I was also being systematically ignored—and that if no explanation was to be forthcoming, to please identify which of them personally (or which particular Office) should be held responsible for the apparent act of ‘contempt of Court’ in respect of the non-transfer of documents between them, and of their non-compliance with the verbal Order of Justice Noonan of 30th January 2017. (Ex 10)

15. I say I received NO acknowledgement or response from either party – not even the usual generic acknowledgment of receipt that issues from State Agency email accounts – but that I did ‘cc’ other State Agencies into the same correspondence and did receive generic receipt notices from them. I therefore submit to the Court that this is further evidence of deliberate ‘stonewalling’ by the respective Respondent parties which is, in effect, directly and improperly interfering with and/or obstructing the due administration of justice. (Ex 11)

15b. I note as an aside, that in addition to the documented incidences of clandestine surveillance and interference with our family’s private post and phone calls, that I have attached screenshot proofs that my private email accounts are likewise being improperly interfered with of late, and that the sources of that interference appear to resolve to the same State agencies; namely Garda Headquarters and the Office of the DPP. (Ex 16)

16. I say that since the outset of the originating District Court case in 2016 which led to this judicial review application, that I have written 9 unanswered letters directly to DPP Ms

Claire Loftus which made detailed and explicit reference to matters affiliated with this case, including 3 recent letters (on October 27th, January 9th & February 27th last) which alerted Ms Loftus to the 'serial improprieties' ongoing in this matter and of the alleged misconduct of certain persons at the Office of the DPP – most notably Ms Helena Kiely and Mr Raymond Briscoe – who, in addition to the serial complaints already lodged against them have now apparently inserted themselves as the Respondent's most recent legal representatives (again, without any prior notice to me as the Applicant) in this judicial review application.

16a. That it should perhaps be noted in context, that it was solicitor Mr Raymond Briscoe who attended for the first time—unannounced—'on behalf of the DPP' at my contrived 'conviction in absentia' in Castlebar District Court on January 23rd 2017 where he appeared under the generic title of 'DPP Prosecuting Solicitor' whilst actually holding the post of 'Deputy Director of Superior Court Operations at the Office of the DPP'. This suggests that Mr Briscoe would have been fully familiar with my ongoing approaches at the time to the High Court and to the Supreme Court alleging serial criminal acts on the part of the DPP Prosecution team in that case – and of the full knowledge of the same by the trial judge Aeneas McCarthy, as well as a number of other authority figures including the CEO of the Courts Service, Garda HQ and the DPP's Office, who (the evidence clearly suggests) were each actively colluding—along with other named persons in the Dept. of Justice and at the Four Courts—to suppress and cover up the said crimes and conspire against my own fundamental rights, instead of taking the appropriate lawful action.

16b. It should also be noted in context that Mr Briscoe had been assigned by DPP Claire Loftus to replace Mayo State Prosecutor Mr Vincent Deane (without any notification whatsoever to the Defendants) after Mr Deane and 3 other State witnesses in the case (including a Garda Superintendent, a solicitor and the local Courts Service Manager) had been exposed as being involved in the said criminal actions including deliberate fraud, perjury, criminal damage, conspiracy and contempt of Court; and Mr Briscoe then proceeded to 'act' as the DPP Prosecutor demanding that I be 'convicted in absentia' (from a hearing which he fully *knew* that I had NOT been informed of) and despite Mr Briscoe having had NO personal experience, nor any appearances, in that case to date.

17. I say that I sent another letter dated April 5th by email and recorded post to the DPP's Mr McLoughlin copied to Ms Teahan at the CSSO detailing the above issues and placing them 'on notice' that I felt I had no alternative but to approach the High Court with my concerns, but to date, I have received no acknowledgements or responses to that letter. (Ex 12)

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)

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. It 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.

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)

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.

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?

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)

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.

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.

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; (ii) they '*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'.

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)

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.

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.

23. I further seek direction from this Court as to the status of my own prepared ‘submissions’ which were prepared in accordance with the Order of the High Court, but in these suspect circumstances – and in the absence of any *legitimate* responding affidavit by the opposition within the time allowed and with no prior correspondence or notifications to me otherwise; and given the resulting legal uncertainty occurring on my own part – that the said submissions could not be filed as planned. I therefore respectfully seek the consent of this Court to now enter those submissions, as per the detail in my letter of April 17th to the High Court Central Office. (Ex 17)

24. Given my repeated assertions that, (i) the DPP’s Office is relying on the parallel progress of District Court case 2017/180452 against me ongoing (which was initiated after I began this judicial review process) to try to interrupt, frustrate and eventually thwart these J R proceedings in similar manner to the still-unexplained ‘disappearance’ by the DPP of an active private prosecution against 4 members of An Garda Siochána last year whilst I was unlawfully incarcerated; and (ii) given that some of the same personnel involved in my previous unlawful incarceration are again involved in the current District Court case; and (iii) given I have already lodged a criminal complaint with the Garda Commissioner (which has since been referred to GSOC) about additional acts of perjury, criminal damage and contempt of Court in that case on the part of Garda Inspector Dermot Butler (acting for the DPP) who is also named in Mr Briscoe’s recent affidavit (in this J R case) as having *knowingly* supplied the District Court with false information on January 23rd 2017 so as to facilitate my arrest; and (iv) given that the outcome of this judicial review (whether rejected or affirmed) will *absolutely* have a bearing on the facts and progress of the ongoing District Court case 2017/180452; and (v) given the logistical difficulty of trying to manage both of these cases without any prospect of legal assistance, along with, (v) a number of other pressing Court,

business and family matters including personal health issues and looking after my special needs son; **I respectfully seek a stay on those District Court proceedings until such time as this judicial review process and any resultant appeals thereof are concluded.**

24a. **I further seek permission to enter a supplementary 'list of Exhibits'** to accompany my original grounding Affidavit of October 20th 2017 which corresponds with the materials directly referenced therein and which have already been forwarded in one form or another to the named Respondent and his representatives.

25. I say again (as per my original grounding affidavit): *"That 'new evidence' secured on July 20th last.."* (including an audio recording of the District Court Judge at the original 'incident' of September 2nd 2015 making a seriously-incriminating statement which supports my claims of deliberate evidence-tampering by the lead prosecution witness, as well as full knowledge of the same by various named persons involved in that Prosecution – which in turn would render those persons complicit both before and after the fact in the same criminal actions, and in the subsequent denials and attempted cover-ups of the same) *"..demonstrates that this prosecution was a wholly illegitimate and unlawful exercise being conducted on the back of multiple criminal acts undertaken by agents of the State, most notably by agents of the DPP's Office, by witnesses for the Prosecution in the employ of the State and by certain Judges who have been parties or affiliates to these proceedings and/or to affiliated actions on the part of the Applicant or of the named parties herein which have, in part or in whole, arisen out of these proceedings and or out of the causes for the same."*

26. In light of all of the above, I now respectfully apply to this Court to; (i) immediately grant my judicial review in light of the Respondent's representatives' repeated failure or refusal to comply with the said Orders of the High Court; (ii) that the Court take whatever punitive action is appropriate so as to sanction or penalise the Respondent's representatives variously for their proven acts of; (a) deception, (b) fraud, (c) contempt of Court, (d) abuse of process, (e) obstruction of justice, etc., including any Order for committal; and (iii) that I be awarded the additional reliefs as laid out in my original grounding affidavit filed and dated on October 20th 2017 – and as summarised below.

(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 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 Act 2003, specifically Articles 1, 5, 6 & 7 as detailed in the original grounding affidavit.
- That multiple breaches of the Irish Constitution have also occurred including:
 - a. **Article 38 (1)**; *“No person shall be tried on any criminal charge save in due course of law.”*
 - b. **Article 40 (1)**; *“All citizens shall, as human persons, be held equal before the law.”*
 - c. **Article 40 (3) 1°**; *“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.”*
 - d. **Article 40 (3) 2°**; *“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.”*
 - e. **Article 40 (4) 1°**; *“No citizen shall be deprived of his personal liberty save in accordance with law.”*
 - f. **Article 40 (6) 1°**; *“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.”*
 - g. **Article 35.2**; 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.”*

(ii) **An Order for Compensation** for the period the Applicant was unlawfully imprisoned.

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

(iv) **An Order for Costs/Expenses** for each attendance at the High Court in this matter.

(iv) **Any other Order** as deemed fit and appropriate by the Court in the overall interests of justice.

Signed: Stephen Manning, EU Citizen.

Sworn by the said Stephen Manning at 3 Inns Quay, Chancery Place, in the City of Dublin before me a Commissioner for Oaths and the deponent’s identity has been established by reference to a Public Services Card bearing a photograph of the deponent with the number 644199125463.

Practising Solicitor / Commissioner for Oaths

Filed on the day of 20..... by Stephen Manning, Applicant.