

**THE HIGH COURT**

JUDICIAL REVIEW

BETWEEN

Record No: JR

STEPHEN MANNING

APPLICANT

AND

DISTRICT COURT JUDGE DIERDRE GEARTY

& THE DPP

RESPONDENTS

**AFFIDAVIT OF STEPHEN MANNING**

**(In the matter of Judicial Review proceedings and an alleged conspiracy to pervert justice grounding a request for Orders of Prohibition and Mandamus and other reliefs)**

1. I, Stephen Manning ('STM'), publisher, father and husband, special needs carer, sports official, 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:

2. I say that I am acting as a lay-litigant in this matter without any legal help or support and without the financial means to pay for the same, and I request that the Court takes this into consideration in considering this application.

3. I say that this *Order 84* application is being made in face of repeated documented acts of collusion, criminal damage, violations of Court Orders, fraud, perjury, stonewalling, obfuscation and obstructionism, and various other unlawful acts by persons in the pay of the State who are clearly and obviously engaged in improper, unlawful and/or criminal activity designed to interfere with, obstruct or pervert the course of justice in matters concerning the Applicant including in **District Court Case 2017 180452 DPP v Manning**, and in affiliated cases prior and ongoing, as listed at paragraph 6 following.

3a. I say and believe in these particular circumstances – where I am in effect alleging a broad-ranging conspiracy by various named agents and agencies of the Irish State – and especially by persons operating under the remit of the Department of Justice in law enforcement and in the Courts – that I can make no apologies for naming those persons and agencies in this Affidavit, because to omit doing so would be to tacitly support and

endorse the odious culture of secrecy, subterfuge and criminal cover-ups of ‘official wrongdoing’ that permeates and infests these agencies, and which chronically affects the capabilities—and the personal and professional integrity—of those persons charged with maintaining ethical, moral and legal probity in key institutions of the Irish State.

4. I refer to various documents, letters and Notices as referenced throughout this affidavit, as well as my recent affidavits and submissions in **Judicial Review JR 2017/798 Manning v Judge O’Donnabhain** (case ‘B’ below) which is central to this Application and which materials are already in the possession of the 2<sup>nd</sup> named Respondent, the Office of the DPP.

4a. I also refer to the written applications and affidavits which I have *attempted* to lodge in **District Court Case 2017 180452 DPP v Manning** (‘E’ below)—which is the subject of this J R Application, but which have been inexplicably refused by Judge Deirdre Gearty – and the contents of which said papers and the matters referred to therein form part of the basis for this urgent J R Application. *See ‘Exhibit A ix, xii & xiii’.*

5. I further refer to copious materials already ‘on file’ in the Courts, as well as articles, letters, and posts online whose existence is self-evident and easily confirmed, but due to the great volume of the same cannot reasonably be attached in paper format to this affidavit, and I respectfully reserve the right—given the broad scope of the issues dealt with in this affidavit and the extended time periods covered—to produce at a later date, whatever additional or supplementary materials that may be deemed necessary by the Court.

5a. I therefore respectfully apologise to the Court for any unintended confusions or repetitions in this extended document but it is the nature of the situation that an extraordinary amount of time has been required to try to articulate these circumstances in a cohesive format, and that any such confusions, convolutions or complications are as a direct result of the very issues that ground this Application; namely, the unlawful, obstructive and improper actions of certain named ‘Officers of the Court’ throughout.

## **6. Relevant Court Cases Pertaining to this Particular Application**

- A. District Court Case 2016/40190 DPP v Granahan & Manning.
- B. Judicial Review JR 2017/798 Manning v Judge O’Donnabhain.
- C. ‘Common Informer’ prosecutions under the Petty Sessions Ireland Act.
- D. Application by a Judge for High Court injunctions v Manning & others.
- E. District Court Case 2017 180452 DPP v Manning** (*the subject of this Judicial Review*)
- F. High Court Cases ongoing or pending alleging ‘official misconduct’.
- G. ‘Spent’ (already dealt with) Judicial Review and Habeas Corpus Applications.

**7. I refer here to ‘Exhibit A’ - which contains specific documents and affidavits referred to herein (in chronological order) which the Applicant duly swears are true copies and are accurate as to the facts insomuch as the Applicant is aware of those facts.**

- i. A short chronology of violations of the law and other relevant events and incidents as visited on the Applicant and his family in the 9-year period 2009 - 2018.

- ii. August 5<sup>th</sup> 2015; letter to Peter Mooney Castlebar Courts Manager (cases 'A' & 'C')
- iii. November 1<sup>st</sup> 2016; Affidavit of Stephen Manning v DPP JR 2016/866 (in case 'A')
- iv. January 27<sup>th</sup> 2017; letter to all Dáil Deputies and 25 senior Judges (case 'A')
- v. April 6<sup>th</sup> 2017; letter to Mr Brendan Ryan, CEO of the Courts Service (in case 'A')
- vi. April 12<sup>th</sup> 2017; statement regarding threatening letter from DPP's Raymond Briscoe on April 11<sup>th</sup> (in cases 'A' & 'C')
- vii. October 20<sup>th</sup> 2017; Grounding Affidavit of Stephen Manning (in case 'B')
- viii. November 28<sup>th</sup> 2017; letter to Sgt Gary McEntee (case 'E')
- ix. January 17<sup>th</sup> 2018; NOTICE & DECLARATION & Application to the Court (in case 'E')
- x. February 1<sup>st</sup> 2018; *iClinic* letter re: missing CCTV footage on CD from Gardaí (case 'E')
- xi. February 7<sup>th</sup> 2018; email from CSSO confirming transfer of documents to DPP as directed by the Court (case 'B')
- xii. February 19<sup>th</sup> 2017; Application to Strike Out & Affidavit of STM (in case 'E')
- xiii. February 21<sup>st</sup> 2017; Application for Guarantees of Fundamental Human Rights and Protections as per the European Convention on Human Rights Act 2003 (in case 'E')
- xiv. February 27<sup>th</sup> 2018; letter to Inspector Dermot Butler (in case 'E')
- xv. March 4<sup>th</sup> 2018; letter to Her Honour Judge Rosemary Horgan, President of the District Court (regarding case 'E')
- xvi. March 5<sup>th</sup> & 12<sup>th</sup> 2018; email letters to Law Society of Ireland regarding Legal Aid copied to Irish Statutory Authorities (unacknowledged and unanswered). (case 'E')
- xvii. March 9<sup>th</sup> 2018; *Phone Fix Plus* assessment of CD from Gardaí (in case 'E')
- xviii. March 14<sup>th</sup> 2018; written 'informations' in support of C-I application for a criminal summons vs Peter Mooney – as read out before Judge Gearty (case 'E')
- xix. March 22<sup>nd</sup> 2018; letter to Cahir O'Higgins, solicitor, regarding legal aid, plus copy of previous letter of February 22<sup>nd</sup> and legal aid certificate. (case 'E')
- xx. Affidavit of Raymond Briscoe, DPP solicitor April 5<sup>th</sup> 2018 (cases 'A' 'B' & 'G')
- xxi. May 1<sup>st</sup> 2018; Affidavit of Stephen Manning alleging 'contempt of Court' by CSSO and DPP (case 'B')
- xxii. Order of the High Court of May 8<sup>th</sup> 2018 (case 'B')
- xxiii. May 14<sup>th</sup> 2018; Supplementary Affidavit of Stephen Manning (in case 'B')
- xxiv. May 22<sup>nd</sup> 2018; letter to Justice Seamus Noonan seeking his recusal (in case 'B')
- xxv. As updated on May 29<sup>th</sup> 2018; chart with list of named individuals, agencies and firms involved in these matters to date.<sup>1</sup>

**7a. Exhibit A:** Online link to the above 'Exhibit A' documents for ease of reference in one combined PDF: <http://integrityireland.ie/Merged%20Exhibits%20A.pdf>

**7b. Exhibit B:** As updated on May 29<sup>th</sup> 2018; online link to a list of named individuals, agencies and firms involved in these matters to date as per the chart at paragraph 40 and at 'Exhibit A, xxv' with summarising synopses of alleged unlawful acts in cases 'A–G' above.<sup>2</sup> <http://integrityireland.ie/Breakdown%20of%20individuals%20involved.pdf>

<sup>1</sup> Please note that this is an active, live document which will be updated as matters unfold.

<sup>2</sup> Ibid (i.e also a 'live' document).

**7c. Exhibit C:** List of Submissions relating to JR 2016/798 (case 'B') – see also paragraph 13.  
<http://integrityireland.ie/H-C%20Submissions%20JR%20798%20April%202018-L.pdf>

---

**8. Introduction & Overview:** I say that my requests for reliefs in this particular matter before the Court are grounded on the following main considerations.

- i. That the Applicant Dr Stephen Manning has been unlawfully 'targeted' and/or 'blacklisted' by certain named persons in the pay of the State and/or by agencies or persons affiliated thereof, and is being repeatedly and systematically denied any proper access to justice.
- ii. That a serious miscarriage of justice is underway in this case (and affiliated cases) which is being actively 'managed and orchestrated' by the said persons under a cloak of coordinated obfuscation, misdirection and other frauds that are being *knowingly* perpetrated upon the Courts and the Irish public—which constitute repeat '*void ab initio*' acts<sup>3</sup>—which in turn are being overtly and covertly facilitated by the Courts named herein—under the misleading guise of 'proper procedure'.
- iii. That the instruments of justice are being improperly deployed – for utterly unlawful and illicit reasons – including to obfuscate, obstruct and 'stonewall' the Applicant so as to generate as much confusion and disorientation in these cases as possible, and to make them all-but impossible to manage; whilst at the same time generating additional 'legal opportunities' to heap further complications, delays and other venal contrivances on the Applicant via the misuse and abuse of statutory procedures.
- iv. That there is an abundance of evidence of serious wrongdoing, including multiple nefarious, collusive and criminal acts by agents of the State, as referred to herein.
- v. That the release of the DAR records as requested as reliefs, will have the immediate effect of putting into the hands of the Applicant, the hard evidence required to establish the truth of matters; and thereby facilitate a just and expedient resolution.
- vi. That the continued advancement of case 'E' (**District Court Case 2017 180452 DPP v Manning**) in circumstances where the Applicant is; (i) alleging (and proving) multiple improper and unlawful actions on the part of those tasked with the proper and lawful management of that case; and (ii) in circumstances where a number of those persons who were previously implicated in serious wrongdoing in case 'A' are again involved in case 'E'; and (iii) in circumstances where the continuance of case 'E' – without the due disclosure of evidence and/or without any access to effective legal representation will undoubtedly place the Applicant at a seriously unfair advantage as against his accusers, and underscores why this case cannot lawfully continue at this time.

---

<sup>3</sup> Meaning 'void from the beginning' which is a legal premise rendering any subsequent actions or processes (such as Court actions or convictions) which are based on the initiating '*void ab initio*' issue equally void.

vii. The fact that the outcome of the Applicant's J R proceedings 'B' which have been stalled, delayed and obstructed by the Courts Service, the CSSO and the Office of the DPP for over 8 months now – and the fact that these cases are very much related not only in theme, substance and process, but also by virtue of the presence of several of the same actors simply cannot be ignored in light of the Applicant's allegations of improper collusion, conspiracy and malpractice on their respective parts.

9. In short, that this application comes on the back of years of overt and covert harassment whereby the Applicant (and his family) have suffered multiple transgressions at the hands of persons who are ostensibly employed by the State to, "*uphold the law and protect our Constitutional rights*" and that a number of the said persons are involved in these ongoing matters before the Courts, for purposes other than the proper administration of justice. And although it is not feasible or practical to document all of those incidents in one coherent document, I feel it is important 'for the record' as well as for the deciding Court that there is a general understanding of the background facts and circumstances so as to provide for an accurate and informed assessment of the issues, and I therefore ask the Court's patience in reviewing the short general chronology at 'Exhibit A.i' and the assorted documents following it, which I say are key to understanding and validating this J R application.

10. I say that throughout a 9-year period ongoing, I have documented all of the respective 'irrefutable proofs' and have written scores of letters to the respective 'statutory oversight bodies' and made dozens of formal criminal complaints—including to Gardaí and via the Courts—without any substantial response or result other than the repeated, and clearly illicit attempts by certain authorities, to unlawfully suppress the evidence of these crimes and to try to intimidate myself, my family and any *Integrity Ireland* supporters into silence.

11. I say that given all of the evidence, that any right-thinking person would reasonably conclude that I am undoubtedly, being unlawfully 'targeted' by certain agents and agencies of the State (who are operating *ultra vires* and outside of their legal authority and statutory mandates) in order to suppress the evidence documented in my assorted Court cases and various formal complaints of 'official wrongdoing' and because of my prominent pro-justice activities as the founder and administrator of the *Integrity Ireland Association*—in which voluntary role I have had legitimate cause to lawfully and publicly challenge and expose the improper, illegal and/or criminal activities of certain persons employed by the Irish State – some of whom hold high office, or positions of authority.

12. I say that we understand the urge on the part of State employees to 'circle the wagons' to protect their colleagues or superiors, or to revert to 'damage control' or other protectionist tactics which are ultimately born of a misplaced sense of loyalty to the institution – or of an unquestioning subservience to some superior who is involved in wrongdoing, and I believe this mindset is at the root of the many 'difficulties' we have encountered in dealing with the Irish establishment to date. However, it must also be said that justice MUST obviously come first – especially in agencies within the Department of Justice, such as An Garda Síochána, the DPP's Office and in the Courts. Otherwise, the whole

notion of 'justice' as a pillar of our democratic republic is a lie and a nonsense, as are all of the solemn Constitutional pronouncements of the supposed 'statutory independence' of the Courts and the DPP's Office and the profound academic references in the law books that, "Justice must not only be done – it must be seen to be done!"

**13. General Overview:** I say that I was unlawfully jailed in May 2017 following a District Court Case (No. 2016 40190) in Castlebar Courthouse ('A'), which is currently the subject of judicial review in the High Court (JR 2017/798) ('B') where no less than 41 violations of domestic and international law have been documented including: THE RIGHT OF ACCESS TO JUSTICE; THE RIGHT TO FAIR PROCEDURES; THE RIGHT TO A FAIR TRIAL; THE RIGHT TO A FAIR HEARING; THE RIGHT TO EQUALITY OF ARMS; THE RIGHT TO ACCESS A LAWYER; THE RIGHT TO ADVERSARIAL PROCEEDINGS; THE RIGHT TO A REASONED DECISION; THE RIGHT TO BE INFORMED OF PROCEEDINGS; THE RIGHT TO THE INDEPENDENCE AND IMPARTIALITY OF 'TRIBUNALS' (COURTS); THE RIGHT TO LEGAL AID IN CRIMINAL PROCEEDINGS; THE RIGHT TO BE ADVISED, DEFENDED AND REPRESENTED IN CRIMINAL PROCEEDINGS; THE QUALITY OF LEGAL ASSISTANCE; THE RIGHT TO SELF-REPRESENTATION; THE RIGHT NOT TO BE SUBJECTED TO 'EXCESSIVE FORMALISM'; THE RIGHT TO ADEQUATE TIME AND FACILITIES TO PREPARE ONE'S DEFENCE; THE RIGHT TO A PRESUMPTION OF INNOCENCE; THE RIGHT OF ACCESS TO THE CASE FILE; THE RIGHT TO LEGAL AID IN APPEAL HEARINGS; THE RIGHT TO AN EFFECTIVE REMEDY; THE RIGHT NOT TO BE SUBJECTED TO MISFEASANCE & NONFEASANCE BY OFFICERS OF THE COURT; REGARDING ABUSE OF PROCESS; REGARDING THE VOID COURT ORDER; REGARDING ACTING UNDER DURESS; etc., etc.<sup>4</sup>

14. I maintain that; (i) the charges in that case 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 that 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 criminal acts have since been committed by the Prosecution and by the trial Judges in the subsequent 'non-trials' in the District and Circuit Court 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 that 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.

15. I say that 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 trial Judges Aeneas McCarthy and Sean O'Donnabhain, as well as by way of 3 Judicial Reviews in the High Court to Justice

---

<sup>4</sup> See full Submissions document at: <http://integrityireland.ie/H-C%20Submissions%20JR%20798%20April%202018-L.pdf>

Richard Humphries and in an application to the Supreme Court; which said incidents and/or omissions 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:

**15a. Castlebar District Court Trial, case 'A' (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 2<sup>nd</sup> 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.<sup>5</sup>
- (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'.

**15b. Castlebar Circuit Court Appeal (between February 10th and May 4th 2017)**

- (i) I was again effectively denied legal representation throughout, and the trial Judge (Judge Sean O'Donnabhain) ignored my repeated objections in this regard.
- (ii) I was again denied access to my District Court case file.

---

<sup>5</sup> In an affidavit dated 'April 5<sup>th</sup> 2018' to the High Court, DPP solicitor Raymond Briscoe states that Garda Inspector Dermot Butler informed the Court that the Gardaí had been '*unable to determine the whereabouts of the Applicant and his colleague*' on the morning of January 23<sup>rd</sup>, thus affording Judge Aeneas McCarthy the contrived opportunity to declare them 'absent' from that hearing and issue bench warrants for their arrests. If indeed Mr Briscoe's sworn affidavit is true, then Inspector Butler was perpetrating a knowing fraud and a deception on the Court because it can be proven by email and phone records that Gardaí (and the Courts Service) were fully informed as to the Applicant's location at that time.

- (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 15a. '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.<sup>6</sup>

16. 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 in case 'A') 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.

17. I say that I have since been charged with another contrived public order offence in **District Court Case 2017 180452** ('E') in very similar circumstances as case 'A' above, with some of the same key players involved, and which said preliminaries in the District Court in Castlebar and Belmullet I maintain are again being conducted in utterly unlawful and unconstitutional circumstances which I say render the whole process void.

#### **17a. Chronology of the progress of case 'E'.**

- i. April 3<sup>rd</sup> 2017, Belmullet Court: STM applies for a criminal summons against Peter Mooney and others. Applications accepted by Judge Gerard Houghton but adjourned for 'written informations' to April 12<sup>th</sup>.
- ii. April 4<sup>th</sup> Castlebar Courthouse: STM seeks access to his case file but is effectively refused (unlawfully) by Mr Mooney – which was by then a repeat occurrence. An

---

<sup>6</sup> The Applicant can demonstrate that the said Order of Judge Aeneas McCarthy is (i) NOT a true copy of the original; (ii) is NOT even signed by McCarthy; and (iii) is in fact fraudulently 'signed' by one Ailish McGuinness of Castlebar Courts Service who also fraudulently declares that the document is a 'genuine copy of the original'.



- alleged 'incident' occurs giving rise to the false charges against STM in case 'E'.
- iii. April 6<sup>th</sup>: STM writes letter of complaint about Mr Mooney to CEO Brendan Ryan.
  - iv. April 11<sup>th</sup>: STM receives a threatening letter from DPP's Raymond Briscoe 'advising' STM that his legitimate applications for summonses against Mr Mooney in Belmullet Court could be viewed as 'interfering with a witness' by the DPP's Office.
  - v. April 12<sup>th</sup>: 'No show' by Judge Gerard Haughton at the scheduled continuance in Belmullet.
  - vi. May 4<sup>th</sup>; STM unlawfully jailed 'for 2 months'. 4 habeas corpus applications refused outright by Justices Seamus Noonan, Donald Binchy and Richard Humphries.
  - vii. July 6<sup>th</sup>: Sgt Gary McEntee informs STM that Mr Mooney is alleging 'abusive behaviour and assault' on April 4<sup>th</sup> and that CCTV footage exists. STM says he also has a recording and will make a statement, "*..if this nonsense goes any further!*"
  - viii. October 3<sup>rd</sup>: STM approaches the High Court to initiate J R proceedings (case 'B') against his false imprisonment. After being serially 'messed about' by the Courts Service on 3 occasions (papers refused, rejected without explanation etc.,) STM eventually lodges 'ex-parte' papers on October 9<sup>th</sup> and receives a 'for mention' hearing on October 23<sup>rd</sup> before Justice Seamus Noonan.
  - ix. c. October 16<sup>th</sup>: Summons dated 'October 9<sup>th</sup> 2017' in case 'E' arrives by post. There has been NO intermittent contact or follow-through from Sgt Gary McEntee.
  - x. January 17<sup>th</sup> 2018: Case 'E' – 1<sup>st</sup> hearing in Castlebar District Court before Judge Deirdre Gearty. Case adjourned to February 21<sup>st</sup> on STM's request due to a private family matter. STM indicates he will be seeking legal aid. Gary Doyle Order issued by Court for Prosecution to send their evidence to STM.
  - xi. January 30<sup>th</sup>: J R 2017/798 (case 'B') hearing where CSSO transfers the case to DPP.
  - xii. February 13<sup>th</sup>: STM receives 8 statements and a CD with NO CCTV footage on it ('E').
  - xiii. February 21<sup>st</sup>: Judge Gearty is informed that Prosecution have NOT complied with the Gary Doyle Order. Judge refuses to view STM's proofs. Accepts Inspector Butler's word to the contrary. Refuses STM's application to strike out. Moves case to distant Belmullet without explanation to STM. Grants STM's application for legal aid.
  - xiv. February and March 2018: STM contacts 111 solicitors on the Legal Aid Panel and 1,874 barristers seeking legal representation, without success. Most do not respond.
  - xv. March 14<sup>th</sup>: Judge Gearty again refuses to view proofs, letters from I.T. experts and an affidavit from STM that NO CCTV footage is on the CD, and that a ruse is again being deployed by the Prosecution. Refuses again to strike out. Inspector Gary Walsh knowingly lies to the Court saying '*It is our position that STM has all the evidence Judge*'. Judge says that STM can complain to the trial judge in June with his proofs.
  - xvi. Also on March 14<sup>th</sup>: STM insists the State must provide him with 'effective legal representation' before the case can continue (as per ECHR Rulings). Judge 'directs' Dublin Solicitor Cahir O'Higgins to represent STM.
  - xvii. Also on March 14<sup>th</sup>: The Judge then hears 25 minutes of sworn evidence (plus proofs and exhibits) regarding STM's application for a criminal summons naming Peter Mooney in serial criminal acts. Refuses the application and then walks out of Court

with STM asking her incredulously, *“What’s the point of having Courts and Judges if you you’re not going to uphold the law?”*

18. I say that the manner in which the parties involved in **Judicial Review JR 2017/798** (‘B’) are conducting themselves—some of whom are also involved in the other named cases, as outlined in the respective exhibits—is equally improper and unlawful, and which appears (again) to be a deliberate attempt to abuse process and obstruct the progress of that J R application, for the purposes of circumventing the law and denying justice to the Applicant.

18a. I say that the range and frequency of the contrivances being visited on the Applicant and the Court has been such as to require (under the advice of the Courts Service) that ‘committal and attachment proceedings’ be issued as against the DPP and the CSSO as detailed in the Affidavits of May 1<sup>st</sup> and 14<sup>th</sup> respectively in ‘Exhibit A xxi & xxiii’.

19. I say that the detail in this affidavit identifies (in brief) several ‘agents of the State’ who are—or were—involved in some or all of these cases and whose collective activities constitute either; (i) a truly amazing display of isolated, and non-connected acts of astounding incompetence and ignorance of the law – which has had the ‘coincidental’ effect of repeatedly denying justice to the Applicant; and/or (ii) that this is a collective, choreographed conspiracy, conducted with scienter and malice, to pervert justice.

20. That since the completion and filing of my affidavit of May 1<sup>st</sup> last (pertaining to alleged contempt of Court by agents of the DPP and CSSO) that I attended the High Court of Justice Seamus Noonan ‘ex-parte’ on Tuesday May 8<sup>th</sup> seeking the directions of the Court so as to get clarity as to how to progress the JR 2017/798 application (‘B’) in light of the multiple documented acts of ongoing obstructionism, deception, obfuscation, misdirection, and other acts of diversion and ‘departure from due process’ and evident violations of Court Orders and of ‘contempt of Court’ by the Respondent’s representatives and by certain senior Courts Service staff as documented in the prior affidavit of May 1<sup>st</sup>.

21. That I made three specific applications to the Court on May 8<sup>th</sup> as follows:

(i) **For clarity on the conflicting advices given** (again) to me by senior Courts Service staff; and specifically, how I should apply (as advised in writing by the Courts Service) for ‘an Order of attachment and committal’ as against the Respondent’s representatives (agents of the CSSO and of the DPP’s Office) who are in breach of Justice Noonan’s Orders of January 30<sup>th</sup> and February 13<sup>th</sup> respectively; the same who are evidently engaged in a deliberate, orchestrated and underhanded attempt to delay proceedings and to interfere with, obstruct and/or pervert the course of justice in this case.

(ii) **For a ‘perfected’ (written) version of the Order of January 30<sup>th</sup> 2018** which directed that the CSSO transfer ALL materials sent to them from myself, to the DPP’s Office.

(iii) **For a stay on proceedings in the District Court in Belmullet in case 2017/180452** (‘E’) which is scheduled to commence on June 14<sup>th</sup> next on the grounds that this JR application (‘B’) (and the result thereof) is inextricably connected with and bound to that

District Court case ('E') inasmuch as eight identifiable persons in the pay of the State are involved at some level including several key players who conspired at various levels of involvement in my unlawful incarceration in Castlerea Prison last May ('A') which is the very subject of this J R application ('B'); the same who are personally involved in the upcoming Belmullet District Court case and/or with this J R application, namely: (a) the Deputy Director of Superior Court Operations at the Office of the DPP, Raymond Briscoe; (b) Castlebar Courts Service Manager Peter Mooney; and (c) Garda Inspector Dermot Butler – each of whom have engaged in clear and undeniably unlawful acts in these cases, and who have had formal criminal complaints lodged against them for the same.

(iv) That three other individuals whose 'improper activities' have been documented in various complaints are similarly involved in these interlinked cases, namely, (d) Garda Sgt Naomi Di Ris who was the listed 'DPP prosecuting garda' (and a lead prosecution witness) in the original 'non-trials' ('A') in Castlebar and who was previously subjected to a much-publicised citizen's arrest by myself and others because of her unlawful participation in blocking the public's access to Castlebar Courtrooms. Sergeant Di Ris is also a listed witness in the Belmullet case ('E'). That two more individuals from the DPP's Office who are directly involved in this J R application, namely, (e) Mr Brian McLoughlin and (f) Ms Helena Keily (Chief Prosecuting Solicitor) were likewise directly involved in constructing 'highly questionable' rebuttal affidavits in 2016 and 2017 to prevent my J R applications to have the Castlebar ('A') Case stopped on grounds of multiple *proven* criminal acts by the DPP Prosecution team. That Ms Keily has since been engaged in a campaign of direct harassment and intimidation in repeated and explicit violation of the terms of the High Court Order of Justice Richard Humphries of January 11<sup>th</sup> 2017, and who was the author of the recent contrived 'cover letter' accompanying the equally-contrived and indeed perjurious affidavit of Raymond Briscoe filed on April 5<sup>th</sup> last in J R 2017/798 case ('B').

22. That I have maintained throughout this J R application process ('B'), as well as throughout the two original 'non-trials' in the District and Circuit Courts in 2016 and 2017 ('A'), as well as in, (i) several concurrent J R applications to the High Court, (ii) in two applications to the Supreme Court, as well as (iii) in four Habeas Corpus applications from prison and a draft (pending) application to the European Court of Human Rights, that one of the obvious aims of all of this unlawful and clandestine activity by agents of the State is to conspire to intimidate and silence me (as the administrator of the *Integrity Ireland Association*); to try to suppress the scandalous truth about the truly appalling levels of corruption, misconduct and abuse of power and position in agencies of the State; to try to overwhelm me with false and vexatious allegations and drawn-out legal procedures; to conduct a cowardly campaign of 'official' harassment, criminalisation, stonewalling and obstructionism; to maintain false records and tendentious reports; and—in addition to all of the stresses, costs and inconvenience caused to myself and my family—to have me incarcerated again on spurious summary charges before a single hand-picked judge and thereby effectively 'taken out of circulation' for the purposes of unlawfully suppressing and then 'disappearing' legitimate Court actions, formal criminal complaints and/or applications

for private prosecution against agents of the State ongoing – by having them each ‘struck out’ or variously ‘run out of time’ in utterly contrived circumstances where I could not possibly attend Court or respond to official correspondence – such as happened during my period of unlawful incarceration last year.

22a. That it should perhaps be mentioned in context—but without any implied or specific allegation of concurrent wrongdoing—that (g) Justice Seamus Noonan (who is presiding over J R application 2017/798 (‘B’) to date) received and rejected the first of the four habeas corpus applications from prison (‘G’), and that at the time of writing, that the judgments issued in response to the other three habeas corpus applications are all freely available on the Courts Service database – but the judgement of Justice Noonan is not. Neither have I been provided with any hard copy of that judgment although having repeatedly requested the same from the Courts Service.

22a (i) That I have since discovered that the said Order was in a ‘secret’ Courts Service database (i.e. not available to the public) and that there is NO accompanying judgement providing an explanation for Justice Noonan’s otherwise blunt refusal of the 1st apparently totally legitimate habeas corpus application.

22b. That (h) High Court Justice Richard Humphries is the eighth of those (identifiable) named persons in the employ of the State who has had intimate and arguably prejudicial dealings with these matters to date, having (i) dealt with (and rejected) four J R applications during the original District Court ‘non-trial’; (ii) having dealt with (and rejected) two of the four habeas corpus applications from prison; and (iii) being directly and personally implicated in the conspiracy to have me unlawfully jailed inasmuch as Justice Humphries demonstrated (in two specific written references to ‘Circuit Court proceedings’ in his own High Court Order of January 11<sup>th</sup> 2017 and delivered to me by email at midday January 23<sup>rd</sup>) his own personal *foreknowledge* of the unlawful events that would unfold on January 23<sup>rd</sup> and 24<sup>th</sup> 2017 when I was ostensibly ‘convicted in absentia’ (without any legal representation; from a hearing I had NOT been notified of; without even entering a defence, or calling any witnesses). I was then arrested off the train coming from the Supreme Court and jailed overnight in a Garda Station; then sentenced to ‘two months in prison’ in what has been described as ‘a totally unsafe conviction’ in bizarre and unprecedented circumstances, and then coerced into a Circuit Court appeal – on the spot – on threat of immediate incarceration.

23. That there have also been recent sinister developments regarding my co-accused in the original Castlebar case who also happens to be my main defence witness in the charges against me in Belmullet, namely Mr Colm Granahan who is currently ‘in hiding’ because of an alleged death threat by a person whom Mr Granahan asserts was a member of An Garda Síochána – and that this disturbing development – in addition to all of the documented malfeasance already on record has further raised my concerns as to my own safety, or indeed of getting any lawful treatment from the Irish authorities under these circumstances.

24. That I have recently uncovered the following quotes from the legal dictionary which have a direct and explicit bearing on this Application regarding the crimes of conspiracy, fraud and collusion which relate specifically and definitively to this extended case.

- a) The tort of conspiracy involves the combination of two or more persons with intent to injure another... without lawful justification, thereby causing damage or to perform an unlawful act thereby causing damage.
- b) The crime of conspiracy involves the agreement of two or more persons to effect an *unlawful purpose*; it is an offence. An unlawful purpose includes an agreement to commit a crime, or a tort which is malicious or fraudulent, or other acts which are extremely injurious to the public while not being a breach of law.
- c) The combination of a conspiracy charge with the substantive offence might be regarded as leading to the possibility of unfair procedures: Walsh J in *Ellis v O’Dea & Shields* [1990 SC] ICLR (8 Jan).
- d) A conspirator is a person who commits the offence of *conspiracy*. Everything said, done or written by one conspirator is relevant against each of them, provided it was in the execution of their common purpose: *R v Blake* [1844] 6 QB 126.
- e) A company (*such as the Courts Service?*)\* can in appropriate circumstances commit the crime and tort of conspiracy. See *Taylor v Smyth* [1990 SC] 8 ICLR & SJ 298; *Belmont Finance Corporation Ltd v Williams Furniture Ltd* [1979] 1 All ER 118; and *MacCann* in 8 ICLR & SJ (1990) 197. \*Quote in italics added by STM.
- f) Collusion is an agreement, usually secret, for some deceitful or unlawful, purpose. It may amount to the crime or tort of *conspiracy*.
- g) Concurrent wrongdoers are persons who are responsible to an injured party for the *same damage*: Civil Liability Act 1961 s.11. This may arise as a result of *vicarious liability*, breach of joint duty, conspiracy, concerted action to a common end or independent acts causing the same damage. The wrong may be a tort, breach of contract or breach of trust.
- h) Each concurrent wrongdoer is liable for the whole of the damage done to the injured party; this provision is not unconstitutional. The 1961 legislation marked an amelioration and rationalisation of the liability of concurrent wrongdoers *inter se* from what had been there before; the solution established by the Oireachtas, far from being irrational or disproportionate, it was in fact fair and just: *Iarnród Éireann & Irish Rail v Ireland* [1996 SC] 2 ICLR 500 and 3 IR 321.
- i) Satisfaction by any concurrent wrongdoer will discharge the other (1961 Act s.16) as will a release which indicates such intention (s.17); however, settlement of a personal injuries action with one co-defendant does not constitute “satisfaction” as against all the defendants: *Murphy & Murphy (infants) v Donohue Ltd & Ors* [1992 SC] ICLR 378. Judgment against a wrongdoer is not a bar to an action against another concurrent wrongdoer (s.18).
- j) Fraud is a crime which may involve a false pretence... Criminal Justice (Theft and Fraud Offences) Act 2001 s.3. See District Court (Theft and Fraud Offences) Rules 2003 - SI No 412 of 2003.

- k) Fraud is also the tort of *deceit*. The Supreme Court has held that fraud must be pleaded with the most particularity; it would not be inferred from the circumstances pleaded, at all events if those circumstances were consistent with innocence: *Superwood Holdings plc v Sun Alliance* [1995 SC] 3 IR 303.
- l) Fraud (or fraud on the court) are grounds for setting aside the judgment of a court. See Credit Union Act 1997 s.173. See Report of the Government Advisory Committee on Fraud (“Maguire Committee”) (1992).

25. That my allegations of unlawful collusion and indeed a criminal conspiracy on the part of various named agents of the State are therefore clearly not without foundation or substance and which proofs thereof are well documented and established in my various applications before the Courts, as well as in several formal complaints to the respective authorities complete with irrefutable proofs these past months and years – which have all—in one way or another—either been suppressed, obstructed, ignored, denied or fatally delayed by the Irish authorities, in contravention of all of the principles of natural justice.

26. That in respect of J R application (‘B’) in context of the original ‘non-trials’ in Castlebar in 2016-17 (‘A’) the spent proceedings at (‘G’) and the District Court proceedings scheduled for commencement in Belmullet on June 14<sup>th</sup> next (‘E’), which proceedings I assert are already well ‘in train’ to be another pre-planned miscarriage of justice, an abuse of Court procedure and of judicial process, I believe it is pertinent to summarise (briefly) the following issues in support of my allegations of an ongoing criminal conspiracy by agents of the State.

(i) That in addition to the matters outlined in my grounding affidavit of October 20<sup>th</sup> 2017, that the progress of J R application 2017/798 (‘B’) has been marked by truly ridiculous levels of obstructionism and non-compliance with professional norms, of departures from due process and of breach of High Court Orders by the CSSO and DPP opposition; as facilitated by certain Courts Service staff, and as detailed in previous affidavits submitted to this Court – but without any substantial or *effective* sanctioning response (to date) from the Court.

(ii) That my submissions filed on May 1<sup>st</sup> 2018 (see paragraph 7c) detail 41 separate breaches of national and international law grounding Judicial Review 2017/798 application (‘B’), any one of which could arguably be sufficient grounds on its own merit to grant the reliefs requested without delay, but that we are already nine months into this onerous, artificially drawn-out procedure in a case which I maintain is fundamentally indefensible.

(iii) That it is clear from the underhanded tactics being deployed by solicitors from the CSSO and the DPP’s Office who are tasked (‘B’) with defending the Respondent Judge Sean O’Donnabhain that they too are fully aware that this case is absolutely indefensible on the face of the facts, and if they are to achieve their obvious aims; (a) to protect the establishment at all costs and minimise the collateral damage and embarrassment; and (b) to prevent by any means possible a just and speedy resolution in the Applicant’s favour; that the only possible way that they can do this is to cheat, deceive, obstruct, delay and obfuscate, whilst conspiring to generate more opportunities that will block my progress.

(iv) That it can be demonstrated beyond any reasonable doubt for example, that unlawful or improper collusion HAD to exist between the various players listed in order to achieve the following outcomes in the initiating Castlebar case ('A'):

- The unlawful erasure of Court-ordered DAR files from evidence with the full and provable knowledge of the DPP prosecution team both before and after-the-fact.
- The covert switching of Court dates without notification to myself or Mr Granahan.
- The two unexplained references in a High Court judgment to as-yet unbegun 'Circuit Court proceedings' which could NOT possibly have been in the knowledge of Justice Richard Humphries unless he was aware in advance that I was going to supposedly 'miss' the District Court hearing of January 23<sup>rd</sup> and then be 'convicted in absentia'.
- The suspiciously-vague references in DPP High Court papers to the case continuing 'at the end of January' instead of listing the specific date of "January 26<sup>th</sup> 2017".
- The unlawful refusals or effective denials by Judges Sean O'Donnabhain, Raymond Groarke, Rory McCabe and Courts Service Manager Peter Mooney to accept and process six formal written and oral applications for legal aid as per the statutory 'Department of Justice Guidelines' (which had in fact already been granted to me on September 6<sup>th</sup> 2016 by Judge Aeneas McCarthy).
- The misrepresentations by various judges who each claimed 'not to have jurisdiction' in respect (for example) of my simple requests that the Courts Service cooperate with me in supplying me with information, documents and access to the case file.
- The repeated denials by the Courts Service (and Peter Mooney in particular) to allow me access to my own case file throughout.
- The unannounced replacement of Mayo State Solicitor Vincent Deane by the DPP's Raymond Briscoe on January 23<sup>rd</sup> 2017 without any notification to the Defendants.
- The easily-disproven lies told to Judge Aeneas McCarthy by Inspector Dermot Butler on January 23<sup>rd</sup> that "*the Defendants' whereabouts are unknown*" – thus giving Judge McCarthy the pre-planned (unlawful) opportunity to 'convict in absentia'.
- The unlawful refusals by both trial judges to adhere to the most basic principles of law, and denying all reasonable or legitimate applications outright.
- The very continuance of two such ridiculous 'non-trials' in the face of so much scandalous lawbreaking by those involved.
- The forging of committal papers by Courts Service staff and the Judges concerned.
- The blocking of access to the Prison via a contrived 'notice' by solicitor Alan Gannon.
- The 'disappearance' on May 13<sup>th</sup> 2017 (without any records or notifications) of a criminal case I was prosecuting against 4 Dublin Gardaí for serious assault, criminal damage and conspiracy, and the subsequent lies and attempted cover-ups by the CEO of the Courts Service Mr Brendan Ryan and other 'Officers of the Court'.
- The fact that Judge Aeneas McCarthy 'retired' the very day before I was due to be released from prison – and after receiving a letter of intent to privately sue him.
- That certain solicitors have apparently been 'warned off' from representing me and that I remain without legal assistance despite having a legal aid certificate and having

personally contacted nearly 2,000 Irish solicitors and barristers.

- That the summonses in the Belmullet case were issued *after* I had commenced these J R proceedings in the High Court.
- That the Garda Sergeant tasked with investigating the criminal allegations of ‘prosecutorial misconduct’ in the Castlebar case (‘A’) has not only NOT advanced that investigation at all, but he is the named DPP prosecuting Garda in the Belmullet case (‘E’).

27. I say that this is only a shortlist of some of the issues arising in this particular case, which in turn pale in comparison to the truly astonishing acts of duplicity, malice and perversion of justice which has been visited upon my family and I over a period of several years now.

28. That I made it clear to Justice Noonan on May 8<sup>th</sup> (‘B’) that an almost parallel set of circumstances was unfolding in Belmullet Court (‘E’) under the supervision of Judge Deirdre Gearty; whereby (i) the false allegations against me were initiated by Peter Mooney; (ii) where the said allegations were supported by demonstrably contrived written statement by agents of the State (including by the prosecuting Garda Sergeant from last year); (iii) where ‘Gary Dolye’ disclosure was *again* NOT complied with by the Prosecution; (iv) where the said Inspector Dermot Butler openly lied to the Court about the same (as he had also done to the District Court on January 23<sup>rd</sup> last year (‘A’) – according to the affidavit of Raymond Briscoe as submitted in this JR case (‘B’) on April 5<sup>th</sup> last); (v) where I was being railroaded into these contrived proceedings *again* without any legal representation whatsoever (‘E’) and without access to key evidence; (vi) and where Judge Gearty was flatly refusing to view my sworn documents and other proofs as to the ongoing misconduct of the DPP Prosecution team, and who also (vii) unlawfully refused to issue a summons as against Mr Mooney under a ‘common informer’ application (‘C’) – said refusal being in direct breach of Superior Court Rulings and of the law – and that the said refusal was the 15<sup>th</sup> such unlawful interference in succession by a District Court Judge in my various applications for summonses against agents of the State who are clearly and openly engaged in criminal conduct. *See para 40.*

29. That DPP solicitor Mr Brian McLoughlin was present in the High Court on May 8<sup>th</sup> last (‘B’) and made false and misleading representations to Justice Noonan about our communications and about the DPP’s receipt of documents and of their access to the same.

29a. I copy here the text of the email of February 14<sup>th</sup> as sent to Mr McLoughlin and to the CSSO solicitor Ms Maura Teahan who previously had carriage of the case (‘B’) until January 30<sup>th</sup> 2018, which I believe will best inform the Court as to the contrivances unfolding at that time in case ‘B’. Mr McLoughlin did NOT respond or ever acknowledge this correspondence, but instead attempted to mislead the Court by insinuating that I was not being cooperative in the provision of documents.

**To:**Maura\_Teahan@csso.gov.ie

**Cc:** brian.mclaughlin@dppireland.ie, Justice Info, secretarygeneral@justice.ie

14 Feb at 14:49



*Dear Ms Teahan/Maura;*

*We note that you did not turn up at yesterday's hearing in Court No 6, which I had requested of you due to contradictions between the information you had supplied to me and the contrary claims of Mr Brian McLoughlin and Helena Keily at the DPP's Office.*

*I further note that questions put to you previously about some serious issues regarding this case remain unanswered, including my assertions that agents at the Courts Service, the DPP's Office and the CSSO are colluding to obstruct the administration of justice in this case.*

*I further note that Mr McLoughlin repeated his assertion several times to me and in the Court that he had NOT received documents which your boss, Chief State Solicitor Maria Browne has personally acknowledged she HAD received.*

*You were Ordered by Justice Noonan on January 30th to supply the DPP with ALL of those documents and you assured me in emails since that you have done that - so obviously Maura, someone is either mistaken or someone is lying to me. In any event, it appears that the Order of Justice Noonan has NOT been properly complied with, which leaves the gate open for a 'contempt of Court' action I believe?*

*In the circumstances may I respectfully suggest (as I have done with Mr McLoughlin both inside the Court and in a lengthy private conversation with him afterwards) that you liaise with him directly and immediately for the purposes of fulfilling the Order of Justice Noonan (if you have not already done so) and then returning to me with some explanation as to how this sorry set of circumstances has arisen.*

*I wish to further note that due to all of this surreptitious messing about these past 5 months; the lies and misdirections from Courts Service staff; and the unexplained delays and apparent confusion as to who is assuming what particular role in this case; I undertook to view the JR 798 case file and sent the request to the Courts Service, but upon arrival I was told it couldn't be found?? I also received a responding email from Ms Angela Denning, Central Office Manager stating that she was 'out of the office' (and therefore couldn't deal with my request) - when in fact, it was confirmed to me in the Central Office that she was in fact at work yesterday?? Which leaves me wondering and asking of course - why would Ms Denning send me a disingenuous email like that in the first place - and where on earth has my JR file disappeared to? Because obviously, it is a matter of some importance that we locate that file urgently, so as to ensure that neither myself nor the DPP's Office is further inconvenienced or prevented from accessing the documents therein.*

*As you can see, this email has been copied in to Mr McLoughlin, who only has 3 weeks to respond to my originating affidavit. So may I respectfully suggest that you communicate with each other with a view to confirming to me that the Order of Justice Noonan has indeed been fully and properly complied with - or, that you identify to me which party I should name in a contempt of Court application?*

*I further need confirmation that my JR 798 file has been found because obviously, I will need to inspect that file before returning to the Court.*

*Thank you for your time Maura. I look forwards to an open and honest response in line with your ethical obligations as an 'Officer of the Court' failing which, I regret to say that I reserve the right to 'take the appropriate action' without further recourse to you.*

*Trusting the position is clear.*

*Dr Stephen Manning, Applicant*

30. That in the corridor outside the Court—and in direct contradiction of the implications he had just made to Justice Noonan—Mr McLoughlin conceded to me (somewhat smugly) that he could “*at any time*” have accessed the case file and the documents filed therein, but that he “*simply chose not to do so.*” Mr McLoughlin then refused to accompany me (as instructed by Justice Noonan) to collect a copy of the allegedly ‘missing’ document from the Central Office, which was ready and waiting to be collected. I say that this underscores my contention of deliberate and wilful obstructionism on Mr McLoughlin’s part, and of the intention by the DPP’s Office (at the very least) to obstruct and impede these proceedings (‘B’) – something which has been admitted ‘off the record’ by a DPP agent, to a third party.

31. That it has been suggested to me by an informed source that all of these supposed ‘errors’, repeated breaches of due process, the seeming inability of two State agencies to properly communicate with each other (the CSSO and the DPP), the open violations of Court Orders, the systemic obstructionism and the overriding contempt being displayed to myself, to the law and to the Courts is no more and no less than a deliberate continuance – conducted with scienter and malice – of the same devious campaign by compromised agents of the State, to try to deny me my fundamental right to access justice.

32. In light of all of the above, and given the failure/refusal (as best I understand it) of the High Court to provide me as requested with, (i) a perfected Order from January 30<sup>th</sup> 2018, and (ii) to stay the proceedings in Belmullet until this J R application is completed; I note that Justice Noonan maintained on May 8<sup>th</sup> that there was “*no connection*” between these cases, and that he, “*didn’t have the jurisdiction*” to order a stay on those proceedings.

33. I say and believe that Justice Noonan is entirely incorrect and/or mistaken on both of these counts given the details outlined above and the text of **Article 34. 3 (i) of the Irish Constitution** which clearly states:

**Article 34.3. 1°** “The Courts of First Instance shall include a High Court invested with full original jurisdiction in and power to determine all matters and questions whether of law or fact, civil or criminal.”

This is reiterated in the legal dictionary which further states: “*The High Court exercises considerable supervisory jurisdiction over inferior courts, administrative bodies and individuals by way of judicial review.*”

34. I say that all of the matters currently ‘at issue’ in J R application (‘B’) – and most especially the central issues of; (i) whether or not I was unlawfully incarcerated; (ii) whether or not multiple violations of the law and the Constitution have occurred; and (iii) whether or not a criminal conspiracy by certain named agents of the State has in fact occurred in these combined cases; can all be easily, immediately and unequivocally resolved with full disclosure of the DAR from Castlebar Courthouse as outlined in paragraphs 51.A & 51.B in my original Grounding Affidavit filed on October 20<sup>th</sup> 2017 (‘B’), which said disclosure (as detailed in my Statement to Ground this Application) I hereby request as a matter of urgency in the overall interests of justice and so as to prevent another potential miscarriage of justice either in Belmullet Court (‘E’) or in the J R 2017/798 proceedings (‘B’).

35. That based on the Applicant’s previous experiences with the said persons and agencies, that it appears that the current ‘plan’ is to; (i) embroil the Applicant in a vexatious, time-consuming and emotionally-draining petty prosecution in Belmullet Court which holds the ominous possibility of unlawful incarceration (again) – which would cause untold upheaval and disruption to his family’s circumstances; while at the same time, (ii) dragging out, obstructing and delaying (by any means possible) the Applicant’s other actions in the Courts so as to eventually ‘run them out of time’ or have them struck out in the Applicant’s absence such as occurred in 2017 when the Applicant was unlawfully jailed.

35a. The other obvious consequence of all of this ‘official’ harassment and obstructionism is to prevent the Applicant from pursuing his righteous work with the *Integrity Ireland* project and ‘send a clear message’ to any would-be whistleblowers or pro-justice activists of the consequences of speaking truth to power. That it is upon the evidence of the same that I implore this Court to immediately take action in defence of my fundamental rights and so as to uphold the integrity and probity of our justice system – and so that justice will finally be *seen* to be done in these cases.

**36. Summary of issues relating specifically to case ‘E’ and supporting the Applicant’s requests for relief:**

- i. That a miscarriage of justice is already well ‘in train’ in case ‘E’ 2017 180452 which constitutes; (a) a malicious prosecution; (b) a fraud upon the Court; (c) an abuse of process; and (d) an affront to natural justice, and to the Courts.
- ii. That the named Prosecuting Garda Sergeant Gerard McEntee has misled the Court as to his ‘due process’ dealings with the Applicant and an eyewitness, regarding giving a statement to Gardaí prior to the dispatch of the summons.
- iii. That the Prosecution has knowingly and repeatedly failed and refused to comply with the Gary Doyle Order of the District Court of January 17<sup>th</sup> 2018.
- iv. That the Prosecution has unlawfully conspired, before-the-fact, to mislead the Court in this respect as per written statements delivered to the Court.
- v. That State Prosecution Garda Inspectors Dermot Butler and Gary Walsh have also conspired to mislead the Court after-the-fact in this respect, having knowingly lied and made false utterances on two occasions in open Court.

- vi. That Judge Deirdre Gearty denied the Applicant ‘fair procedure’ or ‘equality of arms’ by accepting these false utterances ‘on their face’ and ignoring the Applicant’s sworn testimony to the contrary.
- vii. That Judge Deirdre Gearty has demonstrated extreme bias by repeatedly refusing to view, or accept into the record, the Applicant’s documented evidence of ‘prosecutorial misconduct’: i.e. premeditated perjury, criminal damage and contempt of Court by the Prosecution.
- viii. That none of the individuals concerned has responded to the proofs of these allegations made in writing by the Applicant in February and March 2018.
- ix. That the Applicant has received no responses from the Office of the DPP or from the Minister for Justice as to these serious allegations.
- x. That on February 21<sup>st</sup> and March 14<sup>th</sup> respectively Judge Gearty refused two formal applications to strike out, backed by the Applicant’s sworn affidavits and documented proofs of prosecutorial misconduct, on the misleading and arguably absurd grounds that, “*We don’t accept documents in the District Court*”.<sup>7</sup>
- xi. That on February 21<sup>st</sup> Judge Gearty directed that the case be moved from Castlebar to be dealt with in Belmullet without explanation, despite the Applicant’s objections and requests for explanations.
- xii. That on March 14<sup>th</sup> Judge Gearty unlawfully refused a legitimate, fully-supported application for a criminal summons (with documented proofs) as against the lead accuser in this case, Castlebar Courts Service Manager Peter Mooney under *the Petty Sessions Ireland Act 1851* in contravention of the law and of at least four Superior Court Rulings as listed below.<sup>8</sup>
  - No 1:** SUPREME COURT in *The State (Ennis) v. Farrell* [1966] I.R. 107,
  - No 2:** HIGH COURT [2012 No. 436 J.R.] between Kelly & Buckley
  - No 3:** SUPREME COURT (same case as No. 2 above) July 30<sup>th</sup> 2015.
  - No 4:** COURT OF APPEAL *Granahan v District Court Judge Kevin Kilraine*.
- xiii. That the Applicant is engaged in an ongoing Judicial Review application in the High Court (2017 JR 798) ‘B’ which is directly related to this District Court case in many respects, and is awaiting disclosure of DAR evidence (from case ‘A’) which will have a direct bearing on the outcome of the JR application and on the validity, probity and legality of this District Court case 2017 180452 DPP v Manning (‘E’).
- xiv. That the Applicant is alleging a criminal conspiracy by persons involved in both cases for the purposes of interfering with, obstructing or perverting the course of justice

<sup>7</sup> Quoted as per the Applicant’s best recollection.

<sup>8</sup> **No 1:** SUPREME COURT in *The State (Ennis) v. Farrell* [1966] I.R. 107, “*The court should require clear language to abolish the valuable right of private prosecution.*”

**No 2:** HIGH COURT [2012 No. 436 J.R.] between Kelly & Buckley (Applicants) and District Court Judge Ann Ryan (Respondent). Mr. Justice Hogan delivered judgment on 9<sup>th</sup> July 2013.

**No 3:** SUPREME COURT (same case as No. 2 above) judgement delivered by Justice Frank Clarke, plus consulting Justices Denham, Hardiman, O’Donnell & Dunneon July 30<sup>th</sup> 2015.

**No 4:** COURT OF APPEAL between Colm Granahan (Applicant) and District Court Judge Kevin Kilraine / County Registrar Fintan J Murphy (Respondents). Justices Ryan, McKechnie and Hogan, judgment delivered on July 25<sup>th</sup> 2016 with the right to ‘common informer’ prosecutions endorsed again.

particularly in regards to the Applicant's declared intention to take his case to the European Courts if the ongoing J R 798 process fails.

- xv. That the Applicant has (again) been granted a legal aid certificate but remains without effective legal representation despite repeated sincere attempts to secure the same, and in face of the failure of the State to assign the same.
- xvi. That having granted the Applicant permission to privately record proceedings (due to multiple proven interferences with the DAR by the DPP Prosecution Team in the said previous contrived prosecution last year in Castlebar ('A') which is the subject of ('B') ongoing Judicial Review proceedings JR 2017 798) that Judge Gearty subsequently withdrew that permission without proper explanation.
- xvii. That there is a grave and obvious risk of another serious miscarriage of justice if this case ('E') is allowed to progress under these current circumstances.
- xviii. That there is a grave and serious risk of another miscarriage of justice if any of these matters progress without disclosure of the DAR, (as at paras 8.v and 34 above).
- xix. That there is a grave and obvious risk of a miscarriage of justice if this District case progresses before the related J R 2017/798 process is properly completed.
- xx. That the District Court has failed to observe constitutional and natural justice.
- xxi. That the District Court has failed to act according to its legal duty.
- xxii. That the District Court has acted in excess and breach of its jurisdiction.
- xxiii. That Judge Deirdre Gearty has acted with extreme bias and prejudice and is in clear violation of her solemn Oath of Office.
- xxiv. That there have (again) been multiple breaches of the Applicant's fundamental right to good administration as per **Article 41 of the Charter of Fundamental Rights of the European Union**, and of the right to access justice as per the **European Convention on Human Rights Act 2003**, specifically **Articles 1, 5, 6 & 7** as detailed in the respective supporting affidavits and in documentation lodged in these collective proceedings.

37. To reiterate: I say and believe in these particular circumstances – where I am in effect alleging a broad-ranging conspiracy by various named agents and agencies of the Irish State – and especially by persons operating under the remit of the Department of Justice in law enforcement and in the Courts – that I can make no apologies for naming those persons and agencies in this Affidavit, because to omit doing so would be to tacitly support and endorse what I believe to be a great moral failure on the part of our justice system which is betraying the trust of the public and is chronically undermining our social values .

38. Accordingly, I refer here to 'Exhibit B' (see para.7b) which details the individual actions and improper involvements of over 50 such individuals in the referred-to cases, including some 27 Registrars and Judges. However, for the purposes of this particular Application it should be sufficient to summarise the activities of fourteen of those key players in order to establish collusion and complicity in the said illicit actions in respect of this J R Application.

**i. Castlebar Courts Service Manager Peter Mooney:** Has committed many nefarious acts in his dealings with STM (and others) including multiple instances of misinformation,

misdirection and failures and refusals of service due. Mr Mooney was the lead witness in case 'A' where he unlawfully deleted audio files from a Court-Ordered CD before sending it to STM.<sup>9</sup> Mr Mooney lied repeatedly in Court in that case, and conspired (at the very least) with DPP Mayo State Prosecutor Vincent Deane and Garda Superintendent Joe McKenna to deceive the Court as to the erasure of those DAR files. Mr Mooney has lied to STM about 'due process' on a number of occasions; has failed to notify STM of a Circuit Court hearing where STM was the listed Plaintiff (where the criminal Paul Collins was again fraudulently involved);<sup>10</sup> has facilitated the placement of counterfeit Notices, declarations and other materials on the Court files; has 'invented' fees for common informer applications as a tentative blocking mechanism; has ordered Gardaí to block the public's access to Courtrooms; and has participated in a number of other collusive and unlawful acts for the purposes of frustrating any attempts by STM or others to hold errant authority figures to account, including unlawfully advising Sgt Peter Hanley (one of the named accused in the originating 'common informer' prosecutions in Castlebar on September 2<sup>nd</sup> 2015) NOT to respond to the summonses issued by STM. Mr Mooney is also the accuser in case 'E' against STM – the subject of J R Application 2017/798 ('B').

**ii. Garda Sergeant Gerard (Gary) McEntee:** Present on September 2<sup>nd</sup> 2015 and a witness in case 'A', and now listed as the DPP's Prosecutor in case 'B' vs STM. Has featured in some of the incidents at Castlebar Courthouse – sometimes as the Sergeant in charge. Sgt McEntee was tasked with investigating a number of formal complaints made by STM and others about incidents at Castlebar Courthouse, but no progress appears to have been made and Sgt McEntee will not respond to several letters of enquiry or return messages left by STM at Castlebar Garda Station. His written statement in case 'B' contains inaccuracies, untruths and other 'evidences' which appear designed to deliberately mislead the Court about the delivery of the CCTV evidence; apparently to 'set up' STM for another malicious prosecution, and unlawfully prejudice the case.<sup>11</sup>

**iii. Garda Sergeant Naoimi Di Ris:** The named DPP Prosecutor and a lead witness in case 'A' vs STM. Was present on September 2<sup>nd</sup> 2015 and featured in several of the incidents at Castlebar Courthouse – often as the Sergeant in charge. Was the subject of a much-publicised 'citizen's arrest' by STM in 2015 for unlawfully blocking the public's access to County Registrar Fintan Murphy's (equally unlawful) repossession hearings. Gave highly prejudicial and false testimony in case 'A'. Is now a prosecution witness in case 'B', where she has already submitted an equally contrived and exaggerated written statement.

**iv. Garda Inspector Dermot Butler:** Has blatantly lied to the Court on two separate occasions in cases 'A' and 'B'. The first time was to facilitate the contrived and pre-

---

<sup>9</sup> This is an offence called 'criminal damage' which carries a possible 10-year prison sentence. It was brought to the High Court along with proofs of other criminal acts by the prosecution. Justice Richard Humphries refused all applications.

<sup>10</sup> Paul Collins is a violent, drug-dealing criminal from the UK. Brother to George Collins and 2<sup>nd</sup> cousin to Enda Kenny TD.

<sup>11</sup> The Applicant remains on good personal terms with Sgt McEntee due to the Applicant's belief that Sgt McEntee is a reluctant player in these illicit activities. However, the fact remains that there has been NO credible follow-up to the criminal complaints lodged with the Sgt who appears to have adopted the increasingly popular tactic of 'stonewalling'.

planned 'conviction in absentia' of STM by Judge Aeneas McCarthy. The second time was to lie about the release of CCTV footage to STM.<sup>12</sup>

**v. Garda Inspector Gary Walsh:** Facilitated and directed an unlawful assault on STM in Castlebar Court Centre during the 2016 elections. Has featured regularly in Garda assaults on the public in and around Castlebar Court. Was the DPP's Prosecutor in a (failed) vexatious traffic charge vs STM in 2016,<sup>13</sup> as well as another vexatious prosecution against another pro-justice campaigner whom he had grabbed by the throat in the Court foyer. Lied to Judge Grealy in Belmullet Court about the disclosure of CCTV footage in case 'E' where he was the DPP's Prosecutor on the day, and lied brazenly 'on the record' about the circumstances of case 'A' on the same day. Also objected to the Judge's original direction that STM be allowed to record proceedings.

**vi. DPP Solicitor Raymond Briscoe:** Another individual who ranks amongst those most culpable as far as malicious intent and shameless involvement in underhanded activities in these cases. Replaced Vincent Deane as the DPP's Prosecuting Solicitor in case 'A' on January 23<sup>rd</sup> 2017 at the unscheduled, artificially-moved hearing before Judge Aeneas McCarthy. Made a calumnious and untruthful report to Judge McCarthy about the progress of case 'A' (of which he had NO firsthand knowledge at the time) and has repeated the same in his contrived and calculated affidavit of April 5<sup>th</sup> last in case 'B'. Sent an official threatening letter to STM in April 2017 stating that STM could be charged with 'interfering with witnesses' if he pursued legitimate common informer prosecutions as against Msrs Mooney, McKenna and Deane. Has displayed disturbing levels of malice and hubris in his appearances in Court, and seems to believe that he is 'untouchable'.

**vii. DPP Solicitor Brian McLoughlin:** Has been involved in various cases involving STM including trying to block High Court judicial review applications to have case 'A' stopped in 2016-17 because of the DPP's proven 'prosecutorial misconduct' ('G'). Currently involved in case 'B' where he was directed by Justice Noonan to 'take carriage of the case' from the CSSO on January 30<sup>th</sup> last – without any explanation to STM (as the J R Applicant) as to how and why the CSSO had made a pretence of 'carrying' the case for four months before then; (i) pretending NOT to have documents which the CSSO herself had acknowledged she had received from STM; and (ii) Mr McLoughlin has since made 'misrepresentations' in Court indicating that the CSSO has NOT complied with a Court Order to transfer documents. His disingenuous agenda was exposed after a hearing on May 8<sup>th</sup> last where Mr McLoughlin admitted in private that he could have accessed the supposedly 'missing' document at any time by accessing the Courts Service file, but that he simply "*chose not to do so*" – thus creating a false and misleading impression 'on the record' that the DPP had NOT in fact received ALL documents that had been sent to the CSSO by STM – and thereby delaying and complicating proceedings by several months.

---

<sup>12</sup> Inspector Butler has failed or refused to respond to correspondence on this matter and is currently the subject of a criminal complaint to GSOC.

<sup>13</sup> This was the 7<sup>th</sup> such vexatious traffic charge, all of which were eventually thrown out on appeal after 2.5 years and multiple visits to Courts in Dublin, Roscommon and Castlebar.

Mr McLoughlin then refused to accompany STM to the Central Office on May 8<sup>th</sup> to collect the allegedly 'missing document' (as directed by Justice Noonan) and walked away in a fit of pique, whilst issuing incoherent verbal abuse towards STM at such a volume as to require the Court Clerk to come into the corridor and ask for 'quiet please'.

**viii. DPP Chief Prosecuting Solicitor Helena Keily:** Has surfaced from time to time in cases involving STM including being the 'DPP Notice Party' in a High Court damages case for the malicious referral by Gardaí to TUSLA in 2014. Also involved in getting legitimate J R applications refused ('A' & 'G'). Has responded to STM 'on behalf of DPP Claire Loftus' on several occasions in correspondences marked by serious departures from professional norms, including the now-usual contrivances and misinformation—sometimes in backdated letters—where Ms Keily repeatedly fails or refuses to respond to important questions. Was involved in case 'A' in Castlebar and again recently in case 'B' as the author of a seriously misleading cover letter accompanying the belated affidavit of Raymond Briscoe, which said letter attempts to prevent that case ('B') from continuing based on false and misleading statements which Ms Keily must fully know to be untrue. The same letter contains false and inaccurate headings and reference numbers in an all-too-obvious attempt to create further confusion and obfuscation in this case. Ms Keily has conducted a provocative campaign of harassment in knowing violation of a High Court Order by sending 11 unsigned notices to STM 'demanding payment with menaces' of over €3,200.00 "*within 7 days*" etc., for purported 'DPP costs' for a judicial review taken by STM alleging a criminal conspiracy in case 'A' which named the DPP's agents as proven collaborators. That according to Ms Keily's own records that nine or ten of those letters have been issued since the start of case ('B') in the High Court in October 2017.

**ix. DPP Claire Loftus:** Has been implicated in wrongdoing in several cases involving STM since 2010 (before she was the DPP) beginning with the attempted cover-ups by the DPP's Office of the fact that Gardaí were lying to STM and his family about criminal investigations (affiliated with the George Collins case) and claiming (falsely) that, "*files have been sent to the DPP*" (which they had NOT). As the DPP, Ms Loftus has failed or refused to properly respond to 25+ letters from STM regarding various issues which she is (supposedly) 'statutorily obliged' to respond to, including; (i) divulging the whereabouts of a particular criminal who had been sent to break STM's legs in 2010; (ii) the reasons for not prosecuting certain named offenders referred to her by Gardaí; (iii) why STM has been subjected to 9 spurious prosecutions in the last 3 years; (iv) an explanation for the unexplained 'disappearance' off the records of a legitimate prosecution by STM of 4 Dublin Gardaí; (v) responding to proofs that persons acting under the remit of the DPP are clearly engaged in criminal conduct in these cases; and (vi) some explanation for the litany of improper, harassing activities of her Chief Prosecuting Solicitor Helena Keily in clear and explicit violation of a High Court Order.

**x. Central Office Manager Angela Denning:** Permitted the 'introduction' of the criminal Paul Collins to the High Court (without any credentials or even I.D. at the time) and then



(as the Registrar to Justice Kearns, President of the High Court) facilitated the ‘indefinite suspension’ of STM’s defamation case vs George Collins and 3 senior Gardaí at a High Court hearing in January 2014—which was advanced by a week without any Notice to STM—at a time when Ms Denning was fully aware that STM was seeking subpoenas from the High Court for the attendance of a number of high-profile persons to the hearing in that case, that was actually originally scheduled for the following week, January 30<sup>th</sup>. That this advanced hearing occurred on January 23<sup>rd</sup> 2014, the very same day that STM was ‘ordered’ to attend a Child Protection meeting in Castlebar to discuss false allegations that had been sent to them by Gardaí after an incident at the Manning house involving Paul Collins and the Manning’s teenage daughters.<sup>14</sup> Ms Denning has also lied to or misled STM in person and in correspondence a number of times, and has allowed or facilitated multiple acts of obstructionism, misinformation and misdirection by ‘unknown’ Courts Service staff. Ms Denning is the person currently assigned to deal with STM at the Four Courts Central Office in all of these ongoing matters.

**xi. CEO of the Courts Service Mr Brendan Ryan:** Has repeatedly attempted to fog and obfuscate when dealing with STM; has failed or refused to respond to numerous letters and emails; has failed and refused to deal with repeated violations of the ***Civil Service Code of Standards and Behaviours*** by his staff, and of allegations of arguably criminal conduct; and has blatantly lied about certain facts—including the listing and existence of certain cases—in written correspondence.

**xii. District Court Judge Deirdre Gearty:** Assigned to deal with the ongoing case ‘E’ set for commencement proper in Belmullet on June 14<sup>th</sup> next which is the subject of this J R application. Has conducted herself in an absolutely biased and improper manner in that case as is detailed in paragraph 36 of this Affidavit. Became the 14<sup>th</sup> District Court Judge in succession to openly defy the law and Superior Court Rulings in respect of ‘common informer’ prosecutions by STM.

**xiii. High Court Judge Seamus Noonan:** Refused the first of four habeas corpus applications in respect of my false imprisonment without issuing any written explanations. Has overseen the compromised ‘progress’ of case J R 2017/798 (‘B’) into that very matter in circumstances which leaves Justice Noonan exposed to allegations of obstructionism, conflict of interest, possible collusion, bias, abuse of Office and indeed even of contempt of his own Court as per the letter requesting his recusal (at ‘Exhibit A xxiv’).

**xiv. The Law Society of Ireland:** Has failed to acknowledge or respond to correspondence and complaints from STM regarding being apparently ‘blacklisted’ by various solicitors, and being unable – even on strength of a legal aid certificate and an Order from the Court – to secure any legal representation from the Law Society’s Legal Aid Panel.

---

<sup>14</sup> The Applicant was unaware at the time of who Paul Collins was – or of the fact that he was a violent, drug-dealing criminal from the UK who was posing as an Irish national and the director of an Irish Company ‘Blackhall Equine’ under fraudulent papers. The fact that Paul and George Collins were 2<sup>nd</sup> cousins to Enda Kenny was also unknown at the time.

39. The Applicant asserts that these combined acts of ‘official’ misfeasance and nonfeasance before and since, and the collusion required to conspire to deny the Applicant his defence in case (‘A’) in Castlebar for example, reveals a particularly sinister abuse of power, position and due process on the part of those involved, and most certainly demonstrates improper collusion, and indeed conspiracy, as alleged.

**40. Persons in the employ of the State named in this Affidavit who (the Applicant asserts) are implicated in the improper activities listed herein and in the cases listed at 6 above:**

*This incomplete list does NOT list all of the persons who are allegedly culpable of ‘improper conduct’ in these cases or affiliated matters – only those whose conduct has been such as to raise legitimate indications of unlawful collusion and/or conspiracy to obstruct justice in these particular cases on account of; (i) their statutory role or position—or their professional status—and the legal obligations and responsibilities thereof; and/or (ii) their own personal (improper) involvement in one or more of these cases as listed ‘A – G’ in paragraph 6.<sup>15</sup>*

- A. District Court Case 2016/40190 DPP v Granahan & Manning.
- B. Judicial Review JR 2017/798 Manning v Judge O’Donnabhain.
- C. ‘Common Informer’ prosecutions under the Petty Sessions Ireland Act.
- D. Application by a Judge for High Court injunctions v Manning & others.
- E. District Court Case 2017 180452 DPP v Manning.
- F. High Court Cases ongoing or pending alleging ‘official misconduct’.
- G. ‘Spent’ (already dealt with) Judicial Review and Habeas Corpus Applications.

*Cases known to be involved in*

<i>Individual and Role – Courts Service</i>	A	B	C	D	E	F	G
CEO Brendan Ryan	x	x	x		x	x	x
Central Office Manager Angela Denning		x				x	x
Castlebar Manager Peter Mooney	x		x		x	x	x
Castlebar Registrar Marie Quinn	x					x	x
Castlebar Clerk Ailish McGuinness	x					x	x

<i>Individual and Role - Gardaí</i>	A	B	C	D	E	F	G
Superintendent Joe McKenna	x		x			x	x
Inspector Dermot Butler	x				x	x	
Inspector Gary Walsh			x		x	x	
Sergeant Peter Hanley	x		x			x	x
Sergeant Gerard (Gary) McEntee					x	x	
Sergeant Naoimi Di Ris	x				x	x	x
Garda Tom Fleming					x	x	

<i>Individual and Role – DPP’s Office &amp; CSSO</i>	A	B	C	D	E	F	G
DPP Claire Loftus	x	x	x		x	x	x
DPP Chief Prosecuting Solicitor Helena Keily	x	x	x		x	x	x

<sup>15</sup> Not listed are the scores of authority figures, oversight bodies and elected representatives who have been directly contacted by the Applicant with formal complaints since 2010 – almost entirely without response or acknowledgement.

DPP Solicitor Raymond Briscoe	x	x	x		x	x	
DPP Solicitor Brian McLoughlin	x	x	x		x	x	x
Mayo State Solicitor Vincent Deane	x		x			x	x
CSSO Maria Browne		x			x	x	
CSSO Solicitor Maura Teahan		x			x	x	
<i>Individual and Role – Registrars &amp; Judges</i>	A	B	C	D	E	F	G
High Court Principal Registrar Kevin O’Neill	x	x	x	x		x	x
High Court Registrar Owen Duffy	x	x	x			x	x
County Registrar Fintan Murphy	x		x			x	
District Court President Rosemary Horgan	x	x	x		x	x	x
District Court Judge Kevin Kilraine	x		x			x	x
District Court Judge Aeneas McCarthy	x		x			x	x
District Court Judge James Faughnan	x		x	x		x	
District Court Judge Mary Devins	x		x			x	x
District Court Judge John Lindsay	x		x			x	x
District Court Judge Alan Mitchell	x		x			x	x
District Court Judge Gerard Haughton			x			x	x
District Court Judge David Waters	x		x			x	
District Court Judge Deirdre Gearty					x	x	
6 other District Court Judges* (involved in the unlawful delays or refusals of valid ‘common informer’ applications) <sup>16</sup>			x			x	x
Circuit Court President Judge Raymond Groarke	x					x	x
Circuit Court Judge Rory McCabe	x					x	x
High Court Judge Richard Humphries	x		x			x	x
High Court Judge Donald Binchy	x					x	x
High Court Judge Seamus Noonan	x					x	x
High Court Judge Paul Gilligan				x		x	
(Previously) President of the High Court Judge Nicholas Kearns						x	x
(Previously) President of the Appeals Court Judge Sean Ryan						x	x

<i>Individual and Role – Solicitors and others</i>	A	B	C	D	E	F	G
Solicitor Alan Gannon – Castlerea, Co. Roscommon	x	x				x	x
Solicitor Evan O’Dwyer – Ballyhaunis, Co. Mayo	x		x			x	x
Solicitor Cahir O’Higgins - Dublin	x					x	
Solicitor Liz Hughes – Hughes Murphy Solicitors, Dublin			x			x	x
Barrister Kenneth Kerins						x	x
Barrister Maura McNally				x		x	
Barrister Cormac McNamara						x	
The High Court Central Office		x		x		x	x
The Law Society of Ireland						x	
The Irish Human Rights Commission	x		x			x	x
The Garda Síochána Ombudsman Commission	x	x	x		x	x	x

<sup>16</sup> Judge(s) Conal Gibbons, Bryan Smyth, Miriam Malone, Michael Walsh, Miriam Walsh, Kathryn Hutton.

41. As another example of alleged collusion involving several of the above named persons: 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' ('A'); I initiated criminal proceedings in Belmullet District Court on April 3<sup>rd</sup> 2017 under *the Petty Sessions (Ireland) Act 1851* only to receive a threatening letter from Mr Raymond Briscoe at the DPP's Office warning that if I pursued the prosecution on April 12<sup>th</sup> that the DPP's Office would consider it 'an attempt to interfere with witnesses' which carries a possible 10-year jail sentence.

41a. The combined facts that; (i) Mr Briscoe was NOT in Belmullet Court on April 3<sup>rd</sup>; (ii) that the DPP's Office had NO role or part to play in those 'common informer' proceedings at that time – and the DPP therefore had absolutely NO right nor statutory footing to interfere in any way; and (iii) the fact that 'someone' present at Belmullet Court that day—or indeed one of the accused who were NOT present (namely, Mr Peter Mooney, Superintendent Joe McKenna, Solicitor Rory O'Connor or Mayo State Prosecutor Vincent Deane) alerted the DPP's Office as to these applications is clearly suggestive of improper collusion for the purposes of preventing those legitimate prosecutions from proceeding.

42. 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 12<sup>th</sup> to continue those prosecutions, but Judge Houghton was also absent from Belmullet Court that day, having been 'reassigned' at the last moment to Ballina Courthouse without any notification to the parties attending Belmullet Court that day.

43. Although sincere efforts are ongoing on the part of the Applicant to secure relevant data, records, and other evidence from agencies of the State 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 and mail; 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.

44. 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—i.e. without them complying with their respective legal obligations—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' ('A'), 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 out-of-hand without the Applicant even being called to attend Court.

45. The Applicant asserts that the behaviour of the DPP Prosecution Team in case ('A'); (i) in 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).

46. 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 before a defence was heard or witnesses called, and (vi) the incarceration of the Applicant without any legal representation 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 in particular.

46a. I say that when Judges, Registrars and senior Courts Service staff lie barefaced to a litigant's face and deny them the services and facilities due to them under the law and the Constitution; and when these persons act with impunity and with utter contempt for the law which they are supposed to uphold, then it is time to stand up and denounce these activities for the criminal acts they really are – regardless of all of the feigned 'professionalism, integrity and statutory independence' that these individuals claim to represent, and regardless of the ever-present threat of repercussions against anyone who dares to speak up, or speak out.

47. Given my repeated assertions that, (i) the DPP's Office is relying on the parallel progress of District Court case 2017/180452 ('E') against me ongoing—which was initiated after I began judicial review process 'B'—to try to interrupt, frustrate and eventually thwart those 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 Síochána last year whilst I was unlawfully incarcerated; and (ii) given that some of the same personnel involved in my previous unlawful incarceration ('A') are again involved in the current District Court case

(‘E’) and the ongoing J R case (‘B’); 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 (‘E’) on the part of Garda Inspector Dermot Butler (acting for the DPP) who is also named in Mr Briscoe’s recent affidavit (in J R case ‘B’) as having *knowingly* supplied the District Court with false information on January 23<sup>rd</sup> 2017 so as to facilitate my contrived arrest and supposed ‘conviction in absentia’; and (iv) given that the outcome of Judicial Review 2017/798 (‘B’) (whether rejected or affirmed) will *absolutely* have a bearing on the facts and progress of the ongoing District Court case 2017/180452 (‘E’); and (v) given the logistical difficulty of trying to manage both of these cases without any prospect of legal assistance, along with, (vi) 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.**

48. I say that all I have asked for and reasonably expected ‘from day one’ in my dealings with the Irish Courts is to be fairly and properly treated according to the law, and I maintain a diminishing hope that this may yet still come to pass. But speaking from my own experience and based on thousands of similar reports delivered to the *Integrity Ireland Association* – not to mention those few cases which DO occasionally surface in the mainstream media that result in *some* public exposure or response from the statutory authorities<sup>17</sup> – I say and believe that the notion of ‘justice’ here in Ireland has been corrupted and perverted to such an extent as to warrant an immediate *Government Commission of Inquiry* or another such *truly* independent investigation by the European Union or competent outside body, because it is abundantly clear that any person who stands up to these injustices or otherwise refuses to be cowed and intimidated here in Ireland, will undoubtedly find themselves the ‘target’ of serial unlawful activities by agents of the State who clearly believe that they can act with total impunity; all of which implies a fundamental failure of the justice system to uphold the law, to protect our Constitutional rights, or even to properly regulate or police itself.

49. I feel I must also 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,

---

<sup>17</sup> The multiplicity of scandals that have surfaced in Ireland in recent years includes: the Kerry Babies Tribunal; the Beef Tribunal: the Finlay, McCracken, Moriarty, Mahon, Lindsay, Barr, Morris, Smithwick & ongoing Disclosures Tribunals; plus the Travers Report into overcharging at nursing homes; the Ferns Report on clerical sexual abuse; the Baker-Tilly Report into public transport procurement practices; the Ryan Report (CICA) and the Murphy Report on child abuse at Church-run institutions; plus the Banking Sector inquiries; the Magdalene Laundries; the Tuam Babies; the Mother & Babies Homes; the Fennelly Commission, the Guerin Report into activities at the Department of Justice; the farcical ‘Independent Review Mechanism’ (of alleged Garda malpractice); serial TUSLA (Child Protection) failures; the historical symphysiotomy, and recent cervical smear scandals at the HSE; and now the ‘official’ targeting of outspoken reporters (Gemma Doherty) whistleblowers (John Sugarman, John Wilson, Maurice McCabe) and prominent pro-justice activists and campaigners such as the Applicant – many of whom have been harassed, arrested and even incarcerated on the flimsiest of grounds.

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 I do most sincerely hope that this honourable Court will—upon assessing the accompanying evidence and exhibits, and upon identifying the multiple lies, obstructions, contrivances and ruthless mendacities being so contemptuously perpetrated on the Courts and on the Irish people—immediately take the appropriate action ‘in the interests of justice’ and accede to the Applicant’s lawful and reasonable requests without further ado.

50. I say again (as per my original grounding affidavit): *“That ‘new evidence’ secured on July 20<sup>th</sup> last..”* (including an audio recording of the District Court Judge at the original ‘incident’ of September 2<sup>nd</sup> 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.”*

50a. Consequently, it must also then be acknowledged that all of the tortuous proceedings which I am now being subjected to through the machinations of the said ‘agents of the State’ constitute further violations of my fundamental right to justice, which it is the duty of this honourable Court to address and remedy without delay.

**51. I say and believe that the facts as outlined in this Affidavit and in the supporting Exhibits (A, B & C), constitute breaches and violations of the following:**

(i) **Article 38 (1) of the Irish Constitution** which states that; *“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.”*

(viii) **Article 6 of the Charter of Fundamental Rights of the European Union (‘CFREU’):** The Right to liberty and security. *“Everyone has the right to liberty and security of person.”*

(ix) **Article 7 of the CFREU:** Respect for private and family life. *“Everyone has the right to respect for his or her private and family life, home and communications.”*

(x) **Article 8 of the CFREU: Protection of personal data.** *“Everyone has the right to the protection of personal data concerning him or her. Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law. Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified. Compliance with these rules shall be subject to control by an independent authority.”*

(xi) **Article 11 of the CFREU: Freedom of expression and information.** *“Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.”*

(xii) **Article 15 of the CFREU: Freedom to choose an occupation and right to engage in work** *“Everyone has the right to engage in work and to pursue a freely chosen or accepted occupation.”*

(xiii) **Article 20 of the CFREU: Equality before the law.** *“Everyone is equal before the law.”*

(xiv) **Article 21 of the CFREU: Non-discrimination.** *“Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.”*



(xv) **Article 41 of the CFREU: Right to good administration.** *“Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions and bodies of the Union. This right includes: the right of every person to be heard, before any individual measure which would affect him or her adversely is taken; the right of every person to have access to his or her file, while respecting the legitimate interests of confidentiality and of professional and business secrecy; the obligation of the administration to give reasons for its decisions.”*

(xvi) **Article 47 of the CFREU: Right to an effective remedy and to a fair trial.** *“Everyone whose rights and freedoms guaranteed by the law of the Union are violated has the right to an effective remedy before a tribunal in compliance with the conditions laid down in this Article. Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal previously established by law. Everyone shall have the possibility of being advised, defended and represented. Legal aid shall be made available to those who lack sufficient resources in so far as such aid is necessary to ensure effective access to justice.”*

(xvii) **Article 48 of the CFREU: Presumption of innocence and right of defence.** *“Everyone who has been charged shall be presumed innocent until proved guilty according to law. Respect for the rights of the defence of anyone who has been charged shall be guaranteed.”*

(xviii) **Article 49 of the CFREU: Principles of legality and proportionality of criminal offences and penalties.** *“No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national law or international law at the time when it was committed. Nor shall a heavier penalty be imposed than that which was applicable at the time the criminal offence was committed. If, subsequent to the commission of a criminal offence, the law provides for a lighter penalty, that penalty shall be applicable. This Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles recognised by the community of nations. The severity of penalties must not be disproportionate to the criminal offence.”*

(xix) **Article 54 of the CFREU: Prohibition of abuse of rights.** *“Nothing in this Charter shall be interpreted as implying any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms recognised in this Charter or at their limitation to a greater extent than is provided for herein.”*

(xx) **European Convention on Human Rights Act 2003**, specifically the right to access justice as per **Articles 1, 5, 6 & 7** as detailed in the respective supporting affidavits and in documentation lodged in these collective proceedings, and particularised in 'Exhibit C'.

**52. In light of all of the above, I now respectfully apply to this Court for the reliefs as laid out in my accompanying Statement to Ground.**

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.