

EXHIBIT A

In the matter of an ex-parte Judicial Review application

Stephen Manning

V

District Court Judge Deirdre Gearty

& the DPP

- 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 5th 2015; letter to Peter Mooney Castlebar Courts Manager (cases 'A' & 'C')
- iii. November 1st 2016; Affidavit of Stephen Manning v DPP JR 2016/866 (in case 'A')
- iv. January 27th 2017; letter to all Dáil Deputies and 25 senior Judges (case 'A')
- v. April 6th 2017; letter to Mr Brendan Ryan, CEO of the Courts Service (in case 'A')
- vi. April 12th 2017; statement regarding threatening letter from DPP's Raymond Briscoe on April 11th (in cases 'A' & 'C')
- vii. October 20th 2017; Grounding Affidavit of Stephen Manning (in case 'B')
- viii. November 28th 2017; letter to Sgt Gary McEntee (case 'E')
- ix. January 17th 2018; NOTICE & DECLARATION & Formal Application to the Court (in case 'E')
- x. February 1st 2018; *iClinic* letter regarding missing CCTV footage on CD from Gardaí (in case 'E')
- xi. February 7th 2018; email from CSSO confirming transfer of documents to DPP as directed by the Court (case 'B')
- xii. February 19th 2017; Application to Strike Out & Affidavit of STM (in case 'E')
- xiii. February 21st 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 27th 2018; letter to Inspector Dermot Butler (in case 'E')
- xv. March 4th 2018; letter to Her Honour Judge Rosemary Horgan, President of the District Court (regarding case 'E')
- xvi. March 5th & 12th 2018; email letters to Law Society of Ireland regarding Legal Aid copied to Irish Statutory Authorities (unacknowledged and unanswered). (case 'E')
- xvii. March 9th 2018; *Phone Fix Plus* assessment of CD from Gardaí (in case 'E')
- xviii. March 14th 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 22nd 2018; letter to Cahir O'Higgins, solicitor, regarding legal aid, plus copy of

- previous letter of February 22nd and legal aid certificate. (case 'E')
- xx. Affidavit of Raymond Briscoe, DPP solicitor April 5th 2018 (cases 'A' 'B' & 'G')
 - xxi. May 1st 2018; Affidavit of Stephen Manning alleging 'contempt of Court' by CSSO and DPP (case 'B')
 - xxii. Order of the High Court of May 8th 2018 (case 'B')
 - xxiii. May 14th 2018; Supplementary Affidavit of Stephen Manning (in case 'B')
 - xxiv. May 22nd 2018; letter to Justice Seamus Noonan seeking his recusal (in case 'B')
 - xxv. As updated on May 29th 2018; chart with list of named individuals, agencies and firms involved in these matters to date.¹

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

Ex 1

Short chronological list of some of the violations against the Applicant and his family:¹

2009: ‘STM’ (the Applicant Dr Stephen Manning) takes a civil defamation case against Mr George Collins of Achill, Co, Mayo, who (unknown to STM at that time) is a 2nd cousin of Taoiseach Enda Kenny TD. The persecution and abuse of STM and his family begins.

2009-2012: Campaign of incessant harassment and intimidation including online sex-smear campaigns, false ‘child protection’ allegations to TUSLA, and death threats against STM and his family are facilitated and then covered up by Gardaí and GSOC.

2010: Thugs hired to break STM’s legs. Attack bungled. One attacker shot dead a month later in ‘highly suspicious circumstances’. Gardaí make a longstanding pretence in the mainstream media of investigating, but they fail/refuse to take any statement from STM even though STM informs them he has critical ‘inside information’.

2010 (and ongoing): Civil Court cases initiated by STM attract multiple instances of malpractice including obstructionism, obfuscation, misdirection, unannounced hearings, violations of due process, Court documents going inexplicably ‘missing’ or held up unlawfully to run them ‘out of time’, breaches of Court Orders, denials of service, failures and refusals of fundamental rights, and various other improper and unlawful acts by agents of the State, including the High Court allowing Paul Collins² (brother of George)—a violent drug-dealing criminal from the UK—to pose and act as ‘an attorney’ to his brother without any credentials whatsoever, in absolute violation of Court Rules and in contravention of the law – in 18 hearings in the High Court and in the Circuit Court.³

2012: New *Integrity Ireland Association* website set up by STM being covertly ‘monitored’ by Gardaí and the DPP’s Office.

2014: Gardaí lodge knowingly-false allegation that STM, “*locked his children in the house, unsupervised for 3 days*” prompting another alarming response from TUSLA that conveniently required STM to be in Castlebar on the very same day that the High Court moved his civil case hearing (CA 38 2013) forwards by a week (without any notice to STM as the Plaintiff) and then ‘indefinitely suspended’ his civil case. Gardaí HQ and GSOC

¹ A more detailed chronology may be viewed online at: <http://www.checkpoint.ie/achillroverscourtcase.html>

² Details of the criminal activities of Paul Collins can be viewed online: <http://www.checkpoint.ie/page10.html>

³ (i) It was Justice Nicholas Kearns (President of the High Court at that time) who facilitated Paul Collins’ initial approach to the High Court and who issued an Order in STM’s absence ‘staying all proceedings indefinitely’ until such time as George Collins was ‘well enough to attend Court’. His Registrar was Angela Denning. This has prevented a case naming 3 senior Gardaí and G Collins from progressing. (ii) Justice Sean Ryan (now the President of the Court of Appeal) accommodated Paul Collins ‘in person’, unscheduled, while STM was abroad with his family; where Judge Ryan then unlawfully ‘overruled’ an Order previously made by his High Court colleague Justice Iseult O’Malley in STM’s favour. That it is (supposedly) a standing rule of law that a judge CANNOT overrule the decisions of a fellow judge of the same rank.

refuse to act on STM's complaints. *Sunday Business Post* covers the story.⁴

2014: STM followed and then stopped by Gardaí en route to a protest at the Dáil. Several false and vexatious traffic charges ensue. All thrown out on appeal after 2.5 years of illicit court hearings. No costs, expenses or damages paid to STM.

2015: STM and 16-year old daughter assaulted by 5 Gardaí in Court. STM sustains a fractured thumb, an abdominal hernia and a torn rotator cuff (shoulder). Assault filmed by members of the public. Gardaí destroy all evidence and GSOC & Courts Service conspire to suppress and cover up events. DPP's Office subsequently conspire with other 'legal professionals' including certain District Court Judges, to obstruct and/or prevent matters being properly dealt with in the Courts.

2015: STM initiates 'common informer' prosecutions against agents of the State for various criminal offences. To date, 18 Judges have unlawfully failed or refused to hear those claims and 14 have just 'walked out' of Court without explanation. Multiple approaches to Department of Justice & Superior Courts repeatedly obstructed, denied, suppressed or unlawfully dismissed.

2016: STM runs as an independent candidate in the National Elections. Gets assaulted by bouncers in the Court Centre for asking to speak to Mr Enda Kenny. Assault is directed by Gardaí. Media covertly 'instructed' NOT to cover STM or *Integrity Ireland* issues.

2016: District Court Judge tries to shut down the *Integrity Ireland* website via a (failed) High Court injunction. STM not allowed to speak in Court. Ordered out by Gardaí.⁵

2017: After 6-months of formally applying, and on warning of a Court Order, STM eventually receives his Garda records. 70 entries. Mostly false or fictional, or unsubstantiated allegations which STM was never advised of, including a documented appearance in Court which never happened. No record whatsoever of over 20 formal complaints to Gardaí concerning criminal acts by persons in the employ of the State.

2017 – January: STM arrested coming from the Supreme Court based on allegation that STM had 'missed' a Court hearing which had been moved by the DPP & Judge without any notice for the contrived purpose of ensuring that STM could be 'convicted in absentia' and denied the opportunity to mount his defence.

2017 - April: DPP issues threat letter to STM preventing the continuation of legitimate 'common informer' prosecutions of agents of the State for conspiracy, fraud, perjury, criminal damage, contempt of Court, etc.

⁴ On the very same day that the Applicant was 'ordered' to attend the resulting Child Protection meeting in Castlebar, the criminal Paul Collins attended a hearing in the High Court that had been moved forwards a week without any Notice whatsoever to the Applicant and secured an 'indefinite suspension' of the Applicant's civil defamation case. See SBP article here: <http://www.integrityireland.ie/SBP%20May%2011th%202014%20-%20202.pdf>

⁵ The Applicant was one of 4 named Defendants in the case but was ordered 'not to speak' by Justice Paul Gilligan – who then exited the Court and refused to return until the Applicant had left the Court.

2017 - May: STM unlawfully jailed 'for 2 months' on a false and contrived public order charge in violation of Irish and international human rights law; (i) without entering a plea, (ii) without legal representation, (iii) without access to case file, (iv) without calling witnesses, (v) without entering a defence, and in circumstances where solid proofs of a criminal conspiracy by the DPP's Office, the Courts Service and at least 3 Judges has been repeatedly ignored or suppressed by the various statutory authorities.

2017 – August: *Berlin's Cicero Magazine* covers the story of 'corruption in Ireland' and the STM case.⁶

2017 – October: STM lodges High Court application for Judicial Review against decision to jail him. Application obstructed and delayed repeatedly. Multiple acts of malfeasance, abuse of due process and non-compliance with Court Orders by CSSO and DPP's Office.⁷

2018: STM charged with another fabricated public order offence 'A' by some of the same State employees involved in previous case 'E' and after taking out the J R case against his false imprisonment 'B'. Legal aid granted (again) but no Irish lawyers will take the case. District Court repeatedly ignores proofs of evidence-tampering and of breach of Court Orders by the DPP prosecution team, and case set to continue on June 14th next.

⁶ <http://www.integrityireland.ie/Cicero%20Article%20'Walls%20of%20Stone'%20Aug%202017%20CPP%20translation.pdf>

⁷ This is J R 2017 798 – still ongoing, where the Applicant has lodged 'committal and attachment' proceedings due to the DPP and CSSO's non-compliance with Court Orders which have since 'disappeared' from the record.

Mr Peter Mooney, Office Manager
The Courthouse
Castlebar
Co. Mayo

(by email and recorded post)

Aug 5th 2015

Dear Mr Mooney / Peter,

As per our conversation last week, I wish to apply to be put on the list for the next sitting of the District Court on September 2nd at 10.30am.

For the sake of clarity and so the Court is fully informed as to the facts; we note that a summons was signed by Judge Kilrane ordering the attendance of Sgt Peter Hanley at the District Court in Castlebar on Friday July 24th to answer public assault charges.

We note that we served said summons and cover letter on Sgt Hanley on June 22nd by prepaid registered post in accordance with District Court rules, but Sgt Hanley did not appear in Court, and he did not notify us that he did not intend to appear.

We further note that no-one at your Office alerted us to the fact that Sgt Hanley's name was not 'on the list' for the hearing scheduled for July 24th last. Given that this matter has been broadcast far and wide on social media, and given the history of recent 'difficulties' in our dealings with local Gardaí and County Registrar Fintan Murphy (such as being denied entry to the public Courts; being denied access to a judge after having arranged it in advance; and being verbally abused and physically assaulted), we find it somewhat incongruous that we would not be informed of any apparent 'lapse of protocol' which would delay, interrupt or forestall proceedings going ahead on the day.

We note that you advised us on July 29th that it was apparently 'normal' for persons who had been summoned to Court not to appear on the case list for the day – whereupon they simply went home, and that we (as the initiators of the summons) had failed to lodge a proof of service with your Office – which was why Sgt Hanley was not listed for July 24th.

We further note that upon being advised that we needed to get another Judge's signature in order to re-issue a new summons, that we travelled to Balina Courthouse on Tuesday July 28th and waited several hours without success, only to be informed by a duty Garda that we needed to attend Castlebar Courthouse for the District Court sitting on Wednesday 29th. That upon arriving at Castlebar Courthouse we discovered that no sittings were scheduled for the day, whereupon you advised us to send in this written request to you.

Trusting this matter will now be 'on the list' for September 2nd next.

Yours

Stephen Manning

c/o Belcarra, Castlebar, Co. Mayo.

(A member of Integrity Ireland)

THE HIGH COURT

Record No. 2016/866 JR

Between

STEPHEN MANNING

Applicant

-v-

DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

GROUNDING AFFIDAVIT OF STEPHEN MANNING

Statement-Affidavit of Stephen Manning in support of an ex-parte application for an immediate injunction preventing District Court Case No 2-16/40190 “DPP vs Granahan & Manning” proceeding on the grounds that it is a wholly illegitimate and unlawful exercise being conducted on the back of criminal acts undertaken by agents of the State.

I, Stephen Manning, publisher, who ordinarily resides at Ballyhaunis in the County of Mayo, aged 18 years and upwards **MAKE OATH AND SAY** as follows:

1. I am the Applicant in this matter and the 2nd named Defendant in the above entitled proceedings and I make this affidavit from facts within my own knowledge save where otherwise appears and where so appears I believe the same to be true and accurate.

2. I refer to various documents, letters and notices as referenced throughout these pleadings; as well as to the booklet of exhibits attached in support of this affidavit marked ‘Ex 1,2,3’ etc. I further refer to copious materials, 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 form to this affidavit.

3. I currently reside at Ballyhaunis, Co. Mayo, along with my wife and three school-age children, the youngest of whom has special needs. I assist my wife in her role as a full-time carer. I am an ex-university teacher and sports coach and a volunteer with *Special Olympics*. I am also a registered referee with the *Football Association of Ireland* (FAI). I ran as an independent candidate in the 2016 General Election (on a very modest budget) in order to draw particular attention to the issue of extensive corruption, misconduct and malfeasance in the agencies of the Irish State. I hold a PhD in Counselling Psychology and an MSc in Religious Education, as well as various international sporting qualifications dating back 40 years. I am currently the owner of ‘*CheckPoint Ireland*’ which has a publishing operation that prints ‘*books with something to say*’ as well as being the registered base

for 'Integrity Ireland' which is an unincorporated association registered under 'Class 45: Provision of Information Services Relating to Citizen's Rights', as named in association with this case.

4. 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 that I request that the Court takes this into consideration in considering this application.

* * *

5. Outline of Grounds for this Application

This case in its entirety from;

(i) its dubious and contrived origins as a politically-motivated vexatious prosecution deploying the unlimited prosecutorial resources of the State to attempt to intimidate and criminalise law-abiding members of the public (and in particular, outspoken members of *Integrity Ireland*) for daring to challenge routine misconduct, and specific acts of criminality in the Irish Courts; and

(ii) that the foundations and procedures of this case's continuance are so patently compromised and contaminated by unlawful, unconstitutional and criminal actions (and inactions) by various agents of the State as to render the whole process utterly illegitimate and an affront to justice;

(iii) which case progression is manifesting itself as an increasingly shameful public exercise in the deliberate criminal misuse and abuse of 'due process' and the improper manipulation of the Irish Courts by various agents and agencies of the State – in express and repeated violation of the Applicant's fundamental rights under Irish and EU law.

6. That in addition to the criminal activities of the prosecution team (as detailed in this statement) that this contrived prosecution is advancing in flagrant breach of the Applicant's fundamental human rights; in the face of multiple written warnings, notices and other public and private alerts delivered to Government agencies including the Department of Justice and Equality, to the Courts Service, to the DPP's Office and to individual judges; in the absolute failure and refusal of said agents or agencies to act according to the law; and in circumstances where the Applicant is being forced, under pain of false arrest, threat of personal injury and/or unjust incarceration, to participate as a Defendant in this unlawfully contrived and utterly unconstitutional, criminal, prosecution process.

6a. In addition to the multiple breaches of the law and the Constitution ongoing in this case; and in addition to the fact that the originating 'disturbance' in Castlebar Courthouse on September 2nd 2015 (which event forms the alleged basis for this case) was predicated on the sitting Judge's own glaring contempt of his own Court and by the public's spontaneous outrage at the same; the Applicant also intends to demonstrate (inasmuch as this is possible in the face of the unlawful interference of evidence by the prosecution) that this prosecution by the DPP's Office is a disgraceful and scandalous attempt to belatedly mask the unlawful activities of Mayo County Registrar Fintan Murphy; of Courts Service Office Manager Peter Mooney; of Garda Superintendent Joe McKenna; Garda Sgt's Peter Hanley and Sgt Naoimi Di Ris; District Court Judge Kevin Kilraine (and collusive others) and to divert public attention away from the legitimate 'common informer' prosecutions initiated by Messrs' Colm Granahan and Stephen Manning which should have been rigorously processed on September 2nd 2015 – instead of being unlawfully thwarted by the very same conflicted Judge who had signed the criminal summons against Sgt Peter Hanley in the first place – for a series of unlawful physical assaults on the public in that very same Courthouse.

7. For the further advices of this Court; this application is also made against the backdrop of an insidious catalogue of overt and covert criminal acts committed against the Applicant and his family by certain 'politically connected' individuals* and by persons in the employ of the State (or affiliated thereof) over a period of seven years ongoing; a reprehensible and sordid record which has been compounded by the unlawful support and assistance of certain senior members of An Garda Síochána, by the obstructive and clandestine actions of Courts Service staff, and by the illicit activities of other agents and agencies affiliated with the Office of the Taoiseach and the Department of Justice, including the Chief State Solicitor's Office and the Office of the DPP, and most regrettably, by certain named members of the judiciary and other individual 'Officers of the Court'.

** The Applicant refers here to brothers George Collins and Paul Collins, lately of Achill, Co. Mayo and Bannow, Co. Wexford respectively; the former being the subject of two successful civil suits issued by the Applicant in 2009 and 2011, and the latter being a career criminal with a longstanding criminal record and serious jail time in the UK who, in addition to his criminal activities against a number of other known victims in Ireland and the UK, was allowed to pose, unlawfully and without any credentials whatsoever, as 'an attorney' in more than 18 appearances in the Irish Courts in cases involving the Applicant – including in the Superior Courts before Justice Nicholas Kearns and Justice Sean Ryan. The Collins brothers are 2nd cousins to the current Taoiseach, Enda Kenny TD. They have both recently 'relocated' in clandestine circumstances to unknown destinations, apparently without public trace or record.*

8. To emphasise the gross injustice that is in play with this 'official targeting' of activists, protestors, independent reporters, campaigners and whistleblowers who highlight serious misconduct in the agencies of the State; and to underscore the fundamental hypocrisy and contempt for the rule of law that lies behind these (and other similar) recent 'selective prosecutions' by the DPP's Office (such as those of the 'Jobstown 23' or of a number of campaigners who suffered assaults by Gardaí) the Applicant wishes to state 'for the record' that in addition to several criminal investigations into crimes against the Applicant and his family being allegedly "...conducted by An Garda Síochána.." that during the past seven years the Applicant has lodged in excess of 70 private complaints with the various 'Statutory Authorities' that detail some serious criminal offences (from conspiracy to pervert justice – to harassment, intimidation, fraud, perjury and deception – up to and including physical assaults, death threats and attempted murder)* by agents and agencies of the State and/or by the aforesaid 'politically-protected' individuals, and that in every single case to date, that there has not been even ONE single prosecution by the Gardaí or the DPP's Office – despite deliberately misleading and false claims (by the DPP and senior Gardaí – in writing) that, "suspects have been arrested, detained and questioned, and that files have been sent to the DPP for directions".

** In March 2010 a man was murdered (shot to death) in highly suspicious circumstances shortly after he had been apprehended in connection with a bungled 'punishment beating' which, according to the victim, was intended for Stephen Manning – in order to get Mr Manning to drop the civil case he was taking against George Collins, 2nd cousin to Enda Kenny TD. Despite repeated appeals by Gardaí in the mainstream media for information, that two Chief Superintendents in two different Garda Divisions have NOT followed up on advices that the Applicant has knowledge which could help identify the murderers.*

9. Likewise with other so-called 'statutory oversight bodies' including Garda Management, the Garda Ombudsman, Government Offices and the lower Courts; of all of the misconduct reported to these entities, agencies and high-placed individuals, not a single solitary result has been returned to us which would indicate that anyone who works for the State or who is in any way 'politically connected' (such as the Collins brothers or their protectors) is ever going to be held properly responsible for their crimes, under the law, and that those of us who attempt to expose this chronic misconduct, corruption and criminality may instead expect to be targeted and harassed by the very same agencies and individuals who are charged with our defence and protection in the first place; namely, by the Ministry for Justice, by Garda Management, by State-sponsored lawyers and law-firms, and by criminally-compromised elements within the Irish Courts system.

10. In the detail that follows, the Applicant will demonstrate that this particular prosecution by the DPP's Office constitutes a serious abuse of due process and indeed an overt criminal act which is designed, through the deliberate misuse of State resources, statutory instruments, fraudulent testimonies and flawed 'evidence' to mask and obscure the unlawful and/or criminal actions of various persons in the pay of the State, including by Gardaí, by the Minister for Justice, the Courts Service and by State-sponsored solicitors and other statutory authorities and, by certain members of the judiciary – as is now being publicly exposed by the *Integrity Ireland* project and its membership.

11. Brief Summary of the Main Reasons and Grounds for this Application:

That not only is this a contrived and baseless prosecution with a subtext of unlawful intimidation and harassment by agents of the State, but that the processes and procedures engaged in by 'the prosecution' to date are so contaminated and steeped in criminal misconduct as to be an affront to any right-thinking person's concept of justice:

1. Of eight days of hearings in this case to date, the Applicant (and 2nd named Defendant in this case) contends that the six where he was in attendance were conducted in circumstances which were patently unconstitutional, and were therefore without lawful merit or validity.
2. That in late May 2016 the Applicant received at home, by hand, a photocopied document purporting to be a summons which contained NO authorising signature or Court stamp.
3. That the Courts Service (including the Office of the CEO) has repeatedly failed or refused to identify who allegedly 'issued' said summons on Tuesday March 1st 2016.
4. That it now appears that the summons was actually issued by Castlebar Courts Service Manager Peter Mooney – the same Mr Mooney who has been accused of serious acts of criminal damage and other acts of deception and misconduct in this, and other cases.
5. The contested 'fact' that the originating summons in this case (if it actually exists) was in fact *genuinely* issued on the very last day of the statutory 6-month time limit allowed for summary offences? (*This is noted in context of six spurious traffic summonses concurrently 'served' on the Applicant over four months late – yet which still progressed through the District Courts nonetheless—before eventually, ALL of them were struck out on appeal*).
6. That the person applying for the summons is named as one Naomi Di Ris, Garda Sergeant, who is not only a lead prosecution witness in this case and a signatory to contested witness statements, but was also under citizen's arrest at the (alleged) time of application.
7. The fact that this case is progressing in the face of multiple documented allegations of ongoing unlawful, unconstitutional and criminal activity by various agents of the State.

8. That multiple attempts by the Applicant to engage with the various 'statutory authorities' regarding serious, criminal improprieties in this case have been systematically ignored.
9. The fact (established in Court) that there exists an unspoken policy of 'non-communication' with the Applicant on the part of the Courts Service in this, and other concurrent matters.
10. That requests for case-related information from the Courts Service, from Castlebar Gardaí from the Garda Commissioner and from the DPP's Office have been pointedly ignored.
11. That Defendant Mr Colm Granahan's application to have two separate hearings, on the basis that the two Defendants played separate and independent roles, was refused out-of-hand.
12. That the Applicant's similar request was dismissed out-of-hand by Judge Aeneas McCarthy.
13. That other than the originating summons (copy), that the Applicant has received no formal written NOTICE from the Courts Service or the Gardaí of ANY of the 8 Court hearings to date.
14. That oral and written requests for assurances of personal safety inside the Court have been ignored or refused leaving the Applicant in genuine fear of further unlawful assault or injury.
15. That the Applicant has been repeatedly intimidated by Gardaí inside the Courtroom.
16. That the Applicant has been unlawfully ejected from the Courtroom (mid-speech) by Gardaí on two occasions (in this case alone) without lawful reason, charge, explanation or arrest.
17. That the Applicant has likewise twice been unlawfully refused entry or re-entry into the Courtroom when he had outstanding Court business to attend to.
18. That the Applicant has been intimidated and threatened with jail, without any lawful reason, by a Judge in this case – simply for (respectfully) trying to assert his fundamental rights.
19. Acting without legal representation; that the Applicant's sincere attempts to correspond professionally with the Mayo State Solicitor Vincent Deane have been met with vagueness and ambiguity, and failures and refusals to properly respond on the part of Mr Deane.
20. That Mr Deane applied for a bench warrant for the Applicant's arrest whilst fully aware that the Applicant was at another previously-scheduled Court appearance in Dublin.
21. That the Applicant has not been allowed or yet invited to enter a plea in this case.
22. This case is progressing in spite of the Applicant's repeated constitutional objections and in spite of his advising the Court (on Sept 6th 2016) that he had NOT yet prepared any defence, and that the previous 'hearings' in this case were patently unlawful and illegitimate.
23. That having secured a copy of the DAR recordings under a Court Order of disclosure, that said DAR was delivered incomplete (with key files missing) and in a non-playable format.
24. The prejudicial fact that due to unlawful acts by 'the opposition' that the Applicant was not lawfully in a position to peruse the *prima facie* audio evidence nor prepare any questions for cross-examination before the prosecution presented their witnesses at trial on Sept 6th.
25. That whilst in Castlebar on another matter on September 6th that a friend alerted the Applicant that Judge Aeneas McCarthy had commenced the trial 'in the Applicant's absence'.
26. That the Applicant was thereby forced, against his will, completely unprepared, and in flagrant disregard for his fundamental rights, to 'participate' and attempt to defend himself in a contrived trial which would likely otherwise result in an uncontested criminal conviction.
27. That against the Applicant's vigorous objections, that Judge McCarthy declared he was 'satisfied' with false testimony by a Garda (which was unheard and unseen by the Applicant) that the Applicant had been 'placed under caution' to attend Castlebar Court that day.
28. That the Applicant was granted legal aid upon oral application but was only allowed one hour to secure the same whereupon the Judge directed the case to 'continue regardless'.

29. That upon a contrived and pre-emptive oral application by Mr Deane of the DPP's Office, that the appointed McKenzie friends of both Defendants were barred from the Courtroom without proper explanation or reasonable cause, on the very first day of the trial.
30. That the assigned independent reporter has likewise been barred from attending the case.
31. Applications by both Defendants for the attendance of arguably, the most crucial witness (Judge Kevin Kilraine) have been refused out-of-hand.
32. Other legitimate applications (including making reference to written witness statements that support the Defence case) have been refused and/or ignored by the trial judge.
33. In hearings leading up to the trial, the Applicant has been refused the right to speak in Court, and legitimate questions were ignored or dismissed by Judges Mary Devins & John Lindsay.
34. Since the trial began, instances of reported collusion between State witnesses – and requests that the Court takes the appropriate action – have also been refused or ignored.
35. Reports to the Court of intimidation of the Defendants and some of their colleagues by Gardaí both inside and outside of the Court have likewise been ignored.
36. Inconsistent statements and pronouncements have been made by the trial judge regarding important issues such as 'privilege'; jurisdiction in the Court; the roles of Gardaí and the judiciary; and the Defence's right to have their specific questions properly responded to.
37. A local solicitor (not connected to the case) who insulted Mr Granahan in the Court and then perjured herself as to the facts was NOT reported to the Gardaí for prosecution.
38. DPP Claire Loftus and State Prosecutor Vincent Deane are both personally conflicted in this matter inasmuch as they both have personal 'history' with the Applicant, who has previously lodged formal complaints against both, alleging conspiracy to interfere with justice.
39. Key evidence in the case has been unlawfully interfered with by 'the Prosecution'.
40. A Court Order directing the Prosecution to produce and disclose *prima facie* evidence has NOT been properly complied with, to the great prejudice and detriment of the Defence.
41. In an act of apparent 'criminal damage' it can be demonstrated that certain *prima facie* audio evidence which is crucial to the Defence was deliberately erased after-the-fact.
42. That knowingly-false, contrived and inaccurate witness statements have been entered into evidence by the Prosecution.
43. That key prosecution witnesses have perjured themselves under oath with the full advance foreknowledge of the State Prosecutor Mr Deane, and without any challenge in the Court.
44. Despite being advised in a formal letter-report of the criminal circumstances ongoing in this case, presiding Judge Aeneas McCarthy appears to be systematically ignoring the same.
45. Various judges charged with advancing this case have engaged in very serious misconduct and have acted in outrageously unlawful, unconstitutional and arguably criminal ways.
46. Despite the supposedly 'minor' Section 6 summary charges, DPP Claire Loftus is personally instructing Mayo State Prosecutor Vincent Deane in this case – which has already consumed large amounts of taxpayers' funds, and, if it continues as-is, will likely run to several weeks.
47. Correspondence with the DPP's Office in relation to this matter has been marked by delays and contrivances (such as the backdating of correspondence by 10 days) and by refusals to answer specific questions regarding allegations of criminal conduct by 'the prosecution'.
48. On October 19th the Applicant attempted to initiate four private prosecutions as against persons involved in this case for fraud, perjury and criminal damage, but again (now the fourth time in succession) Judge Mary Devins exited her Courtroom without explanation – in contravention of the law, of Superior Court directions and of her mandated role as a Judge.

49. The Applicant has since lodged formal criminal complaints with An Garda Síochána naming Mayo State Solicitor Vincent Deane; Superintendent Joe McKenna; Castlebar Courts Office Manager Peter Mooney; and local solicitor Rory O'Connor for various criminal offences in association with this case.

50. Throughout the short history of this case to date, the Applicant has absolutely been denied proper access to justice and the right to proper legal representation, and is facing agents of the State acting for the DPP who are clearly and demonstrably engaged in illicit, unlawful and criminal activities designed to interfere with, obstruct or pervert the course of justice.

12. Background detail: On May 25th 2015 in Castlebar Courthouse, a lay litigant ('John') who had a repossession case before Mayo County Registrar Fintan Murphy notified the Courts Service Office in advance, in writing, that he would be putting an important jurisdictional question to Mr Murphy before proceedings commenced based on a recently-issued High Court ruling about 'rateable values' and the limits of the jurisdiction of the Circuit Courts to deal with certain repossession cases. But Mr Murphy pointedly and repeatedly refused to take this legitimate question and, having just arranged by phone for extra Gardaí to be present, unlawfully ordered the Gardaí to 'remove' John from the Courtroom. A violent, unprovoked assault on several members of the public ensued with one person being taken to hospital. We (members of the public present) informed the ranking Garda (Sgt Peter Hanley) that he was going to be charged with physical assault under the 'common informer' process.

12a. No members of the public were cautioned, charged or arrested for any offences on that day. We informed Sgt Hanley that he was being placed under citizens' arrest and that we required him to accompany us to the Garda Station for processing. He refused. We then lodged a criminal complaint of assault at the Garda Station, copied to Garda Commissioner Nóirín O'Sullivan naming Sgt Hanley and others members of the Gardaí present. No official action has been taken in this regard, and we can secure NO responses from ANY official source as to the status of those citizen's arrests.

13. Similar scenes had occurred in a number of cases during concurrent weeks and months when County Registrar Fintan Murphy was presiding, with Mr Murphy directing, ordering or facilitating multiple physical assaults (via the Gardaí) on the public whenever any person attempted to interrupt proceedings or bring specific legislation, breaches of Superior Court rulings, or breaches of the Constitution to Mr Murphy's attention. *Written advices were sent to the Courts Service as well as to Garda Management outlining the illegality of what was going on in Castlebar Courthouse, but no proper responses were returned to us. On a number of occasions, Gardaí were unlawfully deployed with reckless disregard as to public safety acting in effect as 'de facto' security guards; intimidating, manhandling and physically assaulting law-abiding members of the public; blocking public access to Courtrooms (in contravention of the Constitution) and making a number of false and vexatious 'arrests' without subsequent charge. As a result, applications were prepared by both myself and Mr Colm Granahan (under the 'common informer' legislation) to *also* privately prosecute Fintan Murphy for aiding and abetting unlawful acts on Mr Granahan, myself and other members of the public.

** During this period, various volunteer support groups such as The Land league, the Peace of Mind Foundation, the National Land League of Ireland and various unaffiliated members of the public attended repossession hearings to express their objections at the apparently-unlawful activities of the supposedly 'public-owned' banks being facilitated by Fintan Murphy in Castlebar Courthouse. The discovery that Fintan Murphy, as the Mayo County Registrar could*

order a house repossession and then receive a 'poundage' percentage from the Banks in his parallel role as Sheriff caused great upset and consternation. When Mr Murphy repeatedly ignored or shouted down various litigant's applications, some spontaneous reactions ensued, including persons speaking from the floor of the Court, reading out the 1916 Proclamation, reciting decades of the rosary or singing the national anthem. In almost every instance members of the public were violently manhandled by Gardaí on the instructions of Mr Murphy.

14. On June 2nd 2015 in Castlebar District Court with Judge Kevin Kilraine presiding, the Applicant (Stephen Manning) applied for private criminal summonses as against Garda Sgt Peter Hanley and County Registrar Fintan Murphy under the 'common informer' legislation for alleged assault and facilitation of assault. Judge Kilraine adjourned the matter to Ballina District Court on June 8th (which technically, he should not have done) whereupon a summons was duly issued for Sgt Hanley to appear in Court to answer charges of assault on July 24th.* The application against Fintan Murphy for directing and facilitating said assaults was refused on the basis that the allegations and proofs put to the Court, "did not go nearly high or far enough" to justify the issuance of a summons against Mr Murphy. The Applicant did not contest this decision at the time. The summons was served on Sgt Hanley by prepaid registered post according to Court Rules, along with a cover letter. (Ex 1)

** In the eight-week period between the first 'common informer' application and the hearing of July 24th, the Applicant (Stephen Manning) received (i) a slew of vexatious traffic summonses which, apart from being false in the first place were issued four months out-of-date, as well as (ii) a notice to pay a fine of €350 "or go to jail" based on the decision of a District Court Judge in a traffic-related hearing that Mr Manning was NOT even notified of. After multiple appearances in Court covering a period of several months, ALL of those vexatious traffic charges and penalties were thrown out on appeal when the Gardaí could NOT prove a case. The Applicant maintains that the issuance of those summonses was a deliberate act of malicious intimation and politically-based harassment by the authorities - in response to Mr Manning's lawful efforts to expose corruption and prosecute errant authority figures. Inasmuch as this caused us all manner of costs, inconvenience and distress – not to mention being seriously assaulted and injured in a Dublin Courthouse (again) during one of those hearings – then to a certain extent this tactic of 'official harassment' has worked. The intimidation however, has not, and several members of 'the establishment' are now facing private criminal prosecutions for their parts in these shameful abuses of power and authority.*

15. The Applicant attended the hearing on July 24th in Castlebar Court along with a sizeable group of interested members of the public. But Sgt Hanley was NOT in attendance. As the list progressed, it eventually became clear that despite the Order of the Court and the issuance of the summons, that the case was not even listed for the day. Given the extensive coverage in the local media, and our cover letter PLUS the summons delivered to Sgt Hanley personally, it was astounding to us that he was not in Court. The Applicant then approached Castlebar Courts Service Manager Peter Mooney for an explanation, only to be told that because 'proof of service' had not been lodged with the Office, that Sgt Hanley was NOT obliged to be in Court. This too has been shown to be a seriously misleading statement inasmuch as there is in fact a statutory procedure to be followed in any such case whereby the accused (Sgt Hanley) has to lodge an application and put the prosecutor (Stephen Manning) 'on notice'. Clearly this had NOT been done, and Mr Mooney had no explanation for why we had not been advised of this apparent 'additional requirement' in our various visits to the Courts

Office in the preceding days – or indeed why Mr Manning and his colleagues were not advised that morning – as a courtesy – that their case was NOT on the list. Mr Mooney then advised the Applicant that he now needed another judge’s signature to reissue a new summons – yet another statement which has subsequently proven to be completely untrue.* This type of misdirection, false or misleading information, obfuscation, delays and hindrances, and refusal or denial of service due is typical of the Applicant’s dealings with Mr Peter Mooney in particular – spanning several years now.

** Throughout a period of some 3 months immediately after we advised the Courts Service that we intended to make applications under the ‘common informer’ process, Mr Mooney in particular embarked on a campaign of misinformation and obstructionism that was clearly designed to sow confusions and cause us fatal delays in advancing what were otherwise legitimate applications. We were deliberately and repeatedly misled as to the processes to follow; we were falsely advised for example that ‘administrative charges’ would apply on each application; we were variously told there was ‘no room on the judges list’; that the Courts Service needed to review and approve the paperwork beforehand; and on one notable occasion, after jumping through all of these contrived ‘hoops’ Mr Mooney wrote to us in advance of a scheduled hearing informing us that Judge Mary Devins had made a ruling that she was not even going to let us air the matter in her Court (that of subpoenaed witnesses failing to appear in a Circuit Court case) and that our intended appearance in the District Court had therefore been cancelled. On other occasions when we patiently waited for the judge’s list to finish, various judges would hurriedly exit the Court in full knowledge that we had applications to make. Our attempts to lodge these legitimate applications became downright farcical – so much so, that we ended up publishing the “D.I.Y. Justice in Ireland” booklet so that we could directly quote the legislation and procedures on the spot. It was, on the whole, an immensely vexing and frustrating chain of events that flew directly in the face of legal precedent and recent Superior Court Rulings, and demonstrated to all concerned that we were being deliberately, systematically and unlawfully blocked and obstructed from availing of the right to prosecute as a ‘common informer’ under the 1851 Petty Sessions (Ireland) Act.*

16. On Tuesday July 28th2015 as advised, the Applicant travelled to Ballina District Court with a number of colleagues and, having advised the Court Office of our intentions, waited several hours in the Courtroom only to be informed by a duty Garda late in the afternoon that the sitting judge had decided he was ‘too busy’ to deal with us that day and we needed to attend Castlebar Courthouse for the District Court sitting the following day, Wednesday 29th. However, upon arriving at Castlebar Courthouse the next morning, we discovered that NO sittings were scheduled for Castlebar that day, and that the Court was now going to be in recess until September. Becoming increasingly exasperated with all of this costly and time-consuming run-arounds the Applicant secured a verbal promise on the spot that if he wrote in ‘formally’ with a request, that Mr Mooney would place the case on the Court list ‘at the earliest opportunity’. (Ex 2) We were then given a date of September 2nd 2015 for the Applicant Stephen Manning to apply to have his summons as against Sgt Peter Hanley reissued – ostensibly (so we were told) by ‘another judge’ (i.e. NOT Judge Kilraine).

17. Meanwhile, in Castlebar District Court before Judge Conal Gibbons—and on the back of a series of additional ‘incidents’ in the County Registrar’s Court—Mr Colm Granahan was successful in his own ‘common informer’ application to have a summons issued against Registrar Fintan Murphy to appear (also) on September 2nd 2015 to answer charges of facilitating assaults on the public. Mr

Granahan served the summons according to Court rules and issued a witness summons for Sgt Peter Hanley to appear on the same date. Both summonses were legitimately issued and served and the Courts Service Office was duly notified. In short, that even according to Mr Mooney's contrived advices 'due process' had been fully and properly followed, and both Fintan Murphy and Peter Hanley were obliged, by law, to be in attendance at Castlebar District Court on Sept 2nd 2015. Details of these proceedings were widely advertised in local newspapers and on social media and on the I-I websites 'in the public interest' to promote 'justice, accountability and transparency' and garnered interest that registered on Facebook and YouTube (for example) in the hundreds of thousands.

18. However, without any prior notice, warning or advice whatsoever, a brown envelope was handed to Mr Granahan by an unidentified individual at a private residence on the evening of September 1st at approximately 9.40pm, while Mr Granahan was on a social visit. This was NOT Mr Granahan's home or place of work. The envelope contained documents purporting to be from the High Court directing that a judicial review was to be held as to the legitimacy of the summons against Mr Murphy.*Upon first inspection, it became clear that the documents had no annotated signature and that they had visibly been altered in several places after-the-fact. Moreover, they were not 'served' in accordance with Superior Court rules inasmuch as no 'original document' was shown to Mr Granahan. Furthermore it could not of course have been physically possible for said 'unserved' documents (or any necessary proofs of due service) to have been lodged with either the High Court or with Castlebar Court after 9.40 that night and before the hearing scheduled for the following morning – as is usually required by Court Rules. The whole sorry exercise appeared to be a shabby contrivance; a seeming panicked response by 'the authorities' at the prospect that one of their own was to face legitimate criminal charges in an open, public Court.

** Mr Granahan immediately made efforts to contact a number of colleagues and members of Integrity Ireland by phone to discuss this development, but calls to-and-from his phone, as well as to the phones of at least three other persons (including myself) were blocked for a period of several hours. An I.T. expert has since informed us that our phones are definitely being monitored by 'the authorities' and it was disclosed in another Court hearing that An Garda Síochána is 'keeping a file' on myself and other prominent campaigners such as Mr Granahan.*

19. This dubious-looking 'judicial review application' had apparently been secured during the Court holidays based upon an unannounced ex-parte application to an unnamed High Court Judge (who remained unidentified on the paperwork) which was based on false and misleading affidavits by two local solicitors – something that scandalised Mr Granahan and others who were present when the summons vs Mr Murphy was legitimately issued by District Court Judge Conal Gibbons in Castlebar. It was clear to those of us involved that 'the establishment' was going to make these attempted prosecutions of the accused as difficult as possibly – legally or not. Given our limited understanding of the 'common informer' process and the respective legislation it also appeared that Mr Murphy and his legal team (and anyone else who was assisting them in these 'legal activities') were acting in direct contravention of *The Petty Sessions (Ireland) Act 1851* and of recent (and very specific) Superior Court rulings. Indeed, that they were trying to set a new precedent; that of preventing a legitimate 'common informer' prosecution from advancing after a Judge had seen the evidence and issued a summons, but before the accused had appeared in Court. The fact that even the DPP cannot prevent the initiation of proceedings under this Act – but that Mr Murphy and his colleagues had

somehow managed to do it, was deeply unsettling to those of who believed we had at last, found SOME way to hold errant and abusive authority figures lawfully to account.

20. In short, that the form and circumstances wherein these 'High Court documents' were presented to the Court on the morning of September 2nd constituted an utter contrivance and in the opinion of many of the public present, a scandalous affront to 'due process' such as is usually imposed with rigour on lay litigants in particular. By the time the public had entered the Courthouse word had gotten out that various forms of underhandedness and 'legal trickery' seemed to be afoot on the part of Mr Murphy and his associates to avoid Mr Murphy's due appearance in Court. Most of us however were unaware of the details of what had transpired 'behind closed doors' other than hearing that some apparently-unlawful attempt was being made to prevent a legitimate 'common informer' prosecution from advancing – and there was a general air of cynicism – and even some understandable anger amongst some of those present– at what seemed to be yet another blatant abuse of 'the rules' and of 'due process' by the so-called 'powers that be'. We remained encouraged however that at least Sgt Hanley would be there to face prosecution for numerous incidences of violent assault and unlawful obstruction – many of which had been caught on camera.

21. The hearing of September 2nd 2015 before Judge Kevin Kilraine is obviously central to this attempted prosecution by the DPP and central to this Application, so it is important that the Court has a basic understanding of what *really* transpired that day.

22. Among the main points to note are that Stephen Manning and Colm Granahan had prepared to enter Court that day as 'lay-prosecutors' in the full expectation that they were going to prosecute Sgt Peter Hanley and Mayo County Registrar Fintan Murphy on evidence which had already been accepted by Judges Kilraine and Gibbons respectively. Indeed, the evidence against both the accused was so incontrovertible that there could only be ONE possible outcome – which would have been a criminal conviction for both men. From the perspective of the *Integrity Ireland* project and given the mounting frustration of the public with what is seen as rampant corruption, criminality and cover-ups by agents of the State – especially in regards to the fraud, violence and merciless exploitations in the repossession Courts – the hearing of Sept 2nd 2015 promised to be an important milestone in our efforts to hold errant authority figures to account. The DPP's contrived assertions therefore, that there was some sort of "*pre-determined orchestrated plan to disrupt proceedings*" simply does not add up, and the plain and simple fact of the matter is that the disturbances which ensued on the part of understandably indignant members of the public present are almost entirely due to the barefaced contrivances and the arrogant and unlawful acts being paraded so contemptuously before them in an open Court – by the very people we depend upon, to uphold the law.

22. The second important point to note is that even with all of the frantic last-minute racing around to try to prevent the prosecution of Fintan Murphy going ahead, there was still the fact that Sgt Peter Hanley HAD been subpoenaed both as a named accused AND as a witness in the Fintan Murphy case, and therefore he absolutely should have been in Court. The fact that he wasn't – and this being the second time in succession that he was absent without any explanation or without 'due process' being followed – was another reason why the crowd was becoming increasingly irritated and why 'a public disturbance' would ensue later on. It also needs to be asked who it was that told Sgt Hanley NOT to come to Court? And who told him he had nothing to fear by not doing so – even in the face of a legitimate criminal summons AND a witness summons? Because no matter who that

person was, it is clear that some considerable amount of improper collusion was ongoing behind the scenes from at least late the previous night to ensure that neither Peter Hanley nor Fintan Murphy would be in Court to answer in public for the charges that had been legitimately brought to bear. Under the circumstances it would be borderline stupidity NOT to conclude that various agents of the State were fully aware and complicit in what was going on. Indeed, this was proven by Judge Kilraine's own (recorded) admission in Court that he knew the contents of the High Court documents even before he made the pretence of having just received them on the bench – yet another factor which raised tensions in the Courtroom.

23. The third main point is to establish that four cases were heard before the Applicant Stephen Manning's case was called, and that I assert that my manner towards Judge Kilraine was NOT in any way disrespectful, abusive or offensive at that time, as has been falsely alleged by the Prosecution as supposed grounds to prosecute. The fact is that I was clear and articulate in explaining my position, and sat down, somewhat confused and disconcerted when Judge Kilraine simply 'moved on' to the next case. In fact 'verbal tension' only began to rise when attempts were made by Judge Kilraine and other 'Officers of the Court' to speak over and ignore the other lay-prosecutor Colm Granahan, and to try and bulldoze again onto the next case without answering any of the questions being put to him. With each refusal on the part of Judge Kilraine to answer simple but crucial questions such as, "Where is Sgt Hanley, Judge?" or "Will you direct the Gardaí to affirm their statutory oaths?" and "These documents are clearly invalid.." and "..due process is NOT being followed here Judge!" ..members of the public began calling out comments and objections from the floor of the Court which eventually culminated (some 25 minutes later) in Judge Kilraine exiting and abandoning the Court in apparent shame and disgrace, discombobulated, to jeers and shouts from members of the public. None of the 18-plus Gardaí present made any moves whatsoever to say or do anything.

24. Another crucial point is that Court began at 10.31 am that morning and the DAR recording would of course have established all of these facts beyond any doubt, but according to Mr Peter Mooney's sworn evidence, he 'inadvertently forgot' to switch on the DAR until 10.51am. We now know that this is a lie. Furthermore, it is a deliberate and premeditated lie concocted after-the-fact which has been fostered and encouraged by the Prosecution in order to cover up additional criminal acts and to bolster a vexatious prosecution. And this is where we get to the heart of the matter and at the shocking levels of wrongdoing ongoing in this case – which will be covered in more detail shortly.

25. A fifth point to note is that Sgt Hanley *should* have followed the statutory procedures as laid out in *Order 10. 24 of the District Court Rules* if he was objecting in any way to any alleged impropriety on the part of my service of Notice. The fact that all of the Officers of the Court present – and especially Judge Kilraine and Peter Mooney would have been absolutely aware that 'procedure' was again, NOT being followed by Sgt Hanley, only adds to the public's sense of injustice at what was going on that day. The additional fact that Peter Mooney had previously advised the Applicant that he would have to go before another Judge (i.e. NOT Judge Kilraine) seals the fact that a whole slew of improper activities were being visited upon the two lay-prosecutors in order to obstruct these legitimate criminal prosecutions from going ahead. Accordingly, the public had every understandable right to feel insulted, offended and even outraged at such open contempt for the law – especially by persons in positions of high trust and responsibility who are paid to enforce it.

26. To summarise: The events of September 2nd 2015 and in particular the unprompted and unrehearsed reactions of the public to the behaviour and decisions of Judge Kilraine on the day have since been belatedly attributed to an alleged *“orchestrated and premeditated act”* on the part of Stephen Manning and Colm Granahan, to *“deliberately disrupt the Court with the intention of causing a breach of the peace”*. These ‘Section 6 allegations’ form the grounds for prosecution in ‘**Case No 2-16/40190, DPP vs Granahan & Manning**’ in circumstances which are so compromised and contaminated by serial criminal acts and collusion by agents of the State as to beggar belief.

27. Service of Summons on the Applicant- Case No 2-16/40190, DPP vs Granahan& Manning

On or about May 20th 2016 the Applicant Stephen Manning received a summons hand-delivered by Gardai at his private residence (Ex 3) directing him to attend Castlebar District Court on June 1st 2016 to answer ‘Section 6’ public order charges regarding allegations arising out of the aforesaid occasion in Castlebar Court on Sept 2nd 2015, where, after much public unrest and verbal disturbance in the Court, Judge Kevin Kilraine had abandoned the bench in apparent shame and disgrace. The summons is issued in the name of the DPP and states that the ‘applicant’ is one Sgt Naomi Di Ris.* The summons is otherwise unsigned and unstamped by any authority and does NOT name any presiding judge, but carries a SUMMONS DATE of ‘07 March 2016’. However, the text states that the summons was allegedly ‘applied for’ on March 1st 2016 in Castlebar District Court – which, very coincidentally, would have been exactly one day short of six months to the day since September 2nd 2015 – and the very last possible day when the summons could be lawfully ‘applied for’.

** Sgt Naomi Di Ris had been placed under legitimate citizens’ arrest by the Applicant and a number of Integrity Ireland colleagues in a much-publicised video of the aforesaid incident of May 25th 2015 where Sgt Di Ris oversaw the unlawful expulsion of members of the public from Castlebar Courthouse and the subsequent unlawful blockage of the Court entrance.*

27a. It has since been clarified that the summons was in fact ‘issued’ by Castlebar Courts Service Manager Peter Mooney which, If we are to believe Mr Mooney’s evidence raises a number of pertinent questions, because Mr Mooney had (supposedly) already submitted a written witness statement for the prosecution six months earlier in a document headed *“9th September 2015”* but which he had somehow signed off a week *earlier* on *“2nd Sept 2015”* – the very day of the hearing in question? Notwithstanding all of the evidence of perjury, criminal damage and conspiracy which can be deduced by a simple review of Mr Mooney’s written witness statement alone, the obvious question of a possible ‘conflict of interest’ on Mr Mooney’s part immediately arises, as does the question of under whose specific directions or instructions was Mr Mooney operating?

28. For the advices of this Court; it is the Applicant’s contention (and that of approximate 20 members of the public present who are prepared to witness for the Defence) that the disturbances which arose in Court No 1 on that date were as a direct and specific result of the overtly inconsistent and unjust decisions being made by Judge Kilraine, which, on the back of a raft of similarly-unjust and obstructive activities by Courts Service Staff, County Registrar Fintan Murphy, Courts Service Manager Peter Mooney, local Gardai and a number of District Court Judges, were perceived by members of the public present to be deliberate and unlawful attempts to protect the County Registrar and a Garda Sergeant from legitimate prosecution under the ‘common informer’ process, as initiated by the Applicant Stephen Manning and Mr Colm Granahan. Indeed, the Applicant is prepared to demonstrate to this Court that Judge Kilraine was acting in direct contravention of the

law, of the Constitution, of his solemn oath of office, of District Court Rules and of recent Superior Court rulings of which he was fully and wholly aware, having received a memo from the Courts Service in this regard. Therefore, the Judge was acting improperly, deliberately, and arguably with criminal intent, and that he was doing so knowingly in the face of a group of well-informed members of the public who were rightfully outraged at the audacious hypocrisy and illegality on display.

29. The testimony of independent eyewitnesses and certain audio and video recordings in the possession of the Defence demonstrate beyond any doubt that the prosecution's case is based almost entirely on false, misleading, exaggerated and tendentious written accounts of what actually happened on the day, and that apart from those relatively short periods when the public loudly expressed their outrage at Judge Kilraine's overt intransigence and contempt of his own Court, and despite the heavy Garda presence, that 'the atmosphere' within the Court was in fact generally cordial and even light-hearted, with extended periods of chatter, good-natured banter and laughter pervading the recordings. Indeed, it could reasonably be argued that it was as a direct cause of the improper actions (and inactions) of those State agents present – and the understandable reactions of an increasingly annoyed public – which caused ALL of the unrest in the Courtroom on September 2nd. This included the aforesaid intransigence, stonewalling and obfuscation on the part of Judge Kilraine and his pointed refusal to guarantee our safety in the Court; the similar refusal of Gardaí to affirm their statutory oaths with a simple 'nod of the head'; the failure and refusal of Gardaí to respond to other legitimate questions and requests put to Superintendent Joe McKenna in particular – including requests that he take immediate action in the face of criminal acts ongoing; and the setting off (twice) of the fire alarm in highly questionable circumstances.

29a. It is worth noting that the build-up of tensions in the Court leading to Judge Kilraine's first exit on Sept 2nd 2015 had mounted over a period of some 25 minutes of verbal exchanges mainly with the two lay-prosecutors, Colm Granahan and Stephen Manning, and that in utter exasperation at Judge Kilraine's refusals to answer questions that a member of the public eventually called out, "*You're in dishonour, Judge*". Another person in the body of the Court called out, "*Do your job or get off the bench!*" and it was shortly after this when Judge Kilraine 'rose' for 10 minutes.

29b. Shortly after his return about 15 minutes later, and when he *still* wouldn't address the issues previously raised, Colm Granahan advised Judge Kilraine that, "*I am now surrendering you into Garda custody*" i.e that Judge Kilraine was being placed under (verbal) citizen's arrest. The situation became increasingly unmanageable thereafter, because of the parallel stonewalling (coupled with inane grinning) on the part of Superintendent Joe McKenna, and the increasingly loud reactions of the public. It remains the Applicant's sincere opinion that in circumstances where 'the authorities' are so obviously engaged in unlawful conduct, that it is not only appropriate but indeed it is the moral citizen's duty to take whatever lawful action available under the circumstances – and in this case, placing Kevin Kilraine under verbal citizen's arrest was one effective way of interrupting his unlawful conduct, and ensuring that we were NOT complicit in the same. We also lodged a criminal complaint with An Garda Síochána as to the conduct of Kevin Kilraine and Joe McKenna on the day, but as far as we are aware, no action whatsoever has been taken in this regard.

30. As for the supposed 'investigation' into these matters, it is worth noting that some 18 witness statements were (allegedly) collected by the Prosecution over the coming days and weeks, and that ALL of those statements came from Gardaí and other employees of the State or from solicitors who

regularly work for the State, and that NO statements whatsoever – nor even any cursory enquiries – were made of the 20-plus members of the general public present in Court. Likewise, despite serial allegations (by the prosecution) of a, “*premeditated, protracted and orchestrated attempt by Messrs’ Granahan and Manning (over a period approaching 2 hours) to deliberately disrupt the Court*”; and despite the prosecution’s hysterical assertions that, “*an atmosphere of fear and intimidation pervaded the Court*”; that NO action whatsoever was taken by some eighteen Gardaí present, including at least two Sergeants and a Superintendent, and not ONE single Gardaí made any written entries whatsoever in their personal notebooks on the day in spite of admissions in Court that ‘taking contemporaneous notes’ would have been ‘normal practice’ in the event that offences were being committed.

31. Likewise, despite Garda regulations* requiring that the details of any alleged crime be documented ‘*at the earliest opportunity*’ and certainly, ‘*before the senior officer signs off duty that day*’ it appears that no official notes were taken or recorded by Superintendent Joe McKenna until nearly two weeks later. If indeed we are to believe this particular aspect of the Superintendent’s own sworn testimony, we are then faced with Superintendent McKenna’s self-proclaimed ‘remarkable recall’ wherein he seems able to recollect, verbatim, specific details which arguably, could only have been gleaned from a contemporaneous record of events – a contemporaneous record such as the DAR recordings, which (the Defence has been informed by Courts Service Manager Peter Mooney and Mayo State Prosecutor Vincent Deane) was NOT actually switched on at the time in question.

** This information was forwarded to us by email in the form of a copied page that quoted these regulations from ‘The Garda Síochána Code’ by an anonymous source, whom, we must surmise is a currently-serving member of An Garda Síochána.*

32. However, it has now been established beyond any doubt that the DAR was in fact switched on during the time in question, but that certain parts of that recording (which was ordered by Judge McCarthy to be disclosed in its entirety to the Defence) had somehow gone mysteriously ‘missing’ from evidence without note, cause or explanation by the Prosecution. In short, that at the very least, Courts Service Manager Peter Mooney has knowingly deceived the Court as to the facts, and that arguably, so has Superintendent Joe McKenna and Mayo State Prosecutor Vincent Deane – possibly, with the full knowledge of DPP Claire Loftus – which, if it can be proven, would constitute an alarmingly scandalous state of affairs by individuals gifted with some of the highest public responsibilities in the State. Given that Mr Vincent Deane, Ms Claire Loftus,* Superintendent Joe McKenna, Mr Peter Mooney, Garda HQ and the Courts Service CEO are all since mute on the subject, we must of course assume that something is seriously amiss.

** On September 26th last, the Applicant Stephen Manning notified DPP Claire Loftus of the allegations of fraud, perjury and criminal damage being levied by Defendants Stephen Manning and Colm Granahan as against ‘the prosecution’ in this case. Ms Loftus did not respond. Chief Prosecution Solicitor Helena Keily did however write to us on October 21st in a letter that had been backdated to October 11th stating, “I do not intend to comment further..”(Ex 4) Our response of Oct 24th has not yet been responded to despite its obvious urgency. (Ex 5)*

33. Meanwhile, at the hearing of June 1st 2016 before Judge Mary Devins, the Applicant (who had witnessed a number of recent unlawful assaults by Gardaí on members of the public in Castlebar

Courthouse and who was himself carrying serious injuries sustained in an unlawful assault in a Dublin Courthouse on November 9th 2015)*requested at the outset that the Judge confirm that the Applicant would not be assaulted in the Courtroom as long as he was not engaged in unlawful conduct. Judge Devins refused to answer the question and exited the Courtroom without properly concluding business and perhaps most importantly, without the Applicant entering a plea. Sgt Peter Hanley, in the company of other Gardaí then advanced on the Applicant and made it clear that he was to exit the Courtroom or, that he would be forcibly removed. The Applicant had made it clear that he wished to remain in the Court and properly conclude business (as the 2nd named Defendant in the case) but he was brusquely ordered outside. A number of persons verbally objected to what was happening and some were unlawfully assaulted by Gardaí. Five Gardaí (including Sgt Hanley) then positioned themselves at the entrance to the Court so as to prevent the Applicant from re-entering. The Applicant asserts that Judge Devins and the Gardaí present were in breach of their oaths of office and of the Applicant's fundamental rights. Accordingly, the hearing of June 1st was clearly unconstitutional, illegitimate and invalid, and as such should be struck from the record.

** The Applicant has since undergone surgery on Oct 6th 2016 for a hernia operation caused during the Nov 9th assault in Chancery Lane District Court, and is awaiting a second surgery for injuries to his shoulder as sustained in the same assault.*

34. On June 11th the Applicant wrote a letter to President Michael D Higgins, copied in to each of the following and alerting them to the situation. There was no proper or fulsome response. (Ex 6)

- *Taoiseach Enda Kenny TD*
- *Tánaiste and Minister for Justice Frances Fitzgerald TD*
- *Chief Justice Susan Denham (copies to all members of the Supreme Court)*
- *Garda Commissioner Nóirín O'Sullivan*
- *Justice Ellen Ring, current Chairperson of the Garda Ombudsman*
- *Policing Authority Chairperson, Josephine Feehily*
- *Selected TDs including Clare Daly and Mick Wallace – in recognition of their willingness to challenge wrongdoing by agents of the State and to defend the Garda whistleblowers.*

35. A second hearing in this matter was scheduled before Judge John Lindsay on June 15th 2016. The Applicant attempted to engage respectfully with the judge in establishing that the DAR was turned on and that he was safe from unlawful assault, but instead of answering the questions the judge embarked on what has been described as 'a hysterical tirade' threatening the Applicant with, "7 days in jail" if he didn't "shut up!" The judge then adjourned the case to July 4th and, when the Applicant attempted to speak in order to clarify that he could not attend Court on that day, Judge Lindsay interrupted the Applicant again and asked in an overtly intimidating manner, "Do you really want a week in jail!?" Again, several Gardaí (including Sgt Peter Hanley) advanced on the Applicant and made it clear that he was to exit the Courtroom, or, that he would be forcibly removed. Again, members of the public verbally objected to what was happening, and some were unlawfully manhandled by Gardaí, and again, the Applicant had NOT been invited by the Court to enter a plea.

36. The Applicant had also that morning lodged three more 'common informer' applications to be dealt with that day, and they had been accepted 'into the list' by the Court Clerk. The Applicant made it clear both to the attending Gardaí and to Courts Service Manager Peter Mooney that the

Applicant needed to re-enter the Courtroom so as to advance those applications. But again, the Applicant was refused re-entry by a cordon of Gardaí. Instead, Mr Mooney retrieved the paperwork from inside the Courtroom and handed the applications back to the Applicant. Given that all District Court Judges received a memo in 2015 from the Courts Service detailing the processes and procedures to follow, this refusal to move these legitimate applications was another clear breach of due process and a constitutional affront to Superior Court rulings on the 'common informer' summons application process. The refusal to allow a lay litigant entry into a Courtroom in circumstances where no offence, charge or allegations of wrongdoing have been made against that person is equally troubling – and is most certainly unconstitutional and unlawful.

37. The Applicant was not in attendance at the third hearing in this case before Judge Aeneas McCarthy on July 4th because he was already scheduled to be in a Dublin Court to advance private criminal prosecutions against five Gardaí and two GSOC staff for offences including assault, criminal damage and conspiracy to pervert justice. The Applicant had written in and emailed Castlebar Courts Service advising them of the position (Ex 8), but we received no acknowledgements or responses. It has since been established under cross examination of Mr Peter Mooney on September 6th that there is an unacknowledged policy of 'non-communication' with the Applicant, on the part of Courts Service CEO Brendan Ryan and by the local Courts Service. This is evident in the number of important emails that have not been acknowledged or properly responded to, and of Mr Mooney renegeing (without proper explanation) on his verbal promises to 'put things in writing'. (Ex 2) This places those Courts Service Staff involved in clear breach of S. 6, 7 & 8 of the *Civil Service Code of Standards and Behaviours*, as well as interfering in the Applicant's fundamental rights to access justice.

38. The 1st named Defendant Mr Colm Granahan WAS present at said hearing of July 4th and made an application for the DAR recordings of September 2nd 2015. This was granted by Judge McCarthy and seems to have become the proverbial 'spanner in the works' as far as the Prosecution is concerned, because there is little consistency – and a great deal of direct contradictions – between the prosecution's written statements of evidence and the *prima facie* Digital Audio Recordings.*

** The Applicant will demonstrate to this Court that serial acts of deliberate perjury have been committed by several prosecution witnesses, and that the DAR was unlawfully interfered with, by the prosecution, in order to support perjured testimony and jeopardise the Defence case.*

39. Despite Mayo State Prosecutor Vincent Deane being fully aware that the Applicant Stephen Manning was attending a previously-scheduled hearing in the CCJ in Dublin, Mr Deane nevertheless applied for a bench warrant for Mr Manning's arrest. Thankfully, the Judge refused the application pointing out the obvious fact that the Defendant "*could not be in two places at once*" and a further act of nonsensical abuse of due process and harassment of the Applicant was averted.*

** The ruthless application of sanctions against the Applicant (and other lay litigants in particular) whenever they are deemed NOT to have properly followed 'the rules' is mentioned here in context of all of those occasions where 'due process' or 'the rules' or even legal precedent and Superior Court Rulings are repeatedly ignored, bent or broken with apparent impunity by 'the opposition' or by those in the pay of the State – and without any sanctions whatsoever being applied by the Court in cases for example where unsigned documents are improperly served; where Court summonses are blatantly ignored; or when perjury, fraud,*

deception and collusion is manifestly obvious. Indeed, in addition to the all of the aforesaid breaches regarding Mr Granahan's application vs Fintan Murphy on Sept 2nd 2015, we have since discovered that Sgt Peter Hanley likewise did NOT follow District Court Rules and that Judge Kilraine not only 'overlooked' Sgt Hanley's contempt of a witness summons, but also Sgt Hanley's failure to observe Order 10. 24 on two separate occasions which outlines a statutory procedure which Sgt Hanley did NOT follow, which would have included Stephen Manning being duly notified and being given an opportunity to respond. In short, that Judge Kevin Kilraine and Courts Service Manager Peter Mooney were both actively complicit in the wrongdoings of Sept 2nd 2015 and a general strategy of unlawful obstructionism in these matters – and were arguably amongst the lead drivers of the same.

40. A fourth hearing was apparently scheduled for July 20th before Judge James Faughnan but the Applicant received no formal Court notice nor any summons to attend. The Applicant had written (and continued to write throughout this period) a series of formal letters and NOTICES (as listed below) advising all of the said parties that he would NOT be knowingly complicit in criminal activity such as was clearly ongoing in Castlebar District Court; that his fundamental rights were being dreadfully abused; and until such time as his personal safety was assured by the respective sitting judge, that he was not prepared to place himself at further risk of serious physical injury. With the exception of one or two generic 'acknowledgements' which did NOT address the important issues raised, the Applicant received no responses.

- May 30th to Castlebar Gardaí and to Commissioner Nóirín O'Sullivan
- June 11th, Aug 2nd & 25th to President Michael D Higgins
- June 11th & Aug 2nd to Vincent Deane, Mayo State Prosecutor
- June 14th 'Formal Advisory' to Castlebar Courthouse Manager Peter Mooney*
- July 1st 'NOTICE' (and advisory) to Castlebar District Criminal Court*
- July 15th to Judge Aeneas McCarthy*
- July 15th to Castlebar Courthouse Manager Peter Mooney
- July 15th, 29th, Aug 18th, 25th to Frances Fitzgerald, Minister for Justice
- July 28th to Judge Rosemary Horgan, President of the District Court*
- Aug 2nd & 25th to Taoiseach Enda Kenny TD

41. Meanwhile, at the hearing of July 20th before Judge James Faughnan the 1st named Defendant Mr Colm Granahan states that he lodged an application with the Courts Service to discover the identity of a Garda who had assaulted and injured him, as well as another application to call Judge Kevin Kilraine as a key witness in this case. When Mr Granahan tried to raise these applications with Judge Faughnan, the Judge declared that he had no such applications before him and ordered Mr Granahan to, "sit down and keep quiet". In short, that the Defendant's applications were not only ignored, but that their very existence was denied by Judge James Faughnan.*

41a. On the face of it, this also appears to be in breach of the Defendant's statutory rights and another attempt (by whomever is involved in the 'disappearance' of those particular papers) to deliberately obstruct or interfere with justice. The Applicant was informed by persons inside the Court that in response to a complaint by Prosecutor Mr Deane as to Stephen Manning's absence that Judge Faughnan had stated that 'the rules' (in this particular instance) allowed for a trial to take

place in Mr Manning's absence, and that it was his intention to go ahead "with or without him" on September 6th.

** Judge James Faughnan has since lodged civil defamation proceedings that name four persons including the Applicant Stephen Manning as well as co-Defendant Colm Granahan in what appears to be an arbitrary and reckless attempt to 'silence' legitimate criticisms of himself and some of his colleagues in the judiciary who are clearly engaged in seriously improper conduct. Similar 'improper activities' are ongoing in that case including Barrister Maura McNally (working for Judge Faughnan) instructing Collins Solicitors of Carrick-on-Shannon NOT to divulge information to us pertaining to an ongoing Garda criminal investigation into yet another unlawful physical assault by one of their ex-Garda service agents on Stephen Manning.*

42. On August 24th a Garda patrol vehicle pulled up outside the Applicant's home and, in apparent breach of all normal service protocols and in contradiction of the reported 'directions' of Judge Faughnan on July 20th, the Applicant was verbally 'advised' that he had to attend Castlebar District Court on September 6th. The Applicant asked the Gardaí who specifically had instructed them to come to his home and why had nothing had been put 'in writing'? A formal letter to the same effect was dispatched to the local Garda Station by hand, within the hour, but there was no reply. An email was also sent to the Courts Service as well as a letter to Judges James Faughnan seeking clarity on the matter but again, there was no response whatsoever.

43. Regardless of all of the aforesaid attempts by the Applicant to lawfully deal with matters in a manner that aligned with the law and the Constitution, and regardless of all of the well-supported allegations of criminality ongoing in Castlebar Courthouse; and even having received a personal letter from the Applicant in this regard, Judge Aeneas McCarthy nevertheless commenced the trial in this matter on Sept 6th 2016 without the Applicant even being present.

44. In addition to the 'Constitutional Declaration & Affirmation' the Applicant had also sent a specific NOTICE to Castlebar Courthouse advising that he was coming in on September 6th to lodge three 'common informer' applications, only to find that the trial in this matter had already commenced. It is not practicable to relate in detail what happened over the four day period comprising September 6th – 9th 2016 before Judge Aeneas McCarthy other than to refer back to the points summarised at Paragraph 11 (1-50) in this affidavit, and emphasising that the Applicant was given no choice other than to participate as best he could in the four days of hearings that ensued – failing which, he was undoubtedly going to be found 'guilty' in his absence and given an unjust criminal conviction.

45. A critical point to note however is that when Mayo State prosecutor Vincent Deane produced the DAR into evidence on the morning of Sept 6th that it had been rendered inaudible due to having been artificially speeded up, whereby Judge McCarthy declared it 'inadmissible' as evidence. Notwithstanding the obvious question of why the DAR had been presented in an unacceptable format in the first place (by someone with Mr Deane's vast legal knowledge and experience) the more critical question is 'who actually benefits from having the DAR ruled out of evidence?' The Applicant's contention (now that I have read the contrived witness statements and listened to an unaltered version of the DAR) is that anyone who listens to that DAR recording in context of the sworn testimony and written statements of evidence of several of the prosecution witnesses MUST inevitably conclude that the said prosecution witnesses are at very best being 'reckless and greatly

exaggerating' with their evidence, and that a number of them are knowingly and deliberately perjuring themselves in order to present contrived support for the DPP's case.

46. Probably the most insidious twist in these contrived proceedings however, was the discovery by the Applicant that at some time after the Order of the Court to release the DAR recordings to the Defence, that certain critical files were erased by agents of the prosecution – and/or under the directions of the prosecution – in a clear and indefensible act of criminal damage (for which there is a penalty of up to 10 years imprisonment) – and/or a deliberate attempt to interfere with, obstruct or pervert the course of justice (which can result in imprisonment for life).

46a. This allegation of criminal damage is absolutely indisputable and throws a blanket of doubt over the whole prosecution process. The added suspicion; (i) that in the realisation that many of the previously-collected witness statements that had been submitted by the prosecution were now going to be exposed and disproven by the DAR; and (ii) that any cursory examination of the DAR and the witness statements together would unequivocally prove that premeditated acts of criminal damage had also taken place on the part of prosecution witnesses; raises the insidious suspicion that State Prosecutor Vincent Deane knowingly presented the DAR to the Court in a deliberately 'speeded-up' format in the full knowledge and expectation that it would HAVE to be thrown out of evidence by the Judge. The fact that neither of the Defendants objected at the time is a moot point, because neither Colm Granahan or Stephen Manning had been able to play their versions of 'the DAR evidence' on their computers due to the need for 'special software'. Whether or not anyone else involved in the case (such as the DPP's Office / Garda Management or any named members of the judiciary) were aware of what was going on at the time will probably remain unanswered, but the evidence clearly implies that a conspiracy of some considerable depth and planning was ongoing on the part of 'agents of the State'; a conspiracy that was provoked in the first place by Colm Granahan's innocent request for a copy of the DAR – something which was obviously NOT anticipated by the DPP – and something which then required some frantic 'adjustment' of the contrived written evidence such as Mr Mooney's perjured claim that he 'inadvertently forgot' to switch the DAR on at 10.30 that day. The fact that Mr Mooney also claims to have written that statement on Sept 2nd 2015 also falls afoul of these proofs, and indicates once again, the seemingly casual and indiscriminate levels of criminality and misconduct ongoing by certain agents of the State.

47. The plain fact of the matter is that of the various witness statements collected by the Prosecution, that ONLY those statements that allege wrongdoing by the Defendants have been accepted 'into evidence'. And very interestingly, it is ONLY those particular statements that can be demonstrated to be contrivances by listening to the DAR. Other witness statements that were taken at the time (from visiting Gardaí and Prison Officers for example) which do NOT accuse the Defendants of the specific charges being levied against them by the DPP have, very curiously, NOT been entered into evidence by the Prosecution, and again, very interestingly, Judge McCarthy has since refused the Defendants permission to make reference to those supportive statements in their Defence even though they are 'part of the written record' as presented by the Prosecution.

48. In the face of repeated examples where the DAR is 'not in operation'; where the DAR has not been switched on either accidentally by circumstance or by deliberate omission; where it is falsely claimed by the Courts Service after-the-fact that the DAR was not switched on; where the Orders of the Court do NOT accurately correspond with what was actually said in any given hearing; where the

DAR, once presented, contains edits, erasures or omissions and thereby does not accurately or fully represent the case hearing; and/or when it is clear and obvious that the DAR has been unlawfully interfered with after-the-fact in an act of criminal damage (such as is being increasingly reported – and as has occurred in this case); and perhaps most importantly, where it can be demonstrated that agents of the State are prepared to engage in criminal alterations of the DAR and other records so as to foster false allegations and advance spurious and unfounded prosecutions as against otherwise innocent members of the public; that it is now absolutely clear that the Irish Courts Service (in general) can NOT be trusted with the exclusive access to the DAR whilst a blanket ban remains on all other parties from recording proceedings.

49. Accordingly, and noting that Ireland is one of a very few modern nations which does NOT allow Court proceedings to be independently or publicly recorded as a matter of routine; and given that the matters exposed in this particular case demonstrates the willingness of ‘agents of the State’ to wilfully commit criminal acts in furtherance of unlawful agendas; the Applicant hereby seeks an Order of mandamus directing that in all future Court cases where the Applicant is in attendance as a party or a required party to any given case, that he be allowed to personally record proceedings in defence of his fundamental rights and in the overall interests of constitutional justice, transparency and accountability, subject to whatever reasonable or lawful restrictions that may apply.

50. The Applicant further seeks a Order of mandamus directing that an independent commission of enquiry under the supervision of the High Court be set up to enquire as to the practices and procedures ongoing at the DPP’s Office under the stewardship of Ms Claire Loftus and her subordinates, to include the actions of Mayo State Solicitor Vincent Deane in this case.

51. The Applicant further seeks permission to move all outstanding or pending ‘common informer’ applications which have been unlawfully ignored or refused by District Court Judges these past eighteen months (and any such future applications) through the Dublin District Criminal Courts in the first instance; thereby to be returned to the originating jurisdiction in the event that criminal summonses are issued.

52. The Applicant further seeks (i) an order prohibiting the DPP from continuing this prosecution and/or an immediate and permanent stay on these proceedings Case No 2-16/40190 “DPP vs Granahan & Manning” in Castlebar District Court which are scheduled to continue on November 21st 2016; (ii) that the said charges are dismissed without prejudice; (iii) that the case be immediately struck out on the grounds of the aforesaid criminal compromises; and (iv) that appropriate and due compensation be awarded to both of the Defendants in this matter.

53. In the event that the Applicant’s requests at Paragraphs 49-52 are refused in part or whole by the High Court – that this matter be moved directly without delay on appeal to the Supreme Court on the basis of Article 34.5.(iv) of the Constitution which states:

“Notwithstanding section 4.1° hereof, [referring to the newly-established Court of Appeal] the Supreme Court shall, subject to such regulations as may be prescribed by law, have appellate jurisdiction from a decision of the High Court if the Supreme Court is satisfied that there are exceptional circumstances warranting a direct appeal to it, and a precondition for the Supreme Court being so satisfied is the presence of either or both of the following factors:

(i) the decision involves a matter of general public importance;

(ii) *the interests of justice.*”

And that the following matters be raised before the Supreme Court:

1. That the Applicant be allowed to privately record ‘in confidence’ and for his own sole use, any and all Court proceedings wherein he is a party to the proceedings.
2. An Order directing the Courts Service to release the whole of the original DAR for September 2nd 2015 to the Applicant Stephen Manning, unedited, and with all files attached.
3. An Order directing that all requests for information between agents for ‘the prosecution’ and the Courts Service regarding this case to be forwarded to the Applicant without delay.
4. An Order prohibiting Judges Aeneas McCarthy, Mary Devins, John Lindsay or James Faughnan from continuing with this case on November 21st 2016 or any future date thereof.
5. An Order prohibiting any of the aforesaid Judges from adjudicating in any case where the Applicant is a named party on the basis of the formal complaints already made by the Applicant alleging bias, prejudice, misconduct, criminal activity and conflict of interest.
6. An Order striking out proceedings on the basis of the criminal activity of ‘the prosecution’.
7. An Order directing all District Court Judges to comply strictly with the law and with Superior Court Rulings as regards ‘common informer’ prosecutions under the *Petty Sessions (Ireland) Act 1851*.
8. An Order directing the Government to establish a genuinely ‘independent’ tribunal of investigation and enquiry into the workings of our District Courts.
9. That the Government directs a commission of enquiry into the unsolved murder of the person referred to in paragraph 8 of this affidavit in March 2010 – as will be divulged by the Applicant accordingly.
10. An Order directing the Minister for Justice Frances Fitzgerald to account for the statutory ‘errors, omissions, inaccuracies and inconsistencies’ in her public letter of August 4th 2015.
11. An Order directing the immediate implementation of an independent Office (or other suitable source) for the receipt of public complaints about judicial misconduct.
12. An Order to reimburse all of the Applicant’s costs and expenses.
13. An Order of personal damages.

Sworn by the said Stephen Manning of
Forthill, Ballyhaunis, Co. Mayo this day
of 2016 before me a
Practising Solicitor / a Commissioner for
Oaths and I know the deponent.

Practising Solicitor / Commissioner for
Oaths

Dear Dáil Deputy;

Jan 27th 2017

I respectfully write to you today on behalf of myself, my young family and of thousands of concerned members of the public in context of some truly astounding acts of overt and covert criminality on the part of persons in the pay of the State. This includes the repeated abuse or denial of due process by Gardaí, by senior Courts Service Staff, by agents of the DPP's Office, by the Justice Minister and by a number of Judges – which is bringing the good name, probity and integrity of the whole Irish justice system into serious disrepute in a case which is now drawing the attention of foreign media.

Speaking as a law-abiding citizen, as the father of three school-age children (one with special needs) and as the administrator of the *Integrity Ireland Association* who has, this past week been subject to unlawful arrest and incarceration in an act of overt 'political policing' on the orders of District Court Judge Aeneas McCarthy who subsequently ordered 'in our absence' that my colleague Colm Granahan and I be jailed for two months on the utterly contrived basis that we had not attended a Court hearing which had been artificially brought forwards by three days without ANY notice or notification whatsoever from the Courts Service or from the DPP's State Solicitor – whom, we had recently discovered, had committed several criminal acts in the attempted prosecution of myself and Mr Granahan, including perjury, fraud, criminal damage, breach of Court Orders and so many reckless abandonments of due process by the Courts Service and the presiding judges as to beggar belief. Indeed, not only was I never 'properly before the Court' in this matter but Judge Aeneas McCarthy has now imposed prison sentences on myself and Mr Granahan without me ever having entered a plea; without having access to legal aid; and without either of us entering a defence – which said defence would be highly embarrassing to the aforesaid persons inasmuch as our defence is rooted in the multiple improper and unlawful acts that were being conducted by agents of the State in Castlebar District Court on Sept 2nd 2015—where myself and Mr Granahan, acting as lay-prosecutors under *The Petty Sessions (Ireland) Act 1851*—were attempting to legitimately prosecute a Garda Sergeant and the local County Registrar for multiple unlawful assaults on the public.

The brevity of this letter does not allow me to enter into too much specific detail, but we have, literally thousands of documents, pictures, audio & video recordings and eyewitness statements that establish not only the systematic obstructionism and denial of due service by persons in the employ of the State, but also multiple deliberate acts of criminal damage (the erasure, concealment or suppression of evidence) by Gardaí, Courts Service Staff and by the Office of the DPP, and that all of our efforts to have these matters properly dealt with via the various statutory authorities, including; (i) lodging complaints to An Garda Síochána; (ii) via private criminal prosecutions; and (iii) by way of judicial review and appeals to the Supreme Court are being likewise systematically obstructed, denied, thwarted, or otherwise unlawfully interfered with – for the apparent purposes of covering up the unlawful, unconstitutional and criminal activities of agents of the State.

To underline the grave seriousness of the issues at hand, we should emphasise that our 'difficulties' with the Irish justice system began 8 years ago with our issuance of a defamation lawsuit against a person whom we now know is a 2nd cousin to Enda Kenny TD; that during a virulent 2-year campaign of harassment, intimidation and death threats designed to force us to drop that Court case, that a close neighbour was violently attacked in a case of 'mistaken identity'; that one of the perpetrators was murdered a month later; and that despite sending information to An Garda Síochána that we had information regarding those crimes, that we have never been interviewed or approached despite public announcements in various newspapers that Gardaí are still 'seeking information'.

We believe this situation is so desperate and damaging to the overall reputation of Ireland in so many ways, that we beg and implore you to please take immediate action to defend and protect us – a law-abiding family – in these utterly appalling and unacceptable circumstances.

Yours, Dr Stephen & Noriko Manning & family, Mountain, Forthill, Ballyhaunis, Co. Mayo.

CEO Brendan Ryan
The Courts Service, Phoenix House
15/24 Phoenix Street North,
Smithfield, Dublin 7.

By email & recorded post 'cc' interested parties

April 6th 2017

NOTICE & ADVISORY

Mr Ryan / Brendan;

Previous correspondence refers. Notwithstanding your complete and utter failure to properly respond to multiple emails, letters and phone calls highlighting the repeated unlawful and obstructive conduct on the part of various persons engaged by the Courts Service; I write today 'for the record' to advise you as the CEO of the Courts Service that on Tuesday April 4th that I was again unlawfully denied access to my District Court case file (2016/40190) by Mr Peter Mooney, Castlebar Courts Service Manager, and that in the process of doing so, that he first of all kept me waiting unnecessarily for over 45 minutes before engaging in arrogant and provocative behaviour – including telling me that I needed to 'make an appointment' to see my own case file. I note in this regard that we have recordings of this exchange, along with recordings of other Courts Service staff declaring the existence of certain disputed documents in that file, and that I absolutely need sight of these alleged documents, because (i) it is my absolute Constitutional right to have access, and (ii) so as to prove an alleged criminal conspiracy which involves Courts Service staff and at least two judges in some outrageous abuses of power and position.

I repeat again Mr Ryan, that I will not knowingly be party to criminal activities such as those so obviously ongoing in this case, and I will NOT engage with moral deviants except where it is absolutely unavoidable. Therefore I have no intention of wasting any more of my time trying to deal with Peter Mooney in these perverse and unacceptable circumstances – and especially when we are in the process of bringing criminal charges as against Mr Mooney for his proven criminal conduct in this case to date. You will therefore attend to the following matters without further delay please.

- That my previous written applications into Castlebar Courthouse for legal aid be processed without delay.
- That a copy of my WHOLE file in case 2016/40190 be posted to me at the address below.
- That you supply us with the names of the persons at the Courts Service who processed the Order of Judge Aeneas McCarthy to release the DAR from Sept 2nd 2015 to myself and Mr Granahan – along with an explanation of how several files 'went missing' from said CD before delivery to us.
- That you clarify the purpose of the Courts Service Board and the circumstances of employment of those persons sitting on that Board.

I note that this email-letter has been sent to you at 15.00 hrs on Thursday April 6th 2017, so that you are promptly advised of the situation and will act immediately to remedy the same with all due professionalism and expediency in your role as CEO of the Courts Service.

Yours,

Dr Stephen Manning, Mountain, Forthill, Ballyhaunis, Co. Mayo.
A member of Integrity Ireland and Independent candidate for Co. Mayo.

**Re: Threat from Mr Raymond Briscoe, Deputy Director of Superior Court
Operations at the Office of the Director of Public Prosecutions.**

To Whom it May Concern: I hereby respectfully place all parties on formal NOTICE that the aforesaid Mr Raymond Briscoe of the Office of the DPP has signed off on a threatening letter dated 'April 7th 2017' delivered to our home address by registered post on Tuesday April 11th, indicating that if I avail of my statutory right to process private prosecutions as against the four persons named hereunder on April 12th for alleged offences as against the administration of justice, that I may place myself personally at jeopardy and at risk of being accused of 'interfering with witnesses' which is a serious criminal offence as against the *Criminal Justice Act 1999* which carries a possible jail sentence of 10 years imprisonment.

- Mayo State Prosecutor Vincent Deane.
- Garda Superintendent Joe McKenna.
- Castlebar Courts Service Manager Peter Mooney.
- Solicitor Rory O'Connor.

I also wish it noted 'for the record' that I wrote to Mayo State Prosecutor Vincent Deane on June 11th 2016 advising him in part, as follows:

"I hereby place you personally on notice that if it can be demonstrated that you, or any of the persons submitting statements to the Court are found to be in any way attempting to mislead the Court or are otherwise involved in any of the usual attempts to interfere with, obstruct or pervert the course of justice (which we assert is exactly what is going on here) then you may be assured that you will be privately prosecuted for any such acts; that you will also face civil claims for damages; and that any and all such actions will be publicised in full.

We respectfully suggest Mr Deane that you alert your witnesses to this advisory in advance of the next hearing because once these vexatious proceedings have properly commenced, we will accept no belated excuses or apologies from those whom we assert are clearly engaged in a conspiracy to criminalise myself and Mr Granahan, and are attempting to mislead the Court – as well as the public at large – as to the full facts, and the truth and circumstances of that day."

It should further be noted that I have already applied for summonses as against the aforesaid persons under the *Petty Sessions (Ireland) Act 1851* on a number of occasions to date – the latest being in Belmullet Court on Monday 3rd April before Judge Gerard Houghton, and that the said Judge adjourned a full hearing of the applications on the basis that he needed the allegations 'in writing'. That I have prepared said affidavits to be delivered to Judge Houghton on April 12th in Belmullet, but that the said threatening letter from the Office of the DPP which arrived today (April 11th) has thrown us into a quandary as to what lawful avenue we may pursue in order to properly adhere to this

'common informer' statutory legislation which has been solidly ratified by the Superior Courts of Ireland in the recent past – without running the risk of imminent imprisonment.

In short; I feel that the DPP's Office is improperly and unlawfully attempting to interfere in a private criminal prosecution which they have NO authority to be involved in, and that this letter from Mr Briscoe (who has recently been assigned as the surprise 'replacement' for Mayo State Solicitor Vincent Deane as the prosecutor in this DPP 'political policing' case vs myself and Mr Granahan – and who is personally implicated in another apparent conspiracy to pervert justice) is an attempt to unlawfully intimidate me personally into NOT availing of my statutory right to secure 'common informer' prosecutions of those who are committing some serious crimes as against myself and my colleague, and against the Irish public in general.

In short; that this is an unlawful and unconstitutional absurdity on the part of the DPP's Office which exposes extreme levels of prejudice, bias, and unlawful discrimination and interference when it comes to dealing with anti-corruption campaigners or outspoken activists – and it is simply not acceptable – not on any legal footing and most certainly not on any moral or constitutional footing – that a supposed 'statutory body' whose mandate is to, *"operate to the highest professional standards and to treat all those with whom it has dealings fairly, equally, and consistently without any wrongful discrimination"* – to be operating in this aggressive, oppressive and intimidatory manner – especially in circumstances whereby we cannot secure simple answers to simple questions concerning other matters of import before the Courts!

In circumstances where I do not have access to legal advice, and in circumstances where these ominous threats from a senior DDP Office member have had the effect of intimidating me into (provisionally) withdrawing my intended applications before Judge Haughton this morning (April 12th), I regret that I have no other recourse than to declare myself absent from the scheduled hearing of April 12th in Belmullet, for fear of the threat of accusation and imprisonment by agents of the DPP if I am to pursue these legitimate 'common informer' applications further in that particular venue today.

This message has been forwarded to the Courts Service and 'all interested parties' as indicated below.

We wish it further noted 'for the record' that several written requests for information from the DPP pertaining to ongoing court cases, to Supreme Court applications, and regarding the imminent release of a violent prisoner who was responsible for a 'mistaken identity' punishment attack-beating on a neighbour of ours in 2010 has not been properly responded to; nor have our requests for clarity on the status of evidence which has been forwarded to the DPP's Office, to the High Court, to the District Court, to Garda Headquarters and to ALL the respective 'statutory authorities' regarding the aforesaid criminal acts by the aforesaid persons in the advancement and progression of this case.

I further note that since 9.30 this morning (April 12th) that we have attempted to contact Belmullet Court to explain the circumstances but have been unable to secure a contact email or phone number other than that of [REDACTED] (the Registrar at Ballina Courthouse) who has advised us that there are NO such contact details thereof. We have also tried to contact a solicitor local to Belmullet with no success and have asked Garda [REDACTED] [REDACTED] in Belmullet to advise the Court of the situation.

Accordingly, we have now forwarded this email to the Courts Service CEO for his attention as of 11.00 am on Wed April 12th 2017, to be forwarded to the respective parties for their attention.

Update as of 15.00hrs April 12th: Having consulted with staff at the Civic Offices in Belmullet, it has been confirmed that Judge Gerard Houghton was NOT sitting today but that he was replaced by Judge Conal Gibbons. We note that this would have meant that even if we had travelled the 2 hours to Belmullet to advance our 'common informer' applications as planned, that it would not have been possible to do so today.

In the circumstances, we have forwarded a copy of this statement and the threatening letter from Raymond Briscoe of the DPP's Office to Judge Gibbons for his advice and consideration – and the same has been confirmed 'delivered' as of 3.36pm today.

Signed

Stephen Manning

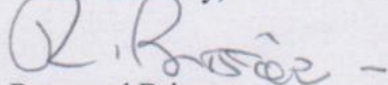
Copies to: Office of the DPP; Minister for Justice; Office of the Taoiseach; Office of the President; Supreme Court Office; and all other interested parties including the ECHR.

Extract from the said letter dated April 7th and received on April 11th 2017

It is understood that you are in the process of applying for 'Common Informer' summonses in respect to the above persons. In the circumstances as set out above such an application(s) would constitute an abuse of court procedures and further would likely constitute an interference with witnesses in an ongoing criminal case.

This correspondence will be referred to the presiding Judge on any future District Court application date for such summonses.

Yours Faithfully,

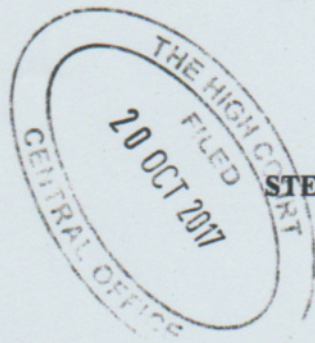


Raymond Briscoe
Principal Prosecution Solicitor
Office of the DPP

THE HIGH COURT

Record No. JR 2017/798

Between



STEPHEN MANNING

Applicant

-v-

CIRCUIT COURT JUDGE SEAN O'DONNABHAIN

Respondent

AFFIDAVIT OF STEPHEN MANNING

I, Stephen Manning, publisher, father and husband, social justice advocate and a member of *Integrity Ireland* who ordinarily resides at Mountain, Forthill, Ballyhaunis in the County of Mayo, aged 18 years and upwards **MAKE OATH AND SAY** as follows:

I am the Applicant in this matter and I make this affidavit from facts within my own knowledge save where otherwise appears and where so appears I believe the same to be true and accurate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26. Castlebar Circuit Court Appeal (between February 10th and May 4th 2017)

- (i) I was again effectively denied legal representation throughout, and the trial Judge (the Respondent in this matter) ignored my repeated objections in this regard.
- (ii) I was again denied access to my District Court case file.
- (iii) The newly-appointed DPP Prosecution solicitor and barrister as well as the trial Judge failed and refused to identify any victim of the alleged offences.
- (iv) The trial Judge refused outright – and repeatedly – to speak into the Court's official audio recording apparatus 'for the record'.
- (v) The prosecution witnesses were allowed to remain in Court during the prosecution's case, in spite of my repeated formal objections.
- (vi) The Judge refused to consider or enter into the record our evidence of serious prosecutorial misconduct (see 25.'v' above).
- (vii) The Judge dismissed 3 of 5 prosecution witnesses before I had finished cross-examining them.
- (viii) The Judge refused several requests and formal applications for the disclosure of State-held evidence, and refused to accept a NOTICE and application for his recusal.
- (ix) The Judge unlawfully terminated the re-trial at a point where I had only called the first of 8 defence witnesses (at a point where my witness had not yet finished giving his evidence); therefore I was again denied the right to present a defence.
- (x) The Judge then fraudulently signed a Court Order indicating that he had fully 'heard the District Court Appeal' (which was patently untrue) and ordered that I be imprisoned on the basis of the attached committal Order from the District Court which was NOT a genuine copy of the original (as was stated on its face), and which was NOT even signed by District Court Judge Aeneas McCarthy – as is required by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48. Additional grounds upon which such relief is sought:

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

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

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

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

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

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

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

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

50. Reliefs Sought:

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

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

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

(iii) An Order for damages.

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

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

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

[Handwritten signature]

Deirdre NicFhionnlaioich
Commissioner for Oaths
3 Inns Quay,
Chancery Place,
Dublin 7,
Phone: 01 8044509

Sworn by the said Stephen Manning of Forthill,
Ballyhaunis, Co. Mayo this 4th day of October

2017 before me a Practising Solicitor / a
Commissioner for Oaths and I know the deponent.

Practising Solicitor / Commissioner for Oaths

[Handwritten signature]

[Handwritten notes and signatures]
4 3 Street
Ballyhaunis
D.N.D.
I identity
reference to
duplicates
2016/40190
containing
photograph
12

[Handwritten notes at the bottom of the page]

Sgt Gerard P McEntee
Castlebar Garda Station
The Mall
Castlebar, Co Mayo.

'cc' interested parties

Nov 28th 2017

Dear Sgt McEntee / Gerard / Gary;

Previous unanswered correspondence, phone calls and visits to Castlebar Garda Station in person, refers. I regret that I must write to you again in context of the aforesaid attempts to communicate with you – and note 'for the record' that I have had no responses or acknowledgements from you in this regard.

Given the amount of 'unwanted attentions' that are being visited upon myself and my family (and certain other outspoken persons involved in the pro-justice movement) including inappropriate surveillance; vexatious allegations and accusations; unlawful jailings; and the repeated failures of the statutory authorities to respond properly to formal complaints etc., etc., I feel I need to be especially cautious in my dealings with agents of the State (such as your good self Gary) for fear that I may be deemed to be engaged in 'harassment' or (God forbid) that I may again be falsely charged with 'threatening behaviour' for simply trying to assert my fundamental rights and get proper service from 'the statutory authorities'.

Accordingly Gary, whilst acknowledging (as far as my family and I are concerned) that neither you or I appear to have any *personal* difficulties in dealing with each other; I am nevertheless aware that you are subject to the directions of your immediate superiors – one of whom is Superintendent Joe McKenna – against whom we have already lodged criminal complaints and a private criminal prosecution in the District Court. The added fact that all of the recent Garda-related scandals in the news including the vicious smear campaign against whistleblower Sgt Maurice McCabe implicates a broad range of senior Garda Management in some of the most blatant criminal abuses of their trusted positions, only adds more weight to my conviction that it is not a wise or fruitful use of our time or energy in attempting to compel you into following up on the criminal complaints we have formally lodged with An Garda Síochána naming various persons in the employ of the State – and for which you have apparently been given responsibility.

In circumstances where you are the listed prosecutor of the recent vexatious allegations against me, may I respectfully suggest Gary that you consider whether or not you are best placed to maintain responsibility for our outstanding criminal complaints – because there does seem to be an obvious conflict of interest here – with you now prosecuting me for an alleged *summary* offence as against Courts Service Manager Peter Mooney whilst simultaneously (apparently) ignoring outstanding *indictable* criminal complaints, plus evidence, which we have lodged as against the same individual?

Anyway Gary – I will leave it at that for the time being, in the hope that you can read between the lines and understand that I absolutely **MUST** defend my position and do my best to protect my family from the insidious catalogue of lies, deceptions, false allegations and failures of service due to us – as well as the ongoing efforts of various compromised persons in positions of authority – to quell and quash any objective dissent – however truthful or well-intentioned that dissent may be.

You will understand Gary that this is the last time that I intend to approach you formally on these matters.

Dr Stephen Manning (address previously supplied)

Tel: 086 218 9229

NOTICE & DECLARATION & FORMAL APPLICATION TO THE COURT

As a citizen of Europe currently residing in the Irish State and acting in good faith under written advice received on January 16th 2018 from Her Honour Judge Rosemary Horgan, President of the Irish District Courts regarding Case No 2017/180452, I hereby submit this formal written application to this Court in context of the attached legal NOTICE & CONSTITUTIONAL DECLARATION as endorsed 'qui tacet consentit' by the President of Ireland; An Taoiseach; the Minister for Justice; the Garda Commissioner; the Attorney General; the Director of Public Prosecutions; the Chief Justice (and any and all State-sponsored affiliates or subordinates thereof) in August 2016.

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

(i) Given that the vexatious allegations being made against me today in District Court Case No 2017/180452 arose in circumstances where I was making a legitimate approach to Castlebar Courts Service for access to my own case file; and (ii) given that the staff member concerned was already the subject of criminal complaints to Gardaí and to the Courts for fraud; conspiracy; criminal damage; perjury; deception; wilful contempt of Court; criminal collusion; interfering with evidence and with the administration of justice; and (iii) given that the Garda Sergeant tasked with investigating these offences is the very same Garda named as the DPP's prosecutor on the summonses against me; and (iv) given the serial proofs of criminal conduct on the part of agents of the DPP's Office in conspiring with the Courts Service and at least two named judges to have me unlawfully jailed in blatant breach of Article 6 of the ECHR in May of last year which event was, (v) the culmination of a series of sinister and illicit episodes visited upon myself and my family over several years which has caused us major upset, costs, psychological trauma, injury and catastrophic disturbance in all aspects of our lives; (vi) I therefore say and believe that I cannot in good faith, confidence, safety or conscience present myself before this Court, in these particular circumstances, without the following guarantees (numbered 1 – 3) for fear that I may be subject to further criminal acts or that I may inadvertently participate in or facilitate further unlawful conduct on the part of said authority figures – most particularly in-and-around the premises of Castlebar Courthouse, which is the location of the said alleged offences against me.

Requested Guarantees

1. That I will not be unlawfully manhandled or assaulted by members of An Garda Síochána and/or removed or blocked from this Courtroom as long as I am not engaged in unlawful conduct.

Context: That I am carrying serious physical injuries from a previous unlawful, unprovoked assault in a Courtroom under the direction of a judge and have also been denied lawful access to the Courts.

2. That I will not be unlawfully silenced or intimidated by threats of unlawful imprisonment for alleged 'contempt in the face of the Court' in existing violation of ECHR rulings.

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

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

Context: That previous legitimate applications have been ignored, disregarded or refused out-of-hand without explanation.

Formal Applications to the Court

4. That I be allowed to make a private recording of all proceedings wherein I am a named party.

Context: That recordings, transcripts and Orders issuing out of the Courts Service have been shown to have been unlawfully interfered with, amended and/or fraudulently altered after the fact.

5. If No 4 is refused, that I be given a copy of the DAR immediately after each hearing in this case.

6. That I be provided with effective legal representation by the State as per the Legal Aid Act.

Context: That I was previously formally granted legal aid in 2016 but then repeatedly denied any legal representation whatsoever throughout 16 days of trial and 26 days of false imprisonment.

7. That the presiding judge will not vacate the Court in face of legitimate and lawful 'common informer' applications that name agents of the State in alleged criminal acts.

Context: That over a dozen District Court judges to date have engaged in improper and/or unlawful conduct in violation of the law and of Superior Court rulings in this regard.

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

Context: The effective refusal of two local solicitors to authorise Court documents when requested.

9. That I be afforded full disclosure of the State's evidence via a Gary Doyle Order.

Context: That both the DPP's Office and the prosecuting Garda Sergeant are completely 'stonewalling' and ignoring my requests for disclosure – as has happened previously, and repeatedly.

10. That I be allowed to enter a full and proper defence to these vexatious charges.

11. That I be granted full access to my case file and to any and all relevant evidence as needed for a full and proper defence of this case.

12. That I be allowed to cross-examine prosecution witnesses and call witnesses in my defence.

Context: That No's 10, 11 & 12 were all denied to me in the District and Circuit Court in 2016-17 which, along with the fraudulent signing of committal orders, resulted in my unlawful imprisonment.

13. That all instructions, directions or Orders of the Court be confirmed in writing for the avoidance of doubt or confusion.

Context: That on a number of previous occasions, Court dates have been moved without notice; fraudulent declarations of service have been accepted by the Courts; Court records have been improperly interfered with and/or whole cases have gone inexplicably 'missing'; and senior Courts Service staff including the CEO have deliberately lied, misled and misinformed us repeatedly.

14. That the presiding judge will abide by his/her constitutional oath.

I respectfully conclude this NOTICE & APPLICATION declaring my sincere belief that the charges currently being brought in this case against me are a continuation of the unlawful harassment, intimidation and State 'targeting' of whistleblowers and pro-justice campaigners and activists – and myself in particular because of my work with the *Integrity Ireland Association* – for the unlawful purposes of suppressing the truth, quashing any lawfully-expressed dissent and preventing the advancement of my legitimate criminal prosecution of the complainant in this case.

Signed: Stephen Manning, EU Citizen.

Irish District Court Case No 2017/180452

NOTICE & CONSTITUTIONAL DECLARATION

This formal NOTICE is hereby presented and served in support of my fundamental human rights (and of those of affiliated others) in support of the constitutional position; that we are indeed guaranteed by inalienable right the confirmed protections of the Irish Constitution and those of the European Union and cannot lawfully be instructed, coerced or directed by any agents of the Irish State to act in contravention of these fundamental doctrines, nor to knowingly engage in unlawful, unconstitutional or criminal activity, and the State is hereby held strictly liable for any such breaches thereof, including for any physical or psychological injuries or distress caused, and for all related costs and expenses.

1. Irish judges ARE subject to the law and the Constitution.
2. Members of the public ARE entitled to a fair hearing in the Irish Courts.
3. Judges of the District Court, Circuit Court & High Court ARE obliged to adhere to Supreme Court rulings, decisions and directions.
4. When any person in the pay of the State commits a criminal offence, they ARE subject to justice in our Courts in the same way as the tax-paying public are.
5. If any given judge deliberately breaks the law, the Constitution, their solemn Oath of Office or any other Act or Statute in the Courtroom; then any such hearing, or any decisions or pronouncements so rendered are, self-evidently, invalid.
6. Members of the public are NOT obliged to comply with unlawful, unconstitutional or criminal directions from any statutory authority figure such as a member of An Garda Síochána, by Courts Service staff or by members of the Judiciary.
7. Law-abiding members of the public ARE guaranteed their constitutional safety and will NOT be unlawfully assaulted, injured or incarcerated whilst in the Courtroom.
8. All citizens and residents of this State have the right to issue private criminal proceedings, without cost or hindrance, against ANY other person, citizen or employee of the State under the terms of *The Petty Sessions (Ireland) Act 1851*.
9. Any such application, provided there is *prima facie* evidence of the crime alleged (and failing any extraordinary circumstances) MUST be dealt with on the day.
10. Notwithstanding the above, statutory provisions DO exist for the investigation of – and the removal of – judges of the various Courts for stated, *‘incapacity, infirmity, misbehaviour and/or misconduct’* (in general or on specific occasion) as follows:
 - S. 73 of The Courts of Justice Act 1924
 - S. 21 of The Courts of Justice (District Court) Act 1946
 - S. 10.1 (iv) of The Courts (Supplemental Provisions) Act, 1961
 - S. 9 of The Houses of the Oireachtas (Privileges and Procedures) Act 2013
 - Article 35.4 (i) of the Irish Constitution

ENDORSED ‘QUI TACET CONSENTIT’ AUGUST 2016

By: **The President of Ireland**, Michael D. Higgins; **An Taoiseach** Enda Kenny TD; **Minister for Justice & Tánaiste** Frances Fitzgerald TD; **Garda Commissioner** Nóirín O’Sullivan; **Attorney General** Marie Whelan; **Director of Public Prosecutions** Claire Loftus; **Chief Justice** Susan Denham (and any and all State-sponsored affiliates or subordinates thereof).



©™

iClinic.ie
Bridge Street
Ballyhaunis
Co. Mayo

RE: CDRW Disc presented to selves by Stephen Manning for examination.

While we cannot attest to either the veracity of the content or the actual source of the data contained therein, we can offer an impartial and factual account of the matter as presented to ourselves.

1. The data is/was on a **ReWriteable** disc.
2. Some of the original data may have been removed by an Anti Virus program.
3. The index file refers to a video file which is not on the disc.
4. It seems that the original video file may never have been on the disc.

Taking each of the above in order:

1. Sensitive data should **NEVER** be stored on a **ReWriteable** disc. Correctly storing the data on a **Recordable** disc ensures that the data cannot be removed either inadvertently or intentionally.
A. ReWriteable means that the disc can be written to and erased repeatedly.
*B. Recordable means that the disc can **only** be written to once - and **cannot be erased**.*
2. Because some of the data contained on the disc appears to be invalid (see 4 below) an Anti Virus program (Avast) seems to have removed some of the content.
3. Self explanatory.
4. An examination of the Anti Virus report indicates that the files removed were **invalid** - they were ".LNK" (Link) files - shortcuts to the original files on the device that contains/contained the original files - on examination of the screenshot (Virus) it can be seen that the files are shortcuts (links to files elsewhere) -



©™



This is a partial screenshot of an icon on my own laptop. Note the little blue arrow swinging to the right. This indicates that this is a **shortcut** - NOT the actual program/file that the shortcut refers to.

The files that appear to be missing were all **shortcuts**.

In Summary:

Responsibility for the content of the disc, whether missing or present lies solely with the individual/s that created the disc - a **ReWriteable** disc should **never** have been used.

It is not uncommon for an individual to copy shortcuts (*because they work on the original device*) in the mistaken belief that they have actually copied the original file/s/data. This would appear to be the case in this instance.

Thanking you,

John Gannon

A handwritten signature in black ink that reads 'John Gannon'.

Ballinrobe: 094 9520665
Claremorris: 094 9310931
Ballyhaunis: 094 9631983

Castlebar: 094 9250370
Westport: 098 50937
Castlerea: 094 9622674



We FIX.ie

Teahan, Maura <Maura_Teahan@csso.gov.ie>

To:'stephen manning'

7th February, 2018 at 15:35

Dear Mr. Manning,

I acknowledge receipt of your email.

I confirm that I have passed all papers to the Office of the DPP. Brian McLoughlin Solicitor is dealing with the matter there.

Judge Noonan directed that the papers be sent there and that the DPP have carriage of the case.

I trust this answers your query.

Regards

Maura Teahan,
State Solicitor,
Judicial Review Section,
Chief State Solicitor's Office,
Osmond House,
Ship Street Little,
Dublin 8.
Phone number: 01 4176280
Fax: 01 4176299
Mobile : 087 7500722

THE DISTRICT COURT

Record No. 2017/180452

DPP vs STEPHEN MANNING

APPLICATION TO STRIKE OUT - & AFFIDAVIT OF STEPHEN MANNING

I, Stephen Manning, publisher, father and husband, social justice advocate, a member of *Integrity Ireland* and independent candidate for Co. Mayo who ordinarily resides at Mountain, Forthill, Ballyhaunis in the County of Mayo, aged 18 years and upwards **MAKE OATH AND SAY** as follows:

I am the named Defendant in this matter and I make this application and affidavit from facts within my own knowledge save where otherwise appears and where so appears I believe the same to be true and accurate.

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

2. Notwithstanding the contrived nature of the vexatious allegations against me, I say and believe that the Prosecution are engaged in a deliberate attempt to mislead the Court and prejudice this case from the outset, and are similarly in direct contempt of Court – upon which grounds as detailed hereunder – I hereby apply for this prosecution to be struck out.

3. I say that the first appearance in this matter was on January 17th last in Castlebar Courthouse before Judge Deirdre Gearty. That Judge Gearty directed Garda Inspector Gary Walsh, who was appearing on behalf of the DPP in the absence of the Prosecuting Officer Sgt Gerard McEntee, to furnish me with the CCTV evidence and any other prosecution evidence in the possession of the Prosecution in this case, as per a 'Gary Doyle Order'.

4. I say that I received by registered post on Tuesday 13th February a packet containing 8 typewritten, unsigned copies of statements comprising 12 pages in total, and a DVD/CD in a jewel case with the notation: "*Copy of CCTV footage Castlebar D/CT reception 04/04/17*" handwritten on the outside. That there were no other identifying markers on the CD itself.

5. That three of the said sworn statements that accompanied the CD, relate to the process of downloading and transferring the said CCTV footage onto the DVD, including a declaration by Garda Rowland Mc Intyre ('S.8') that he had, "*..made two true copies of the original onto disc format. I did not tamper with the original in any way.*" Garda McIntyre states that he completed this task on 26th July 2017 and handed the said copies to DPP Prosecuting Sergeant Gerard (Gary) McEntee on the same date.

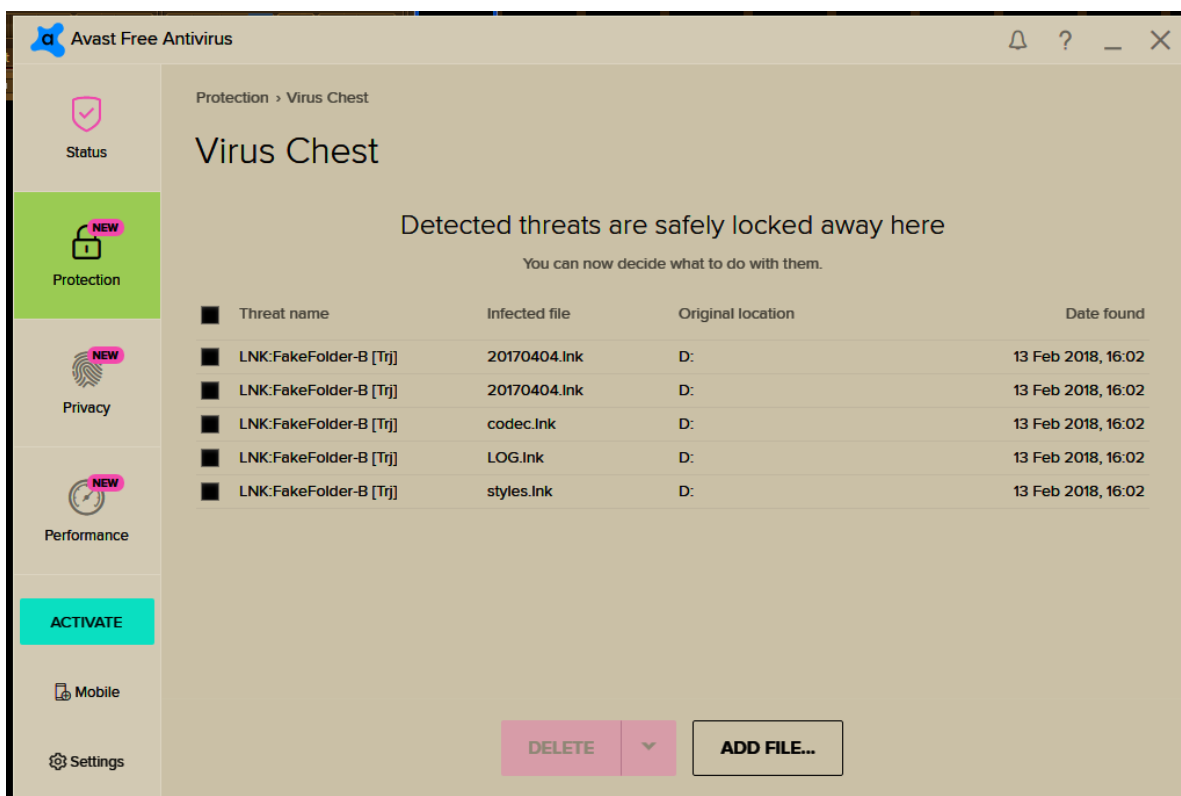
6. Notwithstanding a number of other anomalies and inconsistencies in the accompanying statements, it is clear that the inclusion of these three particular sworn statements including

those of the I.T. Engineer and Sgt McEntee respectively ('S.6' & 'S.7') is to assure the Court of the absolute integrity of the CCTV file-copying and transfer process; of the veracity and legitimacy of the CD delivered to the Defence under Court Order; and of the authenticity of the contents thereon. I say and believe that this is a deliberate attempt to mislead the Court for the purposes of jeopardising and prejudicing the just outcome of this case.

7. At 16.02 hrs Tuesday 13th February 2018 I inserted the said disc into my computer and was immediately alerted to the presence of 4 (possibly 5) virus threats which were attached to 3 (or 4) of the 8 files visible on the CD. This is brought to the Court's attention in specific context of the fact that another evidence CD delivered to me by District Court Order in 2016 from the complainant in this matter, Mr Peter Mooney, Castlebar Courts Service Manager, not only had key sections unlawfully erased from it, but that it likewise contained Trojan viruses which, on that occasion, actually disabled my computer.

7a. On this occasion however, my anti-virus software neutralised the viruses. The nature of the viruses was such that I could not carry out any functions on my PC – not even take a screenshot of the first sequence of virus warnings until they had been neutralised and removed. Fortunately however, I was able to screenshot the very last of the viruses, and that evidence is provided to the Court (copy attached) which clearly shows that the CD was the source of the said viruses on path: "D:/20170404.Ink"

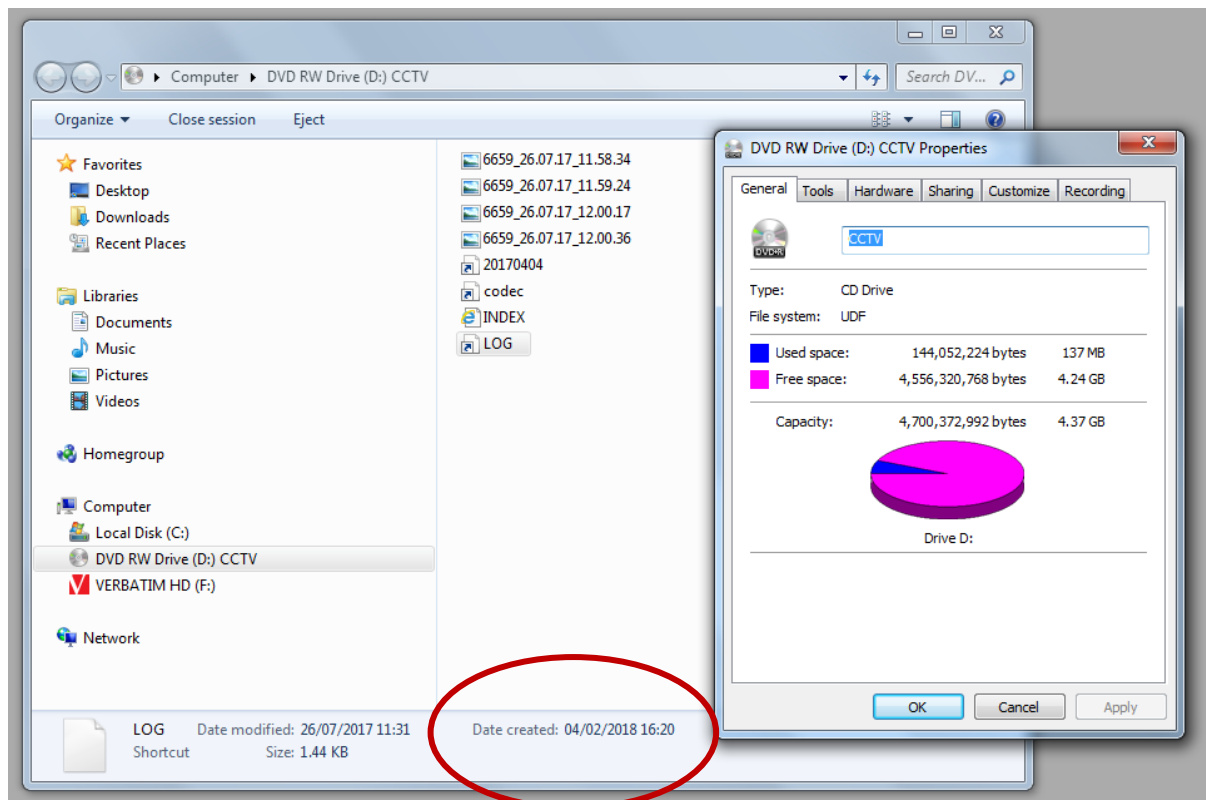
8. That I later found the neutralised viruses stored and listed in the anti-virus vault, where 5 viruses are listed as shown as having been removed – all of which are identified as having come from the said DVD/CD at the precise time of insertion, as per the screenshot below.



9. That I had by then ascertained that the CD contained 8 listed files. The first 4 of the files are JPEG (still) images apparently taken from CCTV footage, and the other four files were named sequentially: (v) '20170404' (vi) 'codec' (vii) 'INDEX' (viii) 'LOG'. That the 'INDEX' file contained a link named '/20170404/11100100.avi' that gives the *appearance* of being a link to a 50-minute CCTV video file dated 4th April 2017 between 11.10 and 12.00am. But that link leads only to a generic denial page that states. *"This content is not available."*

10. That I tried accessing the said CCTV footage on four different computers, including two owned by persons with I.T. qualifications, and received the same result: i.e. that the CCTV content was NOT available. That a local I.T consultant who regularly does work for the Courts has stated that, *"No such content (the CCTV footage) ever existed on this CD."*

11. Given that Garda Mc Intyre's statement ('S.8') explicitly states that he, *"..made two true copies of the original onto disc format"* – and given there is no mention in any of these supporting sworn statements of any *additional* copies being made – it must be reasonably assumed that the Prosecution is intending that the Court accepts that the CD/DVD delivered to the Defence is indeed one of those 'genuine copies'. But upon checking the 'properties' of the said disc the actual 'date of creation' of that CD is listed as '04.02/2018'; giving rise to the disturbing question as to how and why the construction and existence of this additional CD is NOT mentioned or referred to anywhere in the said sworn statements.



12. As to the presence of 4 still images of inconsequential content which provide no proofs or substantiation of any of the allegations against me other than the uncontested fact that I was at the Castlebar Courts Service window with my wife and Mr Granahan at some point in time; there appears no good reason or valid necessity for the inclusion of still images that

are already *supposed* to be on that CD in free-flowing CCTV format for the perusal of the Court; other than if the Prosecution anticipates relying on those still images in the event that the CCTV footage is – for some reason or other – ruled ‘inadmissible’. Something they may anticipate in light of the fact that Sgt McEntee was made aware (as is shown in these images) that Mr Granahan had made a video recording of the events in question.



13. Again, given the fact that a similar ploy was used by the DPP Prosecution last year when a Gary Doyle Order was granted for the release of DAR files *after* contrived statements (by Mr Peter Mooney and others) were entered into the record; the DPP Prosecution team had on that occasion presented the DAR disc to the Court in an artificially speeded-up format so that Judge Aeneas McCarthy could then declare it ‘inadmissible’ and therefore render it unavailable to the Defence as proof that the allegations against Mr Granahan and myself were utterly false and contrived. Mr Mooney had by that time already unlawfully erased ‘inconvenient’ audio files from that DAR CD with the *proven* foreknowledge of DPP State Solicitor Vincent Deane and prosecution witness Garda Superintendent Joe McKenna.

14. That in his undated and unsigned written statement (‘S.7’) Sgt McEntee states (possibly erroneously) that he invited myself, my wife and Mr Granahan to make statements on June 6th 2017. Our records show that it was actually on July 6th 2017 that Sgt McEntee came to our home. However, in his sworn statement Sgt McEntee declares that we ‘refused’ to make statements. This is not a true or accurate report. We actually said, ‘*We reserve the right to make statements at a future date should this matter go any further*’ and asked that Sgt McEntee noted in his official report that we believed the situation and the allegations to be ‘*ridiculous and absurd*’ and yet another act of harassment and intimidation. We were NOT informed that the matter was indeed going forwards until the arrival of the summons.

15. That a ‘Gary Doyle Order’ by definition should include ALL the evidence which has a bearing on this case, and that no copies of any entries in Garda notebooks from April 4th 2017 nor Sgt McEntee’s report of July 6th last have been included, nor any copies of the original handwritten, signed statements included with the blank CD.

16. The added fact that Sgt McEntee has failed or refused to; (i) act on legitimate criminal complaints naming Mr Mooney and others in the pay of the State, and (ii) has failed or refused to respond to a number of formal letters and personal visits to Castlebar Garda Station (6 in the last 3 months) adds further weight to my contention that this prosecution is a spurious and contrived operation from the outset, which is grossly unfair and prejudiced and designed to cause maximum distress, harassment and inconvenience to myself and my family; which is in direct breach of Articles 38 & 40 of the Irish Constitution; and that this

prosecution's only chance of success is through these serial abuses of power and position, and if the Court allows these reckless abandonments of due process and proper procedure.

17. That in context of multiple previous documented occasions where myself (and several other associates and colleagues) have been in receipt of DAR and CCTV records which have been unlawfully amended, altered or erased; or where other evidence has been likewise interfered with or tampered with by An Garda Síochána, by the Courts Service, by persons affiliated with the DPP's Office or other agencies of the State; then I say and declare that this complete absence of CCTV footage on a Court-Ordered CD – in conjunction with the presence of 4 otherwise totally unnecessary still photographs and potentially damaging viruses – along with three sworn statements designed to underscore the authenticity of the same, yet without the added materials we should expect from a Gary Doyle Order; indicates yet another disingenuous contrivance on the part of the Prosecution so as to engineer a situation whereby the Court may be obliged to make its determinations in this case based *solely* on the highly-questionable statements of some of the prosecution witnesses.

18. I say and believe in circumstances where I have already made applications to the Supreme Court and to the European Court of Human Rights regarding (in part) similar circumstances whereby the Irish authorities have repeatedly failed or refused to take lawful action against those in the pay of the State (including Mr Peter Mooney and agents of the DPP's Office) who have been *proven* to be complicit in criminal acts of collusion involving the unlawful deletion and suppression of evidence; that this omission of the CCTV footage in these particular circumstances on a Court-Ordered CD regarding an alleged incident that occurred over 10 months ago cannot be brushed aside as mere incompetence or human error. That I say that it is a contrivance and a deliberate act of 'contempt of Court'.

19. That I say and believe that this specific omission of Court-Ordered CCTV footage, in conjunction with the sorry history of similar such acts of apparent negligence; of blatant (and arguably criminal) disrespect of Court Orders; and of outright acts of unlawful obstructionism, perjury and criminal damage by Mr Mooney in particular; which flies in the face of any reasonable or right-minded person's understanding of 'due process' or indeed of natural justice, requires that this Court strikes out these proceedings on the basis of the aforesaid contempt of Court; that these proceedings are an abuse of process and a waste of taxpayer's resources, which violate the following legal maxims and doctrines:

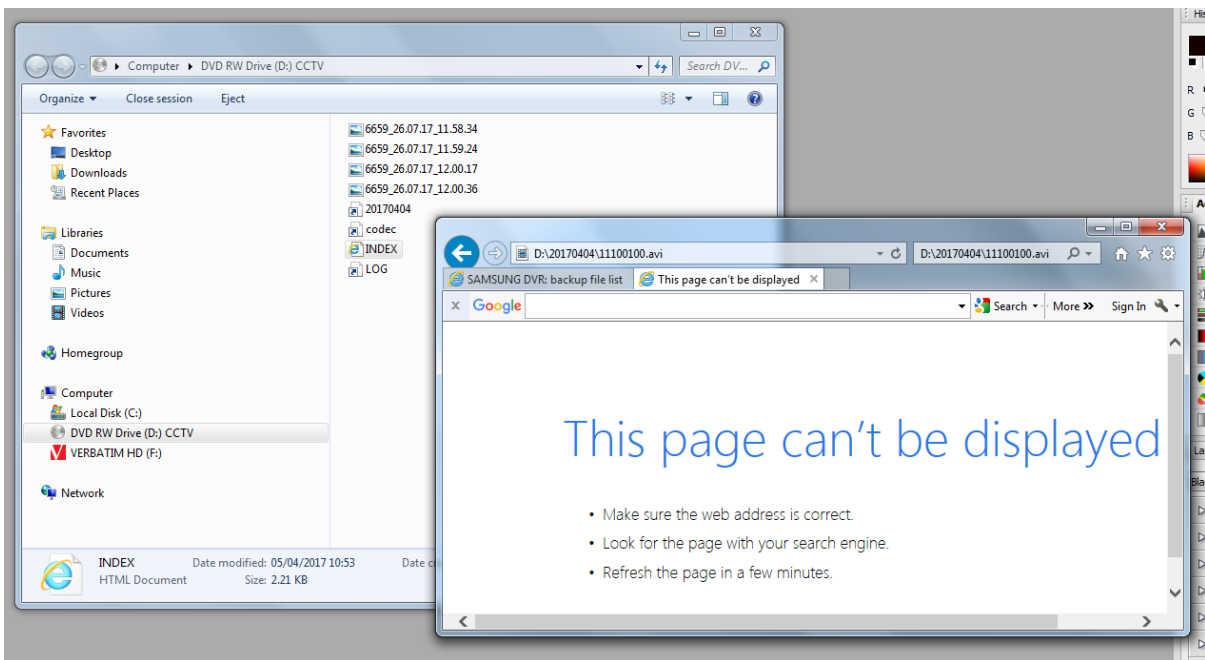
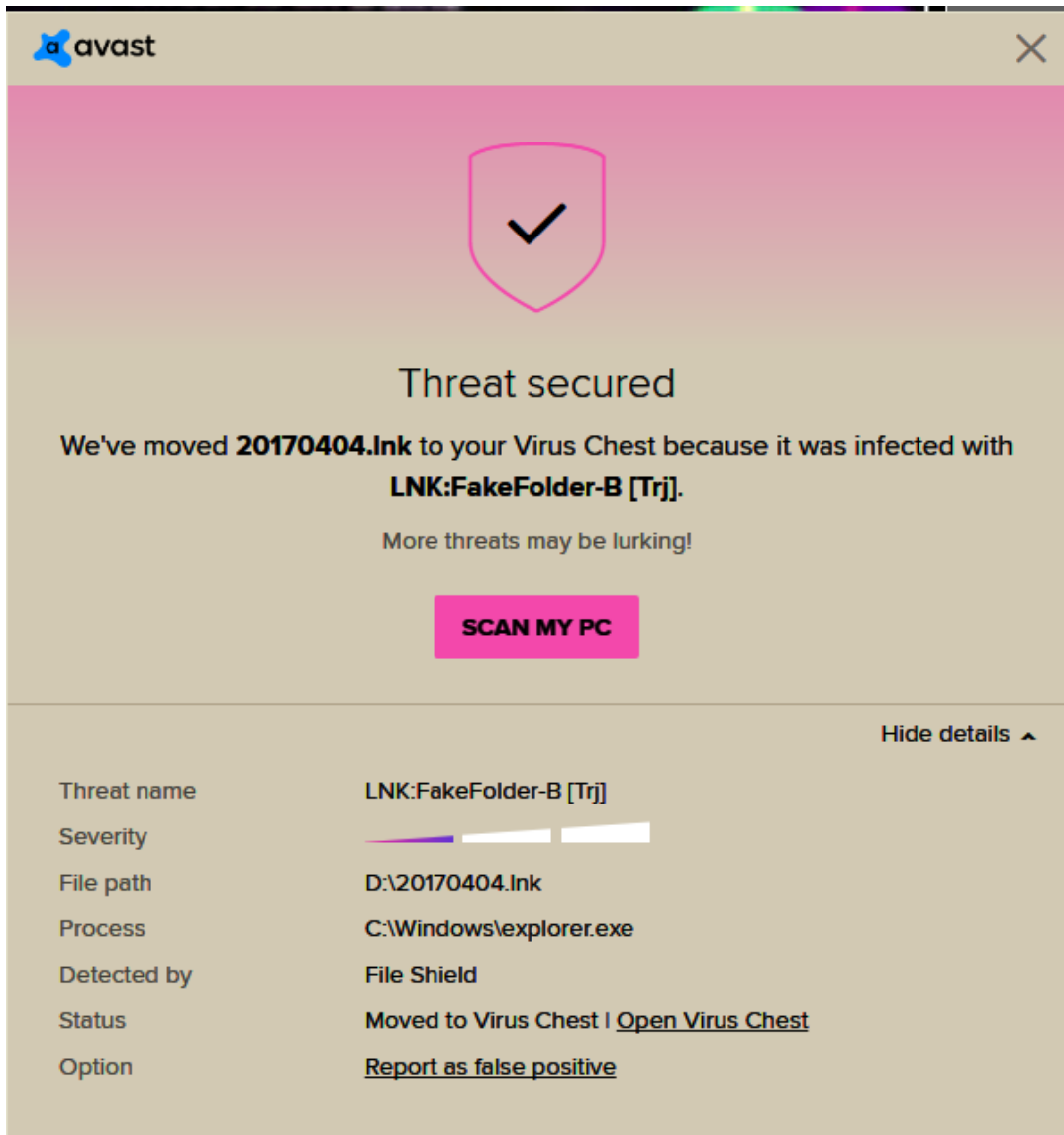
- *Falsus in uno, falsus in omnibus*. False in one thing, false in everything.
- *Ei incumbit probatio qui dicit, non qui negat*. The burden of the proof lies upon him who affirms, not he who denies.
- *Incerta pro nullis habentur*. Things uncertain are considered as nothing.

20. I declare that to the best of my knowledge and belief, that the above statement is true.

Dr Stephen Manning

February 19th 2018

Witness: Noriko Manning



THE DISTRICT COURT

Record No. 2017/180452

DPP vs STEPHEN MANNING

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

AFFIDAVIT OF STEPHEN MANNING

I, Stephen Manning, publisher, father and husband, social justice advocate and a member of *Integrity Ireland* who ordinarily resides at Mountain, Forthill, Ballyhaunis in the County of Mayo, aged 18 years and upwards **MAKE OATH AND SAY** as follows:

I am the named Defendant in this matter and I make this affidavit from facts within my own knowledge save where otherwise appears and where so appears I believe the same to be true and accurate.

1. This application is being made 'in person' without any professional legal assistance, and the Applicant respectfully asks the Court to take this into consideration.
2. Notwithstanding my repeated assertions that this vexatious complaint and prosecution by the Office of the DPP is an extension of the unlawful activities of that Office – in conjunction with various agents and agencies of the State – to harass, intimidate and criminalise those of us who maintain a public stance against criminality and corruption within Irish State institutions and within the Department of Justice in particular; and notwithstanding the objections already raised in the District Court to the continuance of this prosecution on the grounds that; (a) this is a patently ridiculous, malicious and spurious prosecution; (b) that the DPP's Applicant for this summons, Sgt Gerard McEntee has failed or refused to pursue longstanding indictable criminal complaints against the complainant Mr Peter Mooney, Castlebar Courts Service Manager; and (c) that the Prosecution has again failed or refused to properly comply with the Order of Judge Deirdre Gearty on January 17th to provide me with CCTV evidence of the alleged incident; I hereby present this affidavit and application for the purposes of; (i) documenting multiple previous and ongoing denials of justice, and (ii) for ensuring and securing the fundamental rights due to me in these particular circumstances.

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

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

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

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

6. Requested Guarantees

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

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

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

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

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

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

7. Formal Applications to the Court

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Signed: Stephen Manning, EU Citizen.

Sworn by the said Stephen Manning at

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

Practising Solicitor / Commissioner for Oaths

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

Inspector Dermot Butler
c/o Castlebar Garda Station
The Mall, Castlebar, Co. Mayo

2 pages, by recorded post
'cc' interested parties

Dear Inspector Butler / Dermot;

February 27th 2018

I write in context of District Court case 2017/180452 and your appearance at Castlebar Court No 3 on February 21st last week, where you were representing the DPP and the Prosecuting Sgt Gerard McEntee in the spurious (and arguably ridiculous) public order charges being levied against me.

Notwithstanding my repeated contention that these vexatious charges are an extension of the ongoing unlawful campaign of malicious harassment and intimidation being waged by the DPP's Office and certain other agencies of the State because of my position as the spokesperson for the pro-justice (and anti-corruption) *Integrity Ireland Association*, I place the following facts 'on the record' for the avoidance of doubt or confusion, and so as to facilitate the due process of justice.

As you are already aware Inspector, the first hearing of this matter was on January 17th last, where Judge Deirdre Gearty adjourned the matter so as to allow the Prosecution (i.e. the DPP and Sgt McEntee) to deliver 'all relevant evidence' to me under a Gary Doyle Order before the return date of February 21st. I was also advised that I could make an application for legal aid. On that first occasion it was Inspector Gary Walsh who spoke for the DPP & Sgt McEntee, and Inspector Walsh undertook to supply CCTV footage and 'all other relevant evidence' to me. I asked Judge Gearty if I could have those instructions 'in writing' because of the numerous occasions where Court Orders have NOT been properly recorded by the Courts Service – or where Orders have NOT been properly complied with by prosecuting Gardaí or other 'Officers of the Court'; but my request was refused by Judge Gearty and she instructed me to 'write down' her instructions there-and-then for the avoidance of doubt or confusion. My records, several eyewitness, and the DAR will all of course confirm the details of what was said by the Judge and what was undertaken by Inspector Walsh on the day.

As I explained in some considerable detail to the Court on February 21st, I received an unmarked CD/DVD and 8 (unsigned) typewritten statements in a package by registered post on February 13th. I had declined to accept the same package by hand from Sgt McEntee the previous day on the grounds that to do so might constitute complicity in criminal activity, and I respectfully served Sgt McEntee with a written NOTICE to this effect. I took this position not only because of my sincere belief that this spurious prosecution and the devious manner in which it is being choreographed is an obvious and unlawful contrivance, but also because of the growing catalogue of appalling malfeasance, nonfeasance and misfeasance by the DPP's Office and other key persons at the Department of Justice. For example, I note that the DPP's Office issued me with a threatening letter last year the very day before I was due to secure criminal summonses as against local Garda Superintendent Joe McKenna (your immediate superior); DPP State Prosecutor Vincent Deane; and the originator of this malicious prosecution against me – Mr Peter Mooney, Castlebar Courts Service Manager. That each were accused (with solid proofs) of a criminal conspiracy to pervert, obstruct or otherwise interfere with the administration of justice, and that formal criminal complaints were also lodged with Sgt McEntee, who has it seems, failed to properly act upon the same – given there has been no apparent investigative follow-ups or criminal charges. In short Inspector, that if the DPP's Office, senior Gardaí and Courts Service staff are not prepared to abide by the law, then clearly, it becomes MY responsibility to ensure that I am NOT made complicit – inadvertently or otherwise.

Accordingly, it appears prudent to place 'on the record' that I applied to have the case struck out on February 21st based on the following facts and particulars:

- (i) That 'the Prosecution' (i.e. Sgt McEntee, Inspector Walsh, the DPP's Office and your own good self) had failed or refused (again) to comply with the aforesaid explicit Court Order.
- (ii) That I could prove and demonstrate to the Court that the CD/DVD sent to me had NO CCTV footage on it, and never had any CCTV footage on it.
- (iii) That I had likewise NOT received any peripheral evidence such as copies of the attending Gardai's notebooks or copies of any original sworn, signed statements – as is required by statute when complying with a Gary Doyle Order.
- (iv) That some of the typewritten statements included in the said package were obvious contrivances designed to mislead the Court and prejudice the outcome of this case; including 2 statements (by Sgt McEntee and another Garda) which are constructed in such a manner as to seemingly 'verify' the integrity of the said compromised CD/DVD.

In short Inspector, that I stated that I could prove to the Court that members of the Prosecution team including those named above were (again) engaged in unlawful conduct in defiance of a Court Order, in violation of the Constitution and in breach of my fundamental human rights.

I further note that when the position was explained to Judge Gearty that she said she 'could not accept' my written affidavit or proofs in this matter into the Court, and then turned to you and asked the explicit question as to whether or not you had properly complied with the Gary Doyle Court Order, and that you replied with an equally emphatic, "Yes Judge!"

That the Judge then stated that she was 'satisfied' that I had received due and proper disclosure.

That I was shocked and bewildered at this seemingly-inequitable declaration by the Judge and appalled at your intransigent position – especially with Sgt McEntee present and available to clarify to the Court if needs be – and I asked the Court should I then expect to receive any more 'disclosure' from the Prosecution – to which both yourself and the Judge indicated 'No!'

That apart from your disconcerted demeanour when I challenged the truthfulness of your misleading 'we have complied' declaration in Court, that I spoke to you again in the Court foyer asking you the simple question as to whether or not you were aware that you were making false utterances in Court – and that you repeatedly refused to answer the question and showed NO interest whatsoever in viewing the evidence (including photos, screenshots, a sworn affidavit and an I.T. engineer's report) – copies of which were already prepared for you and for the Court.

As you are aware Inspector, I am in the process of securing legal representation via the criminal legal aid scheme, and I hereby place you formally 'on Notice' that my instructions to my legal team will be to challenge the truthfulness of your statements in Court; to expose your failure to properly comply with the said Court Order; and to pursue whatever actions are appropriate (including lodging criminal complaints) on the basis that 'the Prosecution' is again engaged in a deliberate and knowing attempt to mislead the Court and pervert the course justice.

In the circumstances you might review your Garda Oath and your solemn undertaking as an 'Officer of the Court' to abide by the law at all times, and without prejudice or ill-will to others.

Trusting the position is clear.

Yours, Dr Stephen Manning, Mountain, Forthill, Ballyhaunis, Co. Mayo.
(A member of Integrity Ireland and independent candidate for Co. Mayo.)

Private & Confidential

Her Honour Judge Rosemary Horgan
President of the District Court
c/o The Four Courts
Dublin 7

March 4th 2018

Dear Judge Horgan;

I attach for your perusal a copy of a letter to one Inspector Dermot Butler regarding events at Castlebar District Court on February 21st last before Judge Deirdre Gearty, and would be obliged if you would apprise yourself of what occurred that day in light of our oft-repeated question: *'What on earth is going on in the nation's District Courts?'*

Notwithstanding our previous letters to you as the President of the District Courts which have raised a number of very serious allegations as against several District Court Judges – in the manner in which they are conducting themselves personally and/or are engaged in what can only be described as unbelievable incompetence and/or deliberate attempts to interfere with, obstruct or pervert the course of justice; it is simply not good enough to permit such outrageously unlawful acts under the questionable premise that Judges are 'independent' in their statutory functions – because they are also (according to the Constitution) *"subject to the Constitution and the law"* – are they not?

In this case (again) in Castlebar, the premise is simple and the circumstances are quite clear and beyond any doubt: the Prosecution team has not only defied the discovery Order of Judge Gearty, but they have also set about a contrivance to both mislead the Court and prejudice the outcome of the case – just as they did similarly last year by unlawfully erasing evidence and then conspiring with agents of the DPP's Office, the Courts Service and Judge Aeneas McCarthy – to cover up their criminal actions. And as you will recall Judge Horgan, on that occasion I ended up being jailed in violation of all of the ECHR principles of a fair trial; (i) without any legal representation; (ii) without entering a defence; (iii) without calling witnesses; and (iv) with solid proofs of a conspiracy to move the Court dates without notice to me. Notwithstanding the fact that Mr McCarthy 'retired' the day before I was due out of prison, it is an astonishing state of affairs that this level of malfeasance is happening again in the very same location with some of the same personnel involved, and that despite all of my proofs, Judge Gearty did NOT sanction the Prosecution, and has NOT moved in any prompt or robust way to defend and protect my fundamental rights in this matter.

Based on the *Mayo News* report of the hearing, Judge Gearty also seems unfamiliar with the ECHR rulings on criminal legal aid inasmuch as she did not accept that it is the State's obligation to assign, 'effective legal representation' to me, and so may I respectfully suggest Judge Horgan – so as to prevent any further miscarriages of justice or any further embarrassment to our lower Courts – that an official memo be circulated amongst all District Court Judges that they familiarise themselves with the text of the Legal Aid Act 1962; of the respective Supreme Court rulings; and of the respective ECHR Articles and rulings in this regard – which are binding on the Irish State.

Thank you again for your time.

Yours,

Dr Stephen Manning & Family, Mountain, Forthill, Ballyhaunis, Co. Mayo.

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

To: Law Society of Ireland, Blackhall Pl, Arran Quay, Dublin 7

March 5th 2018

- [CheckPoint Services <checkpointservices@yahoo.ie>](mailto:checkpointservices@yahoo.ie)
- Today at 13:10

To general@lawsociety.ie

Message body

Dear Law Society Staff;

I was recently awarded a legal aid certificate for my defence in a case in Castlebar District Court where I am facing vexatious and contrived public order charges. I advised the Judge that I was being effectively 'stonewalled' by local solicitors. The Judge advised me that if I couldn't find a solicitor from the Legal Aid Panel that I should contact the Law Society. The next hearing in this case is due very shortly, and I will be returning to the said Judge without any effective legal representation - given that none of the solicitors on the Legal Aid Panel will undertake to represent me. Accordingly, I would appreciate some formal written response that can be presented to the Court.

Yours.

Dr Stephen Manning.

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

From: CheckPoint Services <checkpointservices@yahoo.ie>

To: general@lawsociety.ie

Cc: ind.adjudicator <adjudicator@independentadjudicator.ie>, Law Society Generic <regulation@lawsociety.ie>, Justice Info <info@justice.ie>, secretarygeneral@justice.ie, Department of Taoiseach <taoiseach@taoiseach.gov.ie>, Ag Irlgov Info <info@ag.irlgov.ie>, President Info <info@president.ie>, Transparency Info <info@transparency.ie>, admin@transparency.ie, Ihrec Info <info@ihrec.ie>, legal@ihrec.ie, Your Rights <yourrights@ihrec.ie>

Sent: Mon, 12 Mar 2018 23:58:43 -0000 (GMT)

Subject: Urgent - Fw: Seeking Legal Representation..

Dear Law Society Staff & Independent Adjudicator of the Law Society;

I note that I have not received any acknowledgement or response to the email sent below which was also transmitted direct via the Law Society's website contact page at this internet address: <https://www.lawsociety.ie/Contact-Us/>

I am due in Court on Wednesday next and must therefore respectfully insist on a response - failing which I must of course report to the Court that you have failed or refused to do so.

Thank you.

Yours,

Dr Stephen Manning

Re: Formal Assessment of CD/DVD

Dear Sir / Madam;

I approach you today in your capacity as an I.T. specialist with a request that you please examine the CD/DVD accompanying with a view to answering the following questions. Thank you.

1. You will note the absence of any markings whatsoever on the said disc. Can you confirm that I have (today) written before you, "Disc A delivered to STM on Feb 13th 2018" and that you have countersigned the same? (Yes/ No)
2. Is there any CCTV footage on that disc? (Yes / No)
3. Was there at any time any CCTV footage actually on that disc? (Yes / No)
4. Are there 4 still images and an 'index' file on that disc? (Yes) / No
5. Does the 'index' file open up a CCTV file or lead to a CCTV file? (Yes) / No
6. Based on the screenshots supplied by me, can you confirm that when the disc was first inserted into my PC that there were a total of 8 files listed there as shown on the said screenshots? That this included 3 'shortcut' files as shown. (Yes) / No
7. Can you confirm from the screenshots supplied that my Avast anti-virus programme reacted to 5 perceived 'Trojan threat' files and removed them to the anti-virus vault? (Yes) / No
8. On what date was that disc 'created' – i.e. on what date were the said files burned / written to the disc? Was it '04/02/2018' as listed in the properties? (Yes) / No
9. Can you explain why 4 still images (of no apparent consequence) would be placed on a disc that already (supposedly) had free-flowing CCTV footage on it containing the same images? (Yes) / No
10. Any other comments?

Signed:


09/03/18

Witnessed: Stephen Manning



Official Stamp

PHONE FIX PLUS
CLAREMORRIS
TEL: 089 946 5294

Written Information in Support of an Application for Criminal Summonses under the terms of the Petty Sessions (Ireland) Act 1851

1. On Monday April 3rd 2017 I attended Belmullet District Court with Judge Gerald Haughton presiding. I made formal applications for summonses to be issued as against four named individuals under the terms of the *Petty Sessions (Ireland) Act 1851*. Judge Haughton indicated that he would require 'written informations' in support of my sworn oral evidence before he could assess whether criminal summonses could issue. Judge Haughton ordered that photocopies be made of the original Information Forms 15.3 and the matter be adjourned to April 12th at Belmullet Court. Judge Haughton hand-wrote these instructions on one of the said originals. (Ex 1)

2. I say that the respective legislation and the Law Society's Criminal Litigation Manual are clear and explicit on the matter of any such 'common informer' applications; that it is the date of initiation and NOT the date of issuance of the summonses which marks the application date, and the time at which 'the clock is stopped'. (Ex 2)

3. I say that I was ready and prepared to return to Belmullet Court on the return date of April 12th with the written informations grounding my applications for the said summonses, but on April 11th I received a registered letter from Mr Raymod Briscoe, Deputy Director of Superior Court Operations at the Office of the DPP (who had replaced Mayo State Prosecutor Vincent Deane as the prosecuting solicitor in a contrived 'Section 6' public order charge ongoing against me at that time in Castlebar District Court). The said letter indicated that I could be charged with 'interfering with witnesses' if I continued with my applications the following day in Belmullet. (Ex 3)

4. I say that this was a clear and obvious act of intimidation by the DPP's Office that also constituted an unlawful act inasmuch as it interfered with and obstructed the due course of justice, and had the effect of stopping the otherwise legitimate prosecution of persons in the employ of the State who had knowingly engaged in scandalous criminal acts. Those persons included Mayo State Solicitor Vincent Deane; Garda Superintendent Joe McKenna; and Castlebar Courts Service Manager Peter Mooney. Furthermore, Courts Service staff had confirmed that Judge Gerard Haughton had been 'unexpectedly reassigned' that morning to Ballina Courthouse and would therefore NOT be available to issue the said summonses. In short, that through the unlawful and obstructive actions of agents of the State, I could not advance the said applications, as planned and scheduled, on April 12th 2017.

5. Within 3 weeks I had been unlawfully jailed as a result of a provable criminal conspiracy which included of certainty the three aforesaid individuals named in those 'common informer' applications, plus Mr Raymond Briscoe of the DPP's Office, Judges Aeneas McCarthy and Sean O'Donnabhain and other personnel in the pay of the State. That is, that during two farcically-unlawful 'half-trials' in the District and Circuit Courts where I had NO legal representation; where I had entered NO defence; and where I had NOT been allowed to call defence witnesses – yet I was still jailed on committal papers that were fraudulently signed off on by Courts Service staff. That this matter is now the subject of a complaint to the Irish Superior Courts and to the European Court of Human Rights.

6. That while I was unlawfully incarcerated that another 'common informer' prosecution I had initiated against 4 Dublin-based Gardaí (for serious physical assaults, criminal damage [erasing evidence] and conspiracy) that was scheduled for continuance at the CCJ in Dublin on May 11th inexplicably 'disappeared' off the Courts Service records (according to Courts Service CCJ staff) and

despite numerous formal requests since for an explanation as to why no criminal prosecutions ensued in light of an abundance of irrefutable evidence, that DPP Claire Loftus has failed and refused to explain or properly account for the 'disappearance' of that case and the non-prosecution of the 4 accused.

7. Given that the accused persons named in the applications at Belmullet Court on March 7th last year can no longer now be selectively described as 'witnesses' (that can be somehow be 'interfered with') in a case since completed in Castlebar; I am now returning to Belmullet Court with additional evidence of serious criminal acts for the purposes of continuing with my application for a criminal summons in the first instance as against Peter Mooney, Castlebar Courts Service Manager as per the details and evidence referenced below.

The Case Against Peter Mooney, Castlebar Courts Service Manager

Accusations of; (i) criminal damage; (ii) conspiracy; (iii) perjury; (iv) perverting justice, presented here 'in ordinary language' as per the requirements of the *Petty Sessions (Ireland) Act 1851*.

8. On September 2nd 2015 a colleague and myself were acting as lay prosecutors in Castlebar District Court in a case where 'common informer' summonses had already been issued as against Sgt Peter Handley and County Registrar Fintan Murphy for unlawful assaults on members of the public. Mr Peter Mooney was the Court Clerk on duty with the responsibility of ensuring that the Digital Audio Recording system (DAR) was running from the commencement of proceedings at 10.31am.

9. The proceedings that day were marred by various unlawful acts before and during proceedings that included a number of inexcusable departures from due process and statutory procedures which can best be summarised as a blatant attempt by various 'agents of the State' to prevent the legitimate prosecutions of the accused from progressing. The persons openly involved in this unlawful activity included two local solicitors, Mr Peter Mooney and Judge Kevin Kilarine. The public present reacted angrily to these shameful acts and the Court was eventually abandoned after approximately 1.5 hours. The event was covered by local media and extensively on social media and caused major embarrassment to those involved. No complaints, charges or Garda notes were taken on the day.

10. Several months later, my colleague and I were retrospectively charged with 'Section 6' public order offences based on 18 written statements collected from persons in the pay of the State. No interviews or statements were taken from the 25 members of the public present. The prosecution's statements were largely untrue, false, contrived and/or grossly exaggerated – something which could be easily disproven by any recording of the day's events – and in particular, by listening to the first 10 minutes-or-so of our verbal exchanges with Judge Kevin Kilarine on the day.

11. Accordingly, a Gary Doyle Order was sought by my colleague requesting the DAR so as to establish that the contrived charges against us were false, malicious and wholly unfounded. According to Mr Mooney's Supervisor Mr Brendan McDonald it is Mr Mooney's job to receive the original DAR files from Fujitsu Services (which are sent in 5-minute FTR files) and then transfer those files onto a Courts Service CD for delivery to the parties concerned. (Ex 4)

12. In the Courts Service's own documentation, much is made of the security and integrity of the DAR system: "Appropriate security measures have been put in place by both the Courts Service and Fujitsu Services to prevent unauthorised access to, or unauthorised alteration, disclosure or destruction of any personal data contained in recordings of court proceedings and transcripts of such proceedings."

13. However, the Courts Service CD delivered to me under Court Order had the first 25 minutes of the day's proceedings missing from it. In his written statement of the day's events, Mr Mooney tries to explain this away in the first instance by claiming that he 'inadvertently forgot' to switch on the DAR on the morning of Sept 2nd 2015 at 10.31am despite making a point of reminding everyone else in the Court that unauthorised recordings of proceedings were NOT permitted. Mr Mooney then states that he switched on the DAR "at 10.51am" which, if it were true would still only account for *exactly* 20 of the 'missing' 25 minutes (or 4 of the missing 5 FTR files) during which time a crucial exchange with the Judge had occurred. Part of that exchange included me directly asking the Judge if the DAR was actually switched on? Whereupon Judge Kilraine glanced over at the digital display and confirmed, "Yes, it is!" However, inexplicably, this exchange is missing, not only from the first CD delivered to me under District Court Order in June 2016, but also from a second CD delivered under Circuit Court Order in February 2017 which very curiously, now contained an *additional* FTR file; one of the previously 'missing' 5-minute recordings. In another effort to try to explain away all of these anomalies, Mr Mooney also claimed in his written statement that Court started 10 minutes late – yet another clumsy 'inaccuracy' which was easily disproven, yet nevertheless completely ignored by the presiding Judges in both the District Court and the Circuit Court.

14. That during the said 'half-trials' in both the District Court and the Circuit Court – and in amongst a broad range of associated contrivances and deceptions – that two other members of the DPP Prosecution team, namely State Solicitor Vincent Deane and Superintendent Joe McKenna made direct and explicit reference to the contents of those supposedly 'missing' audio files. That given that only Peter Mooney had access to those original audio files from Fujitsu, that there can be no other conclusion but that Mr Mooney shared the contents of those 'missing' files with Mr Deane and Joe McKenna after the collection of the Prosecutions written statements but before the commencement of the District Court half-trial – and then concealed this underhanded act – and the very existence of those audio files – from the Defendants.

15. It can be assumed that this secret sharing of supposedly 'missing' DAR files was done in the first instance so as to apprise Mr Deane of the events of the day in question (Sept 2nd 2015) and so as to refresh Superintendent McKenna's recollection of events. But it would also have informed the Prosecution of the stark conflicts of facts between several of those written statements and the audio records, and would have established the unsettling reality that if the Defendants could quote verbatim from those audio files, that they would be able to mount a robust defence and expose many of the lies and exaggerations in those written statements – as well as demonstrate the fact that crimes against justice were in fact being committed by those involved in the Court that day, including by the presiding Judge Kevin Kilraine.

16. The fact that the Prosecution then presented this curtailed version of the original DAR 'into evidence' on September 6th 2016 on the disingenuous premise that they had '*properly fulfilled the Order of the Court*', but then artificially speeded-up the same so as to render it incoherent, thereby giving Judge Aeneas McCarthy the convenient opportunity to dismiss the recordings from evidence –

is also very suspicious, and, in the absence of any credible explanation otherwise, points fingers at all of those involved; that they were each collectively involved in a knowing conspiracy to pervert justice.

17. In short, that if we are to believe Fujitsu Corporation's security assurances, the standard operating procedures of the Courts Service and the unambiguous declaration by Judge Kilraine on September 2nd 2015 that the DAR was in fact 'switched on', then clearly, Peter Mooney has deliberately and repeatedly lied in his written statement of evidence and in his sworn testimony in both the District and Circuit Courts; and has knowingly conspired with others to repeatedly mislead the Court as to the existence of the said evidence and of the Prosecution team's personal foreknowledge of the same; knowledge that was kept from the Defence and then deployed unlawfully, with scienter, to prejudice the outcome of the case.

18. That I approached the High Court with 4 different Judicial Reviews during this trial period and highlighted this 'missing evidence' issue repeatedly in the District Court, but on each such occasion Judge Aeneas McCarthy refused to allow the matter into evidence.

19. Furthermore; when Mr Mooney was questioned on the stand about the 'missing' DAR files (which we now know could only have been deleted from the original Fujitsu records at his own hands) that he first of all denied any improper interference, telling the Court that, *'it wasn't possible'* to interfere with those recordings, and then suggested to the Court that, *"But I couldn't say what Mr Manning did with that CD after I sent it to him."* This demonstrates a sinister willingness and capacity on Mr Mooney's part to not only repeatedly lie in Court and conspire against law-abiding citizens, but to then knowingly accuse and maliciously implicate others in his own devious and underhanded activities. I say and believe that such behaviour is morally, ethically and legally indefensible for any normal right-thinking person, let alone a person in the pay of the State; a purported 'Officer of the Court' who is supposedly 'acting in service to the public' according to the law and the Constitution.

The additional charges of conspiracy to pervert justice hinge on several other incidents as follows:

20. That at a time when it was Mr Mooney's responsibility to alert me (as the Plaintiff) in a civil case in the Circuit Court of an upcoming hearing where Mr George Collins (2nd cousin to Enda Kenny) was the Defendant, that Mr Mooney failed to do so and failed to account for the said failure. That Mr Mooney facilitated the lodging of fraudulent, tendentious and defamatory documents in the said case file for the perusal of the Judge without notification to me, and facilitated the receipt of fraudulent Notices of Service from one Paul Collins, brother of George Collins and a serious criminal from the UK who was at the time unlawfully posing as 'an attorney' in the Irish Courts.

21. That on two occasions leading up to and including the events of September 2nd 2015 that Peter Mooney conspired with the accused Sgt Peter Handley to avoid his appearing in Court via legitimate summonses and to avoid lodging the required paperwork due in such instances. (Ex 5)

22. That on a number of other occasions that Mr Mooney has misled, misinformed, lied, obfuscated, misdirected and/or otherwise obstructed my efforts to pursue justice via Castlebar Courthouse. This has included; (i) directing Gardaí to block my entry into Court or remove me from Court without proper cause or lawful reason; (ii) failing or refusing to process legitimate applications in Court; (iii)

conspiring with the aforesaid criminal Paul Collins as indicated; (iv) levying fraudulent 'fees' when no such fees were due; (v) other venal and petty acts of obstruction and obfuscation.

23. That on several occasions where I attempted to apply for criminal legal aid in the aforesaid case that Peter Mooney repeatedly failed or refused to accommodate those requests in clear breach of his statutory obligations and in violation of the written directions of the Department of Justice. (Ex 6)

24. That Mr Mooney also denied me access to my own case file on a number of occasions, thereby denying me my fundamental and Constitutional right to access justice, including on April 4th 2017 which is the date of the alleged offence as listed in this case against me.

25. That Mr Mooney has lodged a knowingly-false and vexatious charge against me in this case.

26. That Mr Mooney has introduced a specific office rule at Castlebar Courthouse; that none of his staff deal with me personally other than himself and one Ms Quinn. That given I have had cause to make formal complaints against both these individuals and criminal complaints as against Mr Mooney; and given these latest spurious charges which arose out of a legitimate visit I made to Mr Mooney's Office on April 4th last year; then clearly, through the improper, unlawful and criminal actions of Mr Mooney, I am now being denied effective access to justice at Castlebar Courthouse.

27. That I therefore apply for criminal summonses to be issued as against Mr Peter Mooney under the Petty Sessions (Ireland) Act 1851, on the strength of the prima facie evidence presented to this Court, and according to the formal legal Notices and statutory and Constitutional declarations attached. Given that I am a lay litigant acting as a 'common informer' and am delivering these informations 'in ordinary language' as per the requirements of the ACT; I further request that the Court confirms the specifics to be entered onto Forms 15.1 Summons.

Perjury Act, 1729 & Criminal Procedure Act 2010 s.7 (repeated lying in Court under oath)

Criminal Damage Act, 1991 (erasing audio files and speeding-up audio files)

Contempt of Court (failure/refusal to comply with Gary Doyle Order)

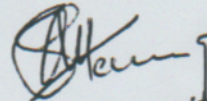
Prevention of Corruption Act, 1906

Criminal Justice Act, 1999

Criminal Procedure Act 2010

"offence against the administration of justice" means—

- (a) an offence under section 1 of the Prevention of Corruption Act 1906 in so far as the offence concerned relates to criminal proceedings,
- (b) an offence under section 41 of the Criminal Justice Act 1999,
- (c) attempting to pervert the course of justice,
- (d) perjury, or
- (e) conspiring or inciting another person to commit any of the offences referred to in *paragraphs (a) to (d)*;


March 13th 2018 5

Mr Cahir O'Higgins, Partner
Cahir O'Higgins & Co Solicitors,
22 Parkgate St,
Arran Quay,
Dublin 8

(2 pages, by email & recorded post)

March 22nd 2018

Dear Mr O'Higgins / Cahir;

Previous correspondence refers. Well Cahir, it seems that fate is bringing us together again. I write in respect of a unilateral direction issued out of Belmullet District Court on Wednesday March 14th last by Judge Deirdre Gearty that you be assigned to represent me under a Legal Aid Certificate in a case coming before that Court on June 14th next. (Copy of said direction attached by email).

With all due respect to your professional expertise and reputation Cahir; I do see a couple of problematic issues with this unilateral 'direction' by Judge Gearty which will obviously need to be addressed before I could be sufficiently assured that you are indeed in a position to provide 'effective legal representation' as is required under Article 6:1 of the ECHR.

First of all I feel I need to note 'for the record' that I had approached your law firm in 2016 for the purposes of securing legal representation on the basis of the encouraging quote from your own website that you were, *"..a professional law firm with highly skilled and dedicated legal practitioners with a reputation for fearless but astute and fair-minded advocacy.."* and that after a somewhat problematic meeting with Mr Stephen O'Mahoney at your offices on Friday August 5th that you asked me to furnish you personally with further details of the cases in question. That we corresponded by email on 12th, 22nd & 23rd August and that I sent you the requested information plus attachments, twice revised, but you did not return to me. That I followed-up with a phone call on August 30th with a view to meeting you again in person on September 2nd in Dublin and was advised that you would be personally informed that I was waiting for a response; but that no response, phone call, letter or email was ever returned to me. I concluded therefore, that you were not going to respond, and obviously, that you were not going to represent me – for reasons unknown, and as yet unexplained.

Secondly, I feel I also should note that I emailed your firm again in respect of this ongoing case on February 22nd last complete with a breakdown of the issues and a copy of the Legal Aid Certificate, but that again, I received no response. That your law firm was one of 111 law firms or solicitors contacted in respect of the matter – all of whom are on the Criminal Legal Aid panel; and that none of the said firms or solicitors have indicated that they are in a position to represent me.

That upon presenting these facts to the Court – and in spite of my firm argument that should any of the said solicitors now be coerced, compelled or forced into representing me, that any such representation would clearly be 'averse' and reluctant and therefore open to question as to whether any such unwilling 'service' would in fact then constitute '*proper and effective legal representation*'; that Judge Gearty nevertheless selected your name off the list and directed me to contact you. That I also informed the Court that I had contacted 1,874 barristers with a view to compiling a shortlist of those who were prepared to work with any solicitor I might nominate. Why the Judge choose a Dublin law firm for a case so very far away in remote north Mayo seems somewhat impractical to say the least Cahir – especially when so many of the other listed solicitors are local to us? But unfortunately, Judge Gearty seemed disinclined to respond to my enquiries in this regard.

I should also perhaps note that apart from a number of other 'issues' and inconsistencies that were not properly dealt with on the day (such as why this matter is being held in remote Belmullet for example), that Judge Gearty also seemed somewhat confused as to the law regarding criminal legal aid, because first of all she had insisted (incorrectly) that it was my responsibility (vs that of the State) to source 'effective legal representation'. Then, she seemed surprised to hear that proceedings should not even have begun – let alone continued for 3 Court appearances already – *without* legal representation having been assigned to me. And the Judge also seemed to believe that you (or indeed any other nominated solicitor) were now obliged to 'obey' her direction – even though the respective legislation clearly states that solicitors or barristers are under NO obligation to accept any particular case – especially if they are aware that they *cannot* provide a fair, effective or objective service. Indeed, in any such case it would of course be ethically, morally and legally wrong for any such solicitor to accept the brief – would it not? The fact that Judge Gearty then got up and walked out of Court without answering my questions and after refusing to process legitimate applications (without proper explanations) probably speaks for itself. The added fact that Judge Gearty is now the 14th District Court Judge in succession who has acted unlawfully in refusing to deal with legitimate applications that name agents of the State in some serious criminal acts, may also add some perspective as to what you will be up against Cahir – should you come on board.

Finally I also feel I should note that three associates of mine involved in the pro-justice movement, namely Colm Granahan, Joe Doocey and Wayne Nash have each recently engaged your law firm in respect of criminal cases. Whilst each has remarked on your affable and accommodating personal manner Cahir, each has also expressed grave misgivings about your willingness to *genuinely* challenge corruption, misconduct and criminality by agents or agencies of the State. This was based on a number of factors (including the progressions of the respective cases) but primarily on your own admission that you do in fact rely on the State to 'pay your wages' under the legal aid scheme.

Taking all of these matters into consideration Cahir, I would be most obliged for a prompt and detailed response that will either; (i) assure me that you are willing and capable of providing *genuine* 'effective legal representation' in a case which (as laid out in my previous email) will require you to tackle the lies and misrepresentations of senior Courts Service Staff and Gardaí, and confront some serious abuses of due process and indeed criminal actions by agents of the DPP's Office, and /or; (ii) that you are declining to accept the case – in which case I will return to the Court for further advice.

Under the circumstances Cahir – as I'm sure you will understand – I will not be repeating this correspondence. Accordingly, should I receive no formal written response from you within 7 days that properly addresses the issues listed, then I will assume that none is coming as per No (ii) above.

Thanking you for your time.

Yours,

Dr Stephen Manning

Mountain, Forthill,

Ballyhaunis, Co. Mayo.

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

Email: legal@checkpoint.ie

Tel: 086 218 9229

February 22nd 2018

2 pages plus attachment & links

Dear Solicitor;

Having just secured a legal aid certificate from Castlebar District Court on the Order of Judge Deirdre Gearty, I have been advised to contact solicitors on the local legal aid panel for the purposes of securing 'effective legal representation' in a case where I am being (falsely) charged with a public order offence, and (verbal) assault.

For the avoidance of any confusion or misunderstandings, I believe it is appropriate and prudent to inform any prospective legal advisor who may wish to take up this case, that I am a prominent pro-justice advocate who has been targeted and harassed by certain agents and agencies of the State for some considerable time, and that I have had cause to lodge criminal complaints with Gardaí as well as issue Court proceedings against some of the said persons and agencies in context of the same.

I say this in advance so as to alert you to the fact that should you take up this particular case, that you will be challenging the evidence of members of An Garda Síochána and persons in the employ of the Courts Service, in a case which has NO substantive evidence other than the contrived statements of those said persons, and that you may expect considerable 'resistance' at the official level to any genuine attempt to defend me in this case – or to expose the vindictive nature of this prosecution.

Without disclosing unnecessary detail; I can confirm that I have firm evidence that will contradict the assertions of the persons making the initiating complaint; that we have an abundance of evidence calling the personal integrity of the lead complainant into serious question; and that we have further proofs that two of the lead witnesses are in the habit of making fabrications and uttering falsehoods. We also have eyewitness and recordings of the alleged incident and related matters which will corroborate and support my position.

We also have solid proofs that the Prosecution has already defied a recent Gary Doyle Order and has contrived to mislead the Court on a number of fronts for the purposes of prejudicing the case and interfering in the due administration of justice.

In short, that this particular prosecution is spurious, vexatious and malicious, and can be easily proven to be so. It is the 7th such vexatious charge levied against me in the past three years, with five of those charges all eventually dismissed and the other charge currently the subject of an appeal to the High Court and a claim to the ECHR. It appears to be a tactic of the State to deploy whatever abuses of power and position that it must in order to quash our pro-justice work and obstruct me from pursuing my own Court cases and criminal complaints which are proving highly embarrassing for certain well-placed persons in the employ of the State. I would have undertaken the defence of this particular matter on my own accord if I had any confidence that I would receive due and proper service from the Courts Service – but they have been engaged in wholesale 'stonewalling' and unlawful obstructionism these past 3 years on just about every occasion I have approached them for service, for documents, or for access to crucial evidence – most notably at Castlebar Courthouse.

I also have a number of other ongoing Court cases which have become bogged down due chiefly to the aforesaid 'stonewalling' and a range of improper, unlawful and at times criminal acts by the said agents and agencies of the State, and I would be happy to discuss those cases in addition to this District Court case – or as separate matters – as per the details below and in the pdf attachment.

So, we are seeking a capable, courageous and perhaps most of all, a determined solicitor to take on this particular District Court case; and we remain open to discussing any or all of the other cases should you have an interest in them – on the terms outlined in the attached pdf.

- We have personal injuries (PIAB approved); civil defamation (plenary summonses already lodged); false imprisonment (in May 2017); and personal damages cases against the State, as well as an outstanding civil damages award of €25k+ which we need assistance in collecting. Some of these cases have already been covered in national and international media. We have recently canvassed all of the Barristers listed at the Bar Council and will provide a shortlist of those who have expressed an interest should that be required.

We believe that each of the aforesaid cases – including the current District Court case – will be easily proven or defended (as the case may be) provided our legal representatives can overcome the serial abuses of due process, of the law and of the Constitution which have been visited upon us throughout the sorry history of our engagements with ‘Official Ireland’ these past few years.

Whilst we expect that any hearings in this District Court case will be held in Castlebar, the case is up ‘for mention’ in Belmullet Courthouse on March 14th next before Judge Deirdre Gearty, where I am expected to apprise the Court of the legal representation issue. Accordingly, any responses will be treated on a first-come first-served basis in the interests of fairness.

Thanking you for your time and consideration.

Regards,

Dr Stephen Manning (& Family).

Mountain, Forthill,

Ballyhaunis, Co. Mayo

F35 KP94

Tel: 086 *** ****

Email: legal@*****.ie

Link to case-related information and evidence: http://www.integrityireland.ie/***.html

AN CHÚIRT DÚICHE



THE DISTRICT COURT

Form A(1)

CRIMINAL JUSTICE (LEGAL AID) ACT, 1962 – CRIMINAL JUSTICE (LEGAL AID) REGULATIONS 1965 – AS AMENDED

LEGAL AID (DISTRICT COURT) CERTIFICATE

(WHERE CHARGE IS OTHER THAN ONE OF MURDER)

District Court Area of Castlebar

District No. 3

To: Stephen Manning

Forthill

Ballyhaunis

Co Mayo

Legal Aid No.

Case No. 2017/180452

Application having been made by or on behalf of **Stephen Manning** who is charged before this Court for a Legal Aid (District Court) Certificate and it appearing to the Court that **his** means are insufficient to enable **him** to obtain legal aid and that by reason of

- (1) the gravity of the charge,
- (2) exceptional circumstances, or
- (3) the gravity of the charge and exceptional circumstances

it is essential in the interests of justice that he should have legal aid in the preparation and conduct of his defence before it, the Court hereby grants in respect of him this certificate for free legal aid with a solicitor to be appointed by Mr. Manning in due course:

Dated this **21st** day of **February**, 2018

Signed: DEIRDRE GEARTY,
JUDGE OF THE DISTRICT COURT
ASSIGNED TO THE SAID DISTRICT

Next Court Appearance: 14-March-2018 at 10.30: in Belmullet District Court

Prosecutors associated with this Legal Aid Certificate:

GERARD P. McENTEE Garda Station: **Castlebar**

THE HIGH COURT
JUDICIAL REVIEW

BETWEEN

STEPHEN MANNING

APPLICANT

AND

CIRCUIT COURT JUDGE SEÁN Ó DONNABHÁIN

RESPONDENT

AFFIDAVIT OF RAY BRISCOE

I, Ray Briscoe, solicitor, of the Office of the Director of Public Prosecutions, Infirmary Road, Dublin 7, aged 18 years and upwards MAKE OATH AND SAY as follows:

1. I make this affidavit from facts within my own knowledge and save where otherwise appears and where so otherwise appears I believe the same to be true and accurate.
2. I am a solicitor and senior principal prosecutor in the office of the Chief Prosecution Solicitor, solicitor for the Director of Public Prosecutions (hereinafter "the DPP") with carriage of these proceedings. I make this affidavit for the purpose of setting out the procedural background to these proceedings and in reply to the affidavit sworn by the applicant on February 13th 2018. I prosecuted the applicant before the District Court and the Circuit Court.
3. The case has an extensive history. On the 6th September 2016, the applicant and his then co-defendant Colm Granahan were before Castlebar District Court in relation to two offences. Each defendant had been summoned with committing an offence contrary to section 6 of the Criminal Justice (Public Order Act) 1994 on September 2nd 2015 in Castlebar District Court.
4. It was alleged that the applicant and Mr Granahan participated in a public order incident during a sitting of Castlebar District Court in 2015. It was alleged that a large number of people in the court chanted "*off the bench*" loudly and repeatedly to the presiding judge saying he was to be placed "*under citizen's arrest*". This forced the sitting judge to rise and abandon the court list.
5. The trial of the applicant and Mr Granahan was presided over by District Judge Aeneas McCarthy. At the hearing of the charges, a large number of witnesses were called by the prosecution and both defendants spent a considerable period of time cross-examining each witness. Both defendants represented themselves. The case commenced on the 6th September 2016, and continued on the 7th, 8th and 9th of September 2016. The case was then adjourned to the 21st November 2016

before being further adjourned to the following day namely the 22nd November 2016.

6. On the 22nd November 2016, the evidence resumed and continued on the 23rd November 2016, with further witnesses giving evidence for the prosecution and the defendants cross-examined those witnesses. The prosecution case against both defendants closed on the 23rd November 2016. Both defendants unsuccessfully applied to have the charges dismissed at the close of the prosecution case. The defendants were then remanded to 23rd January 2017 for the defence to go into evidence.
7. On the 23rd January 2017, there was no attendance by either defendant at Castlebar District Court. The case was called initially at 10.30 am with no appearance by the defendants. The Court then rose to 11.10 am, before recommencing again there was no attendance at this point there was another short adjournment to 11.45 am for members of An Garda Síochána to try to contact the defendants directly and to make enquiries e.g. of the local hospital to determine if the defendants were present in that hospital.
8. At 11.45 am on that date the court recommenced proceedings hearing the evidence of Inspector Butler who stated that there was no further information available as to the potential location of the defendants at that time. At that point Judge McCarthy provided his judgement taken into account the evidence heard in the proceedings and in the absence of any defence being put forward, the Judge convicted both defendants. Judge McCarthy then issued bench warrants to compel the defendants to attend court to be sentenced.
9. The applicant was brought to the District Court on 24th January 2017 by execution of the bench warrant issued in relation to him the previous day. Judge McCarthy imposed a custodial sentence of two month's imprisonment. The applicant appealed the conviction *de novo* to the Circuit Court.
10. Mr. Granahan was dealt with separately as he produced medical evidence at Castlebar District Court on the 4th April 2017. On this date he appeared in front of Judge McCarthy at Castlebar District Court for the purposes of sentencing. On the production of medical evidence in the form of a letter, Judge McCarthy vacated his previous order of the court convicting Mr Granahan. He recused himself and fixed a new hearing date. Mr Granahan's case was eventually heard in October 2017 by another judge. He was convicted and fined €250.
11. The applicant's appeal, was heard over three days on Tuesday 2nd May 2017, Wednesday 3rd May 2017 and Thursday 4th May 2017 at Castlebar Court House. The appeal was presided over by the respondent. The prosecution called the following witnesses: Peter Mooney (Court Services Manager), Superintendent Joseph McKenna, Sgt Naomi De Ris (investigating garda) Rory O'Connor (solicitor) and Cathy McDarby (solicitor). Each witness was cross-examined at length by the applicant.
12. During the course of the appeal hearing various applications were advanced by the applicant. On the first date the applicant repeatedly complained that he had

not been provided with a legal aid solicitor. He had been written to by Court Services inviting him to attend Court to apply for legal aid but he did not complete any applications for legal aid. The court repeatedly asked him to bring in any solicitor of his choosing into the appeals court and stated that upon doing so that the Judge would grant him legal aid. He failed to do so and continued submitting that the State had to provide a solicitor to him by physically bringing a solicitor to court and directly instruct that solicitor to act for him in the proceedings.

13. The case proceeded to hearing. The respondent set out the procedure in terms of the structure of the hearing *de novo* to ensure the applicant understood it. The presiding Judge ensured at various points that the applicant was not prejudiced by representing himself by for example eliminating reference by the applicant to prejudicial evidence lead by the applicant that was unnecessary on various occasions.
14. The evidence and submissions continued over three days. The submissions took the form of various conspiracy theories including that State forces had interfered with his phone and the phones of other members of the organisation Integrity Ireland. In general it was submitted by him that the whole process was a criminal conspiracy against him personally.
15. The DAR recording of the impugned District Court proceedings on September 2nd 2015 was played at length as evidence in the case The contents of the DAR clearly identified the applicant who could be heard putting himself forward as an 'amicus curiae' initially for Mr Granahan. The applicant then proceeded to shout at the judge and put himself forward to take over all court proceedings on that date and refused to let any other court users take up their cases on that date.
16. The applicant could be heard on the DAR expressly seeking the presiding judge's arrest and sought a show of hands from his supporters in the court for that. At one point the applicant is heard stating that if the Superintendent present in court on that date would not arrest the judge then he and his supporters would do so. However Mr Granahan can then be heard intervening by stating they should not do so on the basis that they were not 'thugs'. The applicant can be heard at 11.43 am on the DAR recording shouting at a solicitor in the court to sit down and to shut up referring to that person as being 'another filthy one'.
17. The applicant can be heard over the course of the one and half hours of the DAR (starting at c. 10.45 am and ending at c. 12.00 pm) with the applicant and his supporters at that point in time effectively running the judge of the bench and taking over the court. He is heard shouting at the judge that he is corrupt and leading chants of 'out, out, out' and 'off the bench' etc. with the rest of his followers in the court following suit, making it impossible to conduct any court business with the deafening shouts and thumping of furniture.
18. In the conduct of his appeal, the applicant handed into court various written political manifestos and statements alleging conspiracies, he submitted that he was a doctor and that he had written books on legal subjects.

19. The respondent proceeded with the case. The applicant called his one defence witness (Mr. Granahan). This evidence lasted for a number of hours, there were no further defence witnesses called. The applicant then refused to continue to participate in his own appeal any further. The respondent repeatedly warned the applicant that this was his appeal that he was bringing the proceedings and that he would have to engage in the process.
20. The applicant refused to further engage and therefore having voluntarily disengaged from the appeal the respondent affirmed the District Court order and a committal warrant issued for Mr. Manning to serve the two month custodial sentence originally imposed in the District Court.
21. The applicant has previously brought a number of judicial review proceedings in relation to this prosecution as follows:
 - (a) *Manning v District Judge McCarthy* (High Court Record No. 2016/865JR) and *Manning v Director of Public Prosecutions* (High Court Record No. 2016/865JR). These two cases heard together comprised an application brought to prohibit the trial which was then at hearing before the District Court. Leave was refused by This Honourable Court (Humphreys J.) on November 21st 2016 having heard from the applicant and counsel for the DPP. Humphreys J. delivered an *ex tempore* judgment in which he was obliged to refuse leave in the light of the decision of the Supreme Court in *Mellet v O'Reilly* [2002] IESC 33.
 - (b) *Manning v McCarthy* (High Court Record No. 2016/918 JR) This was another attempt by the applicant to prohibit his trial then pending before the District Court. Opposition papers were filed by the DPP. Leave was refused on January 11th 2017 by This Honourable Court (Humphreys J.) who again delivered an *ex tempore* judgment. Costs were awarded to the DPP who were substituted as the respondent in place of Judge McCarthy.
22. The applicant was at all times afforded fair procedures in the conduct of both his District Court trial and appeal before the Circuit Court. Given that he represented himself he was afforded extensive latitude. His complaints in relation to the fairness of procedures are without any evidential basis.

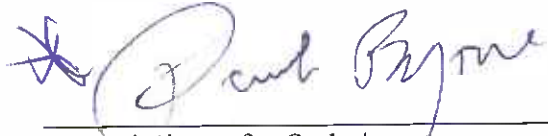
23. I therefore pray This Honourable Court refuse the application for leave to bring the proceedings herein.

Sworn by Ray Briscoe on the 05th April 2018 at the Criminal Courts of Justice, Infirmary Road, Dublin 7. 05/04/18.

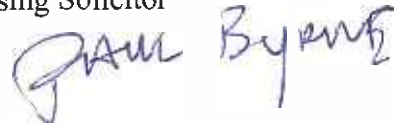
In the City of Dublin before me a Commissioner for Oaths/Practising Solicitor and I know the Deponent.



Ray Briscoe



Commissioner for Oaths/
Practising Solicitor



Filed this 5th of April 2018 by the solicitor for the Director of Public Prosecutions, Infirmary Road, Dublin 7.

2017 No.798JR

THE HIGH COURT
JUDICIAL REVIEW

BETWEEN

STEPHEN MANNING

APPLICANT

AND

HIS HONOUR JUDGE
SEÁN Ó DONNABHÁIN

RESPONDENT

AFFIDAVIT OF RAY BRISCOE

Chief Prosecution Solicitor,
Solicitor for the DPP,
Infirmery Road,
Dublin 7.

THE HIGH COURT

Record No. JR 2017/798

Between

STEPHEN MANNING

Applicant

-v-

CIRCUIT COURT JUDGE SEAN O'DONNABHAIN

Respondent

AFFIDAVIT OF STEPHEN MANNING

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

I, Stephen Manning, publisher, father and husband, special needs carer, social justice advocate and a member of *Integrity Ireland* who ordinarily resides at Mountain, Forthill, Ballyhaunis, County of Mayo, aged 18 years and upwards **MAKE OATH AND SAY** as follows:

1. I am the Applicant in this matter and I make this affidavit from facts within my own knowledge save where otherwise appears and where so appears I believe the same to be true and accurate. I say that this affidavit/application is being made 'in person' without any professional legal assistance—in spite of ongoing attempts to secure the same—and the Applicant respectfully asks the Court to take this into consideration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18. That I later viewed an email which had been sent to me by Mr McLoughlin at 16.49 hrs on Thursday 5th April which stated: "*Dear Sir, Please find attached herewith affidavit in this matter by way of service. Please be advised that we do not intend to file submissions in this matter. Regards, Brian McLaughlin, Principal Prosecutor, Judicial Review Section.*" (Ex 13)

18a. That a scanned copy of an affidavit signed by Raymond Briscoe and dated 'April 5th 2018' was attached. That apart from being, (i) over a month out of time; (ii) containing an

abundance of blatant mistruths, inaccuracies, false facts and disingenuous omissions; (iii) being listed as *'responding to the affidavit of February 13th 2018'* and NOT my originating grounding affidavit of October 20th 2017 [see 12a above]; (iv) that the said affidavit contained no visible indicators that it had been 'properly filed', (v) it contained no cover letter nor any references of any sort to the fact that it was being sent to me in such an informal, unannounced, unstamped and untracked format, whilst (vi) also being a month 'over time' (according to the High Court Order of February 13th) and (vii) without even remotely referring to the critical detail in my original grounding affidavit. It short, that it was, and remains, a most disingenuous contrivance of the most mischievous and contemptuous sort, an absolute abuse of process, and an insult to this Court.

19. That a paper copy of the same affidavit arrived by normal post on April 12th complete with a cover letter (which was not previously sent to me by email) signed by DPP Chief Prosecution Solicitor, Helena Kiely and apparently backdated to 'April 6th' which, somewhat audaciously, not only makes disingenuous reference (again) to the supposedly 'missing documents' but also attempts to prohibit the advancement of this case on the utterly misleading grounds that I have NOT served the DPP's Office with any papers. (Ex 15)

19a. I say that the said cover letter goes on to make a contrived pretence of the supposed 'fact' that the DPP's Office have not received supposedly 'unseen' documents – despite these being the very same documents and materials which were Ordered delivered to the DPP by Justice Noonan on January 30th and which compliance thereof has been emphatically confirmed in writing by the CSSO's Maura Teahan (Ex 9a). Not to mention the ineluctable fact that Ms Kiely (or indeed any such person assigned to defend the Respondent) can access those documents in the case file at any time they choose.

19b. The said cover letter contains a number of other incongruities including; (i) having a '2016' DPP reference number; (ii) improperly listing the case (in what may be a classic Freudian slip) as *'DPP v Stephen Manning'* instead of *'Stephen Manning v Judge Sean O'Donnabhain'*; (iii) making misleading use of the terms, "as you are aware" and "I reiterate" etc; (iv) totally ignoring the Court Orders and my prior written submissions in this case to date; (v) making imperious demands about 'due process' and about having documents 'properly stamped and filed' when the accompanying affidavit of Raymond Briscoe is not only a month out of date, but bears NO formal Courts Service stamps at all; and finally, (vi) the letter is addressed to "Stephen Manning Esq" which, given my own experience with certain named members of the legal profession to date, I really don't know whether to take this 'Esq' suffix as an unintended compliment, or as an insult?

20. As to the affidavit of Raymond Briscoe itself and notwithstanding the fact that it is technically an illegitimate document which I trust I should NOT have to respond to [see 18a above]; I believe it is important 'for the record' to briefly register my abhorrence at this astonishingly brazen and devious attempt to rewrite the specifics of the case and to completely mislead the Court as to the historical facts, the circumstances, and even the personal role of Mr Briscoe himself (who was not even present during the earlier District

Court proceedings of which he is giving an apparent 'first-hand account'). (Ex 19)

20a. That Mr Briscoe's participation in the entirely contrived events of January 23rd and 24th 2017 in Castlebar Courthouse as well as in the subsequent 'half-trial' / appeal in the Circuit Court (which is central to this judicial review application) exposes a range of grossly unethical, unlawful and devious actions on the part of Mr Briscoe and some of his associates 'in public office' that illustrates truly shocking levels of contempt for the law and the truth, which are further exposed in this belated, and utterly contrived affidavit.

20b. I say that the very construction and production of this 'sworn document' by a senior solicitor at the DPP's Office who is also a purported 'Officer of the Court' constitutes clear and obvious grounds for criminal charges of perjury, deception, of interfering with the administration of justice, and (arguably) also 'corruption in public office' as against the author Mr Raymond Briscoe and as against any others who have conspired in the same.

21. The added fact that the said affidavit does not even attempt to address the main points of law or of contention as raised in my original grounding affidavit other than with a vague and utterly dishonest assertion that I was, (i) "*..at all times afforded fair procedures..*" plus the additional fact that the opposition has declared that; (ii) they '*have NO intention of making any submissions in this matter*', but that they will nevertheless, (iii) '*object to any hearing of this matter proceeding*' – supports my contention that this document has been produced solely as a tool of obstructionism and obfuscation; that it has been composed with absolute contempt for the truth and for the principles of justice; and that it has only been 'served' on me at this belated juncture for the purposes of further subverting the progress of this judicial review application and to embroil me (as a legitimate Applicant in a clearly-indefensible case) in further unnecessarily time-consuming and frustrating legal exercises which, as a lay litigant, I am ill-equipped to manage or even to properly understand – other than as being blatant and repeated violations of the universal principles of 'natural justice'.

22. Given that this scandalous production of Mr Briscoe's authorship has been produced in clear breach of the time limits imposed by the High Court Order of February 13th, I believe I am within my rights NOT to formally acknowledge or respond to it, and I respectfully ask the Court to uphold this position – especially in circumstances where a major aspect of my application for judicial review is the *proven* serial abuses of due process, of the law and of the Constitution by agents and agencies of the State, via the Courts – including by the very same Mr Briscoe – which has brought me before this Court in the first place. (Ex 20)

22a. I feel I must say 'for the record' on the part of us ordinary people, who are untrained in legal matters but who are dependent on the probity and efficacy of our justice system to protect and defend our fundamental rights, that I am increasingly bewildered, taken aback and indeed scandalised, at the manner in which certain such 'agents of the State' go about their daily business, as well as being increasingly dismayed at the licence afforded to them to do so – whilst ostensibly being subject to the rule of law (just like the rest of us?) and to the moral and ethical requirements of being 'Officers of the Court' –

and I do most sincerely hope that this honourable Court will—upon assessing the accompanying evidence and exhibits, and upon identifying the multiple lies, obstructions and mendacities being so contemptuously perpetrated on this Court—immediately take the appropriate action ‘in the interests of justice’ and accede to the Applicant’s requests to have those responsible committed, attached and/or sanctioned without further ado.

22b. I say that the said actions (and non-actions) by the opposition require the Court to take immediate and robust action in defence of due process and of the legal obligations on any party who is subject to an Order of the High Court; for to fail to do so would be to tacitly support and endorse the unlawful, improper, fraudulent, disruptive and obstructive activities of the Respondent’s representatives; which would in turn make a mockery and a farce of the notion of ‘professional justice’ here in Ireland and would arguably render anyone so involved—either directly or indirectly—complicit in the same. I note that in ‘*Kelly v Ireland [1986] ILRM 318*’ it was decided that a Court has jurisdiction to strike out any claim which is ‘an abuse of process of Court’ and I respectfully suggest that the same principles *must* apply when it is agents of the State – so-called ‘public servants’ and ‘Officers of the Court’ – who are perpetrating that abuse of process.

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

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

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

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

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

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

(i) **An Order of Certiorari** striking out the Applicant's unlawful conviction and subsequent incarceration on May 4th 2017 at the Circuit Court Appeal of District Court Case No 2-16/40190 "DPP vs Granahan & Manning" on the following grounds.

- That the Applicant was entitled to a presumption of innocence
- That the Applicant was denied effective legal representation
- That the Applicant was denied the right to enter a defence or call witnesses
- That the Court acted in excess and breach of its jurisdiction
- That the Court failed to observe constitutional and natural justice
- That the Court failed to act according to its legal duty
- That the trial Judges acted with extreme bias and prejudice throughout and in violation of their solemn Oaths of Office

- That there were flaws and errors on the face of the committal orders
- That there have been multiple breaches of the Applicant’s fundamental rights as per the European Convention on Human Rights Act 2003, specifically Articles 1, 5, 6 & 7 as detailed in the original grounding affidavit.
- That multiple breaches of the Irish Constitution have also occurred including:
 - a. **Article 38 (1)**; *“No person shall be tried on any criminal charge save in due course of law.”*
 - b. **Article 40 (1)**; *“All citizens shall, as human persons, be held equal before the law.”*
 - c. **Article 40 (3) 1°**; *“The state guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen.”*
 - d. **Article 40 (3) 2°**; *“The state shall, in particular, by its laws protect as best it may from unjust attack and, in the case of injustice done, vindicate the life, person, good name, and property rights of every citizen.”*
 - e. **Article 40 (4) 1°**; *“No citizen shall be deprived of his personal liberty save in accordance with law.”*
 - f. **Article 40 (6) 1°**; *“The state guarantees liberty for the exercise of the following rights, subject to public order and morality: the right of the citizens to express freely their convictions and opinions.”*
 - g. **Article 35.2**; which states that judges MUST operate within the law and the Constitution: *“Judges shall be independent in the exercise of their judicial functions, subject only to this Constitution and the law.”*

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

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

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

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

Signed: Stephen Manning, EU Citizen.

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

Practising Solicitor / Commissioner for Oaths

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

THE HIGH COURT

JUDICIAL REVIEW

2017 No 798 JR

TUESDAY THE 8TH DAY OF MAY 2018

BEFORE MR JUSTICE NOONAN

BETWEEN

STEPHEN MANNING

APPLICANT

AND

CIRCUIT COURT JUDGE SEAN O DONNABHAIN

RESPONDENT

Upon Motion of the Applicant in Person made ex parte unto the
Court this day pursuant

And the Solicitor for the Director of Public Prosecutions being
present in Court

Whereupon and on hearing what is offered by the Applicant and the
said Solicitor

And the Court noting that the Respondent's replying Affidavit was
received by the Applicant on the 5th day of April 2018 and that the Respondent
does not intend to file written submissions herein

And the Court further noting that it does not have any jurisdiction in
relation to the granting of a stay on the District Court prosecution concerning the
Applicant and pending on the 14th day of June 2018

And the Court indicating that the parties may make their own
arrangements regarding a sworn copy of the Applicant's grounding affidavit being
made available to the solicitor for the Director of Public Prosecutions

THE HIGH COURT

IT IS ORDERED that the Applicant do have liberty to issue any Notice of Motion grounded on Affidavit for attachment and committal by the 15th day of May 2018 said Motion to be returnable to the 5th day of June 2018 being the date fixed for the hearing of the Applicant's application for judicial review

AND IT IS ORDERED that the Respondent do have until the 29th day of May 2018 to file any replying Affidavit to said Notice of Motion

MARY KELLY
REGISTRAR
PERFECTED 08/05/18

Mr Stephen Manning
The Applicant

The Chief Prosecution Solicitor

THE HIGH COURT

Record No. JR 2017/798

Between

STEPHEN MANNING

Applicant

-v-

CIRCUIT COURT JUDGE SEAN O'DONNABHAIN

Respondent

SUPPLEMENTARY AFFIDAVIT OF STEPHEN MANNING (of May 14th 2018)*

(In the matter of alleged contempt of Court on the part of the Respondent's representatives)

I, Stephen Manning, publisher, father and husband, special needs carer, social justice advocate and a member of *Integrity Ireland* who ordinarily resides at Mountain, Forthill, Ballyhaunis, County of Mayo, aged 18 years and upwards **MAKE OATH AND SAY** as follows:

** The Court will note that for ease of reference that the paragraphs in this Supplementary Affidavit are numbered consecutively from the main affidavit in this alleged 'contempt of Court' matter as filed at the Central Office on May 1st 2018.*

27. That since the completion and filing of my affidavit of May 1st last, that I attended the High Court of Justice Seamus Noonan 'ex-parte' on Tuesday May 8th seeking the directions of the Court so as to get clarity as to how to progress this JR application 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 in paragraphs No. 1 – 26.

28. That I made three specific applications to the Court on May 8th 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 30th and February 13th 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 30th 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** which is scheduled to commence on June 14th next on the grounds that this JR application (and the result thereof) is inextricably connected with and bound to that District Court case 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 (which is the very subject of this J R application) 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' 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. 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 Case stopped on grounds of multiple *proven* and *provable* 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 11th 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 5th last in this J R case.

29. That I have maintained throughout this J R application process, as well as throughout the two original 'non-trials' in the District and Circuit Courts in 2016 and 2017, 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 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.

29a. 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 this J R application to date) received and rejected the first of the four habeas corpus applications from prison, 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.

29b. 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 11th 2017 and delivered to me by email at midday January 23rd) his own personal *foreknowledge* of the unlawful events that would unfold on January 23rd and 24th 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.

30. 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.

31. That I have recently uncovered the following quotes from the legal dictionary 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 (formerly, a misdemeanour). 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 can in appropriate circumstances commit the crime and tort of conspiracy. See *Taylor v Smyth* [1990 SC] 8ILT & SJ 298; *Belmont Finance Corporation Ltd v Williams Furniture Ltd* [1979] 1 All ER 118; and *MacCann* in 8ILT & SJ (1990) 197.
- 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: *IarnródÉireann & Irish Rail v Ireland* [1996 SC] 2 ILRM 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] ILRM 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).

32. 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.

33. That in respect of this particular J R application in context of the original ‘non-trials’ in Castlebar in 2016-17 and of the District Court proceedings scheduled for commencement in Belmullet on June 14th next, which proceedings I assert are already well ‘in train’ to be another pre-planned miscarriage of justice and 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 20th 2017, that the progress of this J R application 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 1st 2018 detail 41 separate breaches of national and international law grounding this Judicial Review application, 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 eight months into this onerous, artificially drawn-out procedure in a case which I maintain is fundamentally indefensible.

(iii) That it can be demonstrated beyond any reasonable doubt 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:

- 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 23rd 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 26th 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 6th 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 23rd 2017 without any notification to the Defendants.
- The easily-disproven lies told to Judge Aeneas McCarthy by Inspector Dermot Butler on January 23rd 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 13th 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 has not only NOT advanced that investigation at all, but he is the named DPP prosecuting Garda in the Belmullet case.

34. 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 over a period of several years now.

35. That I made it clear to Justice Noonan on May 8th that an almost parallel set of circumstances was unfolding in Belmullet Court under the supervision of Judge Deirdre Gearty; whereby the false allegations against me were initiated by Peter Mooney; 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); where ‘Gary Dolye’ disclosure was *again* NOT complied with by the Prosecution; 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 23rd last year – according to the affidavit of Raymond Briscoe as submitted in this JR case on April 5th); where I was being railroaded into these contrived proceedings *again* without any legal representation whatsoever and without access to key evidence; 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 unlawfully refused to issue a summons as against Mr Mooney under a ‘common informer’ application – said refusal being in direct breach of Superior Court Rulings and of the law – and that the said refusal was the 15th 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.

36. That DPP solicitor Mr Brian McLoughlin was present in the High Court on May 8th last 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.

37. 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 – something which has been admitted ‘off the record’ by a DPP agent to a third party.

38. 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.

39. 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 30th 2018, and (ii) to stay the proceedings in Belmullet until this J R application is completed; I note that Justice Noonan maintained on May 8th that there was “*no connection*” between these cases, and that he, “*didn’t have the jurisdiction*” to order a stay on those proceedings.

40. 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.*”

41. I say that all of the matters currently ‘at issue’ in this J R application – 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; 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 20th 2017, which said disclosure(as amended below)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 or in these J R proceedings.

42. Reliefs Sought (in addition to those listed on the main affidavit of May 1st 2018)

1. A stay on the District Court proceedings 2017/180452 scheduled to commence on June 14th in Belmullet pending the outcome of these J R proceedings.

2. A copy of the perfected Order of Justice Seamus Noonan as per the verbal directions issued in the High Court on January 30th 2018.

3. A copy of the perfected Order of Justice Seamus Noonan as per the verbal directions issued in the High Court on May 8th 2018 – specifically any reasons given for the refusal of the reliefs sought on the day (1 & 2 above).

4. A written copy of the refusal (by Justice Noonan) of the first habeas corpus application lodged by Mr Ben Gilroy on the Applicant's behalf on May 8th 2017.

5. An order of mandamus and/or an injunction directing Ms Helena Keily to cease and desist sending unsigned demands for payment for thousands of euros in costs in violation of the Order of Justice Humphries of January 11th 2017.

6. An Order of Mandamus directing the contracting party to the Courts Service to release to the Applicant directly [without transfer or interference by Courts Service personnel]* the full unedited DAR recordings (in 'FTR' format) of the following District Court hearings in Castlebar regarding case 2016/40190 "DPP vs Granahan & Manning": (i) September 2nd 2015 (before Judge Kevin Kilraine); (ii) September 6th, 7th, 8th & 9th 2016; (iii) November 21st, 22nd & 23rd 2016; (iv) January 23rd 2017; and (v) January 24th 2017 each before Judge Aeneas McCarthy all of which have been either refused or denied to us without proper or lawful explanation.

** The Applicant has the 'FTR' software and can receive the said 'FTR' files directly from the source either by cd or email, thus avoiding the possibility that the original files may again be unlawfully interfered with or deleted by the DPP Prosecution team, as before.*

7. An Order of Mandamus directing the contracting party to the Courts Service to release to the Applicant directly, [without transfer or interference by Courts Service personnel]* the full unedited DAR recordings (in 'FTR' format) of the following Circuit Court hearings in Castlebar concerning the Applicant's Circuit Court Appeal: (i) February 10th 2017 before Judge Rory McCabe; (ii) February 17th before Judge Raymond Groarke; and (iii) May 2nd, 3rd & 4th 2017 before Judge Sean O'Donnabhain.

8. An Order for attachment and/or committal as against each and every person named in this combined affidavit whom the Court deems to be in violation of the Orders of the Court.

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 14th day of May 2018 by Stephen Manning, Applicant.

Justice Seamus Noonan
c/o The Four Courts
Dublin 7

1 page, by recorded post

May 21st 2018

Re: JR 2017/798 Stephen Manning v Circuit Court Judge Sean O'Donnabhain

Dear Judge Noonan,

I write in context of the above-listed case and in respect of my various appearances before you in the High Court since October 2017, to inform you that due to a number of developments in this case including the recent surfacing of an otherwise previously-undisclosed document of your authorship which had apparently been kept in a 'secret' (i.e. no public access) Courts Service database for over 12 months concerning my unlawful incarceration last year; that I feel I must now ask you to recuse yourself from any further dealings in this matter on the combined grounds listed below; which I intend placing 'on file' for the record but which I am willing NOT to have read out in open Court, provided you accede to my request that you immediately recuse yourself and have the President of the High Court assign another non-associated judge to the hearing of June 5th next.

1. Given the detailed contents of the supporting affidavit; your inexplicable and unqualified refusal of the first habeas corpus application made by Mr Ben Gilroy on 8th March 2017.
2. The total absence of any written explanations or qualifications for that refusal 'on file'.
3. Your overt hostility and threatening demeanour towards me the first day I approached your Court in this JR matter (and the first time I met you) on October 9th 2017.
4. The fact that you failed or refused to deal with a number of legitimate questions put to you on January 30th about the irregular 'transfer' of this case from the CSSO to the DPP and about serial documented acts of deception, obstructionism and defiance of Court Orders and directions on their part; and that you then walked out of Court while I was still speaking.
5. The total absence from the record of your verbal Order of January 30th 2018 despite it being referred to repeatedly in my sworn affidavits, and discussed at length with you in Court.
6. The fact that you have facilitated – in what appears to be a knowing act of obfuscation and misdirection on your part – the lodging of a now seemingly-pointless application by myself on May 8th 2018 for 'committal and attachment' proceedings as against the Respondent's representatives for their alleged failure to comply with that now non-existent Court Order.
7. The misleading contents of your Order of March 8th 2018 regarding the delivery of an invalid affidavit by the DPP's Raymond Briscoe which, in context of what was actually said to you in Court that day appears to be another attempt to corrupt the record and mislead the Court.
8. Your refusal to acknowledge the multiplicity of evidence of unlawful collusion between parties affiliated with this JR case and the parallel District Court case in Belmullet as grounds for an immediate stay on those Belmullet proceedings – and your refusal to Order that stay.
9. Your misleading declaration that you "*have no jurisdiction*" to Order a stay which is in open contradiction of the text of *Article 34.3.1. of the Constitution*.
10. Your facilitation of multiple acts of obstructionism, deception and defiance of the Orders, instructions and directions of your own Court, by the Respondent's representatives at the CSSO and the DPP's Office, which I believe places you in direct contempt of your own Court.

I respectfully reserve the right to add details to this NOTICE as-and-when any such informations arise, and await written notification that you have now recused yourself from this case.

Signed; Dr Stephen Manning, Applicant JR 2017/798.

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 6.¹

- 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 & 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
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	

¹ 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.

	A	B	C	D	E	F	G
<i>Individual and Role – Registrars & Judges</i>							
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* (<i>involved in the unlawful delays or refusals of valid ‘common informer’ applications</i>) ²			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

² Judge(s) Conal Gibbons, Bryan Smyth, Miriam Malone, Michael Walsh, Miriam Walsh, Kathryn Hutton.