

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.