

## Four Gardaí Facing Private Criminal Prosecutions for Assault & Criminal Damage

Yesterday – after seven previous attempts had been unlawfully blocked in the District Courts – Judge Bryan Smyth finally signed off on twelve criminal summonses which require four members of the Gardaí to come into Court and face allegations of physical assault and criminal damage. An ordinary member of the public initiated these prosecutions, and that same person will also act as the prosecutor in the District Court – for some of the alleged offences, beginning November 9<sup>th</sup> next.

More important to note perhaps, are some of the things Judge Bryan Smyth didn't do yesterday:

1. He didn't try to ignore us, and didn't block our entry into Court.
2. He didn't run away and abandon his Courtroom.
3. He didn't pretend that the applications were NOT 'properly' before him.
4. He didn't put our applications back to last on the day's list.
5. He didn't scream and shout at us or bang his fists on the bench.
6. He didn't order the Courtroom cleared – so as to hold the hearing 'in camera' (in private).
7. He didn't threaten to throw us in jail for trying to (politely) assert our fundamental rights.
8. He didn't order the public present to be searched by Gardaí for phones and recorders.
9. He didn't act like an irritated tyrant when we (respectfully) argued points of fact or law.
10. He didn't direct Gardaí to assault us or have us forcibly removed.. which is just as well, because this was the reason we were lodging these applications in the first place.



There were some other things which Judge Smyth did and didn't do which we may not all be fully in agreement with – such as NOT issuing summonses against the supervising Garda Inspector, nor against the two GSOC Officers for allegedly covering up these crimes against the public; but the Constitution does state that Judges operate under a broad principle of 'independence' – as long as they remain, "subject to the law and the Constitution". So, considering that seven previous attempts to process these applications were repeatedly ignored, blocked, stalled or delayed through unlawful and arguably criminal obstructions by various agents and agencies of the State... well, let's give credit where it's due, and acknowledge that Judge Bryan Smyth was at least professional and courteous in his dealings with us yesterday, and operated his Courtroom in a manner that would be generally consistent with his statutory obligations under the law and the Constitution.

*"But surely.." (we hear you say) "..that's how it's always supposed to be – right?"*

The main point to note here is that this 'Common Informer' private prosecution process DOES work. As long as you can demonstrate that a crime has been committed, then the Judge simply HAS to issue a summons there and then against the named perpetrator, and it doesn't matter who that perpetrator is, nor what their position is. Because believe it or not, we are ALL subject to the law!

This is not about personal retribution, nor is it some broad collateral attack on the establishment. But this is about letting rogue authority figures know that there is a way they can be made directly and personally accountable, and that the public has an absolute right to be treated fairly and properly by those in authority – and especially those who have sworn a solemn oath to serve and protect us.

In recent months elements of the Courts Service (including the CEO Mr Brendan Ryan) have repeatedly ignored our letters and emails leading up to these hearings – and in doing so they too are clearly in breach of their statutory obligations to the public... but on the other hand, at least they couldn't then be deliberately misleading us (again) about the process... 😊

**The 'Common Informer' process is available to anyone and everyone who resides in the Irish State.**

## **Prosecution by Common Informer under the Petty Sessions (Ireland) Act 1851**

YOU can prosecute ANYONE as long as you have proof of a criminal offence



You do NOT need to go to the Gardaí



You do NOT need a solicitor or a barrister

You approach the judge directly and explain the facts “in ordinary language” on a simple form

The process can be completed in just ONE day in the District Court

The process has recently been ratified by the Superior Courts

And best of all, the process is free!

## **NOTICE**

### ***(Generic Statement to Accompany Common Informer Applications)***

I hereby respectfully submit to the Court this application for the issue of summonses as per the legislation outlined in the *Petty Sessions (Ireland) Act 1851*; as supported by the High Court ruling of July 9<sup>th</sup> 2013; the Supreme Court ruling of July 30<sup>th</sup> 2015; and the observations of the Court of Appeal on July 25<sup>th</sup> 2016.

I wish it noted that I have supplied the ‘Informations’ on Form 15.3 “in common language” and have accompanied the same with Form 15.1 for the issuance of a summons. I respectfully draw the attention of the Court to the fact that according to Common Law, to current legislation, to long-standing precedent and to the aforesaid Superior Court rulings; that provided I have demonstrated *prima facie* evidence of the crime alleged, that this Court is obliged to issue said summons without further delay or prevarication, and I respectfully require that it does so.

I further note that the Courts Service has sent a comprehensive memo in 2015 to all District Court Judges advising them of the procedures and protocols to be followed, and that should there be any doubt or confusion on the part of this Court as to how to proceed, that I hold in my possession details of the aforesaid legislation, legal precedents and Superior Court rulings for the information of this Court.

In the event that any Officer of this Court attempts to improperly obstruct, delay, forestall or otherwise prevent this matter from advancing today; that any such action may be interpreted as an attempt to pervert the course of justice, which is a criminal offence as against *S.7 of the Criminal Procedure Act 2010*, which will result in the appropriate action being taken according to law.