

THE HIGH COURT
JUDICIAL REVIEW

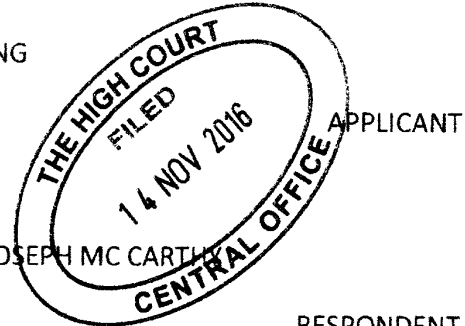
2016 865 JR

BETWEEN

STEPHEN MANNING

AND

DISTRICT COURT JUDGE AENEAS JOSEPH MC CARTHY



RESPONDENT

- (a) *Applicant's name:* STEPHEN MANNING
- (b) *Applicant's address:* Mountain, Forthill, Ballyhaunis, Co. Mayo.
- (c) *Applicant's description:* Publisher, father and husband, and a member of *Integrity Ireland* and independent candidate for Co. Mayo.
- (d) *Relief sought:* **An Order of prohibition** preventing the Respondent from continuing this District Court prosecution (Case No 2-16/40190 "DPP vs Granahan & Manning") and/or an immediate and permanent stay on these proceedings which are scheduled to continue on November 21st 2016 in Castlebar District Court.
- (e) *Grounds upon which such relief is sought:*
- (i) This Application is made in specific context of **Article 40 (1) of the Irish Constitution** which states that; "*All citizens shall, as human persons, be held equal before the law.*"
 - (ii) **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.*"
 - (iii) **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.*"
 - (iv) **Article 40 (4) 1° of the Irish Constitution;** "*No citizen shall be deprived of his personal liberty save in accordance with law.*"

(v) **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.*"

(vi) **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.*"

f. That this case (District Court Case No 2-16/40190 'DPP vs Granahan & Manning') breaches all of the above Articles in its entirety due to;

(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 publicly 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; and

(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.

g. In short, that this prosecution is 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 of the District Court who have been parties to these proceedings 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.

(g) *Applicant's address for service within the jurisdiction (if acting in person):*

Stephen Manning, (Applicant in person)
Mountain, Forthill,
Ballyhaunis,
Co. Mayo.

Dated this ^{14th}... day of November 2016

(Signed)

Applicant/~~Solicitors~~



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AND

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RESPONDENT

GROUNDING AFFIDAVIT OF STEPHEN MANNING

I, Stephen Manning, publisher, who ordinarily resides at Forthill, 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 *District Court Case No 2-16/40190 "DPP vs Granahan & Manning"* and I make this affidavit from facts within my own knowledge save where otherwise appears and whereso 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 book of exhibits attached in support of this affidavit marked 'Ex 1,2,3' etc. I further refer to copious materials, articles, letters, videos, recordings 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 Forthill, 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, that my family and I have been rendered virtually impecunious in our sincere efforts to secure justice via the Irish ‘statutory authorities’ these past seven years and that I respectfully request that the Court takes this into consideration in considering this application.

* * *

5. Outline of Grounds for this Judicial Review Application

This case (District Court Case No 2-16/40190 ‘DPP vs Granahan & Manning’) 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; and..

(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. Furthermore, that it can be demonstrated that the Respondent Judge Aeneas McCarthy and the listed ‘associated parties’ at ‘6a’ below have, in one form or another, by direct and unlawful actions or inactions or in the active or passive facilitation of the same, knowingly contravened *The Petty Sessions (Ireland) Act 1851* and have likewise acted contrary to specific Superior Court Rulings in this regard, specifically the High Court ruling of July 9th 2013; the Supreme Court ruling of July 30th 2015; and by the additional endorsements of the Court of Appeal on July 25th 2016.

6a. ‘Associated parties’ as referred to in this affidavit:

(3) DISTRICT COURT JUDGE MARY DEVINS, (4) DISTRICT COURT JUDGE JOHN LINDSAY, (5) DISTRICT COURT JUDGE JAMES FAUGHNAN, (6) DISTRICT COURT JUDGE KEVIN KILRAINE, (7) DISTRICT COURT JUDGE MIRIAM A. WALSH, (8) DISTRICT COURT JUDGE ALAN MITCHELL, (9) DISTRICT COURT JUDGE MICHAEL WALSH, (10) DISTRICT COURT JUDGE BRYAN SMYTH, (11) DISTRICT COURT JUDGE HER HONOUR MIRIAM MALONE, (12) PRESIDENT OF THE DISTRICT COURT HER HONOUR ROSEMARY HORGAN, (13) JUSTICE ELLEN RING, CHAIRPERSON, GARDA SIOCHANA OMBUDSMAN COMMISSION, (14) AN TAOISEACH ENDA KENNY TD, (15) MINISTER FOR JUSTICE AND EQUALITY AND TAINASTE FRANCES FITZGERALD TD, (16) GARDA COMMISSIONER NOIRIN O’SULLIVAN, (17) COURTS SERVICE CEO BRENDAN RYAN, (18) MAYO STATE PROSECUTOR VINCENT DEANE, (19) MAYO COUNTY REGISTRAR FINTAN MURPHY, (20) CASTLEBAR COURTS SERVICE MANAGER PETER MOONEY, (21) PRESIDENT OF IRELAND MICHAEL D HIGGINS.

7. That in committing these knowing acts – to include the additional detail in this sworn document – that the Respondent and the aforesaid ‘associated parties’ have each, with foreknowledge and unlawful intent, committed various offences as against the administration of justice and/or

variously, have conspired to interfere with, obstruct or pervert the course of justice. In all of the said incidents I state and declare my belief that each has acted unlawfully, unconstitutionally and arguably with criminal intent either as the primary actor or as a knowing collaborator in said unlawful activity, and that in all instances so detailed, that the said Respondent and the various ‘associated parties’ have also breached their respective codes of conduct and oaths of offices, and their obligations to the Irish People whom they are sworn to serve, and in particular to the detriment of the Applicant in this matter before the Superior Courts.

8. General Overview: This statement/affidavit has been prepared in support of my application to the Irish Superior Courts for some emergency remedial, corrective, prohibitive, investigative and/or punitive action as against those in the pay of the State who are committing various acts of deliberate, criminal misconduct, including serious misfeasance, nonfeasance and malfeasance and are likewise engaged in repeated breaches of the law, of the Constitution, of their various codes of conduct and oaths of office; of the various rules, regulations and accepted protocols which supposedly govern their roles, professions and mandates; and in doing so are individually, and collectively, infringing upon my fundamental human rights and those of my family – as well as upon the rights of a great many other members of the general public in breach of Irish and EU law.

9. It should be clearly noted from the outset that this approach to the Superior Courts has only been made after numerous attempts to secure justice via the respective ‘statutory authorities’ has been utterly exhausted; where ‘due process’ has been refused or denied to the Applicant; and/or where multiple legitimate approaches to (and engagements with) the various ‘statutory oversight bodies’ including the lower Courts have likewise engendered wholly unsatisfactory, unjust and improper outcomes which, on the face of things, are also manifestly unlawful and unconstitutional.

10. In short, that as a law-abiding member of the public, I have for several years now—and in addition to the circumstances of this particular case—tried to engage with the Irish justice system at all levels (excluding the Supreme Court) and have been repeatedly failed by that system inasmuch as a great many of those who are being paid by the public (via the State) to ‘serve and protect’ and to uphold the law and the Constitution are, in the main, engaged in the wholesale abandonment of those principles and in very many cases, are actively visiting crimes on the very same public whom they have been sworn and mandated to ‘protect and serve’.

11. As summarised in paragraph 6 above, I also approach the Superior Courts today in specific context of a range of unlawful acts being committed by a series of District Court Judges in succession—the latest of whom is Judge Aeneas McCarthy, the named Respondent in this application—in response to legitimate applications being made by myself and other members of the public under the *Petty Sessions (Ireland) Act 1851*. In the active commission of said alleged unlawful acts or; in the failure, omission or neglect of the required lawful actions, the said judges have been aided and abetted – directly or indirectly – by other agents and agencies of the State – including by certain individuals in high office (as named as ‘associated parties’ in this application) – and in doing so, each such complicit party is arguably also guilty—before or after the fact—of any or all of the following offences which have been visited on the Applicant:

- Misconduct in public office.
- Various acts of misfeasance, nonfeasance or malfeasance.

- Fraud, deception, perjury and other attempts to interfere in the administration of justice.
- Conspiracy to obstruct or pervert the course of justice.
- Criminal damage and/or collusion to alter, edit, omit, deny or suppress evidence.
- The commission of – or active facilitation of – various non-fatal offences as against the person including acts of direct harassment and intimidation; the lodging of spurious and vexatious charges; of physical assaults causing injury and of threats of false imprisonment.

12. This Application is also made in specific context of 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.”* And in addition to the requirements of Article 34.6 (i) that all judges swear a solemn declaration ‘under God’ as follows:

“In the presence of Almighty God I do solemnly and sincerely promise and declare that I will duly and faithfully and to the best of my knowledge and power execute the office of Chief Justice (or as the case may be) without fear or favour, affection or ill-will towards any man, and that I will uphold the Constitution and the laws. May God direct and sustain me.”

13. Inasmuch as Articles 34.6 (i) & Article 35.2 are being repeatedly breached by certain members of the judiciary, and inasmuch as this brings the fundamental integrity of the Irish justice system into serious question and, arguably, renders any such Courts invalid by virtue of the fact that they are no longer operating within the bounds of the Constitution; and inasmuch as no person residing in this State (citizen or otherwise) should be forced, coerced or otherwise obliged to participate in unlawful or unconstitutional activity, then this Application goes to the heart of the Constitutional legitimacy of our District Courts in particular; of their essential lawfulness, and the validity of their jurisdiction.

13a. The Applicant further asserts that various other Articles of the Irish Constitution are being repeatedly violated in this case as laid out in the accompanying grounding statement, namely:

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

(ii) Article 40 (3) 1° which states; *“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.”*

(iii) Article 40 (3) 2° which states; *“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.”*

(iv) Article 40 (4) 1° which states; *“No citizen shall be deprived of his personal liberty save in accordance with law.”*

(v) Article 40 (6) 1° which states; *“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.”*

14. Furthermore, inasmuch as the Applicant has been informed by various statutory authorities including the Minister for Justice Frances Fitzgerald and the Office of the Chief Justice that there is, in effect, no vehicle under which District Court Judges (in particular) can currently be held accountable for reported acts of misconduct or other abuses of power and position; and inasmuch

as Minister for Justice Frances Fitzgerald has openly lied in a public document as to her statutory responsibilities in this regard (Ex 1); the Applicant is hereby seeking variously orders of mandamus, certiorari, prohibition, declaration and injunction as appropriate to the issues raised below, in order to guarantee that from this point forwards, the Applicant (as well as the general Irish public) receives the services due to them under the law and the Constitution, and that any and all incidences of improper, unlawful or criminal activity by said agents of the State are immediately arrested, addressed and rectified by the Orders of this Honourable Court – or of whichever other Superior or alternative Court is necessary to approach in order to secure justice and clarity in these matters.

15. In respect of the time limits that apply to ex-parte (and/or judicial review) applications to the Superior Courts; and in respect of the fact that this application covers a range of directly-connected and interconnected issues and incidents which span a protracted period of time to date (specifically from June 2015 to November 2016) which personally involve the Applicant either as a Plaintiff, a Defendant, a lay-prosecutor or as an ordinary member of the public who is trying, in the face of overwhelming official malfeasance and prohibitive legal costs to avail of his statutory rights under EU law and the Irish Constitution without the financial resources to engage counsel; the Applicant respectfully draws the Court's attention to the precedent set by Justice Brian McGovern on July 30th 2012 when judicial review was granted to the Applicant regarding eight decisions in succession made in Castlebar Circuit Court on the basis that it was not until the final decisions were made that the Applicant became fully aware of the extent and interconnectedness of the maladministration and prejudicial decisions being unlawfully visited upon him by Mayo County Registrar Fintan Murphy and by Circuit Court Judge Raymond Groarke (now President of the Circuit Courts) in several different sittings at Castlebar Courthouse.*

** It is worth noting in context of this Application that the above mentioned judicial review No. 2012 689JR was likewise subjected to a slew of contrivances, convolutions, misdirections and other improper interferences by agents and agencies of the State over an extended period until finally being 'indefinitely suspended' by the previous President of the High Court Justice Nicholas Kearns on January 23rd 2014, on the basis that Defendant George Collins (2nd cousin to Enda Kenny TD) was 'too sick' to attend. The Plaintiff Stephen Manning was NOT present at the said hearing; I had NOT even been notified of the said hearing; and Mr Collins was 'legally represented' (against all of the statutory rules) by his brother Paul Collins, a person with a longstanding serious criminal record and jail time in the UK and with NO legal credentials whatsoever. That Judicial Review was NEVER heard, and the Collins brothers have it seems now left the jurisdiction – with George Collins obviously being in sufficient good health to do so.*

16. For the perusal and advices of the Court I attach as 'Ex 2' a letter sent to President of Ireland Michael D Higgins on June 11th 2016, copied to the *European Court of Human Rights* and (in each of their respective names) to the parties listed below. Given that the Applicant Stephen Manning has written scores of similar letters without due or proper acknowledgement or responses from a number of those named, and given there were no responses from the Irish-based authorities which in any way addressed the issues raised in the letter of June 11th, the Applicant includes 'Ex 2' so as to establish the fact that all reasonable efforts have been made by the Applicant before approaching this honourable Court for the reliefs sought.

- 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.

17. The Applicant also attaches as ‘Ex 3’ a formal NOTICE dated August 25th 2016, duly served on the following parties under the ‘*qui tacet consentit*’ rule, which establishes the Constitutional foundations of this emergency Application which, in the absence of any pertinent, clarifying, assistive or revoking responses from said parties, yields and consigns (if there was any doubt in the matter) full Constitutional authority to this Honourable Court to grant the reliefs sought without any further delays or consultations.

- Michael D Higgins, President of Ireland.
- Taoiseach Enda Kenny TD
- Tánaiste and Minister for Justice Frances Fitzgerald TD
- Chief Justice Susan Denham
- Attorney General Marie Whelan

18. In addition to the numerous letters, notices and formal complaints submitted by the Applicant to the authorities to date, the incidents and events as outlined below are supported on all occasions by; (i) contemporaneous notes signed by eyewitnesses; (ii) (on certain occasions) by private video or audio recordings; and (iii) by the Courts Service own DAR recordings. However, the Applicant has not sought any specific DAR recordings in support of this particular Application (except where already in hand, as noted) due to the logistical difficulties and costs of securing DAR recordings; due to multiple documented instances of the DAR not being switched on at source; of the DAR ‘not being available’; and because of numerous reports (including the Applicant’s personal experience) when the DAR has otherwise being unlawfully altered or interfered with after-the-fact to the detriment of justice.

19. That in addition to the criminal activities of the prosecution team in Case 2-16/40190 (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, to the Office of the Chief Justice and to individual judges; in the absolute failure and refusal of said agents or agencies to either properly respond and/or 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.

20. In addition to the fact that the originating ‘disturbance’ in Castlebar Courthouse on September 2nd 2015 (which event forms the alleged basis for the prosecution’s case) was actually predicated on a slew of improprieties and unlawful acts by agents of the State, including 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; of District Court Judges Kevin Kilraine, Mary Devins, John Lindsay, James Faughnan (and collusive others including the Minister for Justice Frances Fitzgerald) 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 incontestable unlawful physical assaults on the public in that very same Courthouse.

21. 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 the aforesaid 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, Australia 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. Circuit Court Orders for damages and legal costs owed to the Manning family of over €30,000.00 remain outstanding.*

22. Indeed, it was my own personal experiences in trying to secure due protection and justice for my family – in conjunction with some truly shocking accounts of injustice being visited on vulnerable others by 'connected insiders' or agents of the State that led to the setting up of the *Integrity Ireland* project in 2012. Notwithstanding the general and specific allegations of State-sanctioned misconduct which underscore the contents of this Application, I believe that my position as a lead spokesperson for *Integrity Ireland* has a great deal to do with the initiation of this contrived criminal prosecution and of the corresponding unlawful activities being visited upon myself and upon other anti-corruption campaigners, activists and whistleblowers.

23. For the further advices of this Court; *Integrity Ireland* has the stated objectives of, 'encouraging justice, transparency & accountability' and 'challenging corruption, cronyism and criminal cover-ups' in the agencies of the State – in particular in law enforcement, in the legal profession and in the

Courts. This is based on the simple premise that if we cannot trust in the integrity and probity of these three particular institutions, then there is little hope of genuine justice being delivered with any measure of consistency, or indeed, of the requisite humanity, to those who need it most.

24. *'Integrity Ireland'* is a completely voluntary association, whose membership could be described as 'actively supportive' of high standards, professionalism, integrity and 'best practice' in government departments and their affiliates in the legal profession, and it is probably worth noting that within the I-I support base are a great number of interconnected individuals and groups, including a number of respected professionals (some of whom are retired) who hail from the legal profession, from the banking industry and from An Garda Síochána, as well as from other State agencies such as Revenue and the HSE for example, and it gives us considerable hope and encouragement that persons who have been part of 'the system' for most of their lives, now feel driven to actively support and encourage the *Integrity Ireland* project.

25. Notwithstanding the specificity of the issues raised in this Application I believe it is both pertinent and appropriate to give a brief outline to the Court of my own personal circumstances, of those of my family, and of the position of the general membership of *Integrity Ireland* (inasmuch as can be done so without going into the detail of individual cases) so as to place these matters in proper and appropriate context.

26. **Corruption and misconduct in agencies of the State:** Firstly, it should be clarified that in addition to the institutional scandals that *have* been aired by the mainstream media in recent years, and in particular those serious critiques of the management and performance of An Garda Síochána being, "*one of the most secretive police forces in the developed world*"; of the Ministry for Justice being, "*a closed, secretive and silo-driven culture*" (which is) "*not fit for purpose*"; of the "*obscene legal fees*" being claimed from the State, unvouched, by unscrupulous lawyers defending repeated misconduct by State agencies and agents; of our overtly-political judicial appointments system and the Chief Justice's repeated calls for the urgent setting up of a Judicial Council... that in addition to all this, that hundreds of documented complaints* have been received by *Integrity Ireland* over the past four years which detail some truly horrendous cases of injustice being visited on the public by those in positions of power and authority. *(See the 'Case Studies' page on the I-I website for examples)

27. The unsettling I-I grounding statement therefore that, "*A culture of corruption, cronyism and criminal cover-ups lies at the very heart of the Irish Justice System*" (as documented in the '*Integrity Ireland S.O.S. Guide*'* and the '*D.I.Y. Justice in Ireland*' booklet*) is therefore demonstrated to be factually and historically true and, notwithstanding the personal merits, morality or integrity of any given individual who operates within the system, it is clear that if we are not to be complicit in the great and abiding lie and thereby complicit in the ruination of so many ordinary persons' lives, that we must, individually and collectively, stand up in opposition and stand up in truth until we DO have a fair, democratic and properly-functioning justice system. This, in a nutshell summarises the *Integrity Ireland* project, and would be the general opinion of most of the membership; that something must be urgently done about the corruption in this State – and most especially about corruption and misconduct in our so-called justice system, otherwise, we are all tacitly complicit in the same and are equally guilty of the shameful future that we are handing to our children.

* See "*THE INTEGRITY IRELAND S.O.S. GUIDE: Saving Our State*" ISBN978-1906628727.

"*D.I.Y. JUSTICE IN IRELAND Prosecuting by Common Informer*" ISBN 978-1906628734)

28. The fact of the matter is that most of the membership of I-I and that of a host of other similar anti-corruption groups have experienced torturous personal dealings with agencies of the State (or their affiliates) stretching back many years. Some of those dealings began in relatively innocuous circumstances with a member of the public (for example) needing to register a complaint or engage a solicitor, and then, their journeys into perdition began. Stories abound of rampant fraud and deception by solicitors, of unlawful intimidation and assaults by Gardaí, of bizarre and incomprehensible rulings by Judges, and of the utter failure of the so-called 'statutory oversight bodies' to do anything about it. Routine denials, delays, obstructionism, secrecy and obfuscation seem to be the order of the day, with the all the various 'codes of conduct' and so-called 'ethical obligations' being completely ignored. The brazen contempt and arrogance on the part of senior authority figures and certain members of the legal profession (such as we are experiencing again in this case) is another common thread that adds to the personal sense of affront, of outrage and of frustration by ordinary citizens. The idea that 'the establishment' is looking after its own to the great cost and detriment of the rest of us is now an accepted fact, and that there is, in effect, one law for 'them' and another for us. That power has been seized, or politically gifted, to too many unscrupulous persons who are morally unfit for the task, and that our Courts in particular have become the preserve of the rich and the politically-connected, and (such as in this case) that any dissent or critiques of the status quo—however justified or legitimate—will be ruthlessly quashed.

29. Ordinary Irish people are understandably in despair. In some cases fortunes have been lost; land and property has been stolen; families have been broken up; dreams have been shattered; and many, many lives have been lost to suicide. Some lives have even been unlawfully taken without any proper response from 'the authorities'. When coupled with the recent insidious 'official' targeting of whistleblowers, activists and outspoken others (such as the Defendants in this case) it becomes clear why the public's faith in 'the system' is at an all-time low. All of this duplicity has left many people (including myself) immensely frustrated at the lack of justice, transparency and accountability in this State – even (such as in this particular case) when criminal activity by agents or agencies of the State is plainly evident, obvious and overwhelming.

30. Perhaps most alarming of all is when crimes are committed by those in seemingly 'untouchable' positions of power and authority such as those working for the supposedly 'independent' Office of the DPP for example. This Application before the Court today raises the very unsettling question of who exactly do we turn to in circumstances whereby senior agents of the DPP's Office engage in deliberate and premeditated criminal conduct and where at the very least, this criminal conduct is 'overlooked' (or intentionally ignored) by the DPP's Office and which may even yet be shown to have been sanctioned by the Director of Public Prosecutions herself, Claire Loftus. Certainly, it would not be the first time that such allegations of criminal collusion have been levied as against Ms Loftus in context of my own experience and I am prepared to stand 100% behind those allegations (which are already in the public domain) in the event that Ms Loftus feels the need to defend her position.

31. For the ordinary citizen—and especially in circumstances like this—our last hope remains with the Courts. We simply HAVE to be able to trust in the wisdom, fairness and humanity of our judges and in the probity of the Courts. Otherwise, all of the pomp and circumstance of the Courtrooms; all of the convoluted quoting of the various rules, acts, laws and statutes; and even the supposed 'Constitutional foundations' of the Irish Republic are rendered unreliable and unsound – and in pretending otherwise we all play a part in a great and abiding lie. In short, that if our Courts, our

judges and our so-called 'statutory oversight bodies' cannot be trusted to dispense justice "*without fear or favour*" and if they do not operate "*subject to the law and the Constitution*" then the justice system has clearly failed. If not in its undeclared and unspoken role as the covert protector of the 'connected elites' (such as those working for the DPP's Office for example) then certainly our justice system is failing in its Constitutionally-declared role to '*serve and protect the Irish people*' and to uphold and defend our fundamental rights.

31. Accordingly, in the understanding that our Courts are, in almost every case, the final arbiters of disputes or protracted civil claims or, that individual judges (especially in the lower Courts) have the unilateral power to jail people on charges which may be fundamentally unsound, it is perhaps stating the obvious to declare that it is absolutely imperative that the public can trust the judiciary to carry out their responsibilities to the people in a manner appropriate to their privileged roles in society – and most especially *without* any fear of challenging wrongdoing in high places – such as in the DPP's Office. Otherwise, the whole notion of genuine 'justice' in Ireland becomes utterly hypocritical, inconsistent and undependable; a statement which is underscored by the recent publication of the alarming amount of appeals and judicial reviews being taken against judges' decisions, with some judges scoring overturn rates of up to 83%* without any apparent concern at the obvious questions this raises about our judges' proper and consistent interpretations, and their respective applications of the law. (*Ex 4)

32. Notwithstanding the supposed 'statutory independence' of the judiciary and the great breadth of 'discretion' afforded in making their decisions, our judges are, still, unequivocally "*subject to the law and the Constitution*" and it should be a cause of great alarm and concern for ALL members of Irish society when any given judge (let alone scores of them in succession) act in ways that are blatantly unlawful, unconstitutional or in breach of their solemn oaths of office – especially when the road to Court for ordinary persons is such an immensely costly, stressful and time-consuming journey in the first place. Likewise for other senior office holders and their agents – such as the Office of the DPP.* None of them should be in a position whereby they think they can commit criminal acts with impunity, for it makes a mockery of the Irish Constitution and of the very notion of justice itself.

** Surely questions should be raised about the integrity of a supposed 'independent' DPP's Office where, according to information in the public domain, Elizabeth Howlin – reportedly the niece of ex-Minister Brendan Howlin – oversaw the Prosecution Department at a time when her uncle Eamonn Howlin – the brother of the same TD – was accused of 'murder-manslaughter' – and would have been a party to the decision returned from that Office, 'not to prosecute'. Likewise, Mr Howlin's participation – along with Messrs Kenny and Noonan, and Minister Joan Burton in the secretive and arguably unconstitutional Economic Management Council (EMC) without the sanction or approval of the Oireachtas, should be raising very serious questions about a culture of cronyism, secrecy and apparent contempt for the Constitution and the law amongst certain persons in high office, who are in positions of great public trust and responsibility.*

33. I emphasise this point about the role and power of the judiciary and of the Courts because it is central to the matters before the Court today; that in circumstances whereby the presiding Judge in this case (Judge Aeneas McCarthy) and several other District Court Judges have committed multiple 'improper actions' in various different hearings of the District Court, and where sincere and legitimate efforts were made by a number of persons (including myself) to first of all draw their

immediate attention to the issues at hand, and then, by other protracted means including writing detailed letters, making formal complaints, composing public articles and videos, and spending a great deal of time and effort studying the various rules, regulations and laws that supposedly apply in these circumstances; and then, after all of these efforts and attempts to lawfully raise these matters of concern were contemptuously ignored not only by the individuals themselves, but also by their supposed 'superiors' within the Department of Justice such as the President of the District Courts Rosemary Horgan; by the Chief Justice; by the Attorney General Marie Whelan and most especially by Minister for Justice Frances Fitzgerald TD – all of whom DO have specific statutory roles to play (despite their repeated denials) in the event that legitimate complaints are made about the conduct of District Court Judges. The added fact that Frances Fitzgerald TD would blatantly lie in a public document, signed in her own name, denying her statutory role and responsibilities in this regard, only adds to the immense sense of frustration and dismay being felt by ordinary members of the public who see a culture of almost unbelievable arrogance and contempt for the law – on the part of some of our most senior authority figures. (Ex 5, 6 & 7)

34. I would therefore respectfully argue that any sincere efforts on the part of this Court to properly understand the context in which myself and other members of the public would feel morally obliged to publicly denounce judicial misconduct and take whatever lawful actions that are available to them to expose the same, needs to be understood in light of the wholesale and repeated failures and refusals of ALL of the Irish authorities I have formally approached to date, to properly and lawfully respond to allegations of serious, and arguably even criminal misconduct by a range of District Court Judges in particular. Here, I refer to the '*Constitutional Declaration & Affirmation*' (at 'Ex 8') which was composed in the face of repeated stonewalling by all of the authority figures named therein, as well as to three other unanswered letters to President Michael D Higgins dated June 11th, Aug 2nd & Aug 25th last* (copied to the *European Court of Human Rights* and others) which detail the appalling state of affairs ongoing in the Irish State and the apparent total collapse of responsibility and accountability on the part of the Government and of the judiciary in particular. (Ex 9, 10 & 11)

35. In my own family's case, we have spent the best part of seven years trying, without success, to address hundreds (literally) of criminal offences committed against us by politically-connected individuals* who have it seems, because of their family connections with Taoiseach Enda Kenny TD, been afforded the wholesale (and unlawful) protection of agencies of the State, including by the Courts. This was done in the face of legitimate civil claims registered against them for some truly disgusting acts of defamation, which were then compounded by a catalogue of serious criminal acts (including threats of murder and an alleged solicitation to murder) over an extended period in a campaign of harassment and intimidation which required us to move house three times in a two-year period.

** I refer here again to brothers George Collins and Paul Collins, 2nd cousins to the current Taoiseach, Enda Kenny TD.*

36. Throughout this period, and in spite of all of the evidence of criminality on the part of various agents of the State including by senior members of An Garda Síochána, by the DPP's Office, by the Chief State Solicitor's Office, by Courts Service Staff, by HSE and TUSLA personnel, by Garda Ombudsman Staff and by various solicitors, barristers, registrars and judges; yet still, not a single solitary complaint has resulted in any proper or fulsome response by the authorities – so much so,

that in utter exasperation at all of the criminality and misconduct ongoing around us, and in specific response to a criminal attempt by a Garda Chief Superintendent in collusion with TUSLA personnel to lodge knowingly-false charges that could have resulted in our children being 'taken into care'; that we issued High Court proceedings (ongoing) against the State on the following grounds:

37. Quote from plenary summons 2014/4206-P:

"The Defendants collectively are Office holders, agents, agencies and/or affiliates of the State, who, at various times during an extended period beginning in-or-around July 2009 and extending to date, have variously engaged in serial acts of nonfeasance, misfeasance and malfeasance including (but not limited to) the following acts of commission, omission and/or facilitation, to the detriment of the Plaintiffs' constitutional rights under Irish and EU law.

- (a) Failure of statutory duty*
- (b) Neglect of statutory duty*
- (c) Breach of statutory duty*
- (d) Denial of due service*
- (e) Failure to uphold the law and the Constitution*
- (f) Abuse of authority*
- (g) Misuse of statutory instruments and facilities*
- (h) Changing of terms of reference*
- (i) Harassment and intimidation and facilitation of the same*
- (j) Fraud, perjury, collusion and facilitation of the same*
- (k) Deception, obfuscation, obstructionism and facilitation of the same*
- (l) General and specific discrimination, maltreatment and persecution of a law abiding citizen and his family and facilitation of the same*
- (m) Falsification of evidence and facilitation of the same*
- (n) Suppression of criminal activity and facilitation of the same*
- (o) Conspiracy to deny the Plaintiffs proper access to the Courts*
- (p) Conspiracy to deny the Plaintiffs proper access to justice*
- (q) Contempt of Court and facilitating contempt of Court*
- (r) Conspiracy to attempt to criminalise the lead Plaintiff*
- (s) Conspiracy to obstruct the course of justice*
- (t) Conspiracy to pervert the course of justice*
- (u) Additional acts of nonfeasance, misfeasance and malfeasance as detailed in the Statement of Claim and exhibits to follow."*

38. Interestingly, as can be seen at 'Ex 12 (i & ii)' this particular story was picked up on by the *Sunday Business Post* and was commented on by other mainstream media outlets, but we have since been informed by a range of credible sources including prominent radio and newspaper reporters, that pressure is being applied on them NOT to cover any stories naming myself or *Integrity Ireland* except in derogatory terms. This was especially the case locally during the run-up to the general election, where certain local media outlets 'dumbed down' an unprovoked (televised) physical assault on myself at the Election Count Centre in Castlebar by Mr Kenny's 'private security detail' – including members of An Garda Síochána. The same YouTube video was removed from viewing online upon application from an unknown 'official source' who claimed (somewhat ironically) that the contents were defamatory. Interestingly, this 'unknown source' has yet to initiate any formal complaints or any civil claim of defamation despite the full video remaining available to the public on the *Integrity Ireland* website.

39. It is probably also worth noting in context of the aforesaid TUSLA case the astonishing fact that even in the face of an application to the Court for 'supervision orders' as against our children, that my wife and I were NOT furnished with a copy of the allegations against us and we had to walk into the District Court before Judge Mary Devins in a private hearing being literally 'blind' as to the charges being made. Even on subsequent discovery that HSE/TUSLA Staff and Gardaí had colluded with others in lodging knowingly-false reports which had then been unlawfully altered after-the-fact in order to conceal further wrongdoing by TUSLA and their legal team – and even in the face of the aforesaid High Court proceedings – we STILL today cannot secure copies of the referrals, reports or other documentation that proves a litany of criminal activity by these persons and agencies. For decent families to be treated this way by the very same State agency supposedly responsible for the protection of children is a scandal in itself. For those persons who are involved in such criminality (which has the potential to cause so much heartache and upset to children and families) to continue, undisturbed in their machinations is an indictment of all that is wrong with Irish State regulation.

40. It is also worthy of note that the local law firm which received the HSE/TUSLA contract to try to prosecute us on these false and outlandish charges operates in the name of District Court Judge '*Patrick J Durcan*' who was Mr Enda Kenny's political running-mate before he was appointed a judge. In fact, we have since discovered that curiously, that particular business operates under four different (but very similar) registered names, but our questions as to the propriety of this – or indeed of the said judge's continued role in the business (which still carry his signature) have, as per usual, been contemptuously ignored. Likewise, solemn undertakings by the lead solicitor James Ward (Judge Durcan's son-in-law) to pay our expenses after we finally managed to get this disgraceful HSE/TUSLA case thrown out of the Circuit Court never materialised. Neither was the TUSLA Social Worker Ms Siobhan O'Connor prosecuted for blatant perjury and fraud, despite clear recorded evidence and our formal criminal complaints to An Garda Síochána. Neither would Circuit Court Judge Rory McCabe respond to our strident appeals that he simply 'take the appropriate action' and direct the Gardaí to prosecute – even when we pointed out that had we NOT had the foresight to record our phone calls, that we might indeed have seen our children taken away from us that day – based on utterly fraudulent and contrived 'reports' – some of which had already been discredited and disproven in Court proceedings WE had taken and (we later found out) were actually made anonymously by the criminal Collins fraternity – the 'protected' 2nd cousins of Mr Kenny – as well as by local Gardaí. The Garda Ombudsman too saw 'nothing amiss' despite documented proofs that Gardaí had concocted false reports and then GSOC utterly failed to respond to our supposed 'statutory right of appeal'. This, I regret to say, is generally typical of the supercilious attitudes, collusive protectionism, criminal cover-ups and dismissive responses returned to us when we 'dare' to lodge official complaints or otherwise question the methods of operation of so-called 'professional' law firms, of our Gardaí or our Courts, or indeed of any person or agency affiliated with the State.

41. Regrettably, it remains my sincere and honest opinion—based upon my own personal travels and experiences, and my years of involvement in the I-I project—that amongst so-called 'modern democratic' countries, that Ireland holds a shameful lead when it comes to the breadth and depth of 'official' corruption, cronyism and criminal cover-ups by agents and agencies of the State. This is a depressing reality which any right-thinking moral person should be appalled at, and especially any right-thinking moral *Irish* person who plays a role in our justice system. And it is on this premise that

I absolutely and unequivocally defend the *Integrity Ireland* project and its determined philosophy of direct, uncompromising but lawful action, and respectfully invite this Court to confirm the same.

42. 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’ and the 15-year-old charged with alleged ‘false imprisonment’ of Joan Burton TD; or of the unrepentant ‘gentleman’ who labelled President Michael D Higgins a ‘midget parasite’ or of a number of other campaigners who suffered physical assaults *by* Gardaí – yet who then found themselves being named as the aggressors) 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 inadvertently apprehended in connection with a bungled ‘punishment beating’ which, according to the victim, was intended for the Applicant Stephen Manning – in order to get me to drop the civil case I was taking against George Collins, 2nd cousin to Enda Kenny TD. Despite repeated appeals by Gardaí in the mainstream media for information, I say that two Chief Superintendents in two different Garda Divisions have NOT followed up on written advices that the Applicant has knowledge which could help identify the murderers.*

43. 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.

44. In the detail that follows, the Applicant will demonstrate that this particular prosecution by the DPP’s Office (District Court Case No 2-16/40190) constitutes another 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, and it is on the basis of the following documented events and happenings – summarised briefly here below – that the Applicant seeks emergency relief.

45. That not only is this a contrived and baseless prosecution by the Office of the DPP 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, and that the Respondent Judge Aeneas McCarthy has made several errors in law in the management of this case:

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 upon raising the matter of 'statutory legal aid' due to the Applicant – and under the Applicant's repeated protest at the continuance of the hearing – Judge McCarthy allowed the Applicant only approximately one hour over lunchtime to secure legal representation, and when I returned unsuccessful, 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 Gardai 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 Gardai 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 Gardai 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.

46. 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.

47. 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.

48. 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.*

49. 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 13)

** 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 to the Circuit Court 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.*

50. 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 – even 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 sew 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.

51. On Tuesday July 28th 2015 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 14) 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).

52. 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.

53. 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.*

54. 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 (allegedly) '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.

** It should be noted that the Applicant has used the template of the flawed application by Fintan Murphy to advance this perfectly legitimate application – so as not to be inadvertently obstructed (deliberately or otherwise) in this process – and has had the same confirmed by the Courts Service.*

55. In short, that the form and circumstances wherein these 'High Court documents' were presented to the Court on the morning of September 2nd 2015 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.

56. 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.

57. 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.

58. 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.

59. 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.

60. 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, that I explained to Judge Kilraine where he was (apparently) breaking the law, and then 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.

61. 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.

62. 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 Courts Service Manager 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 being paid from the public purse to enforce it.

63. 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.

64. 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 15) 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 have been 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.*

65. 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?

66. 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.

67. 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 personal 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.

68. 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 repeated 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.

69. Shortly after his return about 15 minutes later, and when Judge Kilraine still wouldn't address the issues previously raised, Colm Granahan advised the Judge that, "I am now surrendering you into Garda custody" i.e. that Judge Kilraine was being placed under (verbal) citizen's arrest – which, under the circumstances, Mr Granahan was perfectly entitled to do. 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.

69a. This point is of fundamental importance to this case and to this application for reliefs; that NO resident of this State should be obliged, coerced, directed, forced or intimidated by 'the statutory authorities' to engage in unlawful, unconstitutional or in criminal conduct – which is precisely what I allege was happening in Castlebar Court 'in the public's name' that day. We immediately lodged a criminal complaint with An Garda Síochána as to the conduct of Judge Kevin Kilraine and Supt Joe McKenna but as far as we are aware, no official action has been taken in this regard (as per usual).

70. As for the supposed 'official investigation' into the events of Sept 2nd 2015, 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 *verbal* enquiries – were made of the 20-plus members of the general public present in Court.

71. 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 under cross-examination in Court (in September 2016) that ‘taking contemporaneous notes’ would have been ‘normal practice’ in the event that offences were being committed.

72. 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 first-hand contemporaneous record of the morning’s events – a contemporaneous record such as the DAR recordings perhaps, which (the Defence has been officially 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.*

73. However, it has now been established beyond any doubt that the DAR was in fact switched on during some of 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 deliberately (and arguably maliciously) interfered in evidence and then knowingly deceived The Court’ as to the facts, and that in all likelihood, so has Superintendent Joe McKenna and Mayo State Prosecutor Vincent Deane – possibly, with the full knowledge and support 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 16) Our response of Oct 24th was eventually responded to with another dismissive two-liner that stated ‘we do not intend to comment further’. (Ex 17 & 18)*

74. 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 rotator-cuff injuries to his shoulder as sustained in the same assault, which is a cause of chronic and debilitating pain to the Applicant which is interfering in routine daily life.*

75. 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 19)

- *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.*

76. 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 demanded 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.

77. 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.

78. The Applicant was not in attendance at the third hearing in this case before Judge Aeneas Mc Carthy on July 4th 2016 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, but 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 reneging (without proper explanation) on his verbal promises to 'put things in writing'. (Ex 20) 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.

79. 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.*

80. 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.

81. 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 and serially abused; and until such time as his personal safety (at the very least) 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

82. 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.*

83. 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 and preemptive injunctions 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 on 17th October last, by one of their ex-Garda service agents (Padraic Fien of Mayo Solution Services) on Stephen Manning.*

84. Meanwhile, 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 by the Applicant 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.

85. 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 in Castlebar Courthouse on Sept 6th 2016 without the Applicant even being present.

86. In addition to the ‘Constitutional Declaration & Affirmation’ the Applicant had also sent a specific NOTICE to Castlebar Courthouse (and published the same online) advising that he was coming in on September 6th to lodge three ‘common informer’ applications (vs Frances Fitzgerald, Judge Seamus Hughes and Judge John Lindsay), 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 45 (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.

87. 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 some of 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, malicious 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.

88. 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 or removed 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).

89. 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 witness statements that had already been 'collected' by the prosecution and copied to Messrs Granahan and Manning 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 then HAVE to be thrown out of evidence by the Judge.

90. 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 in his defence – something which was obviously NOT anticipated by the Prosecution – 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.

91. 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 originally presented by the Prosecution.

92. It further needs to be noted that in addition to all of the aforesaid written NOTICES, letters, complaints and emails, that the Applicant has verbally objected 'on the record' and 'in the strongest possible terms' at multiple times during the hearings of September 6th, 7th 8th and 9th 2016 to the prosecution continuing before Judge Aeneas McCarthy on all of the aforesaid grounds (as summarised in paragraph 45 of this affidavit) and with the exception of Judge McCarthy's assurances that the Applicant would NOT be unlawfully assaulted by Gardaí whilst in his Court, that all of the Applicant's other objections or applications have been either ignored, overruled or dismissed.

93. Likewise, having submitted three 'common informer' applications on September 6th for processing, complete with prior written NOTICE to the Court, that Judge McCarthy first advised the Applicant that; (i) "I will deal with these later." (ii) Then, at the close of the day's hearing and upon being reminded by the Applicant that he wished to have those applications dealt with, Judge McCarthy advised that he would deal with the applications "tomorrow". (iii) Judge McCarthy then ignored the applications over the next three days of hearings and then, (iv) at 5.30pm on Friday Sept 9th (and prompted by State Prosecutor Vincent Deane) declared that he would be "conflicted" and therefore couldn't deal with the 'common informer' applications at all. Which event brings us to the second important thread of this Application; the repeated failures or refusals on the part of several District Court Judges since June of last year to accept legitimate 'common informer' applications according to law, to legal precedent and to explicit Superior Court Rulings of which they were, certainly in most cases, absolutely and fully aware.

94. For the sake of clarity I quote here from p.4 & p.10 of the recently published 'D.I.Y. Justice in Ireland' booklet which outlines the 'common informer' process (underlines added for emphasis), as well as the 'standard advisory' which was composed in the face of these repeated failures and refusals by these Judges to process these applications: (Ex 21)

(p.4) 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. And best of all, the process is free.

(p.10) The Supreme Court Ruling

On July 30th 2015, the Supreme Court of Ireland made a seventeen page ruling in a case which was initiated by Common Informer. The right to private criminal prosecution was unequivocally endorsed and guaranteed under the current legislation. The simple processes and procedures outlined in this book were likewise acknowledged and reinforced. At the time of writing therefore, there is no lawful way that anyone in authority can prevent any member of the public from initiating private criminal prosecutions against any other person. So, let's make sure that justice, transparency & accountability matters!

95. It is upon these premises and upon the additional premise that the 'C.I.' process should NOT be unduly delayed or otherwise obstructed, provided the *prima facie* criteria that a crime has been committed has been established, that I hereby summarise the seemingly 'unlawful' activities of a succession of District Court Judges as named below, in specific context of the reliefs sought in this application. For the sake of expediency and due to the volume of such incidents and the need to make this application to the Superior Courts as a matter of some urgency, I ask the Court's

understanding as to the lack of greater detail in the following summarised account of incidents and events where I was personally present and which were witnessed and observed by a number of eyewitnesses during the period June 2015 to date. In the event any of the said Judges wishes to contest these summary accounts, I will provide to the Court the contemporaneous '*I-I Court Report Forms*' which will support the facts and name the eyewitnesses present.

96. Judge Kevin Kilraine: As detailed in this affidavit, Judge Kevin Kilraine first of all; (i) refused a 'C.I.' application against County Registrar Fintan Murphy on June 25th 2015 when there was clear evidence of Mr Murphy's complicity in violent physical assaults on members of the public. (ii) Judge Kilraine then improperly delayed the advancement of the 'C.I.' application vs Sgt Peter Hanley that were made on the same date, and, (iii) whilst ignoring *Order 10. 24 of the District Court Rules*, took no action as to Sgt Hanley's non-appearances on two different occasions on foot of three legitimate summonses, and then 'struck out' the original 'common informer' summons vs Sgt Hanley which Judge Kilraine had himself personally signed. (iv) Judge Kilraine also oversaw and fuelled (by his unlawful behaviour) the debacle in Castlebar Courthouse on September 2nd 2015 for which the Applicant Stephen Manning and Colm Granahan are now being spuriously charged with 'Section 6 public order offences' in Case No 2-16/40190 based on the demonstrably fraudulent testimony of State witnesses and a range of other unlawful or unconstitutional actions by agents of the State.

97. Judge Mary Devins: In addition to the incidents already outlined herein; (i) has exited her Courtroom without explanation on two occasions in 2015 when we stood to speak in relation to 'C.I.' applications; (ii) told the Applicant in a 'private meeting' after one of those occasions that she had the authority to make up her own rules; (iii) posted Gardaí at Castlebar Courtroom entrance who unlawfully refused entry to us, (iv) refused to affirm my personal safety in the Courtroom; (v) wrote to us (my wife and I) via Castlebar Courts Service telling us that our 'C.I.' complaints about the non-appearance of four subpoenaed witness in our civil case vs George Collins was a matter for Circuit Court Judge Karen Fergus (who had likewise refused to take any action) – and that Judge Devins would NOT be dealing with those applications if we presented them in her Court; (vi) exited the Courtroom again on October 19th 2016 after the Applicant had 'lodged' four new 'C.I.' applications naming Prosecutor Vincent Deane, Superintendent Joe McKenna, Court Manager Peter Mooney and local solicitor Rory O'Connor in relation to alleged criminal activity ongoing in this case.

98. Judge James Faughnan: In addition to the incidents already outlined herein, on July 15th 2015 in Chancery Lane District Court ('CLDC') point-blank failed or refused to engage with the Applicant's request that the Court strike out five specious petty traffic charges against the Applicant in circumstances where, (a) the prosecuting Garda hadn't turned up in a Dublin District Court, (b) the summonses were over four months out-of-time (and therefore statute-barred) and (c) where the Applicant had informed the Judge that he was a victim of obviously false and vexatious charges and had the evidence on his person to prove it.* (d) Instead, Judge Faughnan adjourned the matter for another four months against the Applicant's repeated objections and then exited the Court while the Applicant was speaking. Judge Faughnan also exited his Courtroom without answer or explanation on another two occasions in Castlebar Court when we stood to speak in relation to 'common informer' applications which Judge Faughnan knew were waiting to be processed.

** I had all of the relevant paperwork with me proving tax, insurance, NCT etc.*

99. Judge Alan Mitchell: (i) Oversaw the physical assault by several Gardaí on the Applicant in Chancery Lane District Court on Nov 9th 2015 instead of listening to the Applicant's reasonable pleadings regarding a clutch of overtly vexatious traffic charges which were later all thrown out on appeal; (ii) Tried to avoid accepting our legitimate 'C.I.' applications (against those Dublin Gardaí) in Castlebar Courthouse using various technical excuses until finally stating, *"There has been a Supreme Court ruling on this matter and I will have to research that before accepting your applications."* Accordingly, Judge Mitchell departed the Courthouse and did not accept the applications that day.

100. Judge Miriam Walsh: (i) Exited her Courtroom in Dublin while we were trying to explain that we wanted to lodge C.I. applications. (ii) On the second occasion a week later, and after examining our paperwork over lunch she returned saying, *"I didn't like your attitude last week, so I am not dealing with these applications. Goodbye!"* Judge Walsh then exited her Courtroom without further explanation, and in breach of all of her statutory responsibilities.

101. Judge Miriam Malone: (i) When asked (politely) by the Applicant to please identify herself, Judge Malone stated in an irritable and intimidatory tone, *"You'll know who I am soon enough!"* (ii) Later, after finding no errors in the 'C.I.' paperwork, stated, *"I'm not dealing with these – you can take them to another Court"* – and then simply walked out of her Court. (iii) On March 15th 2016, was the third District Court Judge to deal with the aforesaid vexatious traffic summonses and, having had to throw out the other four vexatious charges, then found me 'guilty' on the one remaining charge of 'entering a bus lane' in utterly ridiculous circumstances which were later overturned on appeal.

102. Judge Michael Walsh: On Monday May 9th 2016 at the CCJ in Dublin, (i) refused to deal with our C.I. applications (vs Gardaí & GSOC) on the day of application, and adjourned the matter for two weeks back to his own Court on May 23rd 2016 on the premise that *"this could take some time"*. When we explained that an adjournment would place us 'out of time' Judge Walsh asked us why we were coming to him *"at the very last minute"* with these applications? We explained that several District Court Judges in succession had already (unlawfully) failed or refused to deal with our applications, and that the 'six months statutory period' since the assault of November 9th 2015 would technically expire that day. Judge Walsh then 'stopped the clock running'. (ii) At the scheduled hearing of May 23rd 2016 (which was NOT listed at the CCJ or online), we arrived with our witnesses and evidence ready to go but Judge Walsh adjourned the matter again to Court No 2 on September 2nd 2016 on the premise that we would need to go before Judge Bryan Smyth and use the 'special I.T. facilities in Court No 2' to demonstrate our evidence. This adjournment later proved to be unnecessary, and the 'I.T. requirement' incorrect.

103. Judge John Lindsay: As detailed in this Application, (i) refused to affirm our safety in Castlebar Courtroom. (ii) Shouted in an intimidating and abusive manner at the Applicant and threatened to jail him if he continued to speak. (iii) Failed or refused to deal with 'C.I.' applications which had been delivered into him in Castlebar. (iv) Oversaw the ejection and assault of several members of the public, and the subsequent refusal of Gardaí to allow the Applicant entrance to the Court. (iv) On Sept 2nd 2016 – and despite our formal complaints (to the President of the District Court and others) about his conduct in Castlebar, Judge Lindsay was assigned to be the sitting judge (instead of Judge Smyth) for the re-scheduled 'C.I.' hearing in Court No 2 – which again, was NOT listed at the CCJ or

online. The Applicant (respectfully) objected to Judge Lindsay hearing the applications so it was adjourned again to September 19th 2016.

104. Judge Aeneas McCarthy: In addition to the issues outlined in this affidavit (summarised at '104.a' below); (i) accepted three 'C.I.' applications on September 6th 2016 saying, "*I will deal with these later.*" (ii) Then he stated that he would deal with the applications "*tomorrow*". (iii) Then ignored the applications over four days of hearings (in District Court Case No 2-16/40190) and then, at 5.30pm on Friday September 9th, and being prompted by Mayo State Prosecutor Vincent Deane declared that he would be "*conflicted*" and therefore couldn't deal with the applications at all. The original papers were then returned to the Applicant unsigned.

104a. Judge Aeneas McCarthy (as Respondent in this case) (i) Sept 6th 2016 - Stated he was "satisfied" with false Garda testimony that the Applicant had been 'cautioned' to appear in Court; (ii) ignored all of the Applicant's statutory and constitutional objections and (iii) gave the Applicant just one hour to find legal representation and when he couldn't secure any (iv) stated, "*the case goes ahead anyway!*" (v) Took no action when the Applicant and co-accused Colm Granahan complained about obvious collusion between State witnesses, and (vi) about intimidation by Gardaí outside the Court; (vii) ordered both McKenzie friends out of the Courtroom for the duration of the trial (one of whom was a qualified reporter); (viii) facilitated an apparent contrivance by the prosecution to have key evidence thrown out; (ix) made a number of 'observations' and statements which were subsequently shown to be unfounded, inaccurate, misleading or untrue.

105. Judge Bryan Smyth: (i) Sept 19th 2016 – made several attempts to 'rule out' the legitimate 'common informer' applications before him, before eventually allowing the Applicant to press his case in the witness box. (ii) Informed the Applicant that there was 'no need' for the case to be 'specially assigned' to Court No 2 because we were to give oral evidence only (which raises questions as to the stated reasons for the previously-imposed 'necessary' adjournments by Judge Michael Walsh). (iii) Refused to issue summonses against; (a) the supervising Garda Inspector Ann Markey and (b) two GSOC staff respectively (Paul Hanna and Shane White) for; (a) facilitating the original assaults against the Applicant and (b) for not investigating those assaults and additional acts of criminal damage, and thereby effectively covering-up the said crimes.

105a. Judge Bryan Smyth: At the re-scheduled hearing of November 9th 2016 (which again, was NOT listed either on the Courts.ie website nor on the Courts list for the day) (i) failed or refused to direct the four Gardaí who had been legitimately summonsed on his own signature to come into Court – despite the fact that they were in a nearby room inside the Courthouse facility. (ii) Allowed Counsel for the accused to suggest, incredibly, that their documentation was absent Judge Smyth's signature in an all-too-obvious act of attempted fraud and interference in the process of justice. (See official complaint to Gardaí Ex 22. (iii) Refused to direct Counsel Kenneth Kerins or Solicitor Liz Hughes (who works with the Garda Representative Association and the Department of Justice) to divulge where they received those fraudulent documents from. (iv) Ignored Judge Michael Walsh's previous acceptance that the 'C.I.' applications WERE within time, and ruled that some of the 'C.I.' applications were now 'statute barred' despite the fact that we WERE in Judge Walsh's Court six months to the day since the assaults, and despite the fact that it was the unlawful actions of his own colleagues in refusing to accept legitimate 'common informer' applications which had directly

caused any such delays. (v) Then recused himself from proceedings on grounds which make no sense whatsoever to this Applicant, and adjourned the matter again to go before yet *another* Judge on February 2nd 2017 – which no doubt will cause multiple complications and delays, and which effectively destroys the very reason for the ‘common informer’ process in the first place; as a facility for ordinary citizens to take ‘legal action’ in their own names in a simple and effective way. All-in-all a reprehensible display of questionable ‘insider decisions’ – many of which are demonstrably unlawful and unconstitutional – being made by a series of District Court Judges who had a classic opportunity to show the public that errant Gardaí (just like all other citizens) ARE subject to the law.

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106. Other incidents of apparent judicial misconduct involving the Applicant as a Plaintiff to be taken into consideration in light of this Application and the reliefs sought:

a. Judge Karen Fergus – Assigned to assess the award of damages in a civil defamation case against George Collins (2nd cousin to Enda Kenny) wherein Mr Collins had failed or refused to attend twenty hearings in succession (some of which were supposedly ‘peremptory’) over a period spanning five years; Judge Fergus, (i) dragged out the case hearings over several months on the flawed premise that the Applicant “*had to establish good character*” – and then, (ii) after three highly-detailed hearings spanning many months, summed up the case by openly defaming the Applicant and the *Integrity Ireland* project and conceding that there was in fact NO statutory need to establish good character in a defamation case. (iii) Point-blank refused to take any action whatsoever when subpoenaed witnesses failed to turn up on two different occasions. (iv) Refused the Applicant (as the Plaintiff) the right to call witnesses to the stand who DID turn up. (v) Directed the media present NOT to mention the name the criminal Paul Collins who WAS present throughout – in any of their reports. (vi) By the time the case had concluded in December 2015, the ‘too ill to participate’ George Collins had relocated to another jurisdiction abroad – as has his brother Paul – apparently without trace, and without paying any of the Applicant’s legal costs and damages awarded, of course.

b. Judge Raymond Groarke – President of the Circuit Court – so many overt acts of prejudice and improper conduct during the period 2012 – 2014 that the Applicant took out a judicial review in the High Court, which has since been ‘indefinitely suspended’ in almost unbelievable circumstances.

c. Justice Nicholas Kearns – Previous President of the High Court – (i) allowed the criminal Paul Collins (2nd cousin to Enda Kenny) to walk into the High Court in January 2014 and pose as an ‘attorney’ without any credentials or qualifications whatsoever. (ii) Held a High Court hearing in our absence and suspended the case against George Collins and three Gardaí ‘indefinitely’. (iii) Refused to correct written orders that contradicted what he had said in Court before multiple witnesses. (iv) Refused the Applicant the right to speak in a case where he was the Plaintiff. (v) Failed to take any action when the Applicant’s life was publicly threatened in his own Court.

d. Justice Sean Ryan – As a High Court Judge in July 2014; (i) accepted an obviously-fraudulent ‘Notice of Service’ from the criminal Paul Collins (2nd cousin to Enda Kenny); (ii) appropriated (took over) a hearing scheduled for the Master’s Court and then, (iii) held that hearing in the Applicant’s absence where the Applicant was the Plaintiff; (iv) ignored the Applicant’s emailed NOTICE to the

Court that he was away on holiday with his family and couldn't attend the said hearing; (v) overruled the previously-issued legitimate Order of another High Court Judge (Iseult O'Malley) when he had absolutely no jurisdiction to do so, and (vi) in the face of Justice O'Malley's written objections.

e. Judge Margaret Heneghan – (i) Refused to answer the Applicant's legitimate questions in Castlebar Circuit Court about numerous improprieties ongoing in the aforesaid civil case vs George Collins (2nd cousin to Enda Kenny); (ii) Had Gardaí placed in Court in advance of the hearing for the purposes of physically removing the Applicant (as the Plaintiff) when he spoke up in Court.

f. Judge Rosemary Horgan, President of the District Court – (i) Inasmuch as the Applicant has advised Judge Horgan in detail of the transgressions being committed by the aforesaid District Court Judges, and inasmuch as Judge Horgan has the overall responsibility for the running of the District Courts; that Judge Horgan appears to be failing in her duty to the public to address these matters in some effective way.

g. County Registrar Fintan Murphy – Possibly the 'best' (or worst) example of what is wrong with the Irish Court system and the 2nd named Respondent in the 2012 judicial review proceedings vs Judge Raymond Groarke; (i) Mr Murphy accepted fraudulent documents from solicitor Simon McElwee (representing George Collins) advising the Applicant (incredibly) that; *"Anomalies sometimes arise in litigation Mr Manning"* (ii) Conspired with disgraced barrister Cormac McNamara to block/obstruct the Applicant's legitimate discovery orders for phone records that would identify those behind the campaign of harassment and intimidation of his family; (iii) falsely accused the Applicant in open Court of *"harassing and intimidating"* Mr Murphy's family; (iv) refused to answer legitimate questions put to him on numerous occasions; (v) ordered Gardaí to 'remove' members of the public from the Court (on several occasions); (vi) ordered Gardaí to block the public's access to the Courts; (vii) apparently conspired with Dwyer and McEllin solicitors (and others in the employ of the State) to avoid a legitimate 'common informer' summons, which ultimately led to the 'disturbances' of September 2nd 2015 in Castlebar Courthouse and the subsequent lodging of this judicial review application and request for appropriate reliefs.

107. It is with increasing dismay that the Applicant comes to realise that several more senior authority figures could be named in this document whose manner and behaviour in the Court (for example) and/or whose decisions or modes of operation appear to fall way short of the standards which the public should expect of persons in such esteemed positions of power, authority and responsibility. However, the Applicant does not want to be accused of gratuitous criticism even though it is becoming increasingly evident that 'publication' and exposure of these serious wrongs (even if only in legal documents such as this) seems to be the ONLY way that ordinary members of the public can hope to have any real effect on what appears to be reckless and runaway wrongdoing on the part of far too many errant authority figures.

108. As to the important matter of 'official record keeping' in the Courts; (i) in the face of repeated examples where the DAR is 'not in operation'; (ii) where the DAR has not been switched on either accidentally by circumstance or by deliberate omission; (iii) where it is falsely claimed by the Courts Service after-the-fact that the DAR was not switched on (such as in this case); (iv) where the Orders of the Court do NOT accurately correspond with what was actually said in any given hearing; (v)

where the DAR, once presented, contains edits, erasures or omissions and thereby does not accurately or fully represent the case hearing; and/or (vi) 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 has occurred in this case); and perhaps most importantly, (vii) 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.

109. Questions also remain as to the legitimacy of this ban on private recordings, which was apparently brought in by the Courts Service under various 'Orders' in 2013, but which, according to the Irish Times is not actually law.

"Given our strict rules on such matters, it may surprise many to learn that there is no law banning cameras from courtrooms here. According to a Courts Service spokesman, it is simply a practice that has grown up through the years and has become a de facto standing order. The Courts Service gets dozens of requests each year to broadcast or record in courtrooms and rejects each one on this basis."

Irish Times March 9th 2015

110. That in the face of all of these proven abuses of the DAR records and of other Court-related documentation by persons in the employ of the State; and in face of all the evidence of judicial misconduct on a systemic scale without any current 'statutory facility' to deal with it; that ALL members of the public should be afforded the opportunity to record their own hearings 'in the overall interests of justice'. Or, that the full DAR recording be made immediately available at a reasonable cost – as a matter of course – to all lay litigants. This will not only expedite and streamline the legal process in one stroke, it will also eliminate much of the wrongdoing – and even the *temptation* of wrongdoing on the part of those who profit, in one form or another, from these unlawful interferences in Court records.

111. In addition, by lifting the (apparently unlawful?) ban on recording in public Courtrooms all of the unnecessary legal costs, time, delays and expenses associated with these issues will be nullified, and genuine legal professionals (such as honest solicitors, barristers and judges) can get on with the proper business of the Courts – that of delivering justice to the public in an open, transparent and accountable way. The fact that the DAR is still a large-scale cost-saver for the Courts Service and a very useful facility for the judiciary is in no way affected by allowing the public to also record proceedings, and in doing so, the suspicion of covert wrongdoing under the veil of secrecy is removed. It is the exclusive use (and abuse) of the DAR by unscrupulous persons in the employ of the State which is causing the problem, and the justice system simply cannot have this question mark hanging over its head and still expect the public to have confidence in our Courts. In circumstances where it is highly unlikely or perhaps even impossible to eliminate this level of endemic wrongdoing in the short-term, then the obvious solution is to level the playing field by allowing 'the public' full and proper access to the records of their own hearings, without any additional (and usually prohibitive) costs, complications, delays or unlawful interferences that accompany the current system of access.

112. 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 knowingly and repeatedly commit unlawful, unconstitutional and criminal acts in furtherance of unlawful agendas; the Applicant hereby seeks the following reliefs:

(A) An Order of prohibition (i) preventing the DPP from continuing this District Court prosecution (Case No 2-16/40190 “DPP vs Granahan & Manning”) and/or an immediate and permanent stay on these proceedings which are scheduled to continue on November 21st 2016 in Castlebar District Court; (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 in the form of costs and damages be awarded to both of the Defendants in this matter.

(B) 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.

(C) An order of mandamus directing all agents and agencies of the State – in particular the Courts Service and all District Court Judges to respect the findings, rulings and directions of the Superior Courts regarding the legitimacy of the ‘common informer’ legislation and the processes and procedures to be followed as outlined in the ‘*Generic Statement to Accompany Common Informer Applications*’.

(D) An order of mandamus directing Minister for Justice Frances Fitzgerald to fulfil her statutory duties and adhere to (i) *S.73 of The Courts of Justice Act 1924*, (ii) *S.49 of the Courts of Justice Act 1936* and (iii) *S.21 of the Courts of Justice (District Court) Act 1946*, and to assign a High Court Judge, in consultation with the Chief Justice and any other designated or appropriate authority, to investigate these claims of misconduct as against the named District Court Judges.

(E) An Order of prohibition preventing any and all of the aforesaid judges from adjudicating in any future cases which come before them where the Applicant is a named Plaintiff or Defendant, on the basis of:

- (i) The prior history of misconduct by any such judge (e.g. as detailed in this application).
- (ii) The personal and professional conflict of interest on the part of said judges, inasmuch as the Applicant, Stephen Manning, has registered formal complaints regarding the misconduct of each of the above-listed judges including (in most cases) private letters of complaint to said judges; criminal complaints with An Garda Síochána; complaints to the President of the District Court, to the Chief Justice, to the Minister for Justice, to the Taoiseach and to the President of Ireland – as well as in the public domain via social media.
- (iii) That to do so would render the Applicant into a position where his participation in any such case hearing would likely,
 - (a) Render the Applicant unwittingly or unwillingly complicit in the improper, unlawful, unconstitutional or criminal actions or activities of any such judge;

- (b) Place the Applicant in a position where any (duly respectful) attempt to assert his fundamental rights may result in his unlawful removal from Court and/or place the Applicant at risk of further physical injury due to unlawful assaults by Gardaí;
- (c) Place the Applicant in a position where any (duly respectful) and lawful objection to improper, unlawful, unconstitutional or criminal activity ongoing in the Court will likely lead to breaches of the peace on the part of attending Gardaí or by members of the public;
- (d) Place the Applicant at risk of having false and spurious charges levied against him;
- (e) Place the Applicant at risk of unlawful incarceration in breach of his fundamental human rights.

(F) An 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.

(G) An Order for costs and expenses – as appropriate to the circumstances – to be awarded to the Applicant by this Honourable Court.

113. In the event that the Applicant's requests at Paragraphs 112. (A)-(G) above 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."*

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

THE HIGH COURT

JUDICIAL REVIEW

2016 No 866 JR

MONDAY THE 14th DAY OF NOVEMBER 2016

BEFORE MR JUSTICE HUMPHREYS

BETWEEN

STEPHEN MANNING

APPLICANT

AND

THE DIRECTOR OF PUBLIC PROSECUTION

RESPONDENT

Upon Motion of Counsel for the Applicant made ex parte unto the Court this day for leave to apply by way of an application for judicial review for the following reliefs

“An Order of prohibition preventing the Respondent from continuing this District Court prosecution (Case No 2-16/40190 “DPP vs Granahan & Manning”) and/or an immediate and permanent stay on these proceedings which are scheduled to continue on November 21st 2016 in Castlebar District Court.”

as set forth in paragraph **D** of the Statement herein filed and signed by the Applicant on the Grounds set out at paragraph **E** of the said Statement

Whereupon and on reading the said Statement and the Affidavit herein filed verifying the facts set out in the said Statement and the exhibits referred to in said Affidavit

And on hearing said Applicant appearing in person

IT IS ORDERED

1. that the Applicant do put the Respondent on notice of the within Application
2. that the Application do stand adjourned to this Honourable Court on the 21st day of November 2016 at 11.30 am

THE HIGH COURT

3. that the said substantive processing of proceedings hereinbefore referred to be stayed until the determination of the within application for leave for judicial review
4. that the said Applicant do serve copies of the aforesaid Statement and verifying Affidavit and of this Order on the Chief Prosecution Solicitor on behalf of the Respondent

OWEN DUFFY
REGISTRAR

Perfected 15/11/2016

Stephen Manning
Applicant in person

Soft copy received by email from the High Court @ 12.05pm 15/11/2016 and dispatched to Office of DPP at 12.40pm by email. Affidavits and grounding statements already sent 14/11 and 15/11 respectively. STM