

To: Ms Claire Loftus
Office of DPP
Infirmary Road
Dublin 7

(2 pages by email and recorded delivery)

'cc interested parties'

Sept 26th 2016

Dear Ms Loftus;

Previous correspondence refers. Notwithstanding your previous failures and refusals to answer legitimate questions put to you regarding allegations of serious misconduct on your part in your previous role as Head of Directing Division at the Office of the DPP; and notwithstanding the growing public perception that the DPP's Office is being seriously and serially misused—under your direct supervision—to protect wrongdoers in the pay of the State whilst simultaneously targeting legitimate protestors and outspoken activists (such as the 'Jobstown 23' and members of *Integrity Ireland*); and notwithstanding my own personal distaste at having to engage with persons who think so very little of abusing their trusted positions in such callous and shameful ways; I write to you today under the directions of Judge Bryan Smyth to first-of-all advise you that we have secured 12 summonses (copies attached) as against four named Gardaí, who are to appear in Court No 2 at the CCJ on November 9th next where it is my intention to prosecute said Gardaí under the 'Common Informer' legislation for the criminal offences listed below.

(a) Physical assault; contrary to *S. 2 of the Non-Fatal Offences Against the Person Act 1997*.

(b) Assault causing harm; vs *S. 3 of the Non-Fatal Offences Against the Person Act 1997*.

(c) Criminal damage; contrary to *S. 2 (i) of the Criminal Damage Act 1991*.

As you are no doubt aware Ms Loftus, any ordinary person prosecuting by Common Informer can initiate any and all prosecutions in their own name, but it is the responsibility of the DPP's Office to take over the prosecution of any indictable (or hybrid) offences, such as (b) and (c) above. Accordingly, the Judge directed that we contact you with this information to secure your confirmation that you will of course be prosecuting these offences 'in the public interest' – and if not, that you explain your reasons for not doing so, in writing, within 14 days please (as per EU legislation) so that we are properly prepared for the November 9th hearing.

Given that we have already established the required 'prima facie' evidence of the commission of these crimes to the satisfaction of the Judge, you may also want to consider issuing public prosecutions as against Garda Inspector Ann Markey of the Bridewell Garda Station (the supervising officer on the day) and against Mssrs Paul Hanna and Shane White of the Garda Ombudsman's Office for their refusal to conduct an investigation of these crimes "in the public interest". It may also be pertinent to include a number of other individuals in said prosecutions – based on the evidence we have of multiple acts of apparent collusion and '*misconduct in public office*' and their collective attempts to '*obstruct, pervert or interfere with justice*', and we will be happy to present your Office with the details of those offences on request.

This brings us to the second topic of discussion today; that of the ongoing prosecution by your Office of myself and Mr Colm Granahan on 'Section 6' public order charges, and of the role and conduct of Mayo State Solicitor Vincent Deane in this matter, who (we are reliably informed) is operating under your direct supervision and personal instructions in this case.

Notwithstanding the contrived nature of this politically-motivated prosecution and the fact that it is being conducted at great public expense on the back of scores of unlawful and

unconstitutional acts by so-called 'authority figures' including by certain Courts Service Staff, Gardaí, District Court Judges, GSOC personnel and various other State-affiliated individuals; I write to inform you (as a professional courtesy) that it is our intention to issue private criminal proceedings as against Mr Deane and a number of his prosecution witnesses in this case based on substantive allegations (variously) of perjury, fraud, misconduct in public office, criminal damage and conspiracy to interfere with, obstruct and/or pervert the course of justice.

Mr Deane has recently received a detailed letter in this regard (see copy attached), and you might now advise us Ms Loftus if Mr Deane is solely responsible for initiating and carrying out these unlawful actions or if he was operating (as he has advised the Court) on your direct and specific instructions? Naturally, if you are going to assume responsibility for Mr Deane's improper (and seemingly criminal) conduct in this case, then you might then advise us as to how we should process a formal complaint in this regard as against you personally Claire – given that our previous criminal complaints lodged with An Garda Síochána which named yourself and senior Gardaí in *another* serious conspiracy to pervert justice – seems to have somehow been systematically 'overlooked' and ignored by the various 'statutory authorities'?

As to the hearing of November 9th next; given that these are private prosecutions being issued on the strength of *prima facie* evidence, it would of course be unacceptable to us if, (as has happened before); (i) the accused failed to appear upon strength of these summonses – or, (ii) that 'The State' assigned solicitors or barristers (at the public's expense) to 'represent' four individuals who have been charged with criminal offences. In short Ms Loftus, we will be making it clear to the Attorney General Marie Whelan, to Minister for Justice Frances Fitzgerald, to Garda Commissioner Nóirín O'Sullivan and to the Chief State Solicitor Eileen Creedon that any attempt by agents of the State to ignore these summonses or otherwise substitute the accused with other persons on the day of the hearing will be interpreted as a deliberate act of 'contempt of Court' – which will result in bench warrants being sought for the immediate arrest of the accused. To reiterate; these are private criminal prosecutions being issued on the strength of *prima facie* evidence which will require each individual to account for their actions in an open, public Court of law before the lay-prosecutor (myself), according to the parameters of the *Petty Sessions (Ireland) Act 1851*.

Finally Ms Loftus, it would better serve the interests of justice if you would assign a designated contact at the DPP's Office who can expedite a number of upcoming *Common Informer* applications as-and-when we secure summonses from the District Court. On this specific topic Ms Loftus, perhaps you can advise as to the standing of any given Judge who commits unlawful, unconstitutional and/or criminal acts in the Courtroom, and whether or not your Office will accept jurisdiction for any such prosecutions issued by any given member of the public and duly prosecute on the merits of each case 'in the public interest'? For we can absolutely assure you that there is indeed a great deal of public interest in these cases, as well as growing unrest at the perception that those in the pay of the State who routinely engage in criminality and collusion can continue to do so with impunity – when it is clearly your job to ensure that they can't.

We refer you to the caveat in previous correspondence and ask again for some fulsome responses to the important questions previously posed.

Trusting the position is clear.

Yours,

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



Mr Vincent Deane, Mayo State Solicitor
Vincent Deane & Co. Solicitors
Thomas Street
Castlebar

(3 pages by recorded post)
'cc interested parties'

September 25th 2016

Dear Mr Deane / Vincent;

Previous correspondence refers. I write in specific context of the hearings held before Judge Aeneas McCarthy in Castlebar District Court on Tuesday Sept 6th to Friday Sept 9th inclusive, where myself and Mr Colm Granahan are facing 'Section 6' Public Order charges, being prosecuted by you as directed by your superior, Claire Loftus, Director of Public Prosecutions.

This letter is sent as an advisory to alert you that it has come to our attention that in addition to a raft of other improprieties ongoing in the said hearings, that you have acted in direct breach of your obligations as a solicitor and an Officer of the Court; *"to comply with (your) duties to the court; of candour and disclosure."* You are also in conflict with other professional obligations as per, *'The Law Society's Guide to Good Professional Conduct for Solicitors'* which clearly states:

"A solicitor must be honest in his practice as a solicitor in all his dealings with others."

"In addition to the legislative requirements, solicitors are also required to observe general core principles of conduct, in particular honesty, independence, confidentiality and the avoidance of situations of conflict of interest. A solicitor should at all times observe and promote these core values of the profession and avoid any conduct or activities inconsistent with those values."

In light of certain of your Garda prosecution witnesses (including Supt. Joe McKenna) being unable to articulate their Garda oaths and having no understanding whatsoever of the lawful and constitutional parameters under which our Courts are *supposed* to function; and in light of the wholesale differential between the manner in which various agents of the State are lawfully mandated to operate – and the unseemly reality on the ground; it appears prudent for us to remind you Mr Deane of your public and professional obligations as a State Solicitor acting for the DPP – who in turn is supposed to be acting, *"..in the name of the People, independently of all other bodies and institutions, including both the Government and the Garda Síochána."*

(From the DPP website's front-page statement)

We refer specifically Mr Deane to the fact that you declared to Judge McCarthy that you had downloaded the DAR Court recordings of September 2nd 2015 from the CD supplied, *"without any problems"* and that you were then able to listen to said recordings *"without difficulty"*. Accordingly, and given you then gave us (the defendants) the misleading *impression* that you intended relying on those recordings as primary evidence, then we must of course assume

Vincent that a professional solicitor of your impressive standing and experience had of course, listened to that evidence in full before you produced it to the Court – right? However, we also note that you provided no fulsome or acceptable explanation (to myself or Mr Granahan) for why that recording was—somewhat incredibly—presented to the Court in an altered format and with key sections missing – thereby rendering what should have been nearly two hours of *prima facie* evidence totally ‘inadmissible’ within seconds of it being played in Court!? Given you have made repeated reference to the, “*lengthy period of time*” within which Mr Granahan and myself could have prepared our defence – it seems somewhat incongruous does it not Vincent, that you, the State Prosecutor for Co. Mayo, with all the resources of the DPP’s Office behind you, could NOT present that key evidence in an acceptable format on the day!?

Notwithstanding the fact that Judge McCarthy has now (and very conveniently for the prosecution) ‘dismissed’ that DAR from evidence, the plain fact of the matter Mr Deane is that you knowingly presented a string of prosecution witnesses to the Court whom you KNEW in advance were going to submit inaccurate, deceptive, tendentious and contrived evidence – because you already had their sworn statements on file, and you therefore KNEW that their oral and written evidence contrasted (and contradicted) significantly with those original DAR recordings. In facilitating those submissions you acted dishonestly and with malice, with the intention of deliberately deceiving the Court and advancing a contrived prosecution on evidence which you KNEW to be flawed and inconsistent, and in certain cases to be perjurious.

In regards to Castlebar Courts Service Manager Peter Mooney’s implausible claim that he, “*inadvertently forgot to switch the DAR on*” – thereby (conveniently) failing to record some crucial evidence which, by some amazing technological miracle, constituted exactly five, 5-minute sections of DAR.. and in context of my questions put to Superintendent Joe McKenna in cross-examination enquiring if he had somehow gotten a private recording of the missing 25 minutes of DAR (such was the apparent ‘remarkable clarity’ of his recall) ... it has since come to our attention Mr Deane that the technology installed in ALL Irish Courtrooms with DAR includes a secondary back-up recording system which switches on automatically, “*during the hours that Court normally sits*”. This quote is from the Courts Service’s own literature on the DAR system.

Accordingly Mr Deane, we feel obliged to ask why you (being a solicitor of such vast and broad experience working with the DPP’s Office) – did NOT secure that back-up DAR evidence as soon as Mr Mooney informed you (as per his statement of Sept 3rd 2015) that he had ‘inadvertently’ forgotten to switch on the DAR? Indeed, we might ask the intermittently-forgetful Mr Peter Mooney the same question, given his lengthy experience working with the Courts Service and the fact that he has been working with the DAR system since 2008? Needless to say, we have already made enquiries about securing that back-up data, but you will forgive our cynicism Vincent if we declare that we somehow suspect that this too has (or will) somehow go mysteriously and conveniently ‘missing’ before it can be produced in our defence in Court.

We can only attribute these particular actions or omissions on your part as acts of incredible incompetence, or, of truly dreadful (and arguably 'criminal') complacency – or, as deliberate acts of misfeasance, nonfeasance and malfeasance, which as we are sure you are very well aware, would constitute 'misconduct in public office' which is a serious Common Law offence punishable by up to life in prison. Accordingly, and in addition to being personally involved in what we allege is a criminal conspiracy on the part of agents of the State to advance a politically-motivated, malicious prosecution; you will no doubt be aware Mr Deane that 'deliberate dishonesty' by any Officer of the Court would constitute an additional offence as against the administration of justice (which is also an indictable offence).

While we are on the topic, let us remind you of another clause in, *'The Law Society's Guide to Good Professional Conduct for Solicitors'* which states:

"Solicitors must serve the interests of justice as well as the rights and liberties of their clients. A solicitor must not allow himself to be intimidated by a client or other person, into making decisions or taking actions relating to the firm, or the legal services provided by the firm, which are illegal, breach the solicitor's professional duties or are not in the solicitor's own interests."

On this latter point Mr Deane, may we respectfully suggest that you immediately alert your 'client/employer' namely Claire Loftus at the DPP's Office of the compromised position you now find yourself in, because it is our intention – and based upon our own recordings of the events of September 2nd 2015 (which includes an audible version of the compromised DAR from the Courts Service) to lodge criminal complaints with an Garda Síochána, as well as initiate private criminal prosecutions as against you and a number of the prosecution witnesses for perjury, fraud, deception, malicious prosecution, conspiracy, criminal damage, misconduct in public office, and other offences as against the administration of justice.

In light of your ironic references in Court to the absolute need for, *"a level playing field, Judge.."* perhaps it is opportune for us to remind you (and Ms Claire Loftus) of your own 'professional guidelines' when carrying out your duties 'on behalf of the Irish people':

"The Director's Office aims to operate to the highest professional standards and to treat all those with whom it has dealings fairly, equally, and consistently without any wrongful discrimination."

I refer you again to the caveat in previous correspondence and trust the position is clear.

Yours, Stephen Manning,

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

