

What's going on in Castlebar Courthouse?

(From the draft application to the Supreme Court)

1. The Applicant (Stephen Manning) seeks to appeal from (a) the whole of the decision / Order of Justice Humphries in High Court No. 24 on January 11th 2017 (case 2016/918 JR) on the primary basis that said Order (in parts numbered 1–4 and copy of which was first delivered by email to the Applicant on January 23rd 2017) in no way addresses or refers to the very serious procedural and Constitutional issues raised in the documents submitted to the High Court other than to unilaterally and inexplicably refuse the reliefs sought by the Applicant and award costs provisionally against him.
2. That *Part 1* of the said Order directs that the originally-named Respondent Judge Aeneas McCarthy be replaced by ‘the Director of Public Prosecutions’. That said replacement makes somewhat of a nonsense of the fact that the Applicant was seeking judicial review in light of Judge McCarthy’s refusal to strike out proceedings based on incontrovertible evidence of criminal activity by the DPP’s prosecution team.
3. That *Part 2* of the said Order constitutes a legally-incomprehensible blanket refusal, without any due or proper explanation as to why judicial review was refused.
4. That in light of these specific circumstances; where unassailable proofs of serious criminal activity on the part of the Prosecution in this case were submitted to both the District Court and to the High Court, that *Part 3* of the said Order awarding costs to the DPP is an affront to any right-thinking person’s concept of justice or fairness.
5. That *Parts 3 & 4* of the said Order of Justice Humphries refer inaccurately to ‘Circuit Court proceedings’ when in fact the case under examination concerns ‘Section 6’ public order allegations which are being dealt with summarily in the District Court.
6. In context of the above, and in light of a series of ‘anomalies and irregularities’ surrounding the Applicant’s sincere efforts to secure justice in these matters which suggests deliberate, systemic obstructionism and collusion on the part of various agents of the State; the Applicant wishes it noted that upon returning from the Supreme Court on January 23rd 2017 (the same day the attached JR High Court Order of Justice Humphries was dispatched to him by email) that he was unlawfully arrested and detained overnight and was delivered to Castlebar District Court on the morning of January 24th to be informed by Judge Aeneas McCarthy that the Applicant had been found ‘guilty in his absence’ (from an un-notified, rescheduled Court hearing the

previous day, January 23rd which said hearing was originally scheduled to be heard on Thursday 26th as is expressly referred to in the text of the Applicant's submissions before the High Court) and that the Applicant would be immediately imprisoned for two months if he failed to enter into a recognizance and lodge an appeal to the Circuit Court. The fact that Judge McCarthy had been advised by Gardaí that; (i) the Applicant was in the Supreme Court that morning; (ii) that co-defendant Colm Granahan was in hospital awaiting surgery; and (iii) that neither party had been given any notice whatsoever of this apparent bringing-forwards of the said hearing, that this had no apparent effect on Judge McCarthy as he announced that Mr Granahan and Mr Manning were, '*Guilty in their absence and sentenced to two months in jail*'!

7. Furthermore, that the decision of Justice Humphries to deny the Applicant even *leave to apply* for judicial review is inconsistent and incompatible with natural justice and contravenes the cardinal principle of judicial review which states that the Superior Courts have the power to exercise 'supervisory jurisdiction' over the legality of decisions of the District and Circuit Courts and of any and all related persons.
8. That the decision to deny judicial review has also served to deny the Applicant's statutory right to the reliefs requested in circumstances where detailed affidavits identified multiple uncontested examples of improper, unlawful and/or criminal conduct on the part of, (i) Mayo State Prosecutor Vincent Deane; (ii) Castlebar Courts Service Manager Peter Mooney; (iii) Garda Superintendent Joe McKenna; (iv) various witnesses for the prosecution; (v) the various District Court trial Judges in this case to date, namely Judge Mary Devins, Judge John Lindsay, and (vi) in particular, Judge Aeneas McCarthy in context of his repeated refusal to accept or acknowledge solid, incontestable proofs that the Prosecution was engaged in serious criminal activity in the pursuit of this case which said activity constitutes an outrageous miscarriage of justice inasmuch as the same comprises, "*A substantial wrong which occurs during a trial which so infects the proceedings as to merit quashing the result on appeal.*" Indeed, that in his brief summing up of the case on Tuesday January 24th, that Judge McCarthy even went so far as to say that he 'accepted' the obviously-perjured testimony of Courts Service Manager Peter Mooney in relation to missing DAR files, in circumstances where Judge McCarthy *fully knows* that acts of criminal damage, forgery, perjury, and contempt of Court were committed by Mr Mooney, which said acceptance surely constitutes 'knowing complicity after-the-fact'.

9. That the decision by Justice Humphries NOT to grant Judicial Review after personally viewing the same incontrovertible evidence of serious prosecutorial misconduct and collusion on the part of the DPP's Office and the Courts Service (amongst others in this case) has the combined effect of; (i) sanctioning, justifying or ignoring similar overt and covert attempts at fraud, perjury, forgery, criminal damage, contempt of Court, miscarriages of justice and other unlawful acts designed to obstruct, pervert or otherwise interfere with the due and proper administration of justice in our Courts by parties acting for the State; (ii) it further paves the way for unlawful 'political policing' and the persecution of citizens through any means; and (iii) it questions the overall legitimacy, probity, legal integrity and moral authority of the Irish Courts – at least to the level of High Court judicial review in this specific case.
10. That the decision to deny the Applicant's requests for reliefs (as set out in the accompanying affidavits) in circumstances where the Applicant (as a named Defendant) was not even properly 'before the District Court' in the first place; in that (i) he has not even entered a plea in this case; (ii) he has been effectively denied legal aid which is his absolute right; (iii) he was unlawfully coerced under threat of assault and/or imprisonment to participate in an unlawful trial, and (iv) he has NOT now even been allowed to enter a defence in the said case (because of the preemptive finding of 'guilty' in his absence from a District Court hearing which he had NO knowledge or notification of); and that Justice Humphries' decision NOT to grant judicial review on January 11th in context of points (i), (ii) & (iii) above was such as to again deny the Applicant 'due process' in circumstances whereby the repeated denial of and serial abuses of due process by the aforesaid Judges of the District Court; by the Office of the DPP and by the Courts Service were amongst the main issues being appealed under Judicial Review in the first place.

Concise statement of the facts that are not in dispute.

1. That on September 2nd 2015 (and after a series of previous lengthy adjournments and delays) the Applicant (Stephen Manning) along with *Integrity Ireland* colleague Mr Colm Granahan were in attendance in Castlebar District Court as lay-prosecutors for the purposes of advancing 'common informer' private criminal prosecutions under *The Petty Sessions (Ireland) Act 1851* as against County Registrar Fintan Murphy and Garda Sergeant Peter

Hanley for facilitating, ordering and/or committing multiple unlawful physical assaults on members of the public inside Courtrooms. That legitimate summonses had been duly issued to the accused to be in attendance at Court that day.

2. That as per the comprehensive detail in the affidavits submitted by the Applicant to Justice Humphries regarding this case—which detail is supported by documentary, audio and video footage of the events in question—that a number of disquieting ‘issues’ arose during the said hearing on the part of various ‘Officers of the Court’ including by the sitting Judge Kevin Kilraine – the legality and lawfulness of which were duly (but respectfully) challenged by the Applicant and Mr Granahan (at first), which in turn aroused growing indignation by some of the public present, many of whom had been subjects or witnesses to the aforesaid physical assaults in the first place.

3. That in the face of the Judge’s failure or refusal to clarify certain important matters such as:

- (i) the unexplained absence of the two accused who had been legitimately summoned to appear;
- (ii) the absence of the *required* District Court NOTICES explaining the accused’s absence;
- (iii) the Judge’s acceptance of flawed (and arguably fraudulent) documentation allegedly issued out of the High Court which he made an open pretence of having just received; and..
- (iv) in the failure/refusal of the Gardaí present to affirm their statutory oaths with a simple nod of their heads (so as to reassure the public that they would not be unlawfully assaulted); and..
- (v) in the collusive activities of certain solicitors present in attempting to interrupt the legitimate questions being put to the Judge by the Applicant and his colleague;

3a. That a disquieting scene began to unfold, whereby several members of the public became verbally critical and disparaging of the Court, which said criticisms evolved into chants and jeers – resulting in Judge Kilraine eventually exiting the Court and abandoning proceedings for the day.

4. That it has been established under oath by the DPP’s prosecution witnesses that no complaints, cautions or allegations of any sort were made as against the Applicant, Mr

Granahan or any other members of the public that day, and no notes or references were made in any Garda notebooks.

5. That the Applicant and his colleague Mr Granahan immediately made public via social media and the *Integrity Ireland* facilities the catalogue of improprieties, illegalities and other unlawful acts as were committed by various agents of the State on September 2nd in Castlebar Courthouse, and that criminal complaints were lodged with An Garda Síochána without any apparent follow-through.

6. That nine months later in late May 2016 the Applicant and Mr Granahan received summonses directing them to be in Castlebar District Court on June 1st 2016 to answer 'Section 6' public order charges of, '*engaging in threatening abusive or insulting behaviour with the intention of causing a breach of the peace*'. That the said summons stated that it had been 'applied for' on March 1st 2016 by Sgt Naomi Di Ris 'acting for the DPP' (6 months to the day from the alleged offences) and 'issued' by Castlebar Courts Service Manager Peter Mooney on March 7th 2016.

7. That the Applicant attended the first hearing before Judge Mary Devins on June 1st 2016 but (in circumstances which are explained in detail in the aforesaid respective affidavits) the Applicant was denied a proper hearing and was ordered by Gardaí to leave the Court after Judge Devins had exited the Courtroom without explanation. No plea had been entered by the Applicant, and no other instructions were conveyed to him other than to leave the Court.

8. That the Applicant attended a second hearing before Judge John Lindsay and was likewise ordered out of the Court without entering a plea and under pain of '*7 days in jail*' if he continued to speak. This again prevented the Applicant from entering a plea or from making an application for legal aid. The Applicant had also made separate written applications to the Court that day, but these were not dealt with, and the paperwork was returned to him outside the Court by Mr Mooney.

9. That in light of the aforesaid threats of physical harm and possible unlawful incarceration the Applicant wrote letters and emails to several persons in high office containing notices and formal complaints about his treatment in Castlebar Courthouse, but he received no substantive replies. That the Applicant then published a '*qui tacet consentit*' legal NOTICE which affirms his Constitutional and inalienable rights which was then submitted to the Court and to all the statutory authorities, for the purposes of ensuring his own personal safety, and that of others, in Castlebar Courthouse.

10. That the Applicant wrote a detailed 3-page letter to Judge Aeneas McCarthy dated July 15th 2016 stating, *“I am being denied my constitutional right to justice and am clearly in personal danger from illegal assault in the Courts.”* And asking for Judge McCarthy’s personal assurance that the Applicant would be safe in Judge McCarthy’s Court: *“With respect to the fact that I have had no previous dealings with you Judge McCarthy, and have no reason to doubt your own personal integrity or professionalism; the unfortunate fact remains that a number of your colleagues have seriously and repeatedly infringed upon my Constitutional rights and have visited harm and injury (mostly by proxy) upon my person. I therefore must assert my position and maintain that I have an absolute right as a member of the public and as an EU citizen, NOT to be forced, coerced or otherwise obliged to engage with persons or agencies who are NOT themselves subject to the law, or who will NOT themselves abide by the law and the Constitution.*

10.a. *Accordingly Judge McCarthy, I am asking, most respectfully, for your personal guarantee that I will be safe from unlawful assault and injury in any Court where you are presiding and that my other fundamental rights will be properly respected. Failing receipt of such a written guarantee, I respectfully advise that I cannot and will not voluntarily comply with any instructions, directions, orders or invitations to present myself to the Court in circumstances where my fundamental human rights are being placed in grave and immediate jeopardy, and where criminal activity by agents of the State and serious judicial misconduct is being actively encouraged and endorsed.”*

11. In the meantime, having had sight of some 18 prosecution witness statements which were ALL taken from members or affiliates of the establishment and which were in the main highly flawed, inaccurate and tendentious, Mr Granahan sought a ‘Gary Doyle’ Order of discovery of the original DAR for Sept 2nd 2015, and the same was Ordered released to both Defendants by Judge McCarthy.

12. That on September 6th 2016, Judge Aeneas McCarthy commenced the trial in the absence of the Applicant, but with Mr Granahan present, represented by a barrister.

13. That the Applicant (Stephen Manning) arrived in Court after the commencement of the prosecution case on September 6th to raise his objections but was informed by Judge McCarthy that the trial was going ahead, *‘with or without you’*.

14. That upon oral application for legal aid, that the same was granted, but when the Applicant could not secure any representation over the lunch break, that Judge McCarthy stated that, “*The trial continues nevertheless! Next witness!*”

15. That Mayo State Prosecutor Vincent Deane then entered the DAR into evidence in a format which was unintelligible, resulting in it being struck out of evidence. At that time, neither the Applicant nor Mr Granahan had heard the contents of that DAR and were not aware that it had also otherwise been criminally interfered with by the Prosecution.

16. That four days of hearing the Prosecution witnesses continued, in spite of the Applicant’s repeated objections that he was not legally represented; that he had received no proper notification of trial dates; that he had not even entered a plea in the case; that he was not prepared to properly cross-examine the witnesses; and that he was being refused the right to call particular witnesses.

17. That on September 9th the trial was adjourned to November 21st 2016, and the Applicant began to prepare a defence and investigate the Prosecution’s witness statements and the DAR supplied to him by the Courts Service on the Order of the District Court.

18. That the Applicant discovered that in addition to the multiple errors, inaccuracies and outright lies in the written statements, that the same did NOT align in substance with the audio records – thereby proving perjury and fraudulent utterances on the part of certain key prosecution witnesses.

19. That the Applicant further discovered that some of the DAR files which had been Ordered released to the Defendants had been unlawfully removed or erased *before* the Courts Service CD was dispatched to the Defendants, but *after* the Prosecution Team had listened to them.

20. That the Applicant secured a letter from Fujitsu Corporation clarifying that any such interference in the DAR could NOT possibly have occurred at their end.

21. That on the basis of these incontrovertible proofs of prosecutorial misconduct (and in addition to the aforesaid ‘due process’ and Constitutional issues raised) namely, that a deliberate act of contempt of Court, criminal damage and forgery had occurred in flagrant breach of an Order of the Court, for the purposes of denying key evidence to the Defence and shoring up the perjured prosecution witness statements; that the Applicant then lodged two judicial review applications to the High Court naming Judge Aeneas Joseph McCarthy and the Director of Public Prosecutions [cases: 2016/865 JR & 2016/866 JR] respectively.

22. That Justice Humphries refused those applications on foot of a previously-unseen submission by the DPP delivered into Court that morning that contended that (basically) that one could NOT interrupt the Prosecution case whilst ‘in progress’. That the Applicant produced legislation and grounds for judicial review that overrode this particular principle, but that said grounds were apparently ignored or disregarded in the same baffling way that the Applicant’s numerous grounds for appeal in this and other matters concurrently before the High Court have likewise been ignored or disregarded to date.

23. That Justice Humphries made a point of emphasising that the Applicant could either; (i) wait until the end of the Prosecution case before returning with another JR application, or (ii) wait until the conclusion of the trial whereupon he would have the right to appeal to the Circuit Court. That the Applicant’s counter-argument was that the whole set-up at Castlebar District Court was so irreversibly contaminated and improper as to NOT constitute a ‘legal process’ or ‘a trial’ in any cogent sense of the words, and that it was in fact a premeditated criminal enterprise being foisted on the Defendants and the Irish people with scienter, under the guise of a legitimate District Court trial.

24. That the Prosecution case concluded on November 23rd 2016 and the Applicant and his colleague Mr Granahan again made applications to Judge McCarthy to have the case dismissed on the grounds of the aforesaid *proven* criminal activity by the Prosecution team throughout. But Judge Aeneas McCarthy refused the applications outright and adjourned the case to January 26th 2017 for the presentation of our defence. *Note: That the pre-emptive ‘finding guilty’ of the Applicant and his colleague on January 23rd ‘in their absence’ has effectively removed our right to present a defence and, in conjunction with the prolonged delays in securing the required documents from the High Court, has interrupted the Applicant’s stated intentions to lodge this Supreme Court application.*

25. That the Applicant returned again to the High Court on December 5th 2016 with another judicial review application on the *additional* grounds that Judge McCarthy had; (i) refused to strike out the case; (ii) had refused to enter our proofs ‘into evidence’; and (iii) was conducting the trial in such an overtly biased, contrived, prejudiced and unjust manner as to warrant an immediate judicial review.

26. That the refusal of the said 3rd judicial review application in this particular case—and the matters surrounding the same—forms the basis for this application to the Supreme Court.

Reasons why the Supreme Court should grant leave to appeal

27. In context of Article 34.5.4° of the Constitution this is most definitely a matter of general public importance inasmuch as it concerns the integrity and reliability of the appeals process – and in particular the process of judicial review.

28. This application also refers to a number of legal principles and doctrines which have been violated in whole or in part in this case, namely:

- Equity;
- Legitimate expectation;
- Respect for the rule of law;
- Fairness in the administration of justice;
- The provision of an effective remedy;
- Equality of arms;
- The disclosure of incriminating or exonerating materials;
- Respect for the rule of law;
- The right to liberty and security;
- Inordinate delay and the resultant mental suffering caused;
- The presumption of innocence;
- The right to respect for private and family life, home, and correspondence;
- Freedom of expression and freedom of assembly and association;
- The duty of Gardaí to seek out and preserve evidence;
- That evidence must be obtained lawfully, and without infringement of the defendant's constitutional rights;
- Natural justice & Constitutional justice;
- An entitlement to an appeal to a higher judicial body;

- The ideals and values of a democratic society.

29. This application also deals with **Article 38.1 of the Constitution** (“*that no person shall be tried on a criminal charge save in due course of law*”) and with the overall integrity, probity and reliability of the Irish Courts, in specific context of the distinction between judicial ‘independence’ within the meanings of **Article 35.2 of the Constitution**, and the existing apparent judicial ‘discretion’ or ‘licence’ for any given member of the judiciary to operate outside of the law and/or the Constitution.

30. Likewise, the pertinence and enforceability of **Article 34.6 (i) of the Constitution** (the judicial Oath and declaration) in context of the above.

31. In context of the fundamental right of the individual to a fair trial as set out in **Article 6 of the European Convention of Human Rights** to which Ireland is a signatory, this is most definitely a matter of general public importance particularly in respect that; “*Everybody must have equal access to the courts under the Human Rights Act*” as per the following clauses:

The right to a fair and public trial or hearing that:

- is held within a reasonable time
- is heard by an independent and impartial decision-maker
- gives the parties all the relevant information
- is open to the public
- allows legal representation, and
- is followed by a public decision.

Furthermore, in a criminal trial a person also has the right to:

- be presumed innocent until proven guilty
- be told as early as possible what they are accused of
- have enough time to prepare their case
- be given legal aid (funding) for a lawyer if they cannot afford one and when this is needed for justice to be served

- to attend their own trial
- to access all the relevant information
- to put forward their side of the case at trial
- to question the main witness against them and call other witnesses

32. **That in addition to the above, the ‘exceptional circumstances that warrant a direct appeal to the Supreme Court’ include:** The fact that the Appellant has been systematically misled, deceived, obstructed and denied ‘due process’ by various agents and agencies of the State during the past eight years; where a series of crimes and other Constitutional offences can be shown to have been committed against the Appellant and his family by various Officers of the Court—which have been facilitated by the Courts of lesser jurisdiction (including the unannounced moving of Court dates and the acceptance of fraudulent ‘notices of service’ etc on a number of occasions) to the point where neither the Applicant (nor any right-thinking objective observer) can have confidence that the same debilitating illegalities will NOT continue to be visited on the Appellant unless there is an express and explicit intervention by the Supreme Court in this particular matter – specifically in regard to the fact that the Applicant has just been sentenced to two months in prison ‘in his absence’ from a hearing which he had NOT been properly notified of, and is now facing the imminent loss of liberty and separation from his young family based on the aforesaid multiple breaches of the law, of the Constitution, of Court Rules and Orders, by persons in the employ of the Irish justice system whose mandate and duty is (supposedly) to protect and vindicate the rights of the citizen.

33. That the Applicant, as a well-known campaigner for social justice, as an independent political candidate and as the administrator of the *Integrity Ireland Association*, is being specifically and personally targeted by agents of the State who, through various improper and unlawful actions including physical assaults; multiple vexatious traffic charges; covert and overt Garda surveillance; interference in private mail and online communications; contrived criminal charges; and even an unfounded and arguably bizarre civil case taken by District Court Judge James Faughnan and facilitated by Justice Paul Gilligan, with the obvious objective of shutting down the *Integrity Ireland* websites and social media outlets by any means. These are just some of the underhanded attempts by agents of the State to harass and

criminalise the Applicant by way of their own proven improper and/or criminal conduct which is in repeated and flagrant breach of the Applicant's fundamental human rights.

34. That any additional delays in dealing with this matter—or indeed any hesitation on the part of the Supreme Court to deal with this matter robustly and expediently—serves to undermine the credibility and authority of the same in the public's view, and will likewise serve to encourage further abuses of the law and the Constitution in the lower Courts in particular, and will have the effect of demonstrating to the public the fundamentally unacceptable scenario; that the Supreme Court will NOT step in to protect and defend the fundamental rights of the citizen as against the proven criminal activities of agents and agencies of the State.

35. That in consideration of the overriding fact that the Appellant (Stephen Manning)—a law-abiding citizen—has attempted to legitimately avail of the judicial review process on four separate occasions in recent months; and where it can be demonstrated that he is being subjected to wholesale, systemic stonewalling, delays, obfuscations and other obstructive acts on the part of various agencies of the State—most notably by the Courts Service and by the Office of the DPP—which appear designed to cause maximum frustration, costs and inconvenience to the Applicant and interfere with these applications to the Supreme Court.

36. That this being the second such application to the Supreme Court in recent weeks; that it should be noted that the Applicant is still awaiting delivery of documents from the High Court which are necessary to complete these applications well beyond the original deadline imposed by practice directions, and that the copy of the High Court JR Order which accompanies this application was only issued on January 23rd – the very same day that the Applicant was unlawfully arrested and jailed – and that said Order enters into prescient, as-yet-unexplained discussion about 'Circuit Court proceedings' *in advance* of the Applicant's knowledge that he had been sentenced by the District Court and therefore *in advance* of any such decision by the Applicant to appeal to the Circuit Court; thereby raising further suspicions of improper collusion between various agents and/or agencies of State who have a vested interest in silencing and/or intimidating the Applicant through the threat of incarceration and/or financial ruin through the endless abuse of statutory powers via the Courts.

38. That the Applicant respectfully contends that these facts should add a measure of particular urgency and gravity to this application, unless the Supreme Court is willing to

accept and declare ‘on the record’ that such circumstances are NOT in fact ‘exceptional’ – which in turn would be an absolute indictment of the Irish Courts and an explicit confirmation that the public cannot, and should not have any trust or faith in the same.

39. **The grounds of appeal include:** That in refusing leave to apply for Judicial Review on the basis of the Applicant’s detailed grounding affidavits, that ‘the Court’ i.e. Justice Richard Humphries has defied the doctrines and principles of judicial review and has compounded, exacerbated and indeed ostensibly sanctioned the proven criminal conduct of the DPP’s Prosecution Team in this case, as well endorsing the various failures, omissions, flawed decisions, and unlawful actions of the aforesaid District Court Judges in their respective dealings with the Applicant and in their judicial management of the matters before the Court.

40. That a cardinal principle of judicial review is the power of the High Court and the Supreme Court to exercise ‘supervisory jurisdiction’ over the legality of decisions of the District and Circuit Courts and related persons, which said jurisdiction appears to have been abandoned by the High Court in this case, and that the pertinent issues have been completely ignored.

41. That an Order of certiorari should have been issued by the High Court on the grounds that in the District Court there was; (i) a want or excess of jurisdiction; (ii) disregard of the essentials of justice; (iii) clear and overt bias; and (iv) that a public body (in this case the DPP’s Prosecution team and the Courts Service) of certainty, had acted fraudulently with criminal intent and purpose, in breach of the law, the Constitution and the Applicant’s fundamental rights, and that certain other parties to the case including certain prosecution witnesses and the sitting judge were in parts, actively and knowingly complicit in the same.

42. That the following Articles of the Irish Constitution have also been breached:

(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° 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 of the Irish Constitution;** *“No person may be deprived of his liberty save in accordance with law.”*

(v) **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.”*

43. In addition, that the principles of natural justice, of common law and of fundamental human rights and freedoms as laid out in the **European Court** and the **European Commission** have been, and continue to be breached in this case.

44. That ‘due process’, ‘proper procedure’ and the principles of natural justice in this case have been variously and selectively avoided, ignored, defied, abused, flouted, bypassed, misapplied or violated in such an appalling manner as to bring the standing and reputation of the individuals concerned into very serious disrepute, and by association the whole of the Irish criminal justice system.

45. The Applicant therefore implores the Supreme Court to accept this appeal application.

Order(s) sought:

1. An order directing that a full High Court judicial review be granted in this matter, or..
2. An order of certiorari quashing and reversing the decision of District Court Judge Aeneas McCarthy on November 23rd 2016 NOT to dismiss the case as against the Applicant and his colleague Mr Colm Granahan on the production of unassailable proofs of serious criminal conduct in the case by the State’s Prosecution Team.
3. An order of mandamus directing a criminal investigation into circumstances whereby agents of the DPP’s Office and the Courts Service committed acts of fraud, perjury, criminal damage, contempt of Court, and other deliberate attempts to interfere with, obstruct or pervert the course of justice.
4. And—in these exceptional circumstances—an order of certiorari and/or mandamus quashing and/or reversing the decision of Judge Aeneas McCarthy on January 23rd 2017 to

find the Applicant and his colleague Mr Colm Granahan ‘guilty in their absence’ from an un-notified Court hearing where it was clear to all parties concerned (including the DPP’s Office) that the Defendants had no knowledge or awareness of any such hearing; and in consideration of the additional and highly suspicious circumstances that the Applicant could NOT register this particular application with the Supreme Court until such time as he was in possession of the text of the Order of Justice Humphries, which said Order was dispatched by email to the Applicant on the very same day that the Applicant was found guilty, arrested, and taken into Garda custody – thereby preventing the Applicant access to said Order for the purposes of completing this application *before* the originally-scheduled hearing in the District Court on Thursday January 26th last, and *before* there was any reasonable chance that those District Court proceedings would be artificially ‘concluded’.

Will you be requesting a priority hearing? If Yes, please give reasons below:

For all of the reasons articulated above, and in particular because I am facing an imminent loss of liberty in utterly unlawful circumstances, which would have a devastating effect on my special-needs son and serve to further undermine the confidence of the public in our Courts and in our justice system. Further, that my colleague and co-defendant in this matter Mr Colm Granahan underwent major heart surgery on January 24th last, and will obviously not be in a position to take any stressful news of imminent Court hearings or possible incarceration for some time, and I would respectfully ask that the Supreme Court takes this into consideration in its deliberations. Thank You.

NOTE TO THE READER: This application can NOT be processed until the Orders of the High Court and the corresponding ‘written judgments’ are delivered to Stephen for inclusion.

The Order of January 11th was eventually sent by email to Stephen on January 23rd – the same day Stephen was arrested and jailed. It contains advance notification of ‘Circuit Court proceedings’ *before* even Stephen knew of them.

The corresponding ‘written judgments’ were sent by email on February 8th. They are a very poor and incomplete reflection of the arguments Stephen presented in the High Court.

Stephen has been told by the Supreme Court Office to amend this application substantially. There is no guarantee that the application will even be accepted by the Courts Service.