

ADJUDICATION



IN THE MATTER OF AN ARTICLE 40.1 ENQUIRY BETWEEN

Stephen Manning (Applicant)

&

Michael McGrath, J., (Respondent)

Having considered the matter listed above as per the terms, conditions, procedures and authorities laid out in the respective foundation documents of The Peoples Tribunal of Ireland; and upon consideration of the evidence supplied by the Parties to this matter as to the question of any Article 40.1 violations of the Applicant's Constitutional rights by the Respondent(s), I hereby find as follows: (**delete as required*).

* (i) Application upheld.

* (ii) Application not proven.

[Optional]: My reasons for this finding are further explained below / on the rear of this form / or by attached ___6___ (number of) pages.

* (i) Application upheld.

[Optional]: After consideration of the respective legislation, I further affirm my opinion that there have been violations of the legislation listed below (and/or overleaf), as indicated, sufficient to qualify as criminal offences.

See accompanying commentary.

I hereby conclude this adjudication.

PTI received _____

Adjudicator No: ___3___

File No: _____

THE PEOPLES TRIBUNAL OF IRELAND

ADJUDICATION

- in the matter of –

Article 40.1 Enquiry

Stephen Manning, Applicant vs Michael MacGrath, Respondent

COVER PAGE & DECLARATION

** Delete where applicable:* (i) As the named *Adjudicator (Name with PTI, held in confidence under strict seal for protection from reprisal) being eighteen years or older, hereby declare that this adjudication, is true to the best of my knowledge and belief and I make this statement knowing that if it is tendered in evidence I will be liable for prosecution if I say anything in it which I know to be false or misleading or do not believe to be true.

I say that I understand that hearsay (evidence) is not admissible, and that any and all allegations of fact presented in this Application must be supported by physical evidence that is in the possession of the PTI at the time of receiving this Statement – or is readily available to the Declarant – such as can be provided to The Peoples Tribunal upon request; this evidence to be in the form of documents, or of video or audio recordings, or of items or articles referring, and/or by sworn statements of truth by eyewitnesses who must be available for cross-examination on the date of the hearing.

I understand that any statement or evidence presented to The Tribunal is open to challenge by any parties named in association with this application, either ‘in writing’ in advance of any scheduled hearing and/or ‘in person’ at the said hearing, and that should anything said or declared in evidence in this matter be shown to be a contrivance, a calculated falsity, or a knowing deception in any form – by any party concerned – that under the, “false in one thing, false in everything” (*“falsus in uno, falsus in omnibus”*) legal principle the person committing any such deception will be excluded from the proceedings forthwith and any such questionable or compromised evidence provided to The Tribunal will be removed from further consideration in the matter referring, without any right to appeal, save in respect of authenticating, with new self-evident proofs or verifications, any such excluded evidence.

I understand that a hearing in this matter will be scheduled ‘On Notice’ to both parties. Given the options to; (a) participate remotely (by video link) or (b) attend ‘in-person’ at the nominated venue, I understand that there will be no adjournments or deferments.

Body of Applicant’s Statement

1. I respectfully refer to Affidavits No’s 1 – 23 inclusive in co-joined JR Cases; (i) 2017/798 and (ii) 2018/432 as lodged in the Irish High Court, complete with all associated evidence and exhibits in support of the following facts, and I commit to providing the PTI with any necessary clarifications or proofs, as requested, in support of the facts where I am alleging multiple breaches of Article 40.1 of the Irish Constitution by the Respondent Michael MacGrath, acting in his role as an Irish High Court Judge, and, in the absence of any defence to these charges and/or in the failure of the Respondent to refute these claims, that the

Applicant respectfully seeks a Determination from The Peoples Tribunal of Ireland.

2. For ease of reference, I will refer to High Court Case 2017/798 JR “Stephen Manning vs Circuit Court Judge Sean O’Donnabhain” as ‘**JR No 1**’ and to High Court Case 2018/432 “Stephen Manning vs District Court Judge Deirdre Gearty & the DPP” as as ‘**JR No 2**’.

Based on the evidence heard by me as read into evidence on 7 July, 2021 and testimony of the applicant which I have read in the submission provided by the Council of the PTI, and as Adjudicator, I believe to be factual, true and honest and corroborated with the facts insofar and inasmuch as I have been able to do so:

I determine that regarding various points of the Applicant’s statement, this Application is ‘UPHELD’ and I find that the Respondent was in breach of the Article 40.1 rights of the Applicant in conduct and acquiescence in his professional capacity as a Judge and as set out in Bunreacht na hÉireann on the basis of the following multiple violations:

3. Regarding Applicant’s efforts to progress ‘**JR No 1**’ in train since October 2017 in accordance with the law and with Superior Court Rules unlawfully obstructed by various ‘Officers of the Court’ from the outset.

Specifically with regard to a formal complaint letter to Justice Seamus Noonan dated 21 May 2018, where the case transferred to Michael MacGrath J in June 2018, along with an already-granted application for attachment and committal against solicitors Maura Tehan (CSSO) and Brian McLaughlin (DPP).

This was for proven contempt of the High Court for failing and refusing to comply with the directions of Seamus Noonan J as per the Order of January 30, 2018.

This Order disappeared, despite many mentions and requests in affidavits and in oral discussions in Court. At no point did MacGrath J ever move to progress those valid applications.

4. Regarding Applicant’s RSC 40.1 application in **JR No 1** to cross-examine Co-Defendant Counsel’s Raymond Briscoe of the DPP’s Office for lodging two allegedly fraudulent and perjurious affidavits on 5 April and 29 June 2018. These applications were previously granted by Justice MacGrath J, but no date was scheduled for a cross-examination hearing, despite multiple and repeated requests by the Applicant.

5. Regarding Applicant’s statement lodged in evidence in **JR No 2** on 1 June 2018 alleging a conspiracy between eight and fourteen individuals involved in **JR No 1** who were attempting to prosecute him again on false charges in the District Court, where **JR No 2** then was then ‘joined’ to **JR No 1** by Order of MacGrath J on June 7th 2018, and where subsequently both JR cases travelled together thereafter.

While further enquiries at the oral hearing on 7 June 2021 regarding allegations that the joining of the cases, while common practice, was a violation of the Applicants rights to fair procedures and proper notice, I find insufficient evidence here to support the Applicant’s allegation of wrongdoing.

However, I note that it does seem highly prejudicial to a lay litigant with limited resources

that he be expected to manage two cases at the same time, where the details of the court dates and submission seem to be entirely at sitting Judge's discretion, a discretion which from the evidence given (and in the absence of any evidence to the contrary from the Respondent) seems to put one side (the Applicant) at an unjust and unfair disadvantage and place an unnecessary burden on him, one which goes against the spirit of such discretion, particularly when the case is involving members of the judiciary who are charged with using this discretion in the course of their professional duties.

6. Regarding **JR No 2**, relating to a District Court Case, initiated in Castlebar in 2018 and then transferred to Belmullet, Co. Mayo, where stay on those proceedings was granted by MacGrath J on 7 June 2018 and then renewed again on 3 July and 5 July "*..until further order of this High Court*". From that date on, there was a High Court Order blocking those proceedings from advancing, while **JR No 2** (now 'joined' to **JR NO 1**) progressed.

It is not clear from the statement in 6. Above, which case was blocked from proceeding and which progressed, perhaps this is due to typographical error? If the misunderstanding is due to my (lack of) comprehension of the facts, maybe this can be clarified?

However, I do not believe this to be sufficient impediment to further Adjudication, nor do I believe that this has a significant material impact on the overall judgement as I believe the facts are clear to me, having now completed my assessment of the overall Application.

7. Two more fraudulent and perjurious affidavits were then lodged in **Jr No 2** by one Gerard McEntee – then a Sergeant of An Garda Síochána and now an Inspector. An application to cross-examine McEntee on those fraudulent affidavits was lodged, and subsequently granted by MacGrath J, but again, despite multiple mentions and requests in affidavits and in oral hearings, no hearing date was ever scheduled for those cross-examinations.

8. On 3 April 2019 after some 20+ protracted hearings in a purported, 'application for permission for leave to apply for a judicial review' MacGrath J issued a judgment, unannounced, in **JR No 1** which was not only a totally misleading contrivance designed to misrepresent the facts of the case and cover-up State-sanctioned wrongdoing, but which also quoted directly from the perjurious affidavits of Raymond Briscoe which were still subject to pending cross-examination. This was an open violation of RSC Order 40.36.

9. MacGrath J also unilaterally altered the title on those proceedings on 3 April 2019 absent any application from either party in the case to do so. This is a violation of RSC Order 84.22.(2A)a. MacGrath J thereafter refused repeatedly to 'correct the record' despite being informed that his actions amounted to a criminal fraud on the High Court, and that criminal complaints and proceedings against him would have to be taken 'according to law'.

10. I say that the result of this unlawful, unilateral changing of the title of proceedings from the original, "*Stephen Manning vs Circuit Court Judge Sean O'Donabhain*" to "*Stephen Manning v A Judge of the Circuit Court*" has been to create two separate case records, and to prevent any otherwise-valid appeal to the Superior Courts or to the EU because; (a) "*The title doesn't match your appeal notice*"; and (b) because we cannot now 'exhaust all domestic remedies' before applying to the European Courts because **JR No 1** has been effectively suspended and made un-progressable via this fraud. As of the date of this Statement, the former title still remains on the Irish Courts Service records, but the latter is quoted – in context of the fraudulent judgement of MacGrath J that accompanied it – on UK

and European databases as if the application for **JR No 1** is in fact, 'over, done and dusted'.

Regarding 7, 8, 9 and 10. above it is difficult to see how such incompetence and/or flagrant disregard and contempt of the Applicants rights to fair procedures and rights could have taken place and been sanctioned by a Judge.

Rights violated here, including those to cross examine affidavits given under oath by a member of An Garda Síochána, if true and this Tribunal believes this evidence to be true, and in absence of any rebuttal evidential statements to the contrary from the Respondents, this behaviour can only be regarded as shameful, unlawful and impeachable, or at the very least subject to reprimand under the codes of conduct of the respective professions of the Respondents.

Rectification of the matters alleged should be the highest priority of the judicial system.

11. Applicant stated that in the 2.5 year period between the issuing of the High Court stay on the proceedings in Belmullet District Court in June-July 2018 and 9 December 2020, that the DPP's Office, in conjunction with the Courts Service and other parties to the case, attempted to advance those District Court proceedings on some eight different occasions, in flagrant violation of High Court Order, and in full awareness of its existence, due to applicant quoting the same as grounds for refusing to attend any such hearings in Belmullet.

12. That nevertheless, two Orders issued out of Belmullet District Court ordering the Applicant to attend a hearing on 10 March 2021, at which point, now armed with documentary evidence of 'contempt of the High Court' the Applicant applied to the High Court for orders of attachment and committal naming;

(i) District Court Judge Fiona Lydon; (ii) Garda Inspector Gerard McEntee; and (iii) DPP Claire Loftus, and a hearing in the matter was held before Charles Meenan J on 9 March where he directed (untruthfully) that, "this matter *must* go back before Justice MacGrath".

12a. Applicant notes that Claire Loftus and Fiona Lydon did NOT turn up at that hearing and did NOT send legal representation, thus committing yet another contempt of the High Court. This was neither noted nor sanctioned by Justice Meenan.

13. Applicant states that he immediately corresponded with MacGrath J by formal letter, regarding how he would seek to advance his applications for attachment and committal in **JR No 2** in circumstances where MacGrath J had been formally 'Proscribed & Excluded' from further dealings with the Applicant due to his prior criminal actions and the pending criminal proceedings against him at the CCJ?

14. Further the Applicant stated that without any application by any of the parties to these cases, and without any formal notification to him as the Applicant, that MacGrath unilaterally declared a 'sitting' in **JR NO 2** for Tuesday 11 May 2021.

Applicant states that he amended his already-served Notices of Motion for attachment and committal (from 9 March) and re-served them on all parties to the case including on the Central Office and on MacGrath J in-person in advance of the 11 May hearing, complete with a 'Notice of Conditional Appearance'; and that Applicant attended the High Court with

scores of witnesses – seven of whom entered the Courtroom with him.

14a. That Applicant's Notices of Motion and other papers as served on the Central Office in advance of that hearing were unlawfully 'held-up' by one Mr Colin Shortall, so as to prevent any stamped-and-filed re-served originals from being available, and that he has documentary proofs and an audio recording to substantiate this. Those documents were then returned in the post to him unstamped-and-unfiled dated '11 May'

15. That the said 'hearing' never lawfully commenced because MacGrath J tried to prevent the Applicant and first speaker, from addressing the Court. When the Applicant then began reading out his Notice of Conditional Appearance into the record, the Respondent MacGrath J abandoned the Courtroom. These are facts in evidence with witnesses and audio recordings.

16. That at 11.08 am on the morning of Tuesday 18 May 2021, the Applicant was alerted by an unsolicited email from the Central Office claiming that MacGrath J had read out his judgement 'electronically' in **JR No 2**, and a plain copy of that purported judgment text was attached, as reported upon in the Irish Times and in other mainstream publications that same day.

17. Applicant states that notwithstanding the contested contents of the 'contrived text', and the disturbing fact that the Irish Times – a non-party to these proceedings – was privy to a purported judgement which they deceptively claimed to be, "An accurate rendition of what was read out in the High Court" – the application to The Peoples Tribunal for a Determination that Applicant's Article 40.1 rights have been repeatedly violated hinge primarily upon the following facts:

(i) That his right to proper procedures has been irreparably breached inasmuch as MacGrath J has improperly moved to 'issue judgement' in both JR cases whilst 'live' applications to cross examine witnesses on their perjurious affidavits under Order RSC 40.1 remain granted but not processed, and that he then quoted the contents of those affidavits – and/or made reference to the same – in open violation of Order RSC 40.36.

(ii) That MacGrath J allowed proceedings to continue for 2.5 years absent any response to Applicant's original Grounding Affidavit and Submissions in **JR No 1**; and he allowed out-of-time, 'general' affidavits containing hearsay in violation of Orders RSC 40.4 / 40.8. /40.22(5).

(iii) That he has moved to judgment unlawfully, absent Notice whilst 'live' applications for attachment and committal in both JR's naming agents of the State remain unprocessed.

(iv) That numerous acts of fraud, deception, criminal damage and contempt of court by various 'officers of the Court' have not only been completely ignored by MacGrath J throughout (as detailed in Applicant's affidavits and formal complaints) but indeed have been actively facilitated by Justice Michael MacGrath's brazen contempts of his own Court.

(v) That this has occurred, notwithstanding all of the additional evidence of repeat, systemic violations of the law and the Constitution that have been visited upon Applicant personally in context of these co-joined JR cases as part-documented in the publications;

(a) *"Criminality in the Irish Courts and the Absence of the Rule of Law"*.

(b) *"INDICTMENT & Petition for a Public Enquiry into State-Sponsored Criminality.."*

18. The Applicant hereby declares that Michael MacGrath J, the Respondent in this application, has gravely, serially, and criminally abused his role and position as a High Court judge in the conduct of these proceedings, displaying overt bias and favouritism towards State actors, and extreme prejudice against the Applicant, in variously facilitating and/or ignoring multiple violations of the law and of due process by 'the opposition', whilst concurrently denying justice and due process to him. In so doing he has not only committed multiple offences against the administration of justice and openly scandalised the Court, but has clearly violated his Article 40.1 rights to be treated, "equally under the law".

In upholding the application I concur with these statements and all the above from 11. Through to 18., except where noted or reservations are expressed, etc.

For the record I wish to state that this Adjudication of the People's Tribunal of Ireland, while not as yet being endorsed by an Act of the Oireachtas, nonetheless invokes Bunreacht na hÉireann and in the continued absence of the required standard of the 'rule of law' in Ireland and her established court system, as an Adjudicator I expect all those who agree to be bound by PTI to respect the determination of the Tribunal and it's contracting parties until such time as the established courts are in a position to also acknowledge these findings and the PTI in a civil capacity in further litigation and/or through the recognition of this Tribunal through an Act of the Oireachtas, etc.

My adjudication has been carried out to the best of my ability under God and without prejudice as a proud citizen of the state and in an attempt to contribute to the restoration of true justice as intended by our founders and Bunreacht na hÉireann.

True Justice should be the very least we expect and deserve as the People of the Republic of Ireland, whom as free citizens, judiciary and all office holders alike, owe our fidelity and service to the Nation according to said Constitution. I look forward to the day when Adjudicators will no longer have to wear a cloak of anonymity for fear of reprisals under such a restored Justice system as intended by the Founders and where the accused can properly face their accusers according to the best legal principles and established constitutional norms.