

# THE PEOPLES TRIBUNAL OF IRELAND

## STATEMENT OF TRUTH & FACTS

- 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 \*Applicant / Respondent in this matter and/or; (ii) as the person who, by virtue of my position or role in the office, agency or organisation named as the Responding party is authorised to take carriage of this matter:

I (*print name*).....D.O.B.....

of (*full address*).....

being eighteen years or older, hereby declare that this statement following which contains .... pages and ..... numbered paragraphs, 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 admissibile, and that any and all allegations of fact presented in this Statement must be supported by physical evidence that is in the possession of the Declarant at the time of making 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 Statement** (numbered paragraphs, 1.5 or double-spaced please, max 4 x A4 pages)

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 '**JR No 2**'.

3. '**JR No 1**' was in train since October 2017. Our efforts to progress that case in accordance with the law and with Superior Court Rules had been unlawfully obstructed by various 'Officers of the Court' from day one. Following a formal complaint letter to Justice Seamus Noonan dated May 21<sup>st</sup> 2018, the case was surreptitiously transferred to Justice Michael MacGrath in June 2018. Travelling with that transfer was an already-granted application for attachment and committal against solicitors Maura Tehan (CSSO) and Brian McLaughlin (DPP) for proven contempt of the High Court for failing and refusing to comply with the directions of Justice Seamus Noonan as per the (since disappeared) Order of January 30<sup>th</sup> 2018. I say that despite many mentions and requests in affidavits and in oral discussions in Court, that at no point did MacGrath J ever move to progress those valid applications.

4. I say that I had lodged an RSC 40.1 application in **JR No 1** to cross-examine one Raymond Briscoe of the DPP's Office for lodging two fraudulent and perjurious affidavits on April 5<sup>th</sup> and June 29<sup>th</sup> 2018. Those applications were granted by Justice MacGrath, but despite multiple and repeated requests, no date was ever scheduled for a cross-examination hearing.

5. I say that on June 1<sup>st</sup> 2018 I lodged **JR No 2** which alleged a conspiracy by between eight and fourteen individuals involved in **JR No 1** who were attempting to prosecute me again on false charges in the District Court. **JR No 2** then was then 'joined' to **JR No 1** by Order of MacGrath J on June 7<sup>th</sup> 2018, and both JR cases travelled together thereafter.

6. **JR No 2** relates to a District Court Case that was initiated in Castlebar in 2018 and then transferred to Belmullet, Co. Mayo. A stay on those proceedings was granted by MacGrath J on June 7<sup>th</sup> 2018 and then renewed again on July 3<sup>rd</sup> and July 5<sup>th</sup> "*..until further order of this*

*High Court*". From that date therefore, there was a High Court Order blocking those proceedings from advancing, while **JR No 2** (now 'joined' to **JR NO 1**) progressed.

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 April 3<sup>rd</sup> 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 April 3<sup>rd</sup> 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'.

11. I say 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 December 9<sup>th</sup> 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 the said High Court Order, and in full awareness of its existence due to me quoting the same as grounds for refusing to attend any such hearings in Belmullet.

12. Nevertheless, two Orders issued out of Belmullet District Court ordering me to attend a hearing on March 10<sup>th</sup> 2021. Now armed with documentary evidence of ‘contempt of the High Court’ I 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 Justice Charles Meenan on March 9<sup>th</sup> where he directed (untruthfully) that, “this matter must go back before Justice MacGrath”.

12a. For future reference, we note 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. I say that I immediately corresponded with MacGrath J by formal letter, seeking how to possibly advance our applications for attachment and committal in **JR No 2** in circumstances where he had been formally ‘Proscribed & Excluded’ from further dealings with us due to his prior criminal actions and the pending criminal proceedings against him at the CCJ.

14. I say that without any application by any of the parties to these cases, and without any formal notification to me as the Applicant, that MacGrath J unilaterally declared a ‘sitting’ in **JR NO 2** for Tuesday May 11<sup>th</sup> 2021. I say that we amended our already-served Notices of Motion for attachment and committal (from March 9th) and re-served them on all parties to the case including on the Central Office and on Justice MacGrath in-person in advance of the May 11<sup>th</sup> hearing, complete with a ‘Notice of Conditional Appearance’; and we attended the High Court with scores of witnesses – seven of whom entered the Courtroom with us.

14a. For future reference, I say that our 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 we have documentary proofs and an audio recording to substantiate this. Those documents were then returned in the post to us unstamped-and-unfiled dated ‘May 11<sup>th</sup>’

15. I say that the said ‘hearing’ never lawfully commenced because MacGrath J tried to prevent me, as the Applicant and first speaker, from addressing the Court, and when I then began reading out my Notice of Conditional Appearance into the record, he unlawfully abandoned the Courtroom. That these are facts proven by witnesses and audio recordings.

16. I say that at 11.08 am on the morning of Tuesday May 18<sup>th</sup> 2021, I was alerted by an unsolicited email from the Central Office that despite NO notifications or advices to me (as the Applicant) whatsoever, that MacGrath J had (it was claimed) read out his judgment ‘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. Notwithstanding the contested contents of that contrived text, and the disturbing fact that the Irish Times – a non-party to these proceedings – was privy to a purported judgment which they deceptively claimed to be, “An accurate rendition of what was read out in the High Court” – my application to The Peoples Tribunal for a Determination that my Article 40.1 rights have been repeatedly violated hinge primarily upon the following facts:

(i) That my 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 he allowed proceedings to continue for 2.5 years absent any response to my 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 my 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 me 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. That I hereby declare that Michael MacGrath, 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 this law-abiding litigant, 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 this Applicant. In so doing he has not only committed multiple offences against the administration of justice and openly scandalised the Court, but has clearly violated my Article 40.1 rights to be treated, “equally under the law”.

Signed: Stephen Manning, Applicant.

Endorsed / Witnessed:

Date: