

## STATEMENT OF COMPLAINT

*Lodged with Achill Sound Gardai by Stephen and Noriko Manning.*

*4 pages.*

**Overview:** On Wednesday March 7<sup>th</sup> 2012 and on the specific strength of a letter received from An Taoiseach Enda Kenny T.D. dated 29<sup>th</sup> February 2012, which in turn referred to inter-party correspondence exchanged with Minister of Justice Alan Shatter T.D., we informed Garda Patrina Hastings at Achill Sound Gardai of our wish to lodge two formal criminal complaints of conspiracy to pervert the course of justice naming the following persons as primary co-parties in said conspiracy; (i) Sgt Pat O'Hora (Westport Gardai); (ii) Michael Murray (Superintendent, Westport Gardai, retired); (iii) Chief Superintendent Thomas Curley (Castlebar Gardai); and (iv) Claire Loftus (current DPP, and previous Head of Directing Division at the Office of the DPP).

Garda Hastings informed us that she would first need to check with her superiors, but would get back to us within 14 days. We followed up with a written confirmation (attached) and in the meantime were notified by Garda Hastings that she would receive our statement at 3pm on Thursday March 15<sup>th</sup> at Achill Sound Garda Station. We were told that we could either dictate a statement to Gardai or, bring a written statement prepared by our solicitor or ourselves and present it to Gardai. We informed Garda Hastings that we had previously been told by Garda Martin O'Reilly that a complaint statement could not be accepted by the Gardai unless it was dictated to a Garda and hand-written by a Garda on a specific form. This was said to us on October 15<sup>th</sup> 2010 in context of questions already put to Supt Michael Murray and Chief Supt Curley regarding the lack of progress on a pre-written assault complaint we had lodged on June 18<sup>th</sup> 2010. The Office of the DPP would later confirm that they had been informed that this specific matter had been 'dealt with locally' by Supt Murray, and therefore no files would be forwarded to the DPP for instructions. This, despite the added pretence of Sgt Pat O'Hora and Garda Martin O'Reilly re-taking that complaint a second time in December 2010 with the apparent purpose of misleading us once again; that proper Garda procedures were in fact being carried out. The knowledge that we had been deliberately lied to and misled by Gardai on these occasions further reinforces our contention that we have been subjected to numerous incidences of misinformation, obstructionism and denial of due service by particular members of the Gardai in conjunction with other individuals in the employ of the State over an extended period – indeed, that the resources of various State agencies have in effect been unconstitutionally deployed against our interests with the full knowledge and awareness of a number of senior civil servants (either before or after the fact) – and that subsequent attempts to conceal or suppress these facts have been actively engaged in; the complaints that follow being just two such examples.

### Specific background to these two complaints:

During the period July 2009 to December 2010 our family was subjected to an orchestrated campaign of harassment and intimidation comprising over 700 incidents including; vexatious complaints to Gardai; anonymous nuisance phone calls; online defamations; property damage; physical assaults and attempted assaults on family members and pets; and specific death threats. This resulted in several reports being made to Gardai containing a broad range of indicators such as phone numbers, I.P. addresses, website contact information, eyewitness statements, and in some cases the names of individual perpetrators of offences against us. We were repeatedly assured by Gardai that investigations were ongoing; that suspects had been identified, detained and questioned; and that files had been sent to the DPP for directions on whether or not those suspects were to be prosecuted. We informed Gardai that we intended to bring civil cases against certain perpetrators, and we requested their identities. Sgt Pat O'Hora explained he could not divulge those names whilst Garda criminal investigations were ongoing for fear of compromising those cases, but reassured us that we would be 'the first to know' the identities of the various suspects once the DPP had issued their directions – one way or the other. This too turned out to be untrue, and despite the DPP since having issued

directions ‘not to prosecute’ in all cases reportedly referred to them, we have been specifically and repeatedly denied this promised information – without proper explanation.

We would subsequently discover that most of the information given to us by Gardai was either false, misleading or inaccurate; that no investigations had initially been carried out; that definitive leads had not been pursued; and that several promising avenues of enquiry (such as specific information from UK cyber-crimes Police, and the contact details of various witnesses) had been completely and utterly ignored. Having had no success via local Gardai in attempting to deal with these issues over many months, including directly through Supt Murray and Chief Supt Curley – indeed, feeling instead that we were being repeatedly misled and deceived – we then reluctantly approached the Garda Siochana Ombudsman Commission (GSOC) in September 2010 with these, and other serious concerns, including specific allegations of very serious wrongdoing by certain Gardai. Over the course of the subsequent 18 months, we found the GSOC (under the chairmanship of Mr Dermot Gallagher, now retired) to be either unwilling or unable to address these issues according to the rule of law and their own stated mandate, and feel we have been utterly frustrated in every respect in our attempts to have the GSOC address these complaints – something which we subsequently brought to the attention of the Garda Commissioner Martin Callinan; the Minister for Justice Alan Shatter T.D., and An Taoiseach Mr Enda Kenny (amongst others) – the responses thereof having precipitated the lodging of these formal criminal complaints.

Faced with repeated inexplicable obstructionism by the Gardai and the GSOC, we contacted the Office of the DPP in January 2011 seeking information on the progress of the criminal files reportedly submitted by the Gardai since 2009. *[According to the DPP’s own published guidelines, this is something that victims of crime (such as ourselves) are allowed/encouraged to do.]* Again, we were repeatedly ignored and frustrated in our efforts to secure simple answers to simple questions, and were, in our opinion, treated most contemptuously by certain officials in that department, most notably Ms Claire Loftus, Head of Directing Division. Facing such obvious denials of service due to us under the Constitution – and on the grounds that she repeatedly refused to name any given person or persons in her department who were responsible for handling the complaints reportedly lodged by Gardai – we then subpoenaed Ms Loftus to attend a Circuit Court hearing in a related civil matter in order to answer certain specific questions. Ms Loftus’ somewhat disquieting response to our subpoena was to threaten a High Court application that would block her attendance at Court. However, as circumstances unfolded, the scheduled hearing was adjourned, and we courteously advised Ms Loftus that if the need arose, that we would inform her of the date of the next hearing.

In the meantime, Sgt Pat O’Hora telephoned us stating that we were ‘not allowed’ to contact the DPP directly – another piece of misinformation which me must, under these particular circumstances assume to be another deliberate lie. Likewise, indirect pressure was being applied via the Office of the DPP and the State Solicitor’s Office onto our legal team, to get their client to ‘back off’ and ‘cease making enquiries’ – something which we found to be highly irregular, and a clear abuse of position and authority by persons in the employ of the State; persons who are ostensibly engaged in the supposed ‘service of the people’ – in the interests of justice – at the taxpayer’s expense.

#### **Complaint 1:**

After repeated requests to Gardai and the DPP for specific information on the status of the aforementioned criminal complaints had been either ignored or sidelined, we directed our solicitor to contact the DPP directly. Our solicitor then received written confirmation from Ms Claire Loftus that certain files (listed in our correspondence of January 2011) had indeed been submitted to the DPP ‘recently’ by Westport Gardai and, in the startlingly short period of less than 48 hours after receipt of our solicitor’s letter, had apparently been

processed by the DPP and returned to the Gardai with ‘instructions’, and that we needed to contact local Gardai for further information.

On March 10<sup>th</sup> 2011 we received a call from Sgt Pat O’Hora stating that the instructions from the DPP were ‘not to prosecute’. When challenged on this patently ludicrous position Sgt O’Hora conceded that ‘no suspects were named in those files’ and that he would immediately ensure that the files were returned to the DPP with the names of the suspects included. Given we had correspondence from Chief Superintendent Curley detailing the alleged identification, detention and questioning of a number of suspects in these cases – as well as independent third-party confirmation of specific facts and evidence – we were of course alarmed and bewildered that suspects had not even been named in the files reportedly sent to the DPP. We were equally bewildered at the DPP’s contention that those files had been duly processed without any suspects being named therein – something that we have since determined in discussions with senior ranking Gardai had never, to their particular knowledge, occurred in the duration of their own service – and indeed made no logical sense at all. We wrote to Gardai and the DPP several times seeking an explanation, but we were again repeatedly denied proper answers. We then took the matter to the GSOC explaining repeatedly and explicitly that we had documented and digital proofs of serious wrongdoing, including apparent collusion between Gardai and the Office of the DPP to deliberately mislead us and cover up possible criminal behaviour on the part of certain Gardai, but again, we received repeated convoluted, circuitous and evasive responses, concluding with the incomprehensible decision (by as-yet unidentified personnel) to ‘deem’ our serious complaints ‘inadmissible’ – this, without anyone at the GSOC having even explored our evidence.

Throughout this extended period the situation was further exacerbated by inappropriate behaviour by Sgt Pat O’Hora and Garda Martin O'Reilly in particular, including unexplained clandestine ‘interviews’ with neighbours and witnesses in an ongoing civil case; the illegal seizure of personal property under duress; the receipt and promotion of clearly-vexatious complaints against us, and a corresponding lack of proper response to our own legitimate complaints. In short, an attitude of hostility, non-cooperation and denial of due service with the apparent knowledge and support of their direct superiors Superintendent Mick Murray and Chief Superintendent Thomas Curley.

The clear and obvious conclusion is that a person or persons working at the Office of the DPP colluded with Gardai in deliberate efforts to mislead us as to the status of criminal complaints which had never in fact been submitted – or – that had been submitted without any named suspects therein, with the clear and explicit intention of deceiving us and any subsequent third parties (such as the Courts) that these files had in fact been processed properly. In addition to the details of this complaint, we have definitive proof that certain files allegedly submitted to the DPP during this period were utterly false and contrived in every respect inasmuch as those supposed files were either empty, or, that the supposed information therein consisted of materials that were obviously false, misleading and contrived, and knowingly designed to deceive – in full knowledge of the submitting Gardai and the recipients at the DPP who then made a pretence of ‘processing’ said files.

By any definition of the term, this constitutes a clear and deliberate attempt to pervert the course of justice, and we ask that the appropriate action be taken to address these issues and hold those responsible fully to account according to law, and according to the Irish Constitution.

## **Complaint 2.**

That Sgt Pat O’Hora and Chief Superintendent Thomas Curley conspired to avoid attendance at a High Court hearing through the deliberate and premeditated use of deception.

Details: Chief Superintendent Thomas Curley was subpoenaed to attend Court as a witness for the Plaintiff at a High Court hearing dated March 21<sup>st</sup> 2011. He responded in writing on March 10<sup>th</sup> 2011 asking our solicitor if Sgt Pat O'Hora could attend in his stead on the grounds that Sgt O'Hora was more familiar with the details of the case, and because the Chief Superintendent had other duties to attend to. As a courtesy, we agreed to Sgt O'Hora attending in Chief Superintendent Curley's place, and our solicitor responded in writing. But on the morning of the hearing Sgt O'Hora did not turn up.

At 12.45pm that day (the day of the High Court hearing) a fax came in to our solicitor's office from the Office of the Chief Superintendent stating that Sgt O'Hora would require a new subpoena to be issued if he were to attend the hearing on Thursday March 24<sup>th</sup>!? At first we thought that a mistake had been made on the part of the Chief Superintendent, and that he had somehow gotten his Court dates mixed up despite it being put in writing several times. But even if that were the case, the Chief Supt would have been aware that two days warning is insufficient notice to issue a valid subpoena – which in turn begs the question of why the Chief Supt hadn't responded to us earlier in this regard? We then called Westport Gardai and spoke to Inspector Joe McKenna detailing the repeated difficulties we were having trying to communicate effectively with Sgt O'Hora in particular, and, upon explaining the circumstances of Sgt O'Hora's non-attendance at the High Court hearing, Inspector McKenna volunteered the information that Sgt O'Hora had been advised by the Chief Superintendent that he did not need to attend the Monday hearing. A subsequent conversation with Sgt O'Hora confirmed that he had in fact been told in advance that he did not need to be at Court, but he refused to disclose who specifically had told him so.

This not only demonstrates improper collusion between Gardai and the defence solicitors in a civil case, but also that the fax sent by Chief Superintendent Curley to our solicitor was part of a premeditated attempt to ensure that Sgt O'Hora would not be in attendance at the Court to answer legitimate questions, and, in the event of the issue being raised in future, that there would be an apparent 'reasonable explanation' for his absence, based upon the contrived and deceptive fax to our solicitor.

The fact that Sgt O'Hora failed; (a) to respect other subpoenas at previous and subsequent Circuit Court hearings; (b) attempted to convince our solicitor and ourselves on a number of occasions that he was somehow exempt from having to comply with Court subpoenas; (c) that he had not received service; and (d) that he needed 'special permission' to attend Court etc etc.. all this adds further weight to the obvious; that on the above-mentioned occasion Chief Superintendent Thomas Curley authorised the dispatch of a deceptive and fraudulent fax to our solicitor with the clear and premeditated intent of misrepresenting the truth; misleading ourselves and any third parties (including the Court); whilst ensuring no Garda member subpoenaed by us would be present in Court to answer legitimate questions; which in summary, must, by any definition of the term constitute a deliberate conspiracy to attempt to pervert the course of justice.

We reserve the right to add to these complaints the names of various personnel in the employ of the State (both currently-serving and recently retired) as-and-when clear evidence of complicity in illegal or unconstitutional acts is uncovered or demonstrated, and formally request that any individuals so identified, along with the aforementioned persons, are held fully to account under the law.

We formally declare that the contents of this statement are true to the best of our knowledge.

Signed

Stephen and Noriko Manning

Date

For An Garda Síochána