

THE CENTRAL CRIMINAL COURT

DUBLIN

DIRECTOR OF PUBLIC PROSECUTIONS

Prosecution

-V-

DESMOND DUNDON, ANTHONY MCCARTHY, JAMES Defendants
MCCARTHY, DAVID STANNERS and CHRISTOPHER
COSTELLO

ACTION HEARD BEFORE MR. JUSTICE PAUL CARNEY

ON MONDAY, 28TH OCTOBER 2003

I hereby certify the
following to be a true
and accurate transcript
of my shorthand notes of
the evidence in the
above-named matter.

APPEARANCES

FOR THE PROSECUTION: MR. DENIS VAUGHAN-BUCKLEY SC
MR. JOHN O' SULLIVAN BL

INSTRUCTED BY: The Director of Public
Prosecutions

FOR MR. ANTHONY McCARTHY: MR. O' HANLON SC
MR. O' LI DEADHA BL

INSTRUCTED BY: Michael Hanahoe & Company

FOR MR. DESMOND DUNDON: MR. B. O' CARROLL SC
MR. M. MALONEY BL

INSTRUCTED BY: John Devane

FOR MR. DAVID STANNERS: MR. SAMMON SC
MR. M. BOWMAN BL

INSTRUCTED BY: Andrew McCarthy

FOR MR. JAMES McCARTHY: MR. JOHN EDWARDS SC
MR. ANDREW SEXTON BL

INSTRUCTED BY: Andrew McCarthy

FOR MR. COSTELLO: MR. BRENDAN NIX SC
MR. B. McINERNEY BL

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1 THE HEARING RESUMED, AS FOLLOWS, ON MONDAY, 28TH
2 OCTOBER 2003

3
4 MR. JUSTICE CARNEY: Yes, Mr. Sammon.

5 MR. SAMMON: Yes, my Lord. My Lord,
6 there is a case, Dundon,
7 Stanners, McCarthy, McCarthy, and Costello, listed.
8 Now, this is the case that failed to take off in
9 Limerick.

10 MR. JUSTICE CARNEY: Yes. Well, it will be
11 taking off in this Court,
12 on Tuesday of next week.

13 MR. SAMMON: Now, the reason why I am
14 raising it at this point,
15 my Lord, is that there has been a considerable amount
16 of media attention to this matter, arising out of the
17 circumstances that occurred in relation to the
18 impanelment of a jury in Limerick, and much of that
19 comment, or some of that comment contains matters
20 that are extremely adverse to the accused persons
21 awaiting trial.

22
23 I have acquainted Mr. Buckley with the desire to -- I
24 have been instructed to apply for an adjournment. I
25 am not in a position to forward that as yet, because
26 I am awaiting the collation of the media materials to
27 put before the Court, but I would ask you, my Lord,
28 to indicate a time at which I might be heard in such
29 an application.

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I understand that my colleagues may also be, that is Mr. Nix, and Mr. Edwards, are also anxious to put forward such applications, also, on the part of their respective clients.

I am seeking a fairly short period of time, my Lord, therefore, to put the State formally on notice. I have informally told Mr. Buckley of it, but I am not in a position to forward the matter.

MR. BUCKLEY: It is a matter that should be dealt with urgently, my Lord.

MR. JUSTICE CARNEY: Sorry?

MR. BUCKLEY: It is a matter that should be dealt with urgently, I think, my Lord.

MR. JUSTICE CARNEY: Yes. Well, Mr. Phelan is going to be in difficulties testimony morning, so tomorrow morning would be available.

MR. BUCKLEY: Yes, my Lord.

MR. JUSTICE CARNEY: I won't be free in the afternoon, but I could give it some time tomorrow morning. I should also say that my experience with juries, and I have spelt out this on many occasions, is that at the end of the day, they act on the evidence, and in accordance with the directions given by the trial Judge. So, your

1 threshold will be an extremely high one.
2
3 I anticipate, obviously I have to hear you, but my
4 anticipation is that this case will be going on, and
5 I have spelt out on many, many occasions, the
6 particular reasons I have total confidence in juries
7 acting on the evidence, and the directions of the
8 trial Judge.
9 MR. SAMMON: May it please your
10 Lordship. My Lord, might I
11 ask, in relation to the matter being heard tomorrow,
12 I have a difficulty in that I have an application to
13 make in relation to a sentencing matter before your
14 Lordship's colleague, Mr. Justice Peart. It is an
15 unusual application. It is something that I would
16 have to... (INTERJECTION)
17 MR. JUSTICE CARNEY: All right. Well, I will
18 see you right. My
19 situation is that I have to catch an aeroplane in the
20 early afternoon tomorrow.
21 MR. SAMMON: Would your Lordship say not
22 before 11:45? I should be
23 finished with the other matter by then.
24 MR. JUSTICE CARNEY: If you are satisfied that
25 you will have it completed
26 by 1:00 o'clock, I can certainly do that.
27 MR. BUCKLEY: I think it will be very
28 brief, my Lord.
29 MR. SAMMON: Yes, my Lord. It is net,

1 my Lord
2 MR. JUSTICE CARNEY: All right. You will
3 dispose of the matter
4 between 12:00 and 1:00. I will say 12:00 o'clock
5 tomorrow.
6 MR. SAMMON: I am obliged to your
7 Lordship. Thank you, my
8 Lord.
9 MR. JUSTICE CARNEY: The attendance of the
10 accused is not required.
11 MR. SAMMON: Well, I was about to apply
12 for such, my Lord
13 MR. JUSTICE CARNEY: Sorry?
14 MR. SAMMON: I was about to apply for
15 the attendance of my
16 client, Mr. David Stanners, in the matter, my Lord.
17 MR. NIX: I similarly, my Lord, with
18 regard to Christopher
19 Costello.
20 MR. O' CARROLL: I, my Lord, on behalf of
21 Mr. Dundon.
22 MR. EDWARDS: Mr. James McCarthy, my
23 Lord.
24 MR. JUSTICE CARNEY: All right, I don't want you
25 complaining about it
26 afterwards, so I will direct the attendance of your
27 clients.
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MR. SAMMON:

May i t please your
Lordshi p. Thank you.

THE HEARING WAS THEN ADJOURNED TO TUESDAY, 29TH
OCTOBER 2003, AT 12 P. M.

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