

Appendix FF  
No. 4

O. 58, r. 27(1)

SUPREME COURT  
Notice of Application

Supreme Court Record number	324 / 2011
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[Title and record number as per the High Court proceedings]

DANIEL GALLAGHER	V	THE MINISTER FOR JUSTICE, EQUALITY & LAW REFORM
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Date of filing	
Applicant's solicitors	PLAINTIFF IN PERSON
Appellant's solicitors	
Respondent's solicitors	HEGARTY & ARMSTRONG, STEPHEN ST, SLIGO

1. Return date (Note: not applicable to applications under Article 64.3.3° or Article 64.4.1° of the Constitution)

	Date	Time
TAKE NOTICE that this application is listed for hearing at the following date and time:		

2. Affidavit(s) relied on in support of this application by moving party (where applicable)

Deponent	DANIEL GALLAGHER	Date sworn	12/3/13

If the details of the applicant's representation are correct and complete on the notice of appeal (or, as the case may be, respondent's notice), tick the following box and leave the remainder of this section blank; otherwise complete the remainder of this section.

Details of applicant's representation are correct and complete on notice of appeal (or respondent's notice):	<input type="checkbox"/>
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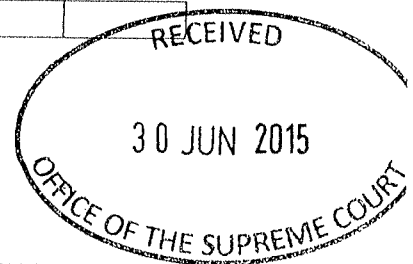
3. Details of the applicant

Applicant's full name	DANIEL GALLAGHER
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Original status

<input checked="" type="checkbox"/>	Plaintiff
<input type="checkbox"/>	Applicant
<input type="checkbox"/>	Prosecutor
<input type="checkbox"/>	Petitioner

<input type="checkbox"/>	Defendant
<input type="checkbox"/>	Respondent
<input type="checkbox"/>	Notice Party



Solicitor			
Name of firm	PLAINTIFF IN PERSON		
Email			
Address	CRAIGADOES LOWER ST. JOHNSTON COUNTY DONEGAL	Telephone no.	074 9148244
		Document Exchange no.	
Postcode		Ref.	

How would you prefer us to communicate with you?

<input type="checkbox"/> Document Exchange	<input type="checkbox"/> E-mail
<input checked="" type="checkbox"/> Post	<input type="checkbox"/> Other (please specify)

<b>Counsel</b>			
Name			
Email			
Address	Telephone no.		
	Document Exchange no.		
Postcode			

<b>Counsel</b>			
Name			
Email			
Address	Telephone no.		
	Document Exchange no.		
Postcode			

If the Applicant / Appellant is not legally represented please complete the following

Current postal address	CRAIG-ADOES LOWER ST JOHNSTON Co. DUBLIN
Telephone no.	0749148244
e-mail address	

How would you prefer us to communicate with you?

<input type="checkbox"/> Document Exchange	<input type="checkbox"/> E-mail
<input checked="" type="checkbox"/> Post	<input type="checkbox"/> Other (please specify)

#### 4. Nature of the application

The applicant applies for

Extension of time	
Permission to intervene	
Security for costs	
Order for substituted service	
Expedited hearing	
Review of Registrar's decision under Order 58 rule 14(2)	
An order under Article 64.3.3° of the Constitution	
An order under Article 64.4.1° of the Constitution	
Other order (please specify)	

## Grounds on which application made

I request that my Personal Injury case Supreme Court Record No. 324/2011 that has been transferred to the Court of Appeal in error, as there is already a Judgment made on it by the Chief Justice Susan Denham be returned to the Supreme Court under Article 64 of the Constitution directive. The Ex tempore Judgment of the Chief Justice Susan Denham delivered on 7<sup>th</sup> June 2013 states:

1. When this motion was called there was no appearance by or on behalf of Daniel Gallagher, the plaintiff/appellant, referred to as "the appellant".
2. The motion had been peremptorily adjourned to today's date.
3. The Court received a written request from the appellant for an adjournment on the grounds of ill health, and he sent a medical report.
4. The defendant/ respondent, referred to as "the respondent" has brought a motion to strike out, for failure to file complete books of appeal, the appellant's appeal from the order of the High Court ( Ryan J.) dated 26<sup>th</sup> July 2011, which dismissed the appellant's proceedings.
5. The books of appeal remain incomplete.
6. The Supreme Court Office has requested the appellant to provide the transcript of the High Court proceedings.
7. The Court requested the Supreme Court Office to accept the incomplete books of appeal.
8. The Court requested the respondent to file in the Supreme Court Office the transcript of the High Court proceedings in this matter
9. The registrar was requested to write a letter to the appellant setting out the decision of the Court together with a copy of the ex tempore ruling of the Court.
10. The appeal will thus stand ready in the list.
11. The appellant has raised the issue of the Digital Audio Recording (DAR). The issue of (DAR) is a separate matter to the books of appeal. The appellant may apply to the trial judge on that issue.
12. The Court reserved the issue of costs.

I am lead to believe from this Court Judgment, that my case was ready to go, if I had the DAR.

The Appeals to the Supreme Court which have not been heard in full or in part by the Court before the 28<sup>th</sup> of October 2014 to be heard by the Court of Appeal.

My Books of Appeal are in the Supreme Court Office since 26<sup>th</sup> March 2012 but they could not be filed as a transcript was requested in the Order of the Court. A transcript would be of no benefit to me as I cannot read it. My wife sent to the Supreme Court Office Affidavits and a lot of other documentation that should have been in my Supreme Court file dealing with this matter.

I had a serious farm accident on 4<sup>th</sup> April 2013 I enclose copy letter sent to the Registrar of the Supreme Court.

I had 2 Motions before the President of the High Court Justice N. Kearns on 4<sup>th</sup> June 2015

and my Personal Injury Supreme Court case 324/2011. On 3<sup>rd</sup> June I received a letter from Hegarty and Armstrong Solicitors on behalf of the Minister for Justice, Equality and Law Reform which states:

'We are instructed by the Court service to oppose your application and we are informed that even in the event that the Court should decide to grant access on foot of your Motion to the DAR recording, we are informed that it is a transcript of the recording of the DAR that would then be made available to you and not an audio tape.'

In this paragraph Court Services are acting with Conflict of Interest and are not independent as specified in the third paragraph of the letter from the Minister for Justice dated 18<sup>th</sup> February 2013 which states:

'As previously advised, the courts are, subject only to the constitution and the law, Independent in the exercise of their judicial functions and the conduct of any court case is a matter entirely for the presiding judge.'

*The contents of this letter seriously threatens the integrity and the independence of the courts. Daniel Gallagher has been seriously threatened compromised, further discriminated and victimised with denial of his disability rights to an audio recording and the President Justice Kearns has also been compromised as the outcome of the case had been already decided.*

I have disabilities of Dyslexia and Grand Mall Epilepsy and I have a heart valve replacement. Report from Senior Forensic Clinical Psychologist Mr. Emmet Murray dated 19<sup>th</sup> September 2011 states: - **'Mr. Gallagher's reading and writing suggested that he has a functional level of literacy but is likely to struggle with more complex texts, such as legal documentation. Mr. Gallagher's results on psychometric tests of memory indicated that he appears to have minor memory difficulties which fall in the low average range' and 'it appears due to Mr. Gallagher's minimal formal education and low overall intelligence he would be placed at a disadvantage in representing his case in court.'**

Reports from my G.P. Doctor Martin Coyne states: **'This man's cardiac condition is precarious and he should avoid all serious stresses'**.

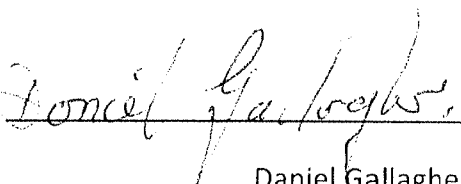
Due to my disabilities I requested the digital audio recording of the hearing to assist me in preparing my submissions to the Supreme Court in keeping with my needs. Justice Sean Ryan who heard my Personal Injury case on 22<sup>nd</sup> and 26<sup>th</sup> July 2011 has refused the DAR. In breach of the Disability Act 2005, the Equal Status Act 2000-2012 and Article 40 1. of the Constitution.

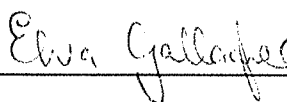
This Personal Injury case is linked to my original case Supreme Court Record No, 216/2010 whereby my inheritance my ancestral farmland has been stolen. I was falsely imprisoned on three occasions for remaining in possession of my inheritance. On 10<sup>th</sup> July 2009 while being transported from Letterkenny Courthouse to Castlereagh Prison I got injured in the prison van.

Had it not been for the false imprisonment in my original case, there never would have been a Personal Injury and I would never have been in a prison van or in prison.

My original case Sean McGlynn and Catherine McGlynn v Daniel Gallagher and Charles Gallagher has been before the courts 78 times from my first appearance in the Circuit Court in Letterkenny on 9<sup>th</sup> May 2006 when the Circuit Court had no jurisdiction or grounds to hear the case, our land was sold for €170,000 when the jurisdiction of the Circuit Court in 2006 was €38,000. Under Article 6 of the European Convention on Human Rights Act 2003 everyone is entitled to a fair hearing within a reasonable time.

Dated 30<sup>th</sup> June 2015

Signed   
Daniel Gallagher

Prepared by Elva Gallagher 

Filed with Notice of Application on 30<sup>th</sup> June 2015

**5. Grounds on which application made**

On what grounds are you making this application?

SEE TYPED PAGES (3)
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**6. Consent/objection to application**

The following parties <b>consent</b> to this application	
See attached letter(s) dated:	
The following parties <b>object</b> to this application	
See attached letter(s) dated:	

**\* 7. Details of Registrar's decision being appealed**

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\* Insert where application is being made for review of Registrar's decision.

Signed: Doniel Gallagher Plaintiff w. Person  
(Solicitor for) the applicant