

No. 1

## SUPREME COURT

## Application for Leave and Notice of Appeal

## For Office use

Supreme Court record number of this appeal	2016: 000088
Subject matter for indexing	

Leave is sought to appeal from	
<input type="checkbox"/> The Court of Appeal	<input checked="" type="checkbox"/> The High Court

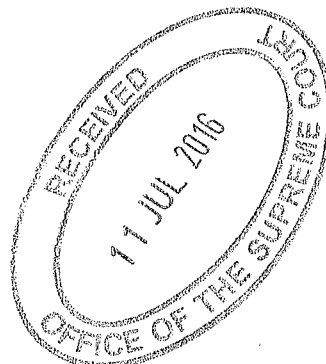
[Title and record number as per the High Court proceedings]

JOSEPH LAVERY		V		JUDGE DENIS HE LOOBHLIN	
High Court Record Nr	2016/346SP	Court of Appeal Record Nr			
Date of filing	JULY 11 <sup>th</sup> 2016				
Name(s) of Applicant(s)/Appellant(s)	JOSEPH LAVERY				
Solicitors for Applicant(s)/Appellant(s)					
Name of Respondent(s)	A JUDGE OF THE DISTRICT COURT				
Respondent's solicitors	CHIEF PROSECUTION SOLICITOR				
Has any appeal (or application for leave to appeal) previously been lodged in the Supreme Court in respect of the proceedings?					
<input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No			
If yes, give [Supreme Court] record number(s)					

Are you applying for an extension of time to apply for leave to appeal?	Yes	No <input checked="" type="checkbox"/>
If Yes, please explain why		

## 1. Decision that it is sought to appeal

Name(s) of Judge(s)	MR JUSTICE PENELOPE WILSON
Date of order/ Judgment	JUNE 13 <sup>th</sup> 2016



**2. Applicant/Appellant Details**

Where there are two or more applicants/appellants by or on whose behalf this notice is being filed please provide relevant details for each of the applicants/appellants

Appellant's full name	JOSEPH LAVERY
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Original status

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

Defendant
Respondent
Notice Party

<b>Solicitor</b>			
Name of firm			
Email			
Address		Telephone no.	
		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 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	BEECH HILL, COOTEHILL, CO. CAVAN.
e-mail address	
Telephone no.	

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)		

### 3. Respondent Details

Where there are two or more respondents affected by this application for leave to appeal, please provide relevant details, where known, for each of those respondents

Respondent's full name	DISTRICT JUDGE DEUIS Mc LOUGHLIN
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Original status	<input type="checkbox"/> Plaintiff	<input type="checkbox"/> Defendant	Is this party being served with this Notice of Application for leave?	
	<input type="checkbox"/> Applicant	<input checked="" type="checkbox"/> Respondent		
	<input type="checkbox"/> Prosecutor	<input type="checkbox"/> Notice Party		
	<input type="checkbox"/> Petitioner			
		Yes	<input checked="" type="checkbox"/> No	

Solicitor	CHIEF PROSECUTION SOLICITOR		
Name of firm			
Email	DPP@DPP.IRELAND.IE		
Address	90 NORTH KING STREET SMITHFIELD, DUBLIN 7.	Telephone no.	
		Document Exchange no.	
		Ref.	
		Postcode	

Has this party agreed to service of documents or communication in these proceedings by any of the following means?

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

Counsel			
Name			
Email			
Address		Telephone no.	
		Document Exchange no.	
		Postcode	

Counsel			
Name			
Email			
Address		Telephone no.	
		Document Exchange no.	
		Postcode	

If the Respondent is not legally represented please complete the following

Current postal address	
e-mail address	
Telephone no.	

Has this party agreed to service of documents or communication in these proceedings by any of the following means?

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

#### 4. Information about the decision that it is sought to appeal

Please set out below:

Whether it is sought to appeal from (a) the entire decision or (b) a part or parts of the decision and if (b) the specific part or parts of the decision concerned

(a) A concise statement of the facts found by the trial court (in chronological sequence) relevant to the issue(s) identified in Section 5 below and on which you rely (include where relevant if certain facts are contested)

(b) In the case where it is sought to appeal in criminal proceedings please provide a concise statement of the facts that are not in dispute

The relevant orders and findings made in the High Court and/or in the Court of Appeal

THE ENTIRE DECISION.

ON JUNE 13<sup>th</sup> 2016 I WAS DENIED MY RIGHT TO A HEARING UNDER ARTICLE 38.1 OF THE CONSTITUTION BY MR JUSTICE HUMPHREYS RECOGNITION OF COUNCIL FOR THE DIRECTOR OF PUBLIC PROSECUTIONS NOT JOINED TO AND HAVING NO STANDING IN THIS CASE 2016 346 JR AS COUNCIL FOR DISTRICT JUDGE DENIS MR LOUGHLIN

#### 5. Reasons why the Supreme Court should grant leave to appeal

*In the case of an application for leave to appeal to which Article 34.5.3° of the Constitution applies (i.e. where it is sought to appeal from the Court of Appeal)—*

Please list (as 1, 2, 3, etc) concisely the reasons in law why the decision sought to be appealed involves a matter of general public importance and / or why in the interests of justice it is necessary that there be an appeal to the Supreme Court

*In the case of an application for leave to appeal to which Article 34.5.4° of the Constitution applies (i.e. where it is sought to appeal to the Supreme Court from the High Court)—*

Please list (as 1, 2, 3, etc) concisely the reasons in law:

- i. why the decision sought to be appealed involves a matter of general public importance and / or why in the interests of justice it is necessary that there be an appeal to the Supreme Court and
- ii. why there are exceptional circumstances warranting a direct appeal to the Supreme Court

ON JUNE 13<sup>th</sup> 2016 I WAS DENIED MY RIGHT TO A HEARING UNDER ARTICLE 38.1 OF THE CONSTITUTION BY MR JUSTICE RICHARD HUMPHREYS IN CASE NO. 2016 346 JR

**6. Ground(s) of appeal which will be relied on if leave to appeal is granted**

Please list (as 1, 2, 3, etc) concisely:

1. the specific ground(s) of appeal and the error(s) of law related to each numbered ground
2. the legal principles related to each numbered ground and confirmation as to how that/those legal principle(s) apply to the facts or to the relevant inference(s) drawn therefrom
3. The specific provisions of the Constitution, Act(s) of the Oireachtas, Statutory Instrument(s) and any other legal instruments on which you rely
4. The issue(s) of law before the Court appealed from to the extent that they are relevant to the issue(s) on appeal

IT IS A FUNCTION OF THE HIGH COURT TO UPHOLD THE CONSTITUTIONAL RIGHTS OF CITIZENS. ON JUNE 13<sup>TH</sup> 2016 I WAS DENIED MY RIGHT TO A HEARING UNDER ARTICLE 38.1 OF THE CONSTITUTION BY MR JUSTICE HUMPHREYS ORDER CONCERNING AN ACT OF MALE FIDES AGAINST ME BY DISTRICT JUDGE DENIS MC LOUGHLIN AT GALVAN DISTRICT COURT ON MAY 17<sup>TH</sup> 2016.

Name of solicitor or (if counsel retained) counsel or applicant/appellant in person:

**7. Other relevant information**

Neutral citation of the judgment appealed against e.g. Court of Appeal [2015] IECA 1 or High Court [2009] IEHC 608

References to Law Report in which any relevant judgment is reported

**8. Order(s) sought**

Set out the precise form of order(s) that will be sought from the Supreme Court if leave is granted and the appeal is successful:

QUASH THE ORDER OF MR. JUSTICE RICHARD HUMPHREYS ON JUNE 13<sup>TH</sup> 2016, CASE NO. 2016 346 JR.

What order are you seeking if successful?

Order being appealed: set aside  vary/substitute

Original order: set aside  restore  vary/substitute

If a declaration of unconstitutionality is being sought please identify the specific provision(s) of the Act of the Oireachtas which it is claimed is/are repugnant to the Constitution

If a declaration of incompatibility with the European Convention on Human Rights is being sought please identify the specific statutory provision(s) or rule(s) of law which it is claimed is/are incompatible with the Convention

**Are you asking the Supreme Court to:**

depart from (or distinguish) one of its own decisions?

Yes

No

If Yes, please give details below:

make a reference to the Court of Justice of the European Union?

Yes

No

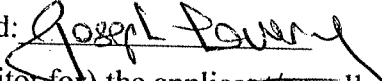
If Yes, please give details below:

Will you request a priority hearing?

Yes

No

If Yes, please give reasons below:

Signed:   
(Solicitor for) the applicant/appellant

**Please submit your completed form to:**

The Office of the Registrar of the Supreme Court  
The Four Courts  
Inns Quay  
Dublin

**together with a certified copy of the Order and the Judgment in respect of which it is sought to appeal.**

**This notice is to be served within seven days after it has been lodged on all parties directly affected by the application for leave to appeal or appeal.**