

SUPREME COURT

Respondent's Notice

Supreme Court record number	S: AP: IE: 2017 : 000024
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[Title and record number as per the High Court proceedings]

THE PEOPLE (DPP)	V	TREVOR GLEESON
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Date of filing	2 nd March 2017
Name of respondent	TREVOR GLEESON
Respondent's solicitors	CONAL BOYCE
Name of appellant	D.P.P.
Appellant's solicitors	Chief Prosecution Solicitors

1. Respondent Details

Where there are two or more respondents by or on whose behalf this notice is being filed please also provide relevant details for those respondent(s)

Respondent's full name	TREVOR GLEESON
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The respondent was served with the application for leave to appeal and notice of appeal on date

17th FEBRUARY 2017

The respondent intends :

to oppose the application for an extension of time to apply for leave to appeal

not to oppose the application for an extension of time to apply for leave to appeal

to oppose the application for leave to appeal

not to oppose the application for leave to appeal

to ask the Supreme Court to dismiss the appeal

to ask the Supreme Court to affirm the decision of the Court of Appeal or the High Court on grounds other than those set out in the decision of the Court of Appeal or the High Court

Other (please specify)

If the details of the respondent's representation are correct and complete on the notice of appeal, tick the following box and leave the remainder of this section blank; otherwise complete the remainder of this section if the details are not included in, or are different from those included in, the notice of appeal.

Details of respondent's representation are correct and complete on notice of appeal:

3. Information about the decision that it is sought to appeal

Set out concisely whether the respondent disputes anything set out in the information provided by the applicant/appellant about the decision that it is sought to appeal (Section 4 of the notice of appeal) and specify the matters in dispute:

2(a) (iv). The Jury failed to convict and disagreed on five section 15 Misuse of Drugs Act 1977 as amended. The State subsequently entered a Nolle Prosequi on these counts.

4. Respondent's reasons for opposing leave to appeal

If leave to appeal is being contested, set out concisely here the respondent's reasons why:

- 1. The Respondent contests that it is not, in the interest of justice, necessary that there be an appeal to the Supreme Court.**

- 2. The Respondent contends that the Judgment of the Court of Appeal is specific to him and the surrounding circumstances that he found himself in.**

- 3. The Respondent contends that the decision of the Court of Appeal is a proper finding under Irish law and is consistent with the defence of duress.**

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)-

- * the decision in respect of which leave to appeal is sought does not involve a matter of general public importance
- * it is not, in the interests of justice, 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)-

- * the decision in respect of which leave to appeal is sought does not involve a matter of general public importance
- * it is not, in the interests of justice, necessary that there be an appeal to the Supreme Court
there are no exceptional circumstances warranting a direct appeal to the Supreme Court.

**delete where napplicable*

5. Respondent's reasons for opposing appeal if leave to appeal is granted

Please list (as 1, 2, 3 etc in sequence) concisely the Respondent's grounds of opposition to the ground(s) of appeal set out in the Appellant's notice of appeal (Section 6 of the notice of appeal):

- 1. The Court of Appeal did not err in determining that the appropriate test in respect of the defence of duress should take in to account the individual and personal circumstances of the person seeking to invoke the defence.**
- 2. It is respectfully submitted that the appropriate test involves an incorporation of a significant subjective element and it is an appropriate finding under Irish law.**
- 3. The Court of Appeal in hearing the Appeal, considered the written and oral submissions of both Applicant and Respondent Counsel and did not /or do not have to cite authority in support of a test for the defence of duress.**
- 4. The Court of Appeal did not err in referring to the 'individual and personal circumstances of the accused', in reference to the subjective nature of the defence of duress.**
- 5. It is respectfully submitted that the law and the Authorities of the various Courts evolves from time to time, and in the particulars of this case, the Court of Appeal was correct to assess the defence in light of the individual and personal circumstances of the accused.**

6. It is unclear to the Respondent as to the meaning or merits of the ground as it is vague, irrelevant and uncertain as to how there is a balance to be achieved between the interest of the accused and a need to protect and vindicate the rights of victims.

Name of counsel or solicitor who settled the grounds of opposition (if the respondent is legally represented), or name of respondent in person:

DAMIEN J. COLGAN S.C.
MAURICE COFFEY B.L.

6. Additional grounds on which decision should be affirmed

Set out here any grounds other than those set out in the decision of the Court of Appeal or the High Court on which the Respondent claims the Supreme Court should affirm the decision of the Court of Appeal or the High Court:

N/A

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: 

CONAL BOYCE

(Solicitor for) the respondent

Please submit your completed form to:

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

This notice is to be lodged and served on the appellant and each other respondent within 14 days after service of the notice of appeal.