

**THE HIGH COURT  
JUDICIAL REVIEW**

**[2006 No. 877 JR]**

**BETWEEN**

**PETER FLAHERTY**

**APPLICANT**

**AND**

**THE DIRECTOR OF PUBLIC PROSECUTIONS**

**RESPONDENT**

**Judgment of Mr. Justice Brian McGovern delivered on the 13th day of March, 2007**

1. This application arises out of the same events which are the subject matter of Judicial Review proceedings by *Vincent Dodd* [2006] 782 JR and *Florence Healy* [2006] 781 JR.
2. The applicant was charged with an assault contrary to s. 3 of the Non Fatal Offences Against the Person Act, 1997 and a number of offences contrary to the Criminal Justice (Public Order) Act, 1994. The charges arise out of the applicant's intervention in the events of the 18th May, 2003 when Vincent Dodd was arrested by a member of An Garda Síochána in relation to road traffic offences and other related matters.
3. The District judge dealing with the matter decided that all three cases should be dealt with together.
4. On the 30th September 2004 the Applicant was in a position to proceed, notwithstanding the absence of the statements made by Garda Sweeney or the Gardaí to the Garda Complaints Board. In an Affidavit sworn on the 19th July 2006 the Applicant's solicitor stated that her instructions were to proceed but her client was not permitted to do so since the District Judge had directed that the trial of all three accused take place together.
5. On the 24th July, 2006 the applicant was granted leave to apply for judicial review for the reliefs set forth at paragraph D of the statement of grounds and for the reasons set forth in paragraph E thereof.
6. The same principles apply in this case as in the case of *Florence Healy* and to those aspects of the case of *Vincent Dodd* other than the offences relating to failing to have or produce a driving licence and failing to have or produce a certificate of insurance.
7. `It is now almost four years since the date of the alleged offences. For the same reasons furnished by me in my judgment in the case of *Florence Healy* [2006] No. 781 JR I hold that the applicant is entitled to an order for judicial review restraining the respondent from taking any further steps in the said prosecution against the applicant on foot of the summonses referred to in paragraph D(1)(a) (b)(c) and (d) of the statement of grounds.