

**THE HIGH COURT**  
**JUDICIAL REVIEW**

**2010 581 JR**

**BETWEEN/**

**JOHN RYAN**

**APPLICANT**

**AND**

**STATE APPOINTED SOLICITOR NAMELY, JOHN HERBERT OF GLANMORE SUITE, PARK HOUSE, ARTHUR'S QUAY, LIMERICK**

**RESPONDENT**

**JUDGMENT of Mr. Justice John MacMenamin delivered the 13th day of May, 2010.**

1. The applicant is John Ryan. He is presently a prisoner in the Midlands Prison, Portlaoise. He seeks relief of *mandamus* or injunction by way of judicial review. He seeks to compel the respondent solicitor to release his original file pertaining to his trial before the Central Criminal Court relative to a Bill of Indictment No. CC0011/09 and relating to his pending appeal before the Court of Criminal Appeal. He also seeks to prevent the respondent solicitor from allegedly continuing to obstruct and frustrate him in the conduct of his legal affairs. No detail of any of these allegations is set out. In itself this would constitute grounds for not granting relief.
2. The applicant contends that the respondent solicitor's failure to provide this file amounts to an unlawful and unconstitutional act. He claims that until the respondent solicitor is compelled to release the file to him he will continue to be prejudiced from conducting his legal affairs. Again no detail is supplied as to the circumstances.
3. However he also claims that the subject matter of the application relates to the failure of the respondent *governor* to have regard to his entitlement to conduct his legal affairs. There is no reference elsewhere in the documents provided to me of any act or omission of a State official.
4. The range of reliefs in judicial review or Article 40 relate generally to the question of legality of detention or an infringement of constitutional rights. These issues pertain to questions relating to the conduct of the State, its servants or agents and not private parties. The issue here is a private one between the applicant and his solicitor. The named respondent in this case is a private party, that is to say, a solicitor who has apparently been assigned to the applicant under the Legal Aid Scheme. He is not a public authority.
5. If the applicant wishes to discharge his solicitor he should go about this in the normal manner, that is to say by writing to that effect, and by retaining an alternative solicitor who (if necessary), can then enter into correspondence for the provision of the file. If necessary application may be made to the Court of Criminal Appeal by the solicitor retained. These are not judicial review matters.
6. There is no material before me which would give rise to grounds for judicial review. The matters should be dealt with by the applicant retaining an alternative solicitor for the purposes of his appeal before the Court of Criminal Appeal who can then process the matter further. I will dismiss the application.