

THE HIGH COURT

[2015 11 SSP]

BETWEEN

FRANK WARD

APPLICANT

AND

THE GOVERNOR OF MIDLANDS PRISON AND THE ATTORNEY GENERAL

RESPONDENTS

JUDGMENT of Mr Justice Max Barrett delivered on 23rd September, 2015

1. Mr Ward is at present a prisoner serving a sentence at the Midlands Prison in Portlaoise.
2. On 31st October, 2007, he was convicted of counts of robbery and of assault causing serious harm. He is now serving concurrent terms of 20 years' imprisonment to date from the time of his arrest in October 2003.
3. This is the latest in a series of applications by Mr Ward seeking his release. He has requested that Hogan J. deal with this latest application. However, Hogan J. is no longer a judge of the High Court and this Court has been assigned to consider the within application in his stead.
4. The court is conscious from the many Article 40 applications that present before the High Court, some of which this Court has previously adjudicated upon, that to be deprived of one's liberty is deeply unpleasant and is naturally a fate from which people wish to flee. Regrettably for Mr Ward, however, the court must conclude that there is no merit to the within application.
5. Mr Ward contends that there is a deficiency on the face of the warrant whereby he has been committed to imprisonment. There is no deficiency on the face of the warrant and hence no foundation for ordering an Article 40 inquiry on this basis. The court notes that the form of the warrant was considered at some length by Stewart J. in an as yet unreported *ex tempore* judgment delivered in *Ward v. The Governor of Midlands Prison and the Attorney General* on 29th July last. The court respectfully agrees with the views expressed by Stewart J. in that judgment.
6. Mr Ward also contends, at some length, that his prosecution was clothed with unconstitutionality, it appears as a result of the exercise and discharge of powers by the Attorney General and/or the Director of Public Prosecutions. The court must admit that it was not always an easy task to follow the thrust of Mr Ward's written submissions because of the 'legalese' with which he clothes his various contentions. In this regard, it is perhaps worth re-stating the observation of Denham C.J. in another application featuring Mr Ward, viz. *Ward v. Governor of Midlands Prison* (Unreported, Supreme Court, 1st July, 2014), para.11, that "*If an application has merit it will be as apparent if made in simple language as in complex language.*" Regardless however as to the form of Mr Ward's submissions, the court concludes that there is no substance, whether as a matter of constitutional law or otherwise, to the contentions that he has made concerning the Attorney General and/or the Director of Public Prosecutions.
7. It is clear that Mr Ward has spent no little time and effort in assembling the materials with which he has kindly furnished the court. Doubtless it will come as some disappointment to him that this further application for an inquiry under Article 40 has not met with success. However, as a matter of law, the court cannot but conclude that there is no basis on which to order the inquiry that Mr Ward seeks.