

**THE HIGH COURT**

**2011 2006 SS**

**IN THE MATTER OF ARTICLE 40.4.1 OF THE CONSTITUTION AND IN THE MATTER OF AN APPLICATION FOR HABEAS CORPUS**

**BETWEEN**

**GARY CAMPION**

**APPLICANT**

**AND**

**GOVERNOR OF CORK PRISON**

**RESPONDENT**

**JUDGMENT of Ms. Justice Irvinie delivered the 24<sup>th</sup> day of October 2011.**

1. From the documentation submitted to me on behalf of the applicant on 17th October, 2011, it appears that the applicant was sentenced to life imprisonment on two counts of murder on 15th October, 2007, and 8th July, 2009, respectively.
2. From the affidavit sworn by the applicant on 17th September, 2011, it seems highly likely that a warrant issued pursuant to which the applicant was subsequently detained at Portlaoise Prison.
3. At para. 3 of his affidavit, the applicant complains that he was sent to Cork Prison for 56 days as a punishment for something he did whilst in Portlaoise Prison. He maintains that Cork Prison has no warrant to hold him and that his detention there is unlawful.
4. The applicant does not contend that there was not a valid warrant committing him to prison in Portlaoise following his conviction.
5. The legislative provisions relevant to the applicant's complaints are those provided for in s. 17 of the Criminal Justice Administration Act 1914. In particular, s. 17(3) provides that prisons shall be committed to such prisons as the Lord Lieutenant (now the Minister for Justice, Equality and Law Reform) may from time to time direct and may unlike direction be removed therefrom during the term of their imprisonment to any other prison.
6. By reason of the aforementioned section, it is not necessary for a Prison Governor who wishes to move a prisoner from one prison to another to obtain or produce a warrant for such transfer as is contended for by the applicant. An order of transfer under s. 17 is the authority by which the Governor of the Prison to which the transferee is assigned becomes his new custodian.
7. I have no reason to believe that the applicant was not transferred in an appropriate fashion in accordance with the provisions of s. 17 to which I have just referred. For the aforementioned reasons, I will dismiss this application.