

TRIBUNAL OF INQUIRY

INTO

COMPLAINTS CONCERNING SOME GARDAI IN THE DONEGAL DIVISION

Appointed by Instrument made by the
Minister for Justice, Equality and Law Reform
on the 24th day of April, 2002 entitled
Tribunals of Inquiry (Evidence) Act, 1921
(Establishment of Tribunal), 2002

RULING CONCERNING WHETHER THE TRIBUNAL'S HEARINGS IN RESPECT OF TERM OF REFERENCE (i) SHOULD BE HELD OTHERWISE THAN IN PUBLIC

Ruling of Mr. Justice Frederick Morris concerning whether the Tribunal's hearings in respect of Term of Reference (i) should be held otherwise than in public

Under the Tribunal's Term of Reference (i) this Tribunal is directed "to inquire urgently into the following definite matter of urgent importance ...

The circumstances surrounding the arrest and detention of seven persons at Burnfoot, County Donegal on 23rd May, 1998 and the investigation relating thereto."

I outlined and defined this Term of Reference and identified procedures to be followed by the Tribunal in its work on the 15th of July 2002. In November 2002, a very full preliminary opening statement in respect of this matter was made by counsel on behalf of the Tribunal in Donegal town. The information available to the Tribunal indicated that at 08.00 hours on Saturday, the 23rd of May 1998 a search of a property, a travellers' encampment at or near An Grianán, Burnfoot, Co. Donegal, was carried out by members of An Garda Síochána on foot of search warrants. This

search was carried out on the apparent basis that there were reasonable grounds for the Gardaí to believe that the persons occupying the relevant places were in possession of a firearm. The grounds for the belief were said to be based on “confidential information”. A firearm and ammunition were apparently found near or in a shed on the property searched.

From the papers available to the Tribunal, it would appear that sometime in mid-May 1998, Detective Sergeant White claims to have received confidential information from informants in relation to the presence of a firearm at the itinerant encampment at Burnfoot, Co. Donegal. Apparently, he also received information to the effect that some members of the travelling community had been involved in the death of the Late Mr. Edward Fitzmaurice of Charlestown, Co. Mayo. On the 22nd of May 1998 Sergeant White is said to have called to the home of Superintendent Kevin Lennon who was told of the information available to Sergeant White and who issued the warrants, which led to the search the subject matter of this Inquiry. In the course of that search a firearm and ammunition were recovered.

Detective Garda Thomas Kilcoyne who was working with Detective Sergeant White at the time, later made a statement in respect of the finding of this firearm and ammunition alleging that he travelled with Detective Sergeant White to Gortahork, Killygordon, where he had a lockup store. Detective Sergeant White got out of the car and returned with a sawn-off shotgun. They travelled to the area of An Grianán farm in which the travellers were encamped and Detective Sergeant White is alleged to have planted the gun near some farm buildings. This led to a search of Detective Sergeant White’s home by members of the Carty team on the 19th of June 2001 and his arrest. He was questioned over the 19th and 20th of June 2001 during the course of which he denied any involvement in the planting of the gun and insisted that he had good information which justified him applying for the warrants.

The Carty team carried out an investigation in relation to this matter and submitted a file to the Director of Public Prosecutions. As a result, Detective Sergeant White was charged on the 20th of June 2001 with having possession of a double barrelled sawn-off 12 gauge shotgun on the 22nd of May 1998 at Ballelderowen, Burnfoot, Co. Donegal contrary to Section 27 A (1) of the Firearms Act, 1964 as amended. The case appeared before Letterkenny District Court on the 1st of November 2001 and Detective Sergeant White was sent forward for trial to Letterkenny Circuit Court on the 6th of December 2001. On the 30th of April 2002 the Director of Public Prosecutions unsuccessfully applied to have the trial transferred to Dublin. As a result of a defect in the return for trial the Director of Public Prosecutions brought judicial review proceedings to quash the return which resulted in an order of certiorari being granted by the High Court on the 24th of October 2002. On the 19th of December 2002 the case was back before Letterkenny District Court and a fresh return for trial to Letterkenny Circuit Court was apparently made on the 26th of June 2003.

On the 12th of July 2004 Detective Sergeant White sought and obtained leave to apply for judicial review from the High Court seeking to prohibit his prosecution on the basis of the alleged non-disclosure and/or non-preservation of certain evidence. The matter was heard from the 31st of May to the 3rd of June 2005 and judgement was reserved. There the matter stands because the judgement has yet to be

delivered. When judgement is given by the High Court, there may or may not be an appeal to the Supreme Court depending on the outcome of the judicial review proceedings. The matter may or may not be returned to Letterkenny Circuit Court for trial. If a trial finally takes place and Detective Sergeant White is convicted there could well be an appeal to the Court of Criminal Appeal which, if successful, might result in a re-trial. It is now somewhat in excess of four years since Detective Sergeant White was charged with this offence. This Tribunal is mandated to report to the Minister at the earliest possible date consistent with a fair examination of the matters referred to it.

This Tribunal was established by resolution of the Dáil and Seanad on the 28th day of March 2002. The day before, on the 27th of March 2002, the Tribunals of Inquiry (Evidence)(Amendment) Act 2002 was passed. This Act contained two sections to which I think it is important to refer as they were clearly at that time intended to have specific relevance to the work of this Tribunal. Section 2 of the Act amended section 2 (A) of the Tribunals of Inquiry (Evidence) Act 1921. It provided that the Tribunal should not refuse to allow the public to be present at any of the proceedings of the Tribunal unless in the opinion of the Tribunal it was in the public interest expedient to do so for reasons connected with the subject matter of the Inquiry or the nature of the evidence to be given. This was amended by providing that the public should not be excluded unless in the opinion of the Tribunal “it is in the public interest expedient to do so for reasons connected with the subject matter of the Inquiry or the nature of the evidence to be given and, in particular, where there is a risk of prejudice to criminal proceedings.”

Section 3 of the 2002 Act provides that if the person to whom the Tribunal is to report considers that the publication of the report might prejudice any criminal proceedings, that person (in this instance the Minister for Justice, Equality and Law Reform) may apply to the High Court for directions regarding the publication of the report. The section also requires that before the court determines such an application it shall direct that notice of it be given to the Attorney General, the Director or Public Prosecutions, and the person who is a defendant in the criminal proceedings relating to an act or omission that:-

- “(i) is described or mentioned in the report concerned or
- (ii) is related to any matter into which the Tribunal concerned inquired and which is so described or mentioned,

and the court may receive submissions, and evidence tendered, by or on behalf of any such person.” If the court considers that the publication of the report concerned might prejudice any criminal proceedings it may direct that the report or a specific part of it is not to be published for a specified period or until the court otherwise directs. This application can be heard otherwise than in public if the court considers that it is appropriate to do so. Quite clearly, the legislature has made specific provision under Section 2 whereby the Tribunal may take evidence and conduct its business in private session, in particular, where there is a risk of prejudice to criminal proceedings, in order to protect an accused person’s right to a fair trial. After the delivery of the Report the Minister has the powers necessary to protect this right under Section 3.

Prior to the commencement of this module the Tribunal, mindful of the pending trial of Detective Sergeant White, and mindful of the fact that the trial concerned many of the same facts and issues that arose in this module, indicated on its web site that the module might be heard in private subject to submissions from the parties. The Tribunal specifically fixed the 7th of November 2005 for applications in relation to the Burnfoot module prior to its commencement. On that date, counsel for Detective Sergeant White indicated to the Tribunal that he had no application to make in relation to hearing the matter in private. On the 8th of November 2005, the Chief State Solicitor on behalf of the Director of Public Prosecutions wrote to the Tribunal stating that the Director was concerned “that any public hearings in relation to this module might prejudice the pending prosecution against Detective Sergeant White and is therefore of the opinion that the hearings should not be in public.” Accordingly on the 9th of November 2005 when counsel for the Tribunal brought this to my attention I directed that any application to be made on behalf of the Director of Public Prosecutions that the Tribunal should deal with the module otherwise than in public, should be made by way of Notice of Motion and grounded on Affidavit. I directed that the parties, including Detective Sergeant White, be furnished with copies of these documents when received, and that the motion be heard on the 15th of November 2005. The solicitor for the Tribunal also requested a formal response by letter from Detective Sergeant White’s legal team in relation to the application made by the Director of Public Prosecutions and in particular to ascertain firstly, whether Detective Sergeant White supported the application; secondly, whether Detective Sergeant White took the view that no prejudice would arise whatsoever in relation to his client should the matter be heard in public session; and thirdly, whether the granting of the application to have the matter heard in private would in any way prejudice Detective Sergeant White.

A reply was received to this letter on the 15th of November 2005. In respect of the first and third queries Detective Sergeant White’s solicitors indicated that the matter should be heard in public and that Detective Sergeant White would be prejudiced by a failure to hear the matter in public, since he was entitled to have his good name vindicated in public rather than in private. It was submitted that this could not be done retrospectively. I will return to the answer to the second question later in this ruling.

Submissions were made on behalf of the Director of Public Prosecutions as to why this module should be heard otherwise than in public. It was submitted that to hear the module in public would prejudice the trial of Detective Sergeant White in that:

- (i) The Tribunal would receive and consider evidence which might be prejudicial to Detective Sergeant White but be inadmissible at a criminal trial. The minds of potential jurors might be contaminated by reports of such evidence appearing in the media.
- (ii) The Tribunal may hear evidence and make findings of fact on matters which coincide with those which the jury in Detective Sergeant White’s trial will be asked to determine namely whether Detective Sergeant White planted a shotgun at a particular place on a particular date and that consequently a jury could be influenced by what was said and given in evidence in relation to this matter before the Tribunal.

- (iii) The parties involved in the criminal trial could use the Tribunal as a “dry run” of the criminal trial. They could use the Tribunal to see what witnesses have to say on certain issues, to test certain witnesses and the matter would become “a criminal trial before the criminal trial”. If the matter was heard in private potential jurors would not know of the testimony the witnesses had given, if they had delivered it, if criticisms had been made of it in cross examination or their demeanour in giving it.
- (iv) The Tribunal should show deference to the criminal process and recognise the primacy of the criminal trial by retiring into private session as other Tribunals have done. Two private Tribunals and one public Tribunal relating to the Cherryvale disaster were cited in this regard. In the Cherryvale disaster inquiry when it became clear that one of the individual’s was to be the subject of criminal proceedings the Tribunal hearings were adjourned until the conclusion of the criminal trial.

For Detective Sergeant White it was submitted that he wished to have all matters concerning him and the Tribunal heard in public. However, it was also submitted that the Tribunal should adjourn the hearing of this module until the completion of the criminal trial. It was submitted that:

- (i) Because the module would be heard in advance of the criminal trial the prosecution would have knowledge of the matters on which Detective Sergeant White wished to challenge the witnesses to be called at his trial and could then “review and repair any real or perceived defect in the evidence before the commencement of the trial.”
- (ii) Sergeant White was compellable under pain of sanction to give evidence to the Tribunal and consequently his right to silence at his criminal trial would be breached; and,
- (iii) In hearing the module the Tribunal would be ranking its work over Detective Sergeant White’s right to a fair trial as guaranteed by the Constitution.

Curiously, though application is made for an adjournment of the module, submissions were also made that should the module proceed, it should proceed in public. I could infer from this that there is no concern on the part of Detective Sergeant White or his lawyers that potential jurors at his forthcoming trial could be in any way influenced by anything heard in the course of the evidence adduced before the Tribunal and that consequently, there would be no prejudice to his trial arising from such publicity. I note that when the Tribunal sought a formal response to the question whether it was Detective Sergeant White’s position that no prejudice would arise should the matter be heard in public session, his solicitors declined to answer the question and yet seemed to reserve their right to seek relief in relation to any prejudice caused by a public rather than a private hearing. In the absence of clarity in this regard, I infer that Detective Sergeant White’s position is that the hearing of the module causes prejudice to his criminal trial. He does not make any claim that the public nature of the hearing causes any particular prejudice to him that could be lessened by a private hearing.

I am very concerned that all hearings of this Tribunal should, insofar as it is possible, be held in public. It is essential that the facts surrounding the events which are of

such public importance as to require a public inquiry should be examined in as full and transparent a way as possible. This is in accordance with the principle of constitutional justice under which our courts function and by analogy (though a Tribunal is not a court), the way in which a Tribunal of Inquiry should also function. It is also in keeping with the legislative preference for public hearings which is evident from the wording of Section 2 of the Tribunals of Inquiry (Evidence) Act, 1921 to the effect that the Tribunal should not refuse to allow members of the public to be present unless it has formed the requisite opinion that it is in the public interest that its business be held in private. This is important for the maintenance of public confidence in the process of inquiry conducted by the Tribunal.

The main reason advanced to the Tribunal for removing the entire work of this module into private session is that the evidence called could influence potential jurors at any future trial to the prejudice of the accused. This argument is not advanced by Detective Sergeant White as a reason to go into private session. On the contrary, he wants it to be held in public session but pointedly, declines to accept that he will not be prejudiced by such publicity. There is a considerable body of case law in respect of pre-trial publicity and whether it may fatally prejudice an accused's fair trial. The Supreme Court in *D v DPP* [1994] 1 I.L.R.M. 435 and *Z v DPP* [1994] 2 I.R. 476 has acknowledged that fair procedures in a criminal trial incorporate the requirement of trial by jury unprejudiced by pre-trial publicity and that the accused is entitled to a jury capable of reaching a fair determination based on the facts as presented at the trial. The People's right to prosecute must give way to the accused's right to a fair trial if there is a real and serious risk of unfairness by reason of such publicity. Of course a jury can always be directed that they must only consider the evidence which they have heard in court when reaching their verdict. In addition, allowance may be made for the dissipation of the effect of the pre-trial publicity in the memories of potential jurors (sometimes referred to as the "fade factor") by adjourning the trial for an appropriate period. Even without the delays which will inevitably take place between now and the holding of Detective Sergeant White's trial, I consider it somewhat unlikely that the facts adduced in evidence before this Tribunal will be so ingrained on the minds of potential jurors as to deprive him of the possibility of a fair trial. It might be thought that whatever minimal effect might be had on the minds of potential jurors will be dissipated by the passage of time or if there is any doubt about that an appropriate application can be made to adjourn the trial. In addition, the appropriate directions will be given by a trial Judge. The jury must act only on the evidence heard in court. I accept that the accused's right to a fair trial is paramount and if there is a choice between the need to proceed with the Tribunal's work at the risk of prejudicing Detective Sergeant White's right to a fair trial or adjourning the work of the Tribunal, clearly the latter option must prevail. In this instance, I am given the power to avoid the possibility of prejudicial publicity influencing the minds of potential jurors completely.

It is clear to me that the evidence to be heard on this module will be substantially the same and cover the same issues as that to be covered in Detective Sergeant White's trial. There may be other issues to be considered by the Tribunal which will not be considered in the course of Detective Sergeant White's trial because they are either irrelevant to it or evidence in relation to them may be regarded as inadmissible. It is important that the Tribunal does not act in any way that may compromise the fairness of Detective Sergeant White's trial. The Oireachtas has anticipated specifically how

such prejudice might arise and has given the Tribunal the tool by which it may be avoided – by hearing the evidence in private. The Tribunal has already heard evidence in private and prevented the publication of such evidence in the course of the second module because of the potential prejudice of the publication of that evidence to the pending trial of that witness. The order restraining publication of this evidence was lifted at the conclusion of the criminal case and the issues were fully reported upon by the Tribunal in its second published report. It seems to me that if there is any possibility that the publication of the evidence in this module prior to Detective Sergeant White's trial may affect the minds of potential jurors, I should act to ensure that that does not happen. Accordingly, this module will be heard in private and there will be an order prohibiting the dissemination or publication of any evidence heard by the Tribunal in the course of this module until the conclusion of those proceedings. The report in this module will be prepared in the normal way and submitted to the Minister for Justice, Equality and Law Reform. If criminal proceedings are still pending at that stage against Detective Sergeant White, it will be a matter for the Minister to take the appropriate steps pursuant to Section 3 of the Act as he thinks fit. It is regrettable that this module cannot be heard in public for the above reasons. However, every word of the evidence which would otherwise have been heard in public will be made available to the public and the press in the future when the criminal proceedings against Detective Sergeant White have concluded.

I now turn to consider the application for an adjournment of the present module until the conclusion of criminal proceedings against Detective Sergeant White. The basis of this application is set out in the letter of Detective Sergeant White's solicitor dated the 15th of November 2005 to which I have already referred, and further submissions made by counsel on his behalf to the Tribunal.

It is contended that the holding of hearings by the Tribunal in relation to this module constitutes a "dry run" of the trial itself for the prosecution. I acknowledge that the same issues will be considered and determined before this Tribunal as will be considered by a jury in the trial of Detective Sergeant White. It is said that witnesses to be called at the trial will also be called at the Tribunal and will be cross examined on behalf of Detective Sergeant White. Therefore, it is said that the prosecution will, in advance, have knowledge of the matters on which Detective Sergeant White wishes to challenge these witnesses and base his defence. It is then contended that the prosecution in the light of such cross examination "can then review and repair any real or perceived defect in the evidence before the commencement of the trial."

In order to consider this submission in a realistic way one has to look at the issues which are to be decided by the Tribunal and ultimately by the court of trial. The main evidence provided against Detective Sergeant White arises from the statement of Detective Garda Thomas Kilcoyne. He contends that prior to the search in the vicinity of the encampment of the traveller community at Burnfoot, Detective Sergeant White told him that he had a sawn-off shotgun that he was going to place at the caravan site in Burnfoot. He then contends that he went to a lockup shed with Detective Sergeant White. Detective Sergeant White went away and returned with a sawn-off shotgun which they then tested. He then drove to Burnfoot and walked towards An Grianán farm which was in the area of the travelling community's site. He said that Detective Sergeant White was carrying the gun in a black zipper briefcase. When they got to the edge of the farm buildings Detective Sergeant White

stepped into the shadows of the buildings and when he emerged Detective Garda Kilcoyne said that he knew that Detective Sergeant White had planted the gun. It is contended that a gun and ammunition were later found in this general area in the course of the search.

Detective Garda Kilcoyne maintains that he gives this statement from his own knowledge in respect of events which he personally participated in and observed. The contention is that Detective Sergeant White planted this firearm in order to be in a position to invoke the provisions of Section 30 of the Offences against the State Act, 1939 against members of the travelling community when effecting an arrest. Detective Sergeant White vehemently denies that he planted the gun and joins issue head on with Detective Garda Kilcoyne. Both have set out their accounts of these events in great detail in various statements which they have made. There can be no clearer issue in respect of credibility. No “dry run” can add or detract from this conflict. It exists. The matter has been investigated in great detail by members of An Garda Síochána. Hundreds of statements have been taken in relation to it. One expects that the proofs in relation to the prosecution have been advised by counsel in the appropriate way. Detective Sergeant White’s position is not a mystery; it is clear and unambiguous, that Detective Garda Kilcoyne’s allegations are false. There is no reality in suggesting that this “dry run” before the Tribunal will in any way prejudice Detective Sergeant White in the conduct of his defence at a criminal trial in the circumstances of this case.

It is also submitted that Detective Sergeant White’s constitutional right “right to silence” at his criminal trial will be breached when he is called to give evidence as to the truth of what happened during the course of this module. When called, as a witness, Detective Sergeant White is obliged, under the provisions of Section 3 (1)(2) of the Tribunals of Inquiry (Evidence) Act, 1921 as amended, to answer any question that the Tribunal may legally require him to answer. It is an offence not to comply with this section. However, it must be emphasised that it is provided pursuant to Section 5 of the Tribunals of Inquiry (Evidence) (Amendment) Act, 1979 that:

A statement or admission made by a person before a Tribunal ... shall not be admissible as evidence against that person in any criminal proceedings.

It is clear, therefore, that any answer given by Detective Sergeant White is not admissible in his criminal trial.

In any event, Detective Sergeant White’s position is that he is entirely innocent of these false allegations. In this regard, it should be noted that the right asserted is not a “right to silence” as such. It is a right not to be forced to incriminate oneself whether by inducement, force or oppression or by a compulsory process of law. In the case of *National Irish Bank Limited and the Companies’ Act 1990* [1999] 1 I.L.R.M. 321 the Supreme Court held that a confession obtained from a bank official pursuant to a statutory demand under the provisions of the Companies Acts would not generally be admissible as evidence against a bank official in a criminal trial unless the trial Judge was satisfied that the confession was voluntary. In that instance, failure to comply with the statutory demand was a criminal offence. The Supreme Court was of the view that to compel a person to answer questions and confess and then attempt to convict that person on the basis of the confession or

admission which he was obliged to make would be contrary to Article 38.1 of the Constitution. Even if the provisions of section 5 did not exist and Detective Sergeant White confessed that in fact he had planted the gun, it could not be used in evidence against him at his criminal trial. This submission has no substance whatsoever. The answers given in evidence by Detective Sergeant White to the Tribunal cannot be used as additional evidence at his criminal trial. He still has the right at his criminal trial, if he wishes, not to give evidence at all. The only use that can be made of his testimony is by the Tribunal in reaching its conclusions.

Another clear issue of fact that has to be determined in this module arises from a number of statements which suggest that Sergeant Niall Coady found the firearm but that some minutes beforehand the area had been searched by Garda Eamon McConigley and Garda Tony Moran but they had found nothing. It is suggested these Gardaí apparently found the discovery of the firearm amusing and had a laugh about it nearby just after Sergeant Coady announced that he had discovered it. Gardaí McConigley and Moran deny having searched the area, laughed about it and told anyone about it as alleged. On the other hand, Sergeant John Conaty, Garda Pádraig Mulligan and Garda Martin Leonard all claim that one or other or both of them told them of this apparent search and its supposedly humorous aspect. It is clear that Gardaí McConigley and Moran may be open to criticism if they believed that there was something suspicious about the finding of the gun by Sergeant Coady in a location which they had searched minutes before, but stayed silent about it until after the arrest of Detective Sergeant White and did nothing about it thereafter. They deny the conversations which they are alleged to have had with Sergeant Conaty, Garda Mulligan and Garda Leonard. It may be that Sergeant Coady planted the gun or that the conversations related by Sergeant Conaty, Garda Mulligan and Garda Leonard are untrue. Very serious issues surrounding these events need to be resolved as soon as possible in fairness to these Gardaí. In addition, the statements made by each of them in respect of these events are detailed. Clearly defined points of conflict arise between them. The oral hearings of the Tribunal will not change the nature of this conflict and will not prejudice Detective Sergeant White's trial.

There can be no doubt that Detective Sergeant White's right to a fair trial remains paramount and if I thought there would be any prejudice to that right by the conduct of these hearings I would accede to this application for an adjournment. However, I am satisfied that no realistic or tangible evidence of such prejudice has been placed before me.

A further aspect of my duty is to afford fairness to all parties appearing before the Tribunal. In this regard, as already noted, there are a number of clear issues which affect the rights of other members of An Garda Síochána. Detective Garda Kilcoyne's personal and professional character and reputation are severely impugned by Detective Sergeant White's denial of the allegations which he has made. He has been branded as a liar by Detective Sergeant White. If it be the fact that the gun was not to be found a few minutes before the location was searched by Gardaí McConigley and Moran, then Detective Garda Kilcoyne's role in the event may possibly be suspect and he could be regarded as someone implicated in the planting of the gun. Similarly, their account may also suggest that Sergeant Coady is implicated in the planting of the gun. Gardaí McConigley and Moran are alleged by their colleagues, Sergeant Conaty and Gardaí Mulligan and Leonard, to have

claimed that they searched the location minutes beforehand and found nothing. In that event they witnessed a mock “finding” of the gun but failed to report it. This might well render them liable to disciplinary proceedings if not worse. The reputations of Sergeant Conaty, Garda Mulligan and Garda Leonard are also under attack because it is denied by Gardaí McConigley and Moran that they made this claim to their colleagues and consequently, there is a clear issue as to whether they are lying or not.

All of these people and Detective Sergeant White have the right to have their good names protected and the allegations laid to rest if that is the correct result as soon as possible. In addition, the seven people who were arrested in the course of this operation and detained under Section 30 of the Offences Against the State Act, 1939 have a legitimate interest that I will inquire as soon as possible into the reasons as to why these events took place and their allegations of impropriety against members of An Garda Síochána. They are also entitled, if it be correct in the light of the evidence, that their good names be protected and that any allegation made by or about them be laid to rest.

Accordingly before an adjournment can be granted in this case, there is an onus upon Detective Sergeant White to establish a real and substantial risk of prejudice to his obtaining a fair trial. In my view, it is not sufficient for him to postulate that a “dry run” may give rise to such a prejudice as a general proposition. This is important, when one has regard to the delays that have already taken place in the hearing of this criminal trial and the realistic danger that it may be some years before it comes to a hearing, if ever, and my obligation to report on this matter at the earliest possible date.

Accordingly, I am not satisfied that it is in the interests of justice or necessary to protect the right of Detective Sergeant White to a fair trial to grant an adjournment of this module until the conclusion of those criminal proceedings. The hearing of this module will proceed in private.

Signed:

Mr. Justice Frederick R Morris
Sole Member of the Tribunal

Date:
