

THE SPECIAL CRIMINAL COURT

**Kearns P.
O'Hagan J.
Hamill J.**

[SCC 9/2012]

BETWEEN:

**THE PEOPLE AT THE SUIT OF THE DIRECTOR OF PUBLIC
PROSECUTIONS**

PROSECUTOR

AND

JOHN DUNDON

ACCUSED

JUDGMENT of the Court delivered on the 13th day of August, 2013

John Dundon stands accused of the murder of Shane Geoghegan on the 9th November, 2008 at Clonmore, Kilteragh, Dooradoyle, Limerick. The accused pleaded “not guilty” upon his arraignment before this Court on the 2nd July, 2013.

Shane Geoghegan, a noted local rugby player, aged 28 years, was shot to death near his home in Clonmore in Dooradoyle shortly after 1.00am on 9th November, 2008. It appears that the killing of Mr. Geoghegan was a case of mistaken identity in that the intended target was John “Pitchfork” McNamara, a man who lived four doors away from Mr. Geoghegan in Clonmore. Barry Doyle, a Dublin man who moved to

Limerick in August 2008, was subsequently convicted in the Central Criminal Court of carrying out the murder of Shane Geoghegan. It is alleged by the prosecution in this case that John Dundon participated in the killing and that he ordered and directed the murder of John McNamara at a meeting in his house in Limerick on the evening of 7th November, 2008.

PRELIMINARY MATTERS

This trial was scheduled to commence on 2nd June, 2013. However an application was made by the former legal advisors of the accused to this Court on 15th May, 2013 to postpone the trial having regard to the volume of disclosure delivered to the defence, consisting of both documents and CCTV footage, and the timing of the delivery of part of it. That application was considered and refused. Thereafter an application by way of judicial review was brought in the High Court to quash that decision. By ruling delivered on 31st May, 2013, the High Court declined to grant the relief sought. From that decision an appeal was brought to the Supreme Court and, in an *ex tempore* judgment of that Court delivered by Denham C.J. on 25th June, 2013, the Supreme Court ruled as follows:-

“Having heard submissions on behalf of the appellant and the notice party (being the Director of Public Prosecutions), the court

requested an undertaking from Thomas O'Connell, S.C. on behalf of the notice party to disclose to the solicitor for the appellant the relevant documents by close of business on Thursday, 27th July, 2013. To indicate which documents, if any, of the 27,000 sheets supplied or of the CCTV camera (which have not already been disclosed in the book of evidence or in the April disclosure) were relevant, and the notice party to provide copies of the documents identified as relevant.

On the basis of that undertaking being given, the court would dismiss the appeal and the trial should proceed.”

The trial was then scheduled to commence on Tuesday, 2nd July, 2013. However, on the Wednesday of the preceding week, the registrar of the court was advised by Messrs. Madden & Finucane, solicitors for the accused, that he, Mr. Dundon, no longer wished them to act for him, nor did he want counsel to act for him, but instead he wished to conduct the proceedings on his own behalf. Those instructions were further confirmed in a follow-up letter the next day. On 2nd July, 2013 counsel instructed by Messrs. Madden & Finucane appeared in court and again confirmed these instructions in the presence of the accused. The Court then invited the accused to confirm that these were his wishes and that what had been said on his behalf was accurate. Specifically he was asked:-

Q. “Do you confirm the accuracy of what’s being said? That you wish to sack your lawyers and do the case yourself?”

A. “Yes”

His legal team were then permitted to come off record following which the accused was arraigned and pleaded not guilty. However, following his arraignment the accused said what he in fact wanted was a different legal team. Counsel for the prosecution indicated that they were ready to proceed and that all the requirements of the Supreme Court had been fully complied with, that is to say, that there had been full disclosure of anything that might be of any conceivable assistance or interest to the defence, and the same had been given not only to Messrs. Madden & Finucane, but as the prosecution was aware of Mr. Dundon’s instructions that he wished to sack his lawyers, that material was also sent to Mr. Dundon.

The Court indicated that it would commence the trial later in the day after lunch. However, following the lunch break, the Court heard evidence from a prison officer that John Dundon had sustained a head injury when falling in his cell, a cell which he was at the time sharing with another prisoner, Nathan Killeen. It appeared that he was unconscious. The officer indicated that it was proposed to take Mr. Dundon to hospital for further medical checks. The Court deferred the commencement of the trial in those circumstances to the following

morning, 3rd July, to hear medical evidence of the nature of the injury and any other evidence which might be relevant in relation to it.

On 3rd July, Mr. Brendan Nix, S.C. and Mr. Laurence Goucher, B.L., instructed by John Devane, solicitor, applied to come on record for Mr. Dundon, undertaking to expedite the preparation of the defence as quickly as possible. Counsel for the prosecution, Thomas O'Connell S.C., indicated that essentially the case was a fairly simple one, that his three main witnesses were under threat and that the prosecution was extremely anxious to start the case. However, the Court decided it would do no more at that stage than permit the opening of the case by Mr. O'Connell and would thereafter adjourn the case until the following week.

The Court then heard evidence from Dr. Peadar Gilligan, a consultant in emergency medicine from Beaumont Hospital. He had found two small wounds to the scalp at the back of John Dundon's head, one measuring approximately one centimetre and the other less than half a centimetre. On arrival he was not opening his eyes to commands or to stimuli and there was no movement of the limbs. However, when he lifted Mr. Dundon's hands above his head they dropped in an unusual manner for someone who might have been unconscious. His sugar levels were normal, his pulse rate was normal, his respiratory rate was normal, his cardiovascular examination was unremarkable and his reflexes were

normal, although Dr. Gilligan stated he was unable to assess coordination and power as the patient was not co-operating with the assessment. His impression was one of psychogenic coma, meaning that no medical cause for any coma had been found. A CT scan of the brain was normal. An ECG was normal. Kidney function was normal, heart enzymes were normal, liver tests were normal. A toxicology screen revealed no evidence of any drugs in his system and he concluded it was safe to discharge the accused back to the care of Portlaoise Prison.

The wounds were superficial and required only a tiny amount of glue to close them. He found no medical reason why Mr. Dundon could not participate in the legal proceedings.

The accused was then re-arraigned and the case, confined as already indicated to the opening of the prosecution case, commenced. The trial was adjourned following the opening statement until 8th July, 2013.

On 8th July, 2013 Mr. O'Connell advised the Court that there was a significant medical problem affecting the main prosecution witness, April Collins. She was in hospital and likely to remain there for some time due to a medical condition. It should perhaps be stressed in the particular circumstances of this case, that there was no suggestion that the witness's medical condition was anything other than an entirely natural medical

condition from which she had made a good recovery when the trial resumed on 23rd July, 2013.

THE EVIDENCE

(1) EVIDENCE OF THE MURDER

Detective Garda Laura Bolger provided and proved various maps. The first of these was a general location map of Limerick City and surrounding areas. It contained a further location map “A” which showed the Clonmore Estate where Mr. Geoghegan had been shot, a site on the Mill Road in Rossbrien where a burnt out people carrier vehicle was later found, Mr. John Dundon’s residence at 80 Hyde Road, and Block B of apartment blocks at Ballycummin Village, where a dark blue people carrier had been parked for some weeks prior to the murder. The map also indicated, on the north side of the river, the location of the Limerick Strand Hotel (formerly known as the Hilton Hotel). A further map showed the detail of the Clonmore Estate. The location of various exhibits was demonstrated. Starting at the cul de sac adjacent to Mr. Geoghegan’s house, a number of live rounds of ammunition were found. At the entrance to the Clonmore Estate a discharged cartridge case was found and just off the kerb a further discharged cartridge case was found. A further discharged cartridge case was found in the middle of the

roadway. A car outside no. 39, Clonmore, which is opposite Mr. Geoghegan's house, was found to have a bullet in the tyre. A further bullet was found inside house no. 38. No. 38 is a semi-detached house with a laneway separating it from no. 37. Another discharged cartridge was found in that laneway and five further discharged cartridges were found at the back of that house. She also demonstrated a location map of a small part of the city centre area of Limerick, including Cruise's Street, and also the locations of various CCTV cameras in that vicinity. The witness also located Finnegan's Bar to the east of Limerick City just off the Dublin Road and the location of two mobile telephone communication cell sites, one at ESB, Annacotty and the other at ESB, Plassey. A further map identified the location of Morrison's Bar, River Cottage, the home of Mr. T.J. McNamara and the Old Mungret graveyard.

Detective Garda Lynam was at the time an official photographer attached to the Garda Photographic Section who took photographs of the street outside no. 38, Clonmore and also the scene at the back of the house where the remains of Shane Geoghegan were found. He also took photographs of a burnt out car which had been found in a field in Rossbrien the following day.

Ms. Jenna Barry was Shane Geoghegan's partner and lived with him at no. 2 Clonmore. She got home from visiting friends at around

11.00pm that evening. She called over to see Shane who was watching a rugby international in the house of his friend, Andrew Demery at nearby 39, Ardbracken. She dropped over to see them and then went off to visit Shane's mother to collect some DVD's. She returned to no. 2 Clonmore and sent a text to Shane at 12.53am to see if he was coming home to watch the DVD. He sent a text back a minute later at 12.54 to say he would be home shortly. Some minutes later she heard two loud bangs outside the front. She opened the front door and saw a young man with his hood up running to her right where a car was parked. He appeared to be a young person wearing a hoody and jeans. She heard someone say "drive, drive". The car looked like a spacewagon to her and had a sliding door. It was dark in colour. The engine was running and the wheels were screeching. The man who had been running towards it hopped into the side and the spacewagon sped off. She then rang 999 and sent Shane a text to say she thought there had been a shooting up the road.

Garda Gerald Breen gave evidence that he was stationed at Henry Street Garda Station on the morning of Sunday, 9th November, 2008 where he received a 999 call at 1.06am from a man who informed him he had heard gun shots coming from the rear of a house in the Clonmore Estate.

Dr. Tapadziva Mondiwanza told the Court that she lived at no. 42 Glendara which is back to back with no. 38 Clonmore. She heard two or three shots, then some shouting and then about four shots in quick succession. She went to the back bedroom of her house and saw a dark coloured spacewagon facing towards the exit from the estate. It had its lights on. It took off at speed.

Niall Hogan lived in Ardbracken in November 2008 and was at home on Sunday, 9th November, 2008 in the upstairs backroom of his house. He heard shots and went to the front bedroom from which he saw a dark coloured people carrier parked at the entrance to the Clonmore Estate. He noticed a man wearing a dark coloured hoody jogging towards the people carrier. He got into the front passenger seat and the vehicle took off quickly.

Garda Diarmuid Moriarty gave evidence that on the night in question he was on duty in a patrol car with Garda Adrian Egan and, on observing a hole in the front sitting room window of no. 38, made his way round to the rear of the house where he found Mr. Geoghegan slumped against the back patio door. He was wearing a woolly hat, a jacket, track suit leggings and white runners. He noticed a spent ammunition casing at the corner of the house.

Dr. Rizwan Mughal is a general practitioner who was practising in Limerick on the 9th November, 2008. He received a call at 4.10am on

that date and went to the rear of no. 38 Clonmore where he found a body which exhibited no signs of life. He declared Mr. Geoghegan dead at 4.27am.

Professor Marie Cassidy is the State Pathologist. She gave evidence of going to Limerick on 9th November, 2008. She noted five gun shot injuries to the head and trunk. Her impression from the different trajectories of the paths of the bullets across and through the body indicated movement of one or both parties during the incident.

Counsel for the accused accepted that all aspects of the scene of the crime had been properly preserved.

Mr. Eamon Hehir was returning home along the Mill Road in Rossbrien in the early hours of Sunday, 9th November. He noticed a vehicle on fire in a nearby field.

A statement from Ms. Eilish McGee of Rossbrien was read into the record. She went to bed shortly before midnight on 8th November, 2008 and heard a loud bang. She looked out of her window and saw something on fire about 100 yards away from the front of her house. Around this time a car came down the road from the direction of Fitzgerald's. The car was going in the direction of the fire towards the Rossbrien Road.

Detective Garda Mark Collander gave evidence that Mr. Geoghegan had been shot with 9 mm bullets, a parabellum calibre, indicating that the gun used was a Glock semi-automatic pistol. The

distribution and ejection pattern of the cartridges would indicate that the firer was moving towards where Mr. Geoghegan was eventually recovered and found. He was satisfied that all shots were discharged from the same weapon. The weapon in question can contain up to 15 rounds of ammunition. He stated that this gun had previously been utilised in a shooting in Limerick on 12th October, 2008. On the same date, 9th November, 2008 he went to a premises on the Dock Road in Limerick where he examined a burnt out Renault Espace. He recovered the VIN plate from the front dashboard area which read as follows:- VF8 JEOEL 522 070 283.

(2) EVIDENCE OF THE MAIN PROSECUTION WITNESSES

(A) April Collins, the main prosecution witness, said she was born on 22nd April, 1987 and grew up in Weston in Limerick. She said she knew the Dundon family and had been going out with John Dundon's brother, Ger Dundon, for 10 years. She first met him when she was 15 and they had three children together. She lived with Ger Dundon at 84, Hyde Road. Ger Dundon had gone to prison in February 2011 and her relationship with him had broken down. She remembered the time when Shane Geoghegan was murdered in Limerick. She said she was in John Dundon's house the night before the murder and there was a conversation. She was there, John Dundon's girlfriend Ciara Killeen was

there, the kids were there and Nathan Killeen was there. Also present were John Dundon, Ger Dundon, Lika Casey and Barry Doyle. They were all in the sitting room. John started talking, saying he had John McNamara's whereabouts sussed out over the last two days. He was explaining to Barry Doyle what he looked like and the times of his coming and going. He said that he had a gun in the car ready and that everything was sorted, it just needed to be done. Then Nathan Killeen jumped up and said "you've nothing sorted". In reply to which John Dundon said "I do, the gun and car is ready, it just needs to be done". He was explaining to Barry Doyle what John McNamara looked like. He said to Barry Doyle "the gun is there – you kill him" and he then said to Nathan and Lika "and one of ye are driving, and that's that".

This conversation took place the night before the murder and took place in John Dundon's house, where he lived with his girlfriend Ciara Killeen and his kids and Barry. She knew Barry Doyle. She had met him in Spain when staying there with her partner Ger Dundon. After the conversation, and on foot of something said to her, she and Ger Dundon stayed in the Strand Hotel that night with their two sons. She identified her laser card and her bank account statement showing the relevant debits. The next morning they left and went back up to 84, Hyde Road. They just did their "normal routine and stuff, bringing kids to school and whatever". They checked back in then the next day and stayed another

night. On the following morning, the 9th, herself, Ger and the two kids went to Finnegan's pub out beyond Annacotty after Ger had received a phone call to meet him there. This phone call came at about 6.30am. She drove to Finnegan's from the hotel. John Dundon and Barry Doyle were parked up already in the car park so she drove around to the passenger side of the other vehicle. The car in question was that of John Dundon's girlfriend, Ciara Killeen. Barry was driving it. "When we pulled up, John was very excited, saying 'John Mac is dead, we got him'." He then said "I'm going to ring Philip Collopy now and slag him".

After that phone call ended, John started panicking. He was giving out to Barry Doyle, saying it was the wrong man who had been hit, that it wasn't John Mac. John was roaring and shouting at Barry Doyle and Barry was saying "It is him, the way you described this man, this is the man I killed". Barry started getting frightened because John was getting out of control, roaring and screaming. He then said to Ger Dundon that they were going to go away for a while. She then went back to 84, Hyde Road, while Ger got into the car with John and Barry and they went up to the Dublin Road.

She was taken through still photographs extracted from the CCTV at the Strand Hotel between the 7th and 9th November, 2008 and identified both herself, Ger Dundon and their children and their movements in and from the hotel at various times over the above period.

April Collins confirmed she made her first statement about the Shane Geoghegan murder in April 2011, some two and a half years after the event. She identified John Dundon in Court as the accused.

April Collins was cross-examined by Mr. Nix who asked her if she had been promised immunity from prosecution by the State. She indicated she had not received any such indication. Questioned about various Road Traffic Act convictions, she accepted that on 2nd September, 2010 she was disqualified from driving for four years. She also accepted that, notwithstanding that disqualification she continued to drive and had been caught again in June of 2012. She was fined on that occasion. She had no driving licence or insurance and was not displaying a valid NCT disc. She was fined €300.00 for a range of offences arising out of these driving offences. It was put to her that she must lead a very charmed life to get off so lightly. She said it was for the judge to give her whatever punishment he wanted for what she did. It was put to her that she had been convicted on 19th May, 2011 for intimidation of a witness and got three years imprisonment. She agreed and said she did not serve that time because her sentence was suspended. Further road traffic offences in 2010 had also been recorded when she was disqualified for five years. Yet four months later she had been caught again driving without insurance. She accepted she had not been called up to serve any sentence arising out of these further offences. Mr. Nix again put it to her that she

lived, or had been living, a charmed life to which she replied that “no one would like to live the life I’m living, under garda protection 24/7”. It was put to her that she had been seen around town in Limerick without any escort. In reply she stated she did not wish to talk about her safety. She accepted that Ger Dundon had brought court proceedings to enable him see his sons.

She accepted she had entered a relationship with Thomas O’Neill, that he was one of the Cratloe rapists, but stated she did not wish to discuss that matter. Asked if she booked into the Strand Hotel to create an alibi for Ger Dundon, she confirmed that Ger Dundon asked her to book into a hotel so she just did what she had been told to do.

It was put to her that she went out from the hotel on the night of the 8th and that she was stopped by garda witnesses on that date. It was put to her that 8.05pm on the night of 8th November she was stopped by the gardaí on Crecora Avenue and that she was ‘done up’, looking like she was heading ‘out on the town’. She said it could have happened, but she was not going out for the evening. It was put to her that later again that evening, at about 11.30 p.m, she had been stopped in Parnell Street by the gardaí while driving the same motor vehicle. She said that that could have been the case. She accepted she knew that someone was going to be killed and it was put to her that she had had two “golden opportunities” to say to the gardaí at that stage that a murder was about to take place. She

said in reply “I couldn’t. I couldn’t say that to the guards at the time. I’d be killed myself, and my family would have been killed”.

She was asked if she was aware that her sister Lisa Collins was having a relationship with Ger Dundon while he was in a relationship with April Collins. She said that allegations of this sort had been written all over the walls of a house next door to John Dundon’s house and elsewhere and that people were talking about it but there was no truth in it. Her sister Lisa had said to her that she was not with her boyfriend and she accepted that.

She was shown a copy of an article which had appeared in the Sunday World on 23rd December, 2012 which showed her father, Jimmy Collins in a photograph with her brother, Gary Collins and her sister Lisa’s boyfriend, Christopher McCarthy. The men displayed tattoos of guns on their upper bodies and her father was reported as saying that the Collins’s would take over from the Dundon gang. She said she had not seen it. She read the piece in Court but was asked no further questions about it.

She was also asked did she know Joseph “Tiny” Lynch who, Mr. Nix suggested, was quartermaster general of the Continuity IRA. The witness stated she know nothing about that. She was asked if she knew a Gordon Ryan who had served time for biting the nose off a taxi-man in Limerick city. She accepted she knew both Gordon Ryan and his son. It

was put to the witness that Gordon Ryan was the drugs master of Limerick city until he went to jail for a considerable time. Again the witness said she knew nothing about that.

She was then asked about the circumstances in which she came to make a statement. She said she made the statement over being threatened by John Dundon and Wayne Dundon. She made the complaint about intimidation on 8th April, 2011. At that time she had a liaison officer in the gardaí, Garda Hourihan. She contacted him again later and said she knew “some stuff about murders”. He made an appointment for her to come in and talk to him on 20th April, 2011.

When she went in to the garda station on 20th April, 2011 she also met Detective Chief Superintendent Jim Brown. She made a cautioned statement about the Shane Geoghegan murder on that occasion. She could not recall if the interview was video recorded.

She accepted on another occasion she had gone to the gardaí to say she had been threatened by Ciara Killeen. She accepted that case had gone for trial in Limerick before a jury who had found Ciara Killeen not guilty. Mr. Nix put it to the witness that the jury obviously did not believe her and the witness replied that she did not know whether they did or not, she had gone up and given her evidence and it was up to the jury after that.

She was asked why on each of the two occasions when she was stopped by the gardaí on the 8th November she did not inform them that a killing was due to take place. She replied she would have been killed if she had opened her mouth back then. Asked if she felt bad about the fact that she could have saved a man's life and did not, she said that an innocent man had died over this, but that she had not done anything wrong. She felt sorry for his family because he had been killed and he was an innocent man.

She was asked if the gardaí had told her what to say in respect of the still photographs of her movements at the Strand Hotel. Surely she did not speak in 24 hour clock terms? She said the gardaí had not put words into her mouth, the gardaí had just asked what times were on the film and she just told them, that was it. She accepted that when shown the stills they had the 24 hour clock timings on them.

She accepted that on 19th May, 2011 she had pleaded guilty to the offence of threatening Lorna Heffernan. She denied that she had threatened to kill Lorna Heffernan, but admitted she had followed her around a shop and threatened to give her a beating. She pleaded guilty for it and apologised for what she had done. It was all over who she was going out with at the time. She might have said on some other occasion that "if you make a threat against somebody that's the end of it, they'll go to jail" but did not remember actually saying it. She had received a three

year sentence for her own offence which had been suspended. She agreed she had to put up a sum in cash to get bail at the time she was charged with intimidating a witness. She agreed she obtained the return of the money but thought it was €2,000 and not €5,000. She said she gave it back to some person to give to Ger Dundon. She denied she had done any deal whereby she got the suspended sentence in exchange for a deal with the gardaí to give evidence against John Dundon. She stated repeatedly she was here to tell the truth about what had happened and nobody had told her what to say. Asked if she had travelled up to Dublin with the gardaí to give her evidence, she indicated she would prefer not to discuss her safety and security because she had been threatened by John Dundon and that he was out to kill her.

Resuming his cross-examination on the eighth day of the trial, Mr. Nix put it to the witness that she had continued to draw down social welfare in Limerick while she spent three months in Spain. She said she believed she was only going to be there for a week but Ger Dundon had taken her passport from her when they got there. She could not return until she got her passport back.

She was asked if she remembered receiving a telephone call from Ger Dundon on his birthday in March while he was in prison and telling him not to ring her anymore. She accepted she probably did because they were having arguments all the time. She admitted she had told him she

was not going to spend the rest of her life visiting him in prison and bringing the kids with her. She agreed she might have told Ger Dundon that a member of the Emergency Response Unit had taken her from a taxi and pointed a gun at her while she was travelling to collect her social welfare. She agreed she had been “pulled” by the gardaí numerous times.

In response to further questioning, she stated she had commenced her relationship with Mr. O’Neill in March or April of 2011. She had been gone from Ger Dundon for a time before that.

She agreed she had made a complaint against Ciara Lynch who was Dessie Dundon’s girlfriend because she passed her house and started threatening her family. She rang the gardaí and that was it. It was put to April Collins that during the course of the trial it transpired that Ciara Lynch had gone to a garda one month earlier to say that April Collins had threatened to have her locked up. She said that she had never said that.

She was asked if “Tiny” Lynch was her landlord and she said “no”, that none of her family owned the house. Her housing allowance went to her landlord every week.

She agreed she had met Garda Hourihan when charged with intimidating a witness. She got bail in spite of his objections. Some time later she had met him outside her house with her mother and told him that she had broken up with Ger Dundon and that he had gone to the block that day over breaking up his cell. She next met Garda Hourihan on 8th

April, 2011 when she went to see him and Detective Chief Superintendent Jim Brown in Henry Street Garda Station. “I told them about being threatened by John Dundon and Wayne Dundon.” She made a statement on that occasion. She agreed John Dundon had been arrested shortly afterwards and Wayne also. They were detained in custody. Later, on 20th April, 2011 she told the gardaí that she knew some things about murders.

Reverting to the night of the 8th November 2008, the witness agreed she had been driving a Lexus motor car at Crecora Avenue at 8.05pm when she was stopped by the gardaí. She did not accept that she was “done up to the nines” or going out. She might have been going to the chipper. She agreed also that at 11.30pm on 8th November, 2008 she was also stopped on Parnell Street.

She was asked if on another occasion when she was with Ger Dundon in the presence of David McCormack and Christopher McCormack there was a screaming match between herself and Lisa over the allegations that Lisa was sleeping with her partner. She said that never took place.

It was suggested to her that having had John Dundon and Wayne Dundon locked up for intimidation, she then went to the gardaí while they were inside and made up this story about John Dundon “directing your sister to steal a car” and for a murder to be carried out. It was suggested

to her that John Dundon had not ordered the hits, but she maintained that “yes, he did”, and that she was here to tell the truth.

He asked if the gardaí had suggested to her after her direct evidence that there was no school on Saturday, 8th November, 2008, she stated that they had not in fact done so that she had been confused in her direct evidence, because that was her normal routine.

She agreed she made her statement about the present case on 20th April, 2011.

Asked if John Dundon had ever hit her, she said he had in fact beaten her outside her home at 84, Hyde Road and she was hurt as a result. She agreed the Sunday World article indicated that her father was saying that the Collins gang was going to take over from the Dundon gang, but she had nothing to do with that.

In re-examination she said that before threats were made against her by John and Wayne Dundon, John Dundon’s girlfriend and Dessie Dundon’s girlfriend, their friends and sisters, had come down to her mother’s house with pickaxes, hatchets and other weapons and had attacked her mother’s home while they were all in it. This had occurred some days before the threats of intimidation began from John Dundon and Wayne Dundon. The people involved in coming to her mother’s house pleaded guilty and received a sentence which she thought was suspended.

(B)Lisa Collins is an older sister of April Collins and is now 29 years of age. She was in a relationship with Christopher McCarthy since she was about thirteen. They started living together when she was sixteen. They lived together at 7, Crecora Avenue. Her mother lived on Hyde Avenue and her sister April Collins lived at 84, Hyde Road. She said she knew John Dundon and his brothers, that Christopher McCarthy was a first cousin of the Dundons. She also knew Barry Doyle who used to come to her house in 2008 with John Dundon. They were present in her house when she heard John Dundon talking about John McNamara, who he called "Pitchfork". She remembered Barry Doyle asking him what was the story with him and John saying "it's John McNamara out in Raheen and we're going to kill the cunt".

She remembered the time Shane Geoghegan was murdered and these discussions had taken place some weeks before. John Dundon told her and Christopher to steal a car. She did not know what he wanted it for. He said this "a good few times and said 'get a fucking car or I'll slap you around the place' and on the last day he came around he said 'if you don't get the fucking car I'll kill her' about me". He said that to Christopher, but I was standing there too. So we went off to look for a car. I was driving a grey Passat and Christopher and Sam Quilligan were in the car with me. We drove out country roads and down back roads. On the afternoon we stole the car we stopped at Morrison's pub to go to

the toilet. Christopher came in with me as well. When we came out of Morrison's there was a car on the side of the road a little bit further up on the left hand side so we stopped. Sam got out and I went up and turned the car around and by the time I had turned it around Sam had pulled off in the other car. This other car was a big 7-seater car which was blue. I followed him with Christopher in my car. We came back towards Morrison's, passing the pub again and we came back into Limerick by Raheen. Sam parked the car near apartments there and put the key under the back wheel. He got back into my car and had a handbag with him. There was money and cheques in the handbag. We then went back out the back roads and over to Mungret graveyard where Sam got out with the handbag and went into the graveyard. He did not have the handbag with him when he came back out.

John Dundon came up to my house that day and we just told him that we got the car. A couple of days after that he came up again and said "come on you're taking me to see the car", so me and Christopher took him out to see the car. After that again, John Dundon came up with Barry Doyle and Christopher and I took Barry Doyle out to see the car.

She remembered the night Shane Geoghegan was murdered. She was at home in Crecora Avenue with Christopher and her niece Chloe. The phone rang and that woke her up. Soon after that there was knocking at the front door so Christopher got up and looked out the window. It was

John Dundon and Barry Doyle. They wanted to come into the house so Christopher let them in. She went downstairs. “We went to the kitchen where John Dundon was saying that John Mc was dead. He was just laughing. Barry Doyle was quiet and wasn’t saying anything. He had new clothes on him. They did not stay long”. She heard about the murder of Shane Geoghegan the next morning.

She later saw a CrimeCall programme on RTE in which she saw a car similar to that which was used in Shane Geoghegan’s murder. It was the car that they had stolen.

The witness was shown CCTV footage from Morrison’s bar for 16th October, 2008 and identified herself as entering the bar followed by Christopher McCarthy. Shortly afterwards she identified her car pulling out onto the road. She then identified the car which had been stolen travelling in front of them with her car following behind. This was a dark people carrier vehicle being driven by Sam Quilligan and being followed by her car as both vehicles passed the front of Morrison’s bar. She similarly identified her car, herself and Christopher McCarthy from stills extracted from the CCTV footage.

She was cross-examined by Mr. Nix who asked if she recalled being interviewed by the gardaí in February 2009 when she was arrested in connection with the murder of Shane Geoghegan. She accepted she had been. It was put to her that while under arrest she was asked by the

gardaí if she and Christopher were texting Barry Doyle shortly after the murder of Shane Geoghegan and that she had maintained to the gardaí that she knew nothing about it. The gardaí had put it to her that she had something to do with the stealing of the car, but she had denied it.

She denied that she had discussed her intended evidence with the gardaí. She agreed she had the same liaison officer as her sister April Collins, namely, Garda James Hourihan. She came to know him when John Dundon first made threats to her sister. She recalled that Mr. Dundon went to jail for making those threats, but denied that there was a celebration party on the occasion of his conviction.

She agreed she had been put off the road in September 2004 for having no insurance and was disqualified for five years. She admitted to other road traffic offences in April and July 2004. Asked if she had immunity from prosecution arising out of the current matter, she said no. Counsel for the prosecution intervened to say that the witness had in fact been granted immunity from prosecution in relation to the stealing of the Renault Espace people carrier on 16th October, 2008 but not otherwise. The witness said nobody had told her about that.

The witness said that she felt sick about Shane Geoghegan's murder when she saw the CrimeCall reconstruction on television. However, the whole thing had been always on her mind and she had been feeling guilty about stealing the car.

She was shown a photograph of her father with her brother Gareth Collins and Christopher McCarthy, all sporting tattoos of guns and crosses on their upper bodies and was asked how she felt about people who had guns tattooed on themselves. She said that everybody liked “different things” but she wouldn’t like to get a tattoo of a gun on herself although she did have tattoos. She denied ever having a relationship with Ger Dundon but was aware that her sister and Ger Dundon were not getting on. She did not know when her sister April had met Thomas O’Neill but she knows him. She was asked if he arrived on the scene around about the time her sister April broke it off with Ger Dundon and said she did not know. She was very upset and hurt by seeing things sprayed up and down Hyde Road to suggest she was having a relationship with Ger Dundon when there was no truth in it. She never discussed it with her sister and they both just ignored it. She did not discuss it with Christopher either because everyone knew it was not true.

She was asked if she had been arrested in connection with the murder of a Mr. Jack Fitzgerald. She said she had been. She was asked some questions about his murder. She was asked if she knew Joseph Lynch. She confirmed that she did that he was her father’s uncle. She was asked if she was also questioned in connection with the murder of a Mr. Noel Campion and she agreed she had been but did not know why

she had been questioned. She said she did not know who killed Noel Champion.

Asked how she knew the date when she had been in Morrison's pub, she said that it had been the first and only time she was there. She did not know the time and date but she had been there on that one occasion. She knew the date now because the date and time were on the CCTV footage and on the pictures. Asked if she currently had insurance, she stated that she was a named driver on a policy of Deirdre O'Donovan, who is Christopher McCarthy's mother.

It was pointed out to the witness by Mr. Nix that her sister April Collins had said in evidence that she had discussed the allegation that Lisa was in a relationship with Ger Dundon, so why was she denying that any such conversation had taken place? The witness replied that she did not remember any such conversation. In re-examination the witness said that the first time she made a statement to the gardaí about this matter, namely, the murder of Mr. Geoghegan, was on 10th October, 2012.

(C)Christopher McCarthy is a cousin of John Dundon. He came to Limerick from London in 1999. He told the Court that shortly before Shane Geoghegan was murdered John Dundon "threatened me to get a car. I didn't know what he was going to use it for but he threatened that he would kill me or he'd kill my girlfriend if I didn't get him a car". A couple of weeks before the shooting of Shane Geoghegan we drove

around and robbed a car and I gave it to him. When we stole the car I was with my girlfriend, Lisa Collins and another man, Sam Quilligan. We were in a grey Passat which was owned and driven by Lisa Collins on the day. We drove out from Weston and pulled into a pub to go to the toilet. I think Morrissey's is the name of the pub. Lisa went in first and I went in as well. We went around a corner and there was a Renault people carrier parked at the side of the road, blue in colour. There was a woman who had come out of the car and was heading into an old woman inside a porch. We turned around and came back towards this car and took it. Sam took it. We passed up by Morrissey's again and then made a right turn. Sam was in the blue Renault and Lisa and I were following in the Passat. We went out to Raheen and parked up the car in Ballycummin Village. After he parked the car he jumped back into our car and had a handbag. There was some money inside and a cheque for €10,000. He gave me a few pounds out of the cash. We drove out to a graveyard then and hid the bag in the graveyard. After that we dropped him off.

We met John Dundon later the same day and told him we got the car. He told us to bring him out and show it to him. We did that, me and Lisa.

I know Barry Doyle. On the night Shane Geoghegan was killed I was at home with my girlfriend Lisa. During the night John Dundon called to the house. He was with Barry Doyle. When they came into the

house John was saying "Pitchfork is dead". Pitchfork was John McNamara. He was excited. They stayed for a bit and then went away. I was asked by the gardaí the following day about what had happened, but I could tell them nothing about it for fear for my family's life.

Cross-examined by Mr. Nix, he admitted he had used cannabis in the past. He was asked if he had appeared in court in March 2011 charged with extortion. He said he had asked a man to pay back legitimate money but he never threatened anyone. He accepted that in respect of this offence he received a sentence of seven years and six months in March 2011. He had not appealed the sentence which had been backdated. He was also found in possession of a mobile while in custody and received an extra month on his sentence for that offence. He was asked if during the incident the subject matter of the criminal charge was it correct that he did not make any remark but simply stood by nearby with his hands in his pockets? He agreed. He was asked if the three men present had stated they were going to get a gun and come back as they walked away from the scene. Christopher McCarthy said that this had not been said. Mark Heffernan was the man from whom the money was demanded, monies that were due to a Mr. Bridgeman.

He accepted he had various convictions for unlawful possession of drugs in 2009 and 2010 and had been disqualified from driving for five years in Roscrea where he had been found guilty of dangerous driving

and failure to provide a specimen. He also accepted that in 2007 he served two years for possession of firearms and ammunition in suspicious circumstances. In 2006 he had been found in possession of an article with intent to cause injury. The article in question had been a walking stick. He had other driving offences in July 2006 and had trespassed on a railway line in 2005. He said this was a route he used to take on his way home to his mother's house. In June 2005 he had been guilty of using threatening and abusive behaviour and in the same year was found guilty of being intoxicated in a public place in Listowel. Other driving offences had occurred in previous years and in 2002 there had been a larceny offence. Asked if he had been found in possession of knives in that year and convicted, he said his conviction did not relate to possession of a knife. He admitted unauthorised taking of motor vehicles in 2002. With regard to all these offences, Christopher McCarthy said "I'm not saying I'm an angel but I'm being honest here today".

He accepted he was one of three men shown with bare torsos in a photograph which had appeared in the newspapers and that he had a tattoo of a gun on his back. It also had the name of his friend Frankie Ryan who had been shot dead in Limerick.

He agreed there had been a meeting of feuding families in Limerick in December 2008 and in a photograph of that meeting he could

be seen shaking hands with Brian Collopy. Also in the photograph were other members of the Collopy family and Jimmy Collins.

Christopher McCarthy accepted that the other two men in the extortion incident were Gareth Collins and Jimmy Collins, who were Lisa's brother and father. Mr. Nix read from a report suggesting that Mr. Mark Heffernan was pursued at high speed across Limerick city in a car driven by Garreth Collins and three other men armed with hammers or black bars. Christopher McCarthy said that he knew nothing about that. He accepted that all four men involved could between them have had as many as 140 convictions. All he had done was to tell the man to pay back the money.

He had also seen the CrimeCall programme on RTE about the killing of Mr. Geoghegan. Mr Geoghegan was an innocent man. That programme also caused him to come forward to give evidence. The whole thing was on his mind and he wanted to get it off his mind. He accepted he was questioned about the killing of Shane Geoghegan in February 2009 and that he had said, on the advice of his solicitor, that he would make no comment. He had had no part in that man's murder. He did not know what the car which they had stolen was to be used for. He didn't say anything to the gardaí in February 2009 because he was in fear for his family's life.

Asked if he believed Lisa was having a relationship with Gerard Dundon, he said he knew it was not true. No one had ever slagged him about it. He denied that there had been any party to celebrate the conviction of John Dundon and Wayne Dundon for threatening April Collins. He had been in prison at that time anyway.

He accepted he had also been questioned about the murder of Jack Fitzgerald, but he had nothing to do with that murder.

He was not aware of being offered immunity for prosecution arising out of the stealing of the car some weeks before the murder of Shane Geoghegan. He was asked if he knew Tiny Lynch and Gordy Ryan, Senior. He said he did. When asked if Gordon Ryan Senior was at one stage the number one drug dealer in Limerick, he said that counsel would have to ask him that question. Asked if he knew anything about the pipe bombing of a house called Birmingham's in Hyde Road, he said that he did not.

Christopher McCarthy was recalled at the request of the defence and further cross-examined. The question related to his conviction for possession of firearms and ammunition in respect of which he had received two years imprisonment. He accepted that this was for being in possession of a number of 9 mm bullets. However, they were in the car he was in, not in his possession. He accepted he knew John McNamara and knew where he lived. He also accepted he knew Johnny Collins, a

cousin of Lisa. He had been living with them for some time. Asked if he was living with him at the time of the pipe bomb attack on the Birmingham house, he said that Mr. Collins was living with them but he knew nothing about the pipe bombing. He accepted that his brother “Noddy” McCarthy had stabbed John McNamara. He also remembered being shot at in the course of an incident on the Kilbane Road in which Mr. Aidan Kelly was killed.

(3) EVIDENCE OF THE TAKING OF THE RENAULT ESPACE PEOPLE-CARRIER AND ITS USER

Marie Carew gave evidence that in October 2008 she was the owner of a blue Renault Espace people carrier registration no. 00 KK 2639. She was driving the car in the vicinity of Morrison’s pub on the afternoon of 16th October, 2008. She was calling to a neighbour’s house to deliver a letter and had left the keys in her car. While with the old lady who lived in the house, she heard her car being driven off quickly heading in the direction of Morrison’s pub and immediately rang the gardaí. This was at about 4.45pm on the afternoon in question. There was a baby seat attached to the rear seat of the car and a handbag in which she had a number of cheques and credit cards. There was also documentation on the front seat of her car with her name and phone number and the name of Morrison’s pub “where I was organising an

event”. There were invitations to that event lying on the passenger seat. She believed the amount of cash in her handbag was something close to €2,000. The handbag was a black leather handbag with red stripes on it. It was returned to her by a priest who contacted her after he found details of her name in the bag in July 2010. The bag had been badly damaged from being exposed to the elements, but there were still personal details in it which allowed me to identify it as mine.

Cross-examined she could not remember if there was a cheque for €10,000 in the bag. The cheque was cancelled at the time. She was only out of the car for a few minutes when it was taken. She was actually standing in the door of the house when that occurred.

Pat Flannery is a landscape gardener who maintains a plot at the cemetery in Old Mungret. While working there in July 2010 he located a handbag which he gave to Fr. Jim Meagher. Fr. Jim Meagher is a member of the Jesuit community in Limerick. He said there was a Jesuit plot in the graveyard at Mungret. The previous witness had brought to him a lady’s handbag which he had found in the course of his work. From items in the bag he was able to identify the owner of the bag and he returned the bag to her.

Susan Connolly gave evidence that she lived in Ballycummin Estate in one of the apartment blocks there. There were a number of spaces for cars to park in beside the apartment blocks. In October 2008

she became aware that a Renault Espace, navy coloured vehicle had been parked there for a number of weeks. She had never seen it before and never saw it move during the three week period that it was there. She had looked into it and seen an A4 sheet of paper in the car with a lady's name on it. It looked like a notice that she was going to display locally for people in the Morrison's Pub area to meet up for a get-together. The woman's name was Marie Carew. She noticed that one of the back seats was laid down and that there was a child seat visible also in the boot part. She recalled that on the night when this murder occurred she had been out for dinner and when she came home that evening the car was no longer there. "I recall telling the guards that the registration number of the vehicle was 00KK."

A statement of evidence of Mr. John Connolly was then put on record in which he stated that he first saw the navy Renault Espace on 10th October but believed now that date was incorrect, it was about a week later. The car had remained outside apartment block B, Ballycummin Village for several weeks. The car never moved during those weeks. On the night of the 8th November he and his wife went out for a meal at about 6.30pm and when they returned at about 8.30pm the car was definitely gone.

A further statement of Mr. Mark Duffy was also read into the record. He lives at 9B, Ballycummin with his mother. He also noticed

the blue navy coloured Renault Espace parked outside the apartment block. His attention was drawn to it because of the way it was parked. It did not allow other cars to park in the space behind it. He noticed the car had fins on the side mirrors which he thought was strange. The car stayed in the same place the whole time. The last time he saw the car was on Saturday 8th November. It was there when he was leaving the apartment to go into town. He got the quarter to six bus back from town to go home and arrived just after 6.00. The car was gone at this stage.

A statement of Veronica Duffy was read into the record. She lives at 9B Ballycummin and she had also noticed the Renault Espace parked outside the front of the apartments. She had observed a baby seat in the car behind the passenger seat. She thought it was strange because of the child seat that the car had not been moved for a couple of weeks. She never saw the car move from its spot during those weeks but noticed it was gone on Sunday, 9th November.

Bernard Cody is an officer in the Department of Transport (Driver and Vehicle Computer Services Division) in Shannon, Co. Clare. They keep national vehicle files. In March 2009 he gave to the gardaí a certified copy of a vehicle licensing certificate showing that ownership of a vehicle 00KK 2639, Renault Espace, had been transferred to Marie Carew. The chassis no. of the vehicle is referred to in the certificate. It is VF8 JEOEL 522070283.

(4) EVIDENCE IN RELATION TO MOBILE PHONE USER

Detective Garda Sean Lynch was attached to Roxboro Road Garda Station in November 2008. On the morning of 9th November, 2008 he went to the scene of the crime, accompanied by two colleagues. While there Philip Collopy and Ciaran Collopy arrived at the scene. Philip Collopy handed to him his mobile phone which was a black Nokia mobile phone. He placed this phone along with its sim card in an evidence bag and gave it to the exhibits officer.

Ms. Victoria Gunnery said that Barry Doyle was her boyfriend in 2008 and that they had a child together. She confirmed that Barry Doyle had moved to Limerick in August of 2008. They maintained contact by phone. She was able to identify Barry Doyle's number as 085-1133006.

Former Detective Chief Superintendent Timothy Maher gave evidence that in November 2008 he was attached to Security and Intelligence at Garda Headquarters. On 12th November, 2008 he received an application from the Superintendent's Office at Henry Street Garda Station in Limerick requesting details of all incoming and outgoing telephone calls and text messages made from a number of telephones. In particular he received a request in relation to telephone number 085-1133006 in respect of the period from 5th November, 2008 to 11th November, 2008, that request included cell site analysis. He gave evidence that he also received a request in relation to a telephone number

085-1135904 requesting similar information. Having satisfied himself that the applications in respect of those two numbers were in accordance with s. 64(2) of the Criminal Justice (Terrorist Offences) Act 2005 he forwarded written requests for the information specified to all mobile telephone service providers on 12th November, 2008. In fact the relevant company for both mobiles was Meteor.

Ms. Maureen King told the Court that at the relevant time she was head of Fraud and Security in Meteor. She explained the licensing arrangements in relation to Meteor and the process of generation and keeping of records. A call data record is compiled which contains the calling number, the called number, the date, time and duration of a call and identifying numbers in relation to the individual item of mobile equipment that's used, the cell site identification and the international mobile subscriber identity. She produced records in respect of two mobile phone numbers, the first of which was 085-1133006. She gave evidence that at 7.28am a mobile call originated from this phone to a phone number 085-1135904. The duration of that call was 1,498 seconds, which is just under 25 minutes. The relevant cell sites for the call were ESB, Castletroy/Plassey and ESB Ahane, Annacotty Industrial Estate. She also referred to the call data sheet for the recipient mobile phone number (085-1135904) from calling number 085-1133006, the timing and duration of which corresponded precisely with the information

on the call data record for the calling number. The number 085-1135904 was a pre-paid account which was registered to Annette Curtin with an address in Abbey Locks, Corbally, Co. Limerick.

Mr. Eamon O’Gairbith gave evidence. He has a degree from the University of Limerick in information technology and telecommunications and has worked for over 13 years in various aspects of mobile telephony. He confirmed the accuracy of the evidence give by the previous witness in respect of the generation of call data records. He also identified the cell sites appropriate to the Meteor network and was able to indicate through which individual cell a particular mobile telephone call was routed. The serving cell is determined by the signal strength and quality received by the mobile phone and this in turn relates directly to the distance from the GSM base station. He indicated the location of ESB Annacotty on a site location map and similarly the cell site for ESB Plassey, west of Finnegan’s pub and pointed the same out to the gardaí. The calling number was in the area served by ESB Plassey and the recipient number was in the area served by ESB Annacotty. He also furnished a map showing the best server coverage area in respect of both. He marked on the site location map the location of Finnegan’s pub.

Sergeant Patrick Connell was attached to the National Bureau of Criminal Investigation in Harcourt Square at the relevant time. He is an expert in analysis of mobile phones. On 16th November, 2008 he

received the Nokia phone from the exhibits officer. On checking its details, he discovered that the phone number attached to this phone was 085-1135904 and that it was a number registered to Annette Curtin at 29, Abbeylocks, Corbally, Co. Limerick.

Garda Brian O'Connor told the Court that he carried out inquiries to establish if a person by the name of Annette Curtin with an address in Corbally, Co. Limerick actually existed. He found that no such person existed and no person by that name ever resided at the address in question.

(5) GARDA EVIDENCE IN RELATION TO VISUAL SIGHTINGS OF RELEVANT PERSONS

Garda Brian O'Connor also gave evidence that he was on duty in Limerick on 13th October, 2008. On that occasion he observed a grey Volkswagen Passat driven by Ciara Killeen pull up outside 80, Hyde Road. John Dundon got out of the passenger seat on that occasion. On the same occasion, Barry Doyle got out of the back of the vehicle and all went into 80, Hyde Road.

On 19th October, 2008 he was again on patrol in Crecora Avenue and on that occasion he had seen Ciara Killeen driving her grey VW Passat with John Dundon as a passenger. On that occasion the car pulled up outside 7, Crecora Avenue, the home of Christopher McCarthy and

Lisa Collins. He confirmed that Ms. Killeen stayed in the car and Mr. Dundon left the car and walked in the direction of the house at 7, Crecora Avenue.

In cross-examination Mr. Nix questioned the witness about a pulse record dated 5th November, 2008 in which it was noted that on 4th November, 2008 Ciara Killeen and John Dundon were observed in a motor vehicle at the scene of a motor vehicle burning in Garryglass Avenue. The same record indicated that Barry Doyle and John Dundon had been seen in a vehicle stopped on Amiens Street in Dublin on 5th November, 2008. Asked if he was again seen in Dublin after that date, the witness replied he was seen in Limerick after that. Questioned about a gap in the page of PULSE material, he said that the document in question was a Word document which was not a direct print-out from PULSE. He was unable to explain the gap on the particular page but believed it might have been a typographical error or that the space bar or return bar had been hit too often. He believed the defence had been given all the required intelligence reports and that there was nothing omitted. He believed John Dundon was back in Limerick the following day.

In re-examination he said he was present with Detective Garda O'Dwyer in Clondalkin Garda Station on Wednesday, 23rd November, 2011 when, following his arrest, John Dundon was asked to account for

his whereabouts on the 7th, 8th and 9th November, 2008. He confirmed John Dundon made no answer in response to this question.

Garda Peter Colleran gave evidence that on 9th November, 2008 he was on duty at Mayorstone Garda Station and was out on mobile patrol in the Moyross area. At 6.50pm they observed a silver VW Passat enter Cliona Park at speed. The driver of the car was Ciara Killeen and the passengers were John Dundon and Barry Doyle. John Dundon and Barry Doyle got out of the car and ran into 87, Cliona Park, the home of John McCarthy. At 7.22pm on the same date while patrolling in Ballynanty, they observed the car again and stopped it. The driver of the car was Ciara Killeen, the front seat passenger was John Dundon and the rear seat passenger was Barry Doyle. John Dundon was wearing a bullet proof vest but a search of the vehicle was otherwise negative.

Garda Mark McCarthy gave evidence that he was on patrol on the 18th October, 2008 and observed a grey VW Passat on Hyde Road. Ciara Killeen was driving the car and John Dundon was the front seat passenger. The vehicle turned into Crecora Avenue and pulled up outside no. 7, Crecora Avenue, the home of Christopher McCarthy. John Dundon then exited the vehicle and went into the house at 7, Crecora Avenue.

Garda Mark Mannix gave evidence that he was stationed in Henry Street Garda Station in Limerick on 5th November, 2008 when he had occasion

to stop a car which made an illegal right turn from Henry Street onto Glentworth Street. There were two occupants in the car. The driver was Barry Doyle and the front seat passenger was the accused, John Dundon.

(6) CCTV EVIDENCE

Garda Patrick Power gave evidence that he was responsible for monitoring garda CCTV cameras which covered the city centre area of Limerick at the relevant time. There would have been about 20 cameras and there were five recording devices then with five VHS tapes. He had inserted five new tapes for the 29th October, 2008, including tapes 29 B and C. These five tapes were secured in a locker in the communication room by Garda Paul Donnelly.

Garda Niall Coughlan gave evidence that on 17th November, 2008 he went to a premises known as Smith's Bar at the junction of Denmark Street and Robert Street in Limerick and was given access there to the CCTV recording system in the premises by Mr. Barry Sutton. He downloaded video files from the system which recorded certain matters on 29th October, 2008 between 3.00pm and 4.00pm in the afternoon. He also went to Morrison's Bar in Ballysimon in Limerick on 11th November, 2008 and there downloaded footage relating to events on 16th October, 2008 on to four discs which he later handed over to Garda Dan

Murphy who is the member in charge of the CCTV viewing room for the purpose of the investigation.

Sergeant John Delaney gave evidence that he set up a playback facility to allow the viewing of the garda CCTV camera footage for certain events in Cruise's Street on 29th October, 2008 and made adjustments for real time differences for the times shown on the footage. He also examined CCTV systems in other business premises in central Limerick in respect of that same date, 29th October, 2008.

Detective Garda Sean Lynch said that on 6th December, 2008 at Roxboro Road Garda Station viewed some CCTV in relation to the investigation which related specifically to the movement of certain persons in Cruise's Street and Robert Street on 29th October, 2008. The material was played to the Court. In the CCTV one could see a black BMW pulling up on Patrick Street at its junction with Cruise's Street. Philip Collopy, the man who had handed him the telephone on the 9th November, 2008, could be seen alighting from the passenger side of the car. Two other persons were then to be seen with Philip Collopy, being John Dundon and Barry Doyle. Another person, Ciaran Collopy, then arrives. The group stand together talking for some time in Cruise's Street. Three of them walk back then in the direction of Patrick Street where the black BMW is parked. Ciaran Collopy and Philip Collopy got back into the black BMW.

A statement of evidence of Mr. Barry Sutton was read into the record. He was the manager of the Icon Nightclub in Denmark Street in Limerick. He confirmed that on 17th November, 2008 he showed Garda Niall Coughlan to the room where CCTV material could be accessed. Similarly a statement of evidence of Mr. Aidan McAvinue was read. He is a security technician who had installed a security system with CCTV camera on the gate of a home owned by Mr. Ted McNamara of Liccadoon House, Ballysheedy, Co. Limerick. On the evening of 12th November, 2008 he checked the CCTV system for recorded activity on the gate camera for 16th October, 2008 and downloaded footage of that evening from 4.45pm to 8.00pm from the hard drive on the two discs and handed them to Sergeant Murphy.

Sergeant John Murphy was stationed at Ballyneety in Co. Limerick in 2008. On 12th November, 2008 he went to the home of Ted McNamara where he met Mr. McAvinue, the security technician. In his presence Mr. McAvinue downloaded footage from the CCTV system in Mr. McNamara's house onto two discs which he gave over to him. He later made them available to Sergeant John Delaney in the telecom section at Henry Street.

Garda Daniel Murphy from Roxboro Road Garda Station took possession of various Garda VHS tapes from the Garda camera system in Limerick city. He set up a playback facility to enable those and other

tapes to be viewed. He was thus able to identify footage of relevance in the city centre in Limerick in the Cruise's Street area on the 29th October, 2008. The CCTV footage was then played to the Court. Additional material was also shown to the Court from the camera at the Icon at Smyth's Bar on Robert Street. The footage showed Barry Doyle and John Dundon get into a vehicle having approached it from the direction of Cruise's Street. He retained all relevant CCTV exhibits with the exhibits officer, Garda McCormack. He also confirmed that John McNamara in November 2008 lived at 6 Clonmore, Kilteragh, Dooradoyle, in Limerick, four doors away from the home of the late Shane Geoghegan.

Garda John Moriarty of Roxboro Garda Station identified the vehicle seen in Robert's Street as a Vauxhall Vectra with a Limerick 02 registration.

Garda Nicholas Jones gave evidence that he was attached to Roxboro Road Garda Station and in February 2013 he put together a compilation DVD which is of all the relevant CCTV footage from the various locations already identified in evidence. This material was played to the Court. It began with the footage from Morrison's Bar and moved onto the footage taken from Mr. McNamara's home in Licadoon. It then showed the footage taken from Cruise's Street and then to the footage taken from a corridor in the Strand Hotel.

Cross-examined, he accepted he had not seen any footage of April Collins arriving at the Strand Hotel to book in on the 7th November.

Detective Garda Michael Murphy gave evidence that he received a number of still image print-outs from the CCTV system in the Strand Hotel on 29th November, 2011 for the period 7 November – 9 November, 2008. He confirmed that he showed those images to April Collins while taking a statement of evidence from her.

Mr. Michael Moroney gave evidence that he was the facilities manager at the Strand Hotel. He recalled that the gardaí asked for permission to access the hotel's CCTV system in the aftermath of the murder of Shane Geoghegan and he gave them permission to do so. There were 52 cameras in the hotel at the time which were fed through for DVRs which were all kept in a particular room. They can be copied on to a DVD.

Garda Michael Coughlan gave evidence of meeting the facilities manager in the Strand Hotel and asking if it was possible for him to view the CCTV equipment installed there. He observed footage of interest on the various recording systems and gave evidence of the time difference between the recording systems and actual time in respect of different DVRs. He viewed and downloaded footage from the system beginning on 7th November, 2008 at 7.30pm and 9th November, 2008 at 2.00pm

actual time. He recorded the various items on to CDs and a memory stick which he passed to his colleague, Garda Mark O'Mahony.

Garda O'Mahony confirmed he had received 11 discs and one memory stick from the previous witness and that he handed same over to Garda Murphy. Garda Kelly confirmed receiving these discs from the exhibits officer and produced a number of still images from the footage recorded on those discs.

By reference to evidence given later by other witnesses, the Court is satisfied that the still images show as follows:-

- (A) DK 1 - April Collins and Ger Dundon with two young children in a hotel corridor at 11.45pm on 7th November, 2008.
- (B) DK2 - shows April Collins on the same corridor at 24 minutes after midnight on the 8th November, 2008.
- (C) DK3 - shows Ger Dundon on the same corridor at 1.18pm on the 8th November, 2008.
- (D) DK4 - shows April Collins with two children on the same corridor of the hotel at 1.19pm on 8th November, 2008.
- (E) DK5 - shows April Collins in hotel corridor at 9.47pm on 8th November, 2008.
- (F) DK6 - shows April Collins at 10.43pm in hotel corridor on 8th November, 2008.

- (G) DK7 - shows Ger Dundon on hotel corridor at 7.18am on 9th November, 2008.
- (H) DK8 - shows April Collins with child in hotel corridor at 7.20am on 9th November, 2008.
- (I) DK9 - shows April Collins and Ger Dundon in hotel lobby at 8.44am on 9th November, 2008.
- (J) DK10 – shows April Collins with another person and child in hotel corridor at 8.47am on 9th November, 2008.

(7) EVENTS AT THE STRAND HOTEL

Ms. Julie Moscone gave evidence that she was the front office manager at the Strand Hotel in Limerick in November, 2008. She confirmed that April Collins had made a booking to stay in the hotel on 7th November, 2008. She was checked in at 7.51pm and checked out the next afternoon at 1.28pm. She re-checked in on the 8th November, 2008 at 9.41pm and departed on Sunday, 9th November, 2008 at 1.30pm. She pre-paid her booking by a laser debit card. On the first night she had stayed in room 113 and on the second night had stayed in room 402.

Chief Superintendent Ann-Marie McMahon gave evidence of swearing an information in the District Court for the purposes of an application pursuant to s. 7A of the Bankers Books Evidence Act 1879 and that was for the purpose of obtaining the details of a bank account at

AIB in the name of April Collins. Mr. Patsy Cahill from the AIB Bank in O'Connell Street in Limerick produced bank statements for an account in the name of April Collins which showed debit transactions for her stay in the Strand Hotel, one in the amount of €159.00 and the other in the amount of €229.00.

(8) OTHER EVIDENCE

Garda Brian O'Connor went with Garda O'Dwyer to Cloverhill Prison on 23 November 2011 where a warrant to arrest John Dundon in respect of the murder of Shane Geoghegan was put into effect. Following his arrest on that occasion John Dundon had been brought to the interview room at Clondalkin Garda Station and shown a number of exhibits, including the CCTV footage from Cruise's Street dated 29th October, 2008. He was also shown stills from the Strand Hotel, Limerick dated 9th November, 2008.

Counsel then handed in the Iris Oifigiúil to establish the bringing into effect of Part 5 of the Offences Against the State Act 1939 and of the 30th May, 1972 where the instrument of the Government establishing the Special Criminal Court is gazetted. Counsel confirmed that the certificate of the Director of Public Prosecutions to the effect that the ordinary courts were inadequate to deal with the particular offence had also been handed in. Its terms were read into the court record.

A witness from the Passport Office was called at the request of the defence. He confirmed that a temporary passport had been issued to John Dundon (otherwise and in temporary passport referred to as John James McCarthy) in March, 2008. The previous passport held by John Dundon was no longer available.

The Court ruled against an application that April Collins be brought back for further cross-examination, this time in relation to something she was alleged to have said in a different case, on the basis there had been ample opportunity provided for a full cross-examination of the witness already.

This concluded the State case. There was no application for a direction. Counsel for the accused indicated he would be going into evidence but that John Dundon would not be giving evidence. He indicated that his client had given him a list of 21 persons whom he wished to have directed to attend court, which counsel had ‘whittled down’ to 5, of whom two, Lika Casey and Nathan Killeen were clearly relevant. The Court directed that they attend and be produced for the purpose of interview by the defence.

(9) THE DEFENCE EVIDENCE

Liam (otherwise Lika) Casey said in direct examination that he was born in 1984. He admitted to a long number of previous convictions,

including possession of drugs, possession of articles with intent to cause injury, theft, various road traffic offences and several counts of unauthorised possession of firearms and ammunition. He accepted he was not an honest person and agreed that if his own daughter brought him or somebody like him home he would not like it very much. Asked by Mr. Nix if he was present in the house of John Dundon when he discussed the killing of John McNamara, he denied it.

Cross-examined by Mr. O'Connell, he accepted he knew John Dundon and his brothers. He also knew Barry Doyle and had met him in Limerick Prison in 2008. Asked if he knew he was associating with John Dundon in Limerick before November, 2008, he replied that he "knew of him, yes". Asked if he met him, he said he used to "talk to him once or twice". Asked in whose company he met him, he replied that it was in his own company. He bumped into him on Hyde Road because he lived on Hyde Road and often saw him there. Nobody had ever introduced him to Barry Doyle. He often saw John Dundon because they lived on the same road and he admitted he had been in the house. He had never met Barry Doyle in John Dundon's house but had bumped into him outside. Asked if he knew John McNamara, he said yes he had heard of him, but he did not know the man. He had never heard him referred to by the nickname "Pitchfork". He accepted he knew Nathan Killeen and that

Nathan Killeen was a friend of his. He lived at 80, Hyde Road with his sister Ciara Killeen and John Dundon and was often staying there.

He had heard of Philip Collopy but he did not know him.

Questioned about the peace meeting between members of the Collopy family, the McCarthys and the Collins, amongst others, he said he knew nothing about it, although he lived at 163, Hyde Road. Asked if he had a girlfriend or partner called Jennifer Quade, he accepted that in 2008 he lived with her at 59 Byrne Avenue in Prospect. He denied any suggestion that the front door at that address was a reinforced door with cameras.

He accepted he was presently serving a sentence for possession of firearms with intent to endanger life which had been imposed in Limerick Circuit Court on the 27th October, 2010. He had pleaded guilty to the charge. He accepted he had shot a man called Mark Kirwan in the leg with a sawn-off shotgun. Pressed for a reason for why he had shot him he replied: "No, I just done it". Asked if he was familiar with the Glock, he said it was a handgun as far as he knew. He had seen it on the news and on the papers.

He said he had never been out in Raheen or in Clonmore, nor did he know where John McNamara lived. He accepted he could drive but denied he ever drove a Renault Espace. He accepted he was arrested on the 23rd November, 2011 on foot of a warrant in connection with the murder of Shane Geoghegan and was interviewed by the gardaí. He

accepted at all times that, on being questioned, he replied, on the advice of his solicitor, that he had nothing to say.

He accepted that on 23rd April, 2008 he was arrested on suspicion of possession of a firearm with intent to endanger life in connection with the shooting of Jonathan Fitzgerald on Parnell Street. He did remember that.

He said he knew April Collins and her sister, Lisa and her boyfriend, Christopher McCarthy. He accepted they were all from the Hyde Road area. He again stated he was not present in John Dundon's house on the night of 7th November.

Detective Sergeant Denis Treacy was then called to give evidence. He accepted that the home of Jimmy Collins, father of April Collins, had been searched in the aftermath of the shooting of Aidan Kelly. Asked if a gun was found during the course of the search, he stated that no gun had been found at Mr. Collins house. Asked if Mr. Quilligan was ever charged with taking the Renault Espace motor vehicle, he replied that he had not. It was not a garda decision, but a decision of the Director of Public Prosecutions. He said he did not believe Mr. Quilligan had been granted immunity.

Mr. Nix then explained to the Court that he had called Sergeant Treacy in the hope that he could give evidence in relation to a portion of the cross-examination of April Collins in the trial of Barry Doyle. He

explained that this was the “different case” he had in mind when asking for her recall. He indicated that he wished to have on the record what April Collins had said in response to certain questions at that trial. Mr. O’Connell stated that the transcript of the trial in question had been furnished to the defence some considerable time ago and there was no reason why April Collins should have been recalled for further examination in relation to it. He expressed concerns that the defence was mounting a filibuster and trying to harass the witness. Mr. Nix accepted he had been given the transcript of the Barry Doyle trial and that Mr. O’Connell had mentioned the evidence of April Collins in it.

Following some discussion, both prosecution and defence indicated that they would be satisfied to have received as evidence and read into the record the several relevant questions and answers to April Collins from that trial. Garda John McCormack, the exhibits officer, who had been present throughout the Barry Doyle trial, was sworn in for the purpose of confirming the accuracy of the transcript and the following sequence of questions and answers as appear therein:-

Defence Counsel: Q: And he was saying “this is what Ms.

Heffernan says you did”; is that right?

April Collins: A: That’s correct.

Q: And what he was putting to you about Ms. Heffernan was saying was true wasn’t it?

A: That's correct.

Q: But you said she was lying.

A: That's correct.

Q: Now, do you accept now that therefore that when you said that Ms. Heffernan was lying about what she accused you of that in fact it was you who was lying?

A: That's correct.

Q: Right. So you agree you were telling lies in that interview?

A: I was, Your Honour.

Q: Alright. And the reason you were telling lies was because you were afraid of going to jail?

A: Yes, Your Honour.

Q: Alright. You were charged and you were remanded in custody, weren't you?

A: That's correct, Your Honour.

Q: And you had to apply for bail, didn't you?

A: That's correct.

Q: And the guards opposed your bail application, didn't they?

A: That's correct, Your Honour.

Q: So, the prospect the jail, can I suggest to you, was even greater at that point?

A: I don't understand.

Q: Well you had at the time two young children at home to look after, didn't you?

A: I did, Your Honour. I was pregnant at the time as well.

Q: And you were pregnant with a third?

A: I was, Your Honour.

Q: The prospects of jail were, in your mind, were very grave, weren't they?

A: I don't understand, sorry.

Q: Well the fear of jail must have been a very real consideration for you, given your family situation?

A: I had kids to look after.

Q: Of course you had. Now, when did you plead guilty to that matter?

A: I'm not sure, Your Honour, of dates and times or anything.

Q: Can I suggest to you that you eventually were dealt with for that offence of intimidating Ms. Heffernan on the 19th of May, 2011?

A: I'm not sure, Your Honour.

Q: Well, have you any reason to doubt that date?

A: No, I don't, Your Honour.

Q: Alright. Put it this way, it was about a month after you made your statement against Mr. Doyle, wasn't it?

A: I'm not sure, Your Honour.

Q: Well, you are sure because you know it was after you had made your statement against Mr. Doyle, don't you?

A: I am not sure, Your Honour.

Q: What are you not sure of?

A: I'm not sure of any year or dates or anything.

Q: Well, you remember making the statement against Mr. Doyle, don't you?

A: That's correct, Your Honour.

Q: Yes. Wasn't your outstanding charge dealt with after you made that statement?

A: I'm not sure, Your Honour.

Q: Do you remember being in Limerick court?

A: I do, Your Honour.

Q: Wasn't that after you made your statement against Mr. Doyle?

A: I'm not sure, Your Honour.

Q: Let me put it to you that you were dealt with at Limerick Circuit Court on the 19th May, 2011, about almost a month to the day, after you made your statement against Mr. Doyle?

A: That is correct.

Q: And for the offence that you were concerned about you received a suspended sentence of three years' imprisonment, didn't you?

A: That's correct, Your Honour."

Mr. Nix confirmed to the Court that he was satisfied that any further requirement of his to cross-examine April Collins was met by the agreement of the parties to receive this evidence, albeit hearsay in nature, as reliable evidence of what had occurred at the previous trial.

No further evidence was called or tendered on behalf of the accused.

(10) GENERAL OBSERVATIONS

As counsel for the accused rightly pointed out in his closing submissions, this case is all about credibility. While that may be said of many criminal cases, it is particularly true in this case where all the principal suspects and those suspected of having information were closely associated and involved with each other at the time of Shane Geoghegan's murder in November 2008. April Collins was in a long term relationship with John Dundon's brother, Ger Dundon. Her sister, Lisa Collins, was equally in a long term relationship with Christopher McCarthy, who is a first cousin of John Dundon. Nathan Killeen is a brother of Ciara Killeen, partner of John Dundon. Ciara Lynch was

identified during the course of evidence as the girlfriend or partner of Dessie Dundon, another brother of the accused.

All of the witnesses who gave evidence at the trial have a long history of mutual association and criminal histories of varying degrees of seriousness. Gangland rules of “silence in all circumstances” usually prevail in the aftermath of a serious crime where such persons, or one or more of them come under suspicion of involvement in it. Such attitudes create serious difficulties for the gardaí in the investigation of crime and serious problems and risks for any member of such a group who afterwards leaves the group and decides to come forward as a witness against his or her former associates. When questioned about the events surrounding the murder of Shane Geoghegan on 8th November, 2008, the responses of those questioned ranged from saying nothing on legal advice, saying they knew nothing about the event, or refusing to say anything.

The evidence heard by this Court during the course of the trial would suggest that the breakthrough in the investigation of the murder of Shane Geoghegan came only in March or April 2011 at a time when April Collins and Ger Dundon broke up. Having terminated her relationship with Ger Dundon, she entered into a relationship with Thomas O’Neill, who himself had a serious criminal conviction. The Court heard evidence from April Collins, which was not contested, that

John Dundon's girlfriend and Dessie Dundon's girlfriend and others had come down to her mother's house with pickaxes, hatchets and other weapons and had attacked her mother's home while they were all in it, and that this had occurred before threats of intimidation against her began from John Dundon and Wayne Dundon.

The Court does not need to be satisfied as a matter of certainty as to the reason for these events, but they appear to the Court to constitute the backdrop whereby April Collins made complaints to the gardaí, first about the attacks on her home and then about being intimidated by John Dundon and Wayne Dundon. The Court was told that, following their detention, April Collins made her statement on 20th April, 2011 about the Shane Geoghegan killing, having told Garda Hourihan earlier that month that she had information about murders. She was asked by defence counsel to look at and comment on an article in the Sunday World in December, 2012, presumably as providing an indication of some alternative motive for her to give evidence, but that article appeared long after April Collins made her statement in this case and the truth or accuracy of the article's reference to hostilities then existing between the Collins and Dundon families was not further explored with her or established in evidence.

While counsel for the accused in his closing submissions posed a number of rhetorical questions, to which the Court shall later return, the

issue of whether April Collins, Lisa Collins and Christopher McCarthy were accomplices in the murder of Shane Geoghegan was not addressed. Mr. Guerin, in his closing address on behalf of the prosecution, referred to Lisa Collins and Christopher McCarthy as accomplices, but only in the context of the theft of the Renault Espace vehicle on 16th October, 2008.

The Court feels that it is an issue which it must address. There are a number of salient features of the evidence in this case which have persuaded the Court that it should, in the context of the issue of credibility of the main prosecution witnesses, treat them as accomplices in the murder of Shane Geoghegan. In *The People (Attorney General) v Carney & Anor* [1955] IR 324 the Supreme Court held, on the particular facts of that case, as follows at p. 345:-

“A very slight degree of complicity, either as principal or accessory, in the crime charged is sufficient to render a person an accomplice for the purpose of the rule requiring that the jury should be warned of the danger of acting on his uncorroborated testimony.”

The Court identifies as reasons for taking that position in relation to the three main prosecution witnesses the following facts:-

- (a) On the night of the murder, April Collins was twice stopped by members of the gardaí while travelling alone in her motor car in Limerick city. This was on the evening subsequent to that upon which she said in evidence John Dundon had

directed the killing of John McNamara at a meeting in his house on Hyde Road. She did not avail of the opportunity to warn the gardaí of the intended killing, albeit she said in evidence she would have been killed herself had she done so.

- (b) Some two and a half years elapsed before she came forward with her statement. Her association with the Dundons and with her partner, Ger Dundon, continued until early 2011.
- (c) Her sister's close association with Christopher McCarthy and their mutual association with John Dundon at the time of the killing, combined with her decision to book into the Strand Hotel to provide an *alibi* for Ger Dundon, are all suggestive of her playing a role, however minor, in the events surrounding the killing. Similarly her trip with Ger Dundon to Finnegan's pub on the morning after the killing is suggestive of knowledge, if not direct involvement, in the events.
- (d) With regard to Lisa Collins and Christopher McCarthy, the Court would be of the view that they should, for the purposes of the Court's approach to this case, be likewise treated as accomplices. They actively participated in the taking of the Renault Espace motor vehicle on the 16th October, 2008, they removed it to a safe location, were

present when John Dundon called to their home indicating that John McNamara would be killed. They also gave evidence that John Dundon and Barry Doyle came to their house following the killing and that they sat in the kitchen while John Dundon spoke excitedly about the event. This did not appear to shock or surprise them, nor is there any indication they took any steps thereafter to tell the gardaí what they knew. On the contrary, they maintained they knew nothing about the killing of Shane Geoghegan though there was no evidence that any other man had been killed that night.

- (e) Lisa Collins herself did not come forward to make a statement until October 2012. In the aftermath of the killing, Christopher McCarthy was arrested, but met all questions by stating to the gardaí that he had been advised by his solicitor to say nothing.

For these various reasons the Court is of the view that it should treat the main prosecution witnesses as accomplices for the purposes of evaluating their evidence in this case. It must accordingly warn itself – and does warn itself - of the dangers of acting on accomplice evidence, mindful that the evidence of one accomplice can not corroborate that of another. The Court must be mindful of the desirability of having

independent corroborative evidence to support the evidence offered by the three main prosecutions witnesses in this trial. That is not to say that the Court cannot convict without such evidence if it finds the evidence of these witnesses to be credible, but rather that it must be cautious in that regard, always bearing in mind that it would be dangerous to accept the evidence of such witnesses without such corroboration.

The Court in this context is mindful of the general legal principles in relation to corroboration elaborated by the Supreme Court in *The People (DPP) v. C.* [2001] 3.I.R. 345, *Director of Public Prosecutions v. Gilligan* [2006] 1 I.R. and by the Court of Criminal Appeal in *DPP v. Meehan* [2006] 3 I.R. 468.

With these considerations in mind, the Court has conducted an analysis of the evidence tendered in this case, stressing that at all times the burden remains on the prosecution is to establish its case beyond reasonable doubt.

(11) ANALYSIS OF THE EVIDENCE

The Court has elaborated the evidence tendered at trial in considerable detail in the earlier part of this judgment by way of prelude to this analysis.

Starting with the events of 16th October, 2008, the evidence of Lisa Collins and Christopher McCarthy is to the effect that they had been

instructed by John Dundon to steal a motor car and make it available to John Dundon. At no time was it suggested to either witness that they had some alternative motive for taking the vehicle.

The Court is satisfied beyond reasonable doubt that they participated in the taking of the Renault Espace people carrier on the 16th October, 2008 at or near Morrison's pub, in association with another man who was not a witness at the trial. Their involvement in this part of the crime is amply corroborated by the CCTV footage taken at Morrison's bar, showing Lisa Collins drawing up in her motor car and herself and Christopher McCarthy entering the pub in the late afternoon for the purpose of using the toilet facilities. Very shortly afterwards the same CCTV shows the Renault Espace being driven in the opposite direction and being followed by Lisa Collins driving her own car. The car was driven to Raheen and parked outside an apartment block in Ballycummin where it remained until the night of the murder. Numerous witnesses testified to the fact that the Renault Espace remained undisturbed and unmoved in that position in the weeks preceding the murder. The Court is satisfied beyond reasonable doubt that the Renault Espace was the getaway vehicle in the aftermath of the killing of Shane Geoghegan. This is clear from the visual identification of local residents at Clonmore and from the VIN/chassis number of the vehicle seen to be on fire shortly after 1.00am on the 9th November in a field joining the Mill Road in

Rossbrien. It was the same type of vehicle and had the same VIN/chassis number as the vehicle stolen from Marie Carew on 16th October, 2008.

Further corroboration of the account of the theft was also available.

Marie Carew confirmed she had been standing in the doorway of a neighbour's house and talking to an old lady there when her car was taken, an account which matched in every way that furnished by Lisa Collins and Christopher McCarthy. Finally, in this regard, the subsequent history of the handbag which was dumped in Mungret graveyard was corroborated by the evidence of independent witnesses associated with the Jesuit plot in Old Mungret, one of whom, a gardener, handed same to a priest who, finding particulars of Marie Carew inside the bag, returned the same to her some considerable time afterwards. The Court is satisfied that proof of the user of this vehicle in the events of the murder on 8th November, 2008 is plainly established.

Lisa Collins gave evidence that John Dundon came down to their home a couple of days after they took the car. He required them to bring him down to look at where it had been parked in Ballycummin. Both gave evidence that on a later date John Dundon brought Barry Doyle with him to their home for the same purpose. There were garda sightings of John Dundon attending at the home of Lisa Collins and Christopher McCarthy on 18th and 19th October, 2008. Crucial evidence of the association of John Dundon with Barry Doyle was also furnished,

including CCTV footage of them seen together in Cruises Street in Limerick on 29 October, 2008, and, perhaps even more significantly, they were seen together by Garda Mannix on 5th November, 2008 when the car in which they were travelling was observed to make an illegal turn off Henry Street in Limerick. The Court is thus satisfied that Lisa Collins spoke truthfully when telling the Court about the theft of the Renault Espace and of John Dundon coming to their home thereafter and the conversations that took place.

Turning next to the evidence of April Collins, and leaving to one side at this stage the Court's assessment of her demeanour and honesty as a witness on this particular issue, her account of the discussion and plan with regard to the proposed killing of John McNamara consisted of graphic evidence of the particular meeting in John Dundon's home in Hyde Road where she named all of those present. She was never challenged on the basis that no such meeting occurred, nor was her account of what was said at the meeting contradicted by any other evidence. Liam Casey gave evidence for the defence that he was not present at any such meeting, but for reasons later elaborated, the Court attaches no weight or credibility to his evidence.

That an operation was afoot which might involve, by association at least, Ger Dundon, is borne out by other evidence. The Court accepts as truthful her evidence that she was asked by Ger Dundon to book into a

hotel so as to provide an *alibi* for him at the time of the intended killing. Her account of events was supported and corroborated by independent evidence, consisting of CCTV footage confirming that she did, in fact, check into the Strand Hotel shortly before 8.00pm on the evening of the 7th November and again on the following day, 8th November. She was not challenged in her evidence that this was for the purpose of creating an *alibi* for Ger Dundon. In fact, she stated that there was no other reason why they should have stayed in a hotel as their own house in Hyde Road was available to them.

The evidence of April Collins in relation to events in the early morning of 9th November, 2008 was also of a graphic nature. It recorded how she and her partner went to meet John Dundon and Barry Doyle in a car park at Finnegan's pub shortly before 7.30am. While they were there a call was made to Mr. Philip Collopy, apparently to "slag him" over the successful murder of John McNamara. April Collins described how it became apparent during the course of this conversation that the wrong man had been killed and how John Dundon panicked, became angry, and berated Barry Doyle for shooting the wrong man.

The Collopy phone was handed to the gardaí at the crime scene later that morning on the 9th November, 2008. It bore the number 085-1135904. Evidence of the phone number of a mobile owned by Barry Doyle was given to the Court by Ms. Victoria Gunnery. It was identified

as having the number 085-1133006. The evidence of the communications experts make it clear that a mobile call originated from the Doyle telephone in an area which would include Finnegan's pub to the Collopy phone at 7.28am and that the duration of that call was 1,498 seconds.

The Court is satisfied that this evidence constitutes corroboration of the account furnished by April Collins of this particular meeting and what transpired at it.

Thus her direct evidence of the involvement of John Dundon in the carrying out of the killing in question is corroborated, both as regards the events which preceded the murder and with regard to those events which followed it. That testimony places the accused John Dundon in a central role in the planning, direction and arrangements for the crime in question.

With regard to Christopher McCarthy, the Court is extremely conscious of his prior criminal history and of his relationship and association with John Dundon at the material time, and of the events which subsequently transpired. Nonetheless, his evidence in relation to the taking of the vehicle and the subsequent visits of John Dundon to their home is credible and is corroborated by significant independent evidence of sightings of John Dundon going to their home at Crecora Avenue on the 18th and 19th of October, 2008, just two days after the theft of the people carrier.

Finally, and most importantly, the evidence of all three main prosecutions witnesses to the effect that Barry Doyle, who moved to Limerick from Dublin in August 2008, was an associate of John Dundon, was borne out by CCTV footage of the two men together in Cruise's Street on the afternoon of 29th October, 2008. Evidence was also given by Garda Brian O'Connor of seeing the two men together entering John Dundon's house on 13 October, 2008. The two men were again seen together in Limerick on 5th November by Garda Mannix and were again seen together on the 9th November being the actual day following the murder.

(12) ANALYSIS OF THE DEFENCE CASE

As already indicated, counsel for the accused based his defence entirely on the issue of credibility, not merely as regards the prosecution witnesses, but as regards the prosecution case generally by reference to certain historical events.

Mr. Nix began by asking rhetorically if April Collins may have done some sort of deal in pleading guilty to the making of a threat to Lorna Heffernan. Was it just a coincidence, he asked, that some two months before she was due to face sentence in the Circuit Court in Limerick, she made her statement about Barry Doyle? She was very anxious not to be sent to jail, not least because, as demonstrated by the

transcript from the Barry Doyle trial, she had two young children and was pregnant with a third child. Mr. Nix further raised the question as to why it took two weeks following her indication to Garda Hourihan that she “knew stuff about murders” before she got an appointment to go to the garda station to make a statement. Why was her statement not recorded? Mr. Nix stated that what was recorded was the statement being read over to her by Detective Chief Superintendent Brown and her agreeing to it and signing it. Was it possible to believe that April Collins spoke the 24 hour clock? In support of his contention that April Collins may have done a deal with the gardaí at the time of her sentencing for threatening Lorna Heffernan, Mr. Nix relied on answers she gave during the trial of Barry Doyle when she admitted she was very concerned about the prospect of going to jail at that time as she had a number of children to care for and was in fact pregnant at the time. This, Mr. Nix suggested, provided ample motive for April Collins to agree to collude in the making of a statement which would implicate John Dundon and secure lenient treatment for herself.

Starting with the point in relation to the 24 hour clock, April Collins accepted in cross-examination that she simply read this time off the stills which had been presented to her and the Court attaches no particular significance to that fact. The fact that the interview on the 20th April, 2011 was not video-recorded did not lead to counsel to cross-

examine garda witnesses on the basis that its contents had been entirely fabricated by the gardaí or in substance suggested to her, and while it might have been preferable if the entire interview had been video-recorded, the Court has no serious reservations on these particular points. The rhetorical question, or allegation, of a deal whereby April Collins had a ‘charmed life’ and thereby escaped a custodial sentence is entirely unsupported by any evidence. Indeed, any such “deal” would have of necessity had to involve not merely the gardaí but the presiding judge who imposed the particular sentence on April Collins following her guilty plea to the offence of threatening Lorna Heffernan. She received a significant sentence for that offence, albeit that it was suspended. The Court notes that in the course of the evidence in this case it was told that women who came to the Collins family home, including the girlfriends of John and Wayne Dundon, and who were said to be making threats with pickaxes, hatchets and other weapons, were also given suspended sentences in their cases so the Court is satisfied that this rhetorical question or allegation is unsubstantiated.

Mr. Nix then further asked if the Court believed that her statement about John Dundon coincided with her “bust-up” with Ger Dundon in circumstances where she had agreed in cross-examination that she had said to Ger on the telephone, when he was in Portlaoise Prison, that she “didn’t want to be going up there and bringing the kids up to see him” for

the rest of her life. In this regard, the Court can see that the break-up of that particular relationship may well have led, and probably did lead, to an alienation between April Collins and the Dundon family, such as had the effect of freeing her from the bonds of silence and secrecy which necessarily would have formed part of her association with the Dundon family. The Court considers it likely that the break-up of that relationship and the ugly events which followed it was the trigger factor in persuading April Collins to come forward to make statements about intimidation by John and Wayne Dundon and then, later on, the Shane Geoghegan murder. However, that fact – if fact it be - does not in any way disqualify her as a competent witness. In this sort of situation there is almost invariably a trigger factor or event which breaks down the wall of silence and permits a witness to finally come forward.

The Court agrees with Mr. Nix, as already indicated in its analysis, that the behaviour of April Collins on the night of 8th November, 2008, was reprehensible in that the Court agrees she had opportunities to reveal that a killing was due to take place but said nothing on the occasions when she was stopped. Her explanation in that regard that she was terrified that she would be killed if she had done so is understood by the Court, and while she gave no direct evidence that any such threat had been made by John Dundon, the overall tenor of her evidence made clear

that the verbalisation of any such threat was not required for her to believe it existed.

Mr. Nix further pointed out that there was no evidence whatsoever of any spleen between John Dundon and John McNamara, but that there had been spleen between the McNamara's and the McCarthy's.

Christopher McCarthy had accepted that his brother "Noddy", had stabbed John McNamara up to 50 times in a particular incident.

In this regard the Court is satisfied from the evidence of April Collins, Lisa Collins and Christopher McCarthy that, both before and after the killing (and before John Dundon was aware that the wrong person had been killed), John Dundon had expressed strong feelings of antipathy towards John McNamara. He made those feelings clear in the home of Lisa Collins and Christopher McCarthy and again on the night of the meeting described by April Collins on 8th November, 2008. While no particular reason was adduced in evidence for this antipathy, the evidence of these witnesses that John Dundon made comments indicating such antipathy towards John McNamara was not challenged.

Mr. Nix placed considerable reliance on the fact that April Collins had stated in evidence that "all you have to do to get some bloke locked up is to make a complaint about him that he threatened you". However, on day 7, pp. 36-37 of the transcript, it appears that April Collins in fact said she was aware that such was the case, but she could not recall if she

had herself ever actually said that to Ger Dundon. She thus said she “could have or couldn’t”, she “just couldn’t remember”.

In relation to Lisa Collins, Mr. Nix suggested she was unworthy of belief and that her statement that her conscience was pricked when she saw a re-enactment of the Shane Geoghegan murder on RTE was simply not credible. She had remained silent for years afterwards. This was a witness who had been questioned in relation to three murders, presumably on the basis that she had information in relation to same, but had said she knew nothing about them. She had also said she knew nothing about any immunity from prosecution in connection with the present case, which Mr. Nix suggested was simply not credible.

The Court has already indicated the manner of its approach to the evidence tendered by Lisa Collins which effectively is to adopt the approach, at least for the purposes of this case, of seeing her as an accomplice whose support for John Dundon also ceased alongside that of her sister in March/April 2011. As previously indicated, the Court is satisfied that there is corroborative evidence in respect of the key elements of this witness’s evidence. The various matters touched upon by Mr. Nix are points of detail which, the Court is satisfied, do not undermine her credibility on the central issues in this case. The Court finds her evidence about the taking of the vehicle and the comings and goings of John Dundon to her home, both before and on the night of the

murder, to be credible and truthful. The Court feels it can accept her evidence as reliable having regard to the significant body of corroborative evidence backing it up.

Mr. Nix suggested that the evidence of Christopher McCarthy was simply incredible. Although he had been shot at on the occasion when Mr. Aidan Kelly was killed, he said he had no idea who was shooting at him. While he accepted he got seven and a half years from the Special Criminal Court for seeking repayment of a loan, the fact that he had not appealed on his version of what occurred was astounding. He had simply said he stood around while two other men were seeking the repayment of monies due to a Mr. Bridgeman. He had received two years in Limerick Circuit Court for being in a car with ammunition in it. He had suggested he had no culpability in those particular circumstances, but did the Court believe that? He had also stated he knew nothing about immunity from prosecution in the current case, which again, Mr. Nix suggested, beggared belief because what was the point of granting such immunity if the beneficiary knew nothing about it.

The Court accepts that the defence is correct in identifying many deficiencies of character in Mr. McCarthy and his explanations of his involvement in some earlier crimes is questionable. However, in the context of the present case, such testimony as he did give about the taking of the Renault Espace and the visits by John Dundon and Barry Doyle are

credible and, as previously indicated, his account of John Dundon and Barry Doyle's association is borne out by independent evidence from garda sources and CCTV footage of events in Cruise's Street on 29th October, 2008 and elsewhere.

Mr. Nix pointed to the fact that there was a gap in the PULSE record of sightings of John Dundon following a sighting of him in Dublin on 4th November. He suggested that the gap might be significant and that the explanation offered that the typist may have hit the return button when typing in details was hard to accept. Essentially this allegation or criticism goes to the suggestion of a frame-up by the gardaí, an allegation which is totally unsupported by evidence, notwithstanding the voluminous nature of the disclosure of all garda material made to the defence in this case. The Court does not attach any sinister significance to this particular feature of the PULSE record.

Finally, Mr. Nix suggested that April Collins, her sister and Christopher McCarthy engaged in a conspiracy to do down Mr. Dundon and to concoct a case against him. Again, the Court is satisfied that this theory – for theory it is – holds no water. Having had the opportunity of hearing the three main prosecution witnesses over a number of days and of forming some estimate of their abilities, the Court is quite satisfied that the conception and implementation of a co-ordinated and fabricated account of John Dundon's involvement in the murder which took place

on 8th November, 2008 was beyond the capacity of these particular individuals. Further, the evidence of April Collins and Lisa Collins relate to quite separate segments of the factual template: nothing either of them said in evidence about their own particular roles required support from the other, a circumstance which the Court would regard as a most unlikely form of construct in a fabrication or concoction.

CONCLUSION

The Court will begin by saying it is satisfied that the Renault Espace vehicle was taken by Lisa Collins and Christopher McCarthy at the behest of John Dundon and for some purpose of his. The Court also accepts that in the period of weeks and on the night prior to the killing, John Dundon had expressed antipathy towards John McNamara. As already indicated, the CCTV footage provides corroboration for the prosecution witnesses on this aspect of the case, and the evidence of witnesses in the Clonmore Estate make it clear that it was a dark, navy blue people carrier which drove away from the estate in the immediate aftermath of the shooting and it was this vehicle which was found ablaze in a field off the Mill Road in Rossbrien some short time later. The further evidence of the discussion between Marie Carew and her neighbour at the time when her car was stolen provides corroboration for

the account furnished by the prosecution witnesses, as does the finding of the handbag in Mungret graveyard by other witnesses.

The Court is satisfied that the prosecution case to the effect that there was a close association between Mr. Dundon and Barry Doyle has been made out. This was established not merely by the main prosecution witnesses but also by that of garda witnesses and by CCTV footage of the two men together on Cruise's Street and its vicinity on 29th October, 2008, evidence of great value which must have taken hundreds of police hours to analyse and recover.

The Court accepts the evidence of April Collins in relation to what transpired in John Dundon's house on the evening of 7th November, 2008. The Court had the opportunity of observing the demeanour of this witness throughout her three days of cross-examination and found her evidence in relation to the events the evening of the 7th November and the early morning of 9th November, 2008 to be compelling and truthful. Plainly terrified of the accused, she was nonetheless steadfast in her account of what was said and what was done. She did not present herself as some sort of innocent and admitted to her own wrongdoings in the past and provided explanations when asked why she said and did certain things. She said she now lived in fear for her life and was under garda protection 24/7. She said she had come to court to tell the truth about what had happened and the Court finds her account to be well corroborated in the

form of CCTV footage from the Strand Hotel in Limerick and the mobile phone evidence at 7.28am on the morning of the 9th November, 2008.

The Court would again note that Ms. Collins was not challenged on her assertion that there was a meeting in John Dundon's house that evening, and the Court further bears in mind that there was no reason for April Collins and Ger Dundon to check into a hotel for that night and the following night other than on the basis she stated, namely, to provide an *alibi* for Ger Dundon. Nor was it ever suggested to her that the meeting in the car park of Finnegan's pub, occurring as it did at such an early hour on the morning of the murder, never took place.

The only evidence to contradict that offered by April Collins was that of Liam Casey, a witness whom the Court found to be utterly unworthy of belief. Not only did he admit involvement in crimes of the most serious nature, but admitted shooting another man with a shotgun in the leg without offering any reason why he did it. Such evidence as he gave was perfunctory and evasive. His demeanour when giving it did not inspire confidence or convey to the Court that the witness was telling the truth, indeed the opposite was the impression conveyed.

The Court further accepts the evidence from Lisa Collins and Christopher McCarthy that on the night of the murder, and following that event, John Dundon and Barry Doyle called to their home at 7, Crecora Avenue. The evidence given, to the effect that Mr. Doyle was quiet and

wearing new clothes – in itself an odd circumstance - was not in any way challenged, nor was there any challenge to the account given by Lisa Collins and Christopher McCarthy to the effect that John Dundon was excited and laughing in exultation at the killing of John McNamara.

The Court is thus satisfied, that, even treating the main prosecution witnesses as accomplices to the killing of Shane Geoghegan, but nonetheless refusing to treat the evidence of any single one of them as corroborative of the other, the truthfulness and accuracy of each individual account may be accepted as truthful and accurate by the Court, supported as each individual account is by independent supportive evidence of a corroborative nature. That evidence, taken as a whole, points overwhelmingly to the guilt of John Dundon of the offence with which he stands charged.

Having given careful consideration to all of the evidence and to each and every point raised on behalf of the accused in this case, the Court is satisfied that the prosecution has established the guilt of John Dundon in this case beyond reasonable doubt. The Court finds the accused, John Dundon, guilty.