

[UNAPPROVED]

[NO REDACTION NEEDED]



**THE COURT OF APPEAL**

[2021 No. 238]

**The President  
Edwards J.**

**Neutral Citation Number [2021] IECA 346**

**McCarthy J.**

**IN THE MATTER OF A PRISONER APPLICATION FOR AN INQUIRY  
PURSUANT TO ARTICLE 40.4.3 OF THE CONSTITUTION OF IRELAND**

**BETWEEN**

**DARREN FURLONG**

**APPELLANT**

**AND**

**THE GOVERNOR OF MIDLANDS PRISON**

**RESPONDENT**

**JUDGMENT of the Court delivered (electronically) on the 21<sup>st</sup> day of December 2021  
by Birmingham P.**

1. The appellant in this matter is presently detained in the Midlands Prison where he is serving an effective sentence of eight years imprisonment imposed on 24<sup>th</sup> October 2016 in the Central Criminal Court. He submitted a written application to the High Court seeking an inquiry into the lawfulness of his detention. The High Court (Coffey J.) concluded that the application was devoid of merit and did not warrant an inquiry pursuant to Article 40.4.2° of the Constitution.

2. It is not altogether clear what the appellant's complaint is, but it seems to be that the Rule of Court drawn up following the sentence hearing refers to Bill No. CCDP 001/2016, when in fact, the appellant says, the indictment was numbered CCDP 002/2016. The appellant has not provided a copy of the indictment to which he refers, and stated in a letter dated 14<sup>th</sup> May 2021 that he was unable to forward to the Registrar of the High Court a copy of the indictment "due to...anonymity reasons and the lack of any independent photocopier". For my part, I am not clear what is meant by this.

3. In his judgment, Coffey J. recited the fact that the applicant had entered pleas of guilty to sixteen counts of rape and sixteen further counts of sexual assault on 25<sup>th</sup> April 2016 and 17<sup>th</sup> October 2016, and was now detained in custody. The judge then referred to the fact that the applicant had asserted without evidence that the relevant indictment in respect of which he was convicted and sentenced was administratively recorded as Bill No. CCDP 002/2016, and had further complained that his detention is unlawful because the warrant by virtue of which he was committed to prison to serve the sentence had a different bill number. Coffey J. commented that there is no evidence to support this assertion, but even if there was such evidence, the defect complained of is "merely a typographical error which is readily amenable to rectification under the slip rule".

4. For my part, I find myself in agreement with Coffey J. and with his view that the application is without merit. I would dismiss the appeal.

**Edwards J:**

I have read the judgment of the President and I agree with the conclusion reached therein.

**McCarthy J:**

I have also read the judgment of the President and I agree with the decision reached.

