

**THE HIGH COURT
JUDICIAL REVIEW**

[2023] IEHC 119

BETWEEN

STEVEN PENROSE

2023/2 JRP

AND

**THE IRISH PRISON SERVICE
AND
THE DEPARTMENT OF JUSTICE**

APPLICANT

AND

RESPONDENTS

BETWEEN

**THE HIGH COURT
JUDICIAL REVIEW**

2023/3 JRP

AND

STEVEN PENROSE

APPLICANT

**THE GOVERNOR OF MOUNTJOY PRISON,
THE IRISH PRISON SERVICE
AND
THE DEPARTMENT OF JUSTICE**

RESPONDENTS

DIRECTIONS of Mr. Justice Holland delivered on 13 March 2023

1. These proceedings are applications by the above-entitled applicant, Mr Penrose, acting as a lay litigant in seeking leave to seek judicial review. Mr Penrose identifies himself as detained in Mountjoy Prison and the papers were filed in the Central Office pursuant to the written procedure made available to prisoners seeking leave to seek judicial review.

2. In proceedings **2023/3 JRP** the Statement Of Grounds is dated 5 November 2022 and is headed, in the title, "*Civil Case*". It identifies the relief sought as Mandamus. It states the grounds upon which relief is sought by the words "*See attached*". It is verified by a brief verifying affidavit, in usual form, sworn by Mr Penrose in Mountjoy Prison on 5 November 2022.

3. The attached 5-page handwritten statement is titled *“Civil Suit against the IPS”*. It commences with the words:-

“I want to lodge a civil suit against the Prison Service And the Minister for Justice. And sue them for damages for deliberately committing human rights abuses against me, making false reports to detain me in solitary confinement indefinitely, deprived of all my basic human rights, In direct violation of my constitutional rights. Misleading the High Court with false documents as to why I am detained like this and also releasing misleading false statements to various newspapers to try cover themselves for committing horrendous human rights abuses for over 10 months now since 20 December 2021.”

4. The handwritten statement continues by way of complaint of daily illegal and criminal acts and blocking outside bodies from intervening any way *“just so they can torture indefinitely”*. It is alleged that the respondents have twice blocked the applicant from *“getting into the High Court for a judicial review”* and blocked legal documents being posted to the court to obstruct his application. It is asserted that they succeeded in blocking his proceedings twice in the last ten months, *“So I have no choice but to take a civil suit against them to get the truth before a court of law and to be compensated for the suffering caused and put a stop to this illegal criminal activity by the Irish State Prison Service”*. Broadly, the handwritten statement alleges false complaints contrived by the Respondents against Mr. Penrose to provide an excuse to detain him indefinitely in solitary confinement, that the Respondents lie to the High Court and misled it as to the reason for such detainer and then tried to seize his court documents and frustrate his communication by post with the courts. It is alleged also that the respondents frustrated his communication by post with his solicitors and the Inspector of Prisons and the Department of Justice. Collusion in these acts is alleged against named officials of the Irish Prison Service and it is alleged that Department of Justice officials were fully aware of these matters.

5. In addition, it is asserted that the applicant has been assaulted by prison staff in full view of cameras. It is alleged that he was sexually assaulted by an officer with a metal detector, deprived of family visits, phone calls and video calls and that false reports were made by the Prison Service to the Garda Síochána alleging that he, the applicant, had made threats to kill and had been guilty of indecent exposure. It is further asserted that the Prison Service have hidden CCTV footage from the Garda Síochána, thereby perverting the court of justice and has unlawfully read his private correspondence and legal correspondence and, further, has deliberately obstructed his correspondence with the courts, solicitors and other independent bodies. A variety of other complaints are made - such as charging excessive prices in the prison shop by way of running an extortion racket against prisoners and breaking tiles in the showers and blaming him. General allegations are made that the Prison Service has *“developed into a lawless criminal organisation”* and allegations such as brutality and that most prison officers are constantly drunk on duty assaulting prisoners for no reason are made. This is but a sample of the many complaints made.

6. In proceedings **2023/2 JRP** the Statement of Grounds is dated 23 December 2022. On its face it seeks Certiorari, Mandamus and Prohibition. It states the grounds upon which relief is sought by the words *“Civil law suit for damages for deliberately detaining me in solitary confinement [and] committing human rights abuses against me.”* It is verified by a brief verifying affidavit, in usual form, sworn by Mr Penrose in Mountjoy Prison on 23 December 2022 referring to a “Document Attached”.

7. The attached 1-page handwritten statement is titled *“Grounding Affidavit”* though it contains no jurat. Insofar as relevant, it states the following:-

“(2) I am lodging a civil suit against the Irish Prison Service for committing human rights abuses against me, deliberately putting me through torture and inhuman degrading treatment and obstructing all my High Court judicial review applications by misleading the court and releasing lies to numerous media outlets about me. And detaining me illegally in direct violation of my constitutional rights.

(3) Relief sought from the High Court: as ordered by the court Mandamus maybe? (I’m not actually sure to be honest)”

8. It seems at least likely that proceedings 2023/2 JRP are a short form repetition of the allegations made and reliefs sought in proceedings 2023/3 JRP.

9. It may prove in due course that leave to seek judicial review should be refused in either or both proceedings on the basis that the claim for damages which Mr Penrose articulates should properly be made by Plenary process rather than in judicial review. It may prove that leave should be refused on other bases. Or it may be, of course, that leave should be granted. However I make no decision on that regard at this point. Given the nature and number of the wide-ranging allegations made by Mr Penrose and given his association of these complaints with other and imprecisely identified judicial review proceedings and having regard to what I infer to be an appreciable prospect that his allegations will be disputed as to fact in greater or lesser degree, in my discretion, I direct as follows:

- a. Pursuant to O. 84, r. 24 of the Rules of the Superior Courts, that the application for leave to seek judicial review be heard on notice to the Respondent.
- b. That, in lieu of service thereof by Mr Penrose, the papers be sent by the Chief Registrar of the High Court to the Respondents care of the Chief State Solicitor’s Office.
- c. That the Respondent shall have 4 weeks from receipt of the said papers to file any affidavit and/or other written reply to the application. Service thereof shall be effected on Mr Penrose by registered post care of the Governor of Mountjoy Prison.

- d. That a copy of these directions be sent by the Chief Registrar of the High Court to Mr Penrose by registered post care of the Governor of Mountjoy Prison.
- e. That the application for leave be adjourned to remote hearing for mention only on 17 April 2023.
- f. That the Applicant be produced to attend the hearing remotely on the adjourned date.

10. I observe that, as yet, no application has been made for the benefit of the Legal Aid - Custody Issues Scheme and it is not apparent whether any custody issue arises.

David Holland
13 March 2023