

**THE HIGH COURT  
JUDICIAL REVIEW**

**[2023] IEHC 118**

**2023 1 JRP**

**BETWEEN**

**STEVEN PENROSE**

**APPLICANT**

**AND**

**THE DIRECTOR OF PUBLIC PROSECUTIONS**

**RESPONDENT**

**DIRECTIONS of Mr. Justice David Holland delivered on 13 March 2023**

**1.** This is an application 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. The papers seeking leave to seek judicial review were stamped received in the Principal Registrar's Office of the Central Office of the High Court on 3 March 2023.

**2.** As the papers were submitted to the Central Office, they are in breach of Order 84, r. 22(2A) of the Superior Court Rules in that they name as respondent a named judge of the Circuit Court. I direct therefore that the proceedings be entitled as indicated above.

**3.** The papers filed on 3 March 2023 consist of essentially two sets of papers seeking leave to seek judicial review, but both sets clearly cover the same ground and impugn the same decision of the Circuit Judge. In the circumstances I have directed that they be considered one set of proceedings and so they have been assigned a single record number.

**4.** As Mr Penrose has recently filed other judicial review papers also and as I have re-entitled the present proceedings, to avoid confusion I record that the present proceedings relate, in essence to his complaint that, as he alleges:

- On 12 January 2022, he was before the Circuit Court at Trim as the accused in a criminal prosecution. The offence or offences with which he was charged are not identified.
- On that occasion he applied to change his plea from guilty to not guilty and the Circuit Judge allowed that change. He says, and the essence of his complaint seems to be, that that decision "*must stand*".

- The transcript of that hearing incorrectly records that the Circuit Judge, rather than allowing the change of plea, put the matter back to 14 January 2022 to allow Mr Penrose to move on that occasion, his application to change his plea.
- On 14 January 2022 at Drogheda Circuit Court Mr Penrose stood on his assertion that his change of plea had already been accepted on 12 January 2022.

In reciting Mr Penrose's complaints I make no finding in respect thereof. I also emphasise that the foregoing does not purport to be a full account of Mr Penrose's papers in this matter.

5. The papers are notably incomplete as to various matters of possible relevance to the proceedings. By way of example only, they do not disclose:

- How the matter was disposed of at the Circuit Court on 14 January 2022 and what, if any, determinations or orders were made.
- Whether the prosecution was disposed of on a plea of guilty or on a plea of not guilty.
- Whether Mr Penrose was convicted and, if so, what sentence was imposed.
- Whether the current detention of Mr Penrose proceeds from such conviction, if any.

6. Further, it seems that the present proceedings may raise factual disputes as to the alleged events of 12 and 14 January 2022. That seems especially possible given Mr Penrose asserts variance between the transcript of the hearing of 12 January 2022 and what he says were the true events of that occasion.

7. Accordingly, and 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 Respondent care of the Chief State Solicitor's Office.
- c. That the papers be sent by the Chief Registrar of the High Court to the County Registrar for County Louth in accordance with O.84 r.22(2A)(c) of the Rules of the Superior Courts.
- d. 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.
- e. 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.

- f. That the application for leave be adjourned to remote hearing for mention only on 17 April 2023.
- g. That the Applicant be produced to attend the hearing remotely on the adjourned date.

**8.** 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**