

TRIBUNAL OF INQUIRY INTO PROTECTED DISCLOSURES MADE UNDER
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MATTERS FOLLOWING RESOLUTIONS PASSED BY DÁIL ÉIREANN AND
SEANAD ÉIREANN ON 16 FEBRUARY 2017

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1921, ON 17 FEBRUARY 2017

SOLE MEMBER: MR. JUSTICE PETER CHARLETON, JUDGE OF THE
SUPREME COURT

HELD IN DUBLIN CASTLE
ON FRIDAY, 22ND SEPTEMBER 2017 - DAY 23

23

Gwen Malone Stenography
Services certify the
following to be a
verbatim transcript of
their stenographic notes
in the above-named
action.

GWEN MALONE STENOGRAPHY
SERVICES

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1 THE HEARING RESUMED ON FRIDAY, 22ND DAY OF SEPTEMBER,
2 2017, AS FOLLOWS:

3
4 CHAIRMAN: Ladies and gentlemen, first of all, I am
5 sorry for being a little bit late. An issue has arisen 10:13
6 and it concerns the privacy of other parties, and I
7 think perhaps the best thing to do would be to have a
8 brief hearing and I am afraid it will have to be in the
9 absence of the press and public. We will set the time,
10 but this afternoon. There it is. In the event that no 10:13
11 privacy issue arises of course we will put up the
12 transcript in the ordinary way, but there it is.

13 MR. MCGUINNESS: The first witness, sir, today, is
14 Inspector Goretta Sheridan.

15
16 INSPECTOR GORETTI SHERIDAN, HAVING BEEN SWORN, WAS
17 DIRECTLY EXAMINED BY MR. MCGUINNESS:

18 1 Q. MR. MCGUINNESS: Inspector Sheridan, could I just ask
19 you to outline your career to date in An Garda
20 Síochána; when did you join and were then attested? 10:14

21 A. I joined An Garda Síochána in August 1993. My first
22 station I went to was Shankill. I spent approximately
23 six years in Shankill, where I worked on the drug unit
24 in Shankill -- or the drug unit in Dun Laoghaire and
25 Bray. I did undercover with the Garda National Drug 10:15
26 Unit. During that time I would have been one of very
27 few female members, Judge, and anything to do with
28 women or children at that time was given to female
29 members, and I would have had vast experience starting

1 off from then throughout my service in relation to
2 dealing with women and children.

3 2 Q. Inspector Sheridan, could I just ask you that you move
4 slightly closer to the microphone, thank you very much.

5 A. In July 2000 I transferred to the Garda National
6 Immigration Bureau and part of my role within that
7 bureau was working on Operation Quest, which was
8 dealing with victims of prostitution and trafficking.

9 From there, I got promoted to the rank of sergeant and
10 I went to Rathfarnham for a short time, spent

11 approximately eight years then in Tallaght Garda
12 Station where I was in charge of the Community Garda
13 Policing unit for three years and over four years in
14 charge of the drug unit there. From that then I got

15 promoted to the rank of inspector in April 2013, and I
16 transferred then to Letterkenny. And I am an inspector
17 involved in all aspects dealing with resources,
18 etcetera, within the district. I prosecute in the

19 local district courts in Donegal. I am the liaison
20 officer for the Sexual Assault Treatment Unit, the
21 Women's Refuge and the Rape Crisis Centre. I have been
22 instrumental in setting up a sexual assault

23 investigation unit in Letterkenny district which is
24 probably the only one of its kind in the country, at a
25 district level, Judge, and that is probably a step

26 ahead of the other divisional units that are being set
27 up around the country, Judge. So that is my experience
28 to date.

29 3 Q. And are you a native of Donegal?

1 A. Yes, that's correct, yes.

2 4 Q. And I think prior to your transfer in April 2013 you
3 had never obviously served there, is that right?

4 A. That's correct. All my service was in Dublin prior to
5 that. 10:16

6 5 Q. And when you transferred there, Letterkenny, had you
7 any knowledge of Garda Keith Harrison?

8 A. Absolutely no knowledge.

9 6 Q. Had you ever met him?

10 A. No, Judge. 10:17

11 7 Q. Had you any knowledge of Marisa Simms?

12 A. No, Judge, I had never met -- I had never met either
13 party.

14 8 Q. And had you any knowledge of her brother, Martin
15 McDermott, or her extended family? 10:17

16 A. Judge, I had knowledge, I suppose, through the media in
17 relation to Garda Gary McLoughlin and I suppose pending
18 the prosecution of Martin McDermott, but I didn't know
19 either Garda Gary McLoughlin or Mr. McDermott or
20 anybody in the Donegal division. 10:17

21 9 Q. Now, you weren't obviously in Donegal at the time of
22 the transfer of Garda Harrison to Buncrana or from
23 Buncrana to Donegal?

24 A. No, Judge.

25 10 Q. Did you know of that or any of the circumstances 10:17
26 relating to that?

27 A. Judge, as I say, I knew absolutely nothing about Garda
28 Harrison.

29 11 Q. Well, this is what I am just keen to get your evidence

1 on. Had you received any instructions in relation to
2 Garda Harrison on your transfer there, from any
3 officer?

4 A. Absolutely no instructions whatsoever.

5 12 Q. You had no instruction to pay special attention to him 10:18
6 in any respect?

7 A. No instruction to pay special attention to anybody.
8 There was absolutely nobody mentioned in particular
9 within the district or within the division.

10 13 Q. Now, you were based in Letterkenny from April 2013 10:18
11 onwards?

12 A. That's correct.

13 14 Q. And could you just explain to the Tribunal the
14 structure in the station there when you arrived in
15 terms of the hierarchy of officers, etcetera? 10:18

16 A. When I arrived in April 2013, Superintendent O'Brien
17 was the superintendent there. He subsequently retired
18 in May and I think he only worked maybe four or five
19 days in between April and May. There were two other
20 inspectors there, Inspector David Kelly and Inspector 10:18
21 Michael Harrison. The chief at the time was Chief
22 Superintendent Terry McGinn, as far as I remember, yes.

23 15 Q. Now, what was your first dealing in any respect or
24 knowledge of any issue relating to either Garda Keith
25 Harrison or Marisa Simms? 10:19

26 A. Judge, the first dealings that I had with Garda Keith
27 Harrison was on, towards the end of May 2013, Sergeant
28 Aidan Doherty sent up a report to the district office
29 and at that stage we had no superintendent,

1 Superintendent O'Brien was retired, and he just
2 outlined that Garda Harrison was involved in a road
3 traffic collision, I think on 17th of May, which
4 initially was treated as a normal road traffic
5 collision. There was injury caused to the other party 10:19
6 in the accident --

7 16 Q. Yes.

8 A. -- but that they just got information that morning that
9 that gentleman, the injuries were much worse and that
10 he suffered, I think, broken bones in his neck or 10:19
11 something. So, I just forwarded the report in my
12 capacity as the acting district officer over to the
13 chief's office at that stage.

14 17 Q. Okay. And were you aware or involved in whether that
15 required a section 102 referral? 10:19

16 A. I didn't know anything about section 102 at that stage,
17 but I know it was referred to GSOC because soon after I
18 had phone calls from GSOC looking for me to provide
19 statements of evidence from the members involved, and I
20 also had to organise to have PSV inspections carried 10:20
21 out on the other gentleman's car, which was in
22 Letterkenny, and Garda Harrison's car that was in
23 Wexford for some reason. But I got PSV officer in
24 Wexford to carry out an examination of his car. And
25 also the forensic collision investigator wasn't at the 10:20
26 scene at the first day of the accident, because it
27 wasn't perceived to be a serious accident, but the
28 forensic collision investigator did go down afterwards
29 just to do a speed check and to do as much as he could

1 do in the absence of an official scene.

2 18 Q. So you were just involved to that extent?

3 A. Yes, that's correct, Judge.

4 19 Q. You didn't make the referral yourself?

5 A. No, Judge, no. I just sent the report over to the 10:20
6 divisional office.

7 20 Q. Okay. And had you seen any previous report that
8 Sergeant Doherty had made in relation to any incident?

9 A. No, Judge, I had absolutely no knowledge. It was as
10 simple as that; a member involved in a road traffic 10:21
11 collision.

12 21 Q. Right. Okay. And now, for instance, would you have
13 put that in on Pulse?

14 A. No, the incident would have been created on Pulse by
15 Garda Hynes, who -- I think he attended the scene and 10:21
16 would have spoken to Garda Harrison there, and then
17 that incident then -- like, I would have no
18 involvement, I would have no need to go near Pulse,
19 that would be up to Garda Hynes to update it, the
20 category perhaps or whatever. 10:21

21 22 Q. Okay. Well, what was your next involvement or
22 knowledge of anything to do with Garda Harrison?

23 A. My next involvement then was in October, the 1st
24 October -- 2nd of October actually, Judge. I came into
25 work and I had received an email, I know it was -- I 10:21
26 can't recall did I get it at night-time on the 1st of
27 October from Sergeant Collins or whether I got it when
28 I came into work on the morning. Because I know I can
29 access my emails on my phone now but I don't know if I

1 recollection, I could be wrong about that. I had a
2 discussion with himself and Chief Superintendent McGinn
3 in relation to the contents of the reports from
4 Sergeant Collins and from Garda McMahon.

5 29 Q. Well, just to be clear, did you also receive a report 10:23
6 from Sergeant Collins in relation to the matter?

7 A. I can't remember did he give me a hardcopy of it
8 because he was in the station that day or whether he
9 forwarded -- it came by email along with Garda Mahon's
10 report that was emailed. 10:24

11 30 Q. Okay. Well, you say in your statement you received an
12 email from Sergeant Collins. At page 847 there is a
13 copy of that email, which appears to have been sent on
14 the 1st of October, and he says:

15
16 "Attached report relating to my phone conversation with 10:24
17 Paula McDaid this evening. As per conversation with
18 Sergeant McGowan, I will be in Letterkenny Station
19 tomorrow as I have to attend a HSE meeting.
20 Accordingly, I will speak with Inspectors Kelly and 10:24
21 Sheridan with regard to this matter. Hardcopy of this
22 report will then be handed in person to both
23 inspectors."

24 A. Yes, possibly I got both.

25 31 Q. Yes. But I take it you read Sergeant Collins' report? 10:24

26 A. Yes, yes, I did read it. I read both reports.

27 32 Q. And did you have a conference with the two other
28 members, Sergeant Collins and Inspector Kelly, about
29 both reports?

1 A. No, Judge. No, Judge. The first, I suppose,
2 discussion that I had about it was with Chief
3 Superintendent McGinn and Sergeant Collins.

4 33 Q. You see, the first report from Garda Mahon obviously
5 refers explicitly to this threat to burn her and her 10:25
6 child and bury her, and presumably you regarded that as
7 serious?

8 A. Absolutely, yes, Judge.

9 34 Q. And the second report again which emanates from a
10 conversation with Paula McDermott, refers to an 10:25
11 incident earlier that day where Marisa was said to have
12 called to the house to collect clothes, and Keith
13 Harrison is recorded in the report as having asked her
14 if she had reported the threats. Did you take that to
15 relate to the threat to burn? 10:26

16 A. Absolutely. I think that was the only mention of a
17 threat, between the two reports that was the one threat
18 that was highlighted.

19 35 Q. It's reported there that he was crying and begging her
20 not to report. Now, it also details then a 10:26
21 conversation that Sergeant Collins had with Paula
22 McDermott about the matter which referenced her
23 wedding. Had you any prior knowledge of the wedding
24 that was due to take place?

25 A. Judge, I had no knowledge. I had been off work and I 10:26
26 came back on the 30th September to prepare for
27 prosecuting in the District Court on 1st of October, so
28 I knew nothing about any wedding coming up until the
29 2nd October.

1 36 Q. Okay. Sergeant Collins records there that he had "no
2 doubt that threats were made but he believed that
3 Marisa Simms is not intending to make a complaint about
4 the same and her sister is using the situation to her
5 advantage with regard to preventing any scene or 10:27
6 situation at her wedding." Did he discuss that with
7 you?
8 A. I don't believe so. And to be honest, regardless of
9 what Sergeant Collins thought, if there was a risk or a
10 threat to any child, regardless of what any guard 10:27
11 thought I would see it as a threat to the child as
12 opposed to what any guard thought about it.
13 37 Q. Well, you obviously spoke to Chief Superintendent
14 McGinn and was Sergeant Collins there at the same time?
15 A. Yeah, I think we met either in the corridor or in the 10:28
16 public office.
17 38 Q. Pardon?
18 A. We met either in the corridor or in the public office.
19 39 Q. Yes.
20 A. And Chief Superintendent McGinn highlighted that these 10:28
21 reports were in and she directed me to go out and speak
22 to Rita McDermott because she had knowledge that Rita
23 McDermott, the mother of Marisa, had aired concerns
24 before to Sergeant David Durkin in Donegal Town in
25 relation to the behaviour of Garda Keith Harrison. 10:28
26 40 Q. Yes. Well, was there consideration given at that time
27 to approaching Marisa Simms directly? Why decide to go
28 to her mother first?
29 A. Well, I think the information -- Paula wasn't willing

1 to make a statement in relation to the threats. I know
2 there had been prior reports that say that they only
3 came to light, let's say, on that day from David
4 Durkin, but I suppose we were -- like, with victims of
5 domestic violence or perceived victims of domestic 10:29
6 violence or assaults, sometimes you will go through a
7 third party to see are they willing --
8 MR. HARTNETT: I wonder would the witness slow up
9 somewhat, I am finding it difficult to follow.
10 A. Judge, this was a case of obviously threats to 10:29
11 children. It was our belief that those children were
12 at risk. We thought that if Paula was not willing to
13 commit it to paper, so we believed it was appropriate
14 to go out and speak to her mother then to see if she
15 had further information that would assist us in 10:29
16 exploring these alleged threats to those children.
17 41 Q. MR. MCGUINNESS: Okay. And did you know Rita
18 McDermott? Had you ever met her at that point in time
19 or spoken to her?
20 A. No, I didn't know Rita McDermott. But I think from 10:29
21 talking, Sergeant Collins used to work in Raphoe and he
22 was familiar with the area and familiar with -- he had
23 spoken to Rita McDermott before or certainly had
24 dealings with her before.
25 42 Q. He had spoken to her before, he said? 10:30
26 A. Just not in relation to this, I don't believe, but in
27 relation just from being stationed in Raphoe.
28 43 Q. Yes. You say in your statement "Sergeant Collins
29 contacted Rita McDermott on her mobile and made

1 arrangements to call out to her"?

2 A. Actually, that was -- I thought that, but anyway, it
3 was a cold call. As somebody mentioned yesterday, we
4 did just drive out to Raphoe. It was a cold call, we
5 just drove out to Raphoe to see was she at home. And 10:30
6 we called to her home address first and there was
7 nobody there and then we went down the town into Raphoe
8 and down to St. Eunan's Terrace and I was driving my
9 own car, and it was either a black Honda or a blue
10 Honda, I can't remember which, and we drove down past 10:30
11 Rita McDermott's mother's house and we turned and we
12 came back up and Sergeant Collins got out of the car
13 and introduced himself or spoke to Rita McDermott.

14 44 Q. Did Sergeant Collins know where Rita McDermott's
15 mother's house was? 10:31

16 A. Oh, yeah. Absolutely, yeah.

17 45 Q. Okay. Now, he didn't go up to her house or approach
18 her mother's house; Rita McDermott was in a car, is
19 that right?

20 A. That's correct. When we went to her home, to her own 10:31
21 house, there was nobody at home, and then we just went
22 into -- he says, sure, she may be down at her mother's
23 house, so as we drove down past her mother's house,
24 turned the car to come back up again, Rita McDermott
25 was actually after pulling in with her mother outside 10:31
26 her mother's house.

27 46 Q. Did you hear any conversation or did you have any
28 conversation yourself with Rita McDermott at that point
29 in time?

1 A. Well, I was sitting in the car and I think I pulled up
2 alongside her then and 'Hello, how are you?' and
3 Sergeant Collins was saying 'This is Goretta Sheridan,
4 she is an inspector in Letterkenny'. And like, from my
5 recollection, I could have had a jacket over -- I 10:31
6 probably, if I am driving my own car I would have had a
7 jacket over my uniform, so there was -- there was
8 nothing I didn't think --

9 47 Q. Did you hear any conversation between Sergeant Collins
10 and Rita McDermott? 10:32

11 A. Yeah. Well, I think he just introduced himself. 'How
12 are you Rita? How are you getting on?' And to me,
13 Rita McDermott knew him. That was my perception of it.

14 48 Q. All right.

15 A. And he said, we are just out to talk to you about 10:32
16 Marisa.

17 49 Q. Yes.

18 A. Well, he didn't say -- Garda Keith Harrison.

19 50 Q. Was there any discussion or suggestion by you or
20 suggest Collins about taking her down to the station or 10:32
21 where you might go to have --

22 A. No. Rita was very -- she was grand. She said, just
23 head up to the house there, I'll meet you up there in a
24 couple of minutes. And it wasn't that she had to tell
25 us where she was living, she knew that James knew where 10:32
26 she lived and it was as simple as that. We'll head up
27 to the house.

28 51 Q. Okay. Did she invite you into her house?

29 A. Absolutely, yeah.

1 52 Q. Okay. And did she seem flustered to you or did she
2 seem sort of --
3 A. No, I found Rita to be very personable and chatty and
4 there was absolutely nothing -- there was nothing
5 untoward about it. And I went and the first thing was 10:33
6 to put on the kettle for tea or coffee.
7 53 Q. Okay. Well, you came to take a statement from her, but
8 was she willing to make a statement?
9 A. Well, I don't think -- like, we were going out to talk
10 to her to see like what's going on here and did she 10:33
11 have anything else to offer what we had heard from
12 Paula.
13 54 Q. Yes.
14 A. And no, she spoke about a number of matters, and then
15 we asked her did she want to make a statement about it 10:33
16 and she did. We didn't go in saying we have to get a
17 statement from you about Keith Harrison, it was just
18 she discussed -- like, with taking any statement, she
19 discussed a few matters and then we recorded a
20 statement from her. 10:33
21 55 Q. Yes. Now, the statement has been read in full
22 yesterday?
23 A. That's correct, yeah.
24 56 Q. And I think you took the handwritten notes that became
25 the statement? 10:33
26 A. That's correct.
27 57 Q. And did you read it over to her?
28 A. Absolutely, Judge.
29 58 Q. And did she sign it and sign each page of it?

1 A. She did, yes.

2 59 Q. Okay. Did she make any corrections?

3 A. I don't actually -- I don't think she did. I don't

4 think there's any corrections in that particular

5 statement. I will just double-check. 10:34

6 60 Q. Yes.

7 A. I have the original here.

8 61 Q. Yes.

9 A. I will just double-check the original. She did make a

10 correction, Judge, on page 2, third line of page 2 of 10:34

11 the original statement.

12 62 Q. Yes.

13 A. She made three corrections, Judge, to that statement.

14 63 Q. Now, did she speak freely about the troubles that she

15 believed were evident between Keith and her daughter? 10:35

16 A. Absolutely, there was -- there was no barriers there.

17 She was very willing to talk and she was, to me, a

18 mother who had genuine concerns about her daughter's

19 well-being and the well-being of her grandchildren and

20 she did perceive Garda Harrison as behaving in an 10:35

21 inappropriate manner towards her daughter and that, I

22 suppose, things had escalated in the last while and

23 that these threats to her grandchildren were probably

24 the tip of the iceberg.

25 64 Q. Did you discuss with her your desire to have Marisa 10:35

26 Simms make a statement?

27 A. Yes, Judge, that was discussed with her, that obviously

28 most of what we were hearing from Paula McDermott was

29 hearsay and obviously to carry out any investigation we

1 would need to get the cooperation of Marisa to make her
2 statement, and she undertook that she would contact
3 Marisa. I gave her my mobile number and I said if she
4 wants she can contact me on that number, and that
5 was --

10:36

6 65 Q. And you gave her your mobile number?

7 A. That's correct, yes.

8 66 Q. With the intention of what?

9 A. Well, Rita to furnish that number to Marisa and give
10 her the opportunity to contact me if she wished to make
11 a statement about Garda Harrison. 10:36

12 67 Q. Okay. Now, that was the 2nd of October. Were you
13 expecting that she would phone you before the wedding?

14 A. Well, I honestly wasn't sure. Paula had indicated that
15 she wouldn't make a statement prior to the wedding. 10:36
16 Rita didn't -- I don't know if she dwelled on that or
17 not, but she certainly was going to be proactive in
18 contacting Marisa and asking her to contact me, and
19 that is why I gave her the number. But I suppose the
20 key concern for all parties, myself and Sergeant 10:37
21 Collins and Rita, were the welfare of the children.

22 68 Q. Yes. And presumably Marisa Simms.

23 MR. HARTNETT: If the witness would slow slightly, even
24 with the help of the read out we are finding it
25 difficult to follow. 10:37

26 CHAIRMAN: Yes, don't worry, just take a breath between
27 sentences, inspector, thanks.

28 A. I will try.

29 69 Q. MR. MCGUINNESS: In any event, you reported back

1 immediately to Chief Superintendent McGinn, is that
2 right?

3 A. Well, not immediately. We took the statement, it was
4 evening time but I went back to Letterkenny Garda
5 Station, and yes, let her know that -- I probably 10:37
6 phoned her, I don't know, to say that I had taken a
7 statement from Rita McDermott and that we had, I
8 suppose we had more information as well as Paula's oral
9 concerns, that she didn't commit to writing, we now had
10 a written statement, again hearsay, but we had a 10:37
11 written statement from Rita McDermott.

12 70 Q. Did you furnish that to anyone on that evening?

13 A. No.

14 71 Q. Okay. Did you brief anyone else on its contents?

15 A. I don't believe so, no. 10:38

16 72 Q. Okay. And can I ask you for your assessment, was it
17 your assessment that Rita McDermott wanted Marisa to
18 make a statement and was trying to facilitate Marisa in
19 that regard?

20 A. Yes, 100 percent I think Rita was -- she was very 10:38
21 concerned and her belief, or what I took from her, was
22 that Marisa would make a statement.

23 73 Q. Okay.

24 A. And that she wanted to make a statement, and that was
25 certainly -- she was a victim. 10:38

26 74 Q. But apart from what is in the statement, and you
27 mentioned there, you know, other concerns that you
28 didn't record, as such, but did she ever mention at any
29 stage any concern for Keith Harrison and getting him

1 counselling or was her concern entirely focused on
2 Marisa Simms and her children?

3 A. Judge, she didn't mention anything about counselling.
4 She mentioned that he had anger management issues, that
5 I think emanated probably from his drinking, that is 10:39
6 what I understood from her. That it was when he was
7 drinking that -- and again, she appeared to be saying
8 that is from -- she didn't give any specific dealings,
9 she said that it was kind of a general comment in
10 relation to his drinking. 10:39

11 75 Q. Okay. But was there anything said by her to alert you
12 to the fact that, you know, it could be all put right
13 if his superiors spoke to him or intervened in some way
14 in the matter?

15 A. No, definitely not. No. 10:39

16 76 Q. Now, I think you had further contact with Rita
17 McDermott the next day, is that correct?

18 A. Yeah, I rang Rita the following day, just I suppose to
19 ask by way of follow-up had she spoken to Marisa and
20 she said she had, and that Marisa was willing to make a 10:40
21 statement and that she had furnished Marisa with my
22 phone number.

23 77 Q. Okay. And did she confirm that in a text to you or in
24 a phone call?

25 A. It was -- that was a phone call with Rita McDermott. 10:40

26 78 Q. And did you text -- did you text Marisa then?

27 A. Yes, Judge. Can I just refer to the phone records,
28 Judge?

29 79 Q. Yes. Perhaps we would look at, it is page 1586 of our

1 books. And if we go on to page 1587. Do you see a
2 text there?

3 A. Yes, Judge. At 1:31pm -- Judge, I actually think that
4 Marisa's phone records are out by one hour, but I am
5 only thinking that from the night that she text me when 10:41
6 she got home.

7 80 Q. I am sorry, why do you say that?

8 A. From the night after we took the statement from her she
9 text me when she got home and from that I think maybe
10 the phone records are out by one hour. 10:41

11 81 Q. Okay.

12 A. You know, but that is -- but regardless, on the 3rd of
13 October, which was the Thursday, I texted Marisa at
14 13:31 and I said: "Marisa Goretti Sheridan here in
15 Letterkenny Garda Station. Will you give me a call, 10:42
16 please?"

17 82 Q. Okay. And do I understand it correctly, you had called
18 her and texted her because her mother, Rita McDermott,
19 had confirmed to you over the phone that she had given
20 your number to her and that she was willing to speak to 10:42
21 you, is that right?

22 A. That's correct, yes.

23 83 Q. Okay. And did you then speak to her? She phoned you
24 back I think?

25 A. She phoned me back approximately 20 minutes later and 10:42
26 we spoke for seven minutes and 21 seconds on that
27 occasion.

28 84 Q. Yes. Now, that wasn't recorded in any way, but could
29 you give the Tribunal an account of that conversation

1 to the best of your recollection?

2 A. Yeah. Judge, to the best of my recollection, obviously
3 I introduced myself and how we came to be talking
4 about --

5 85 Q. Could you just take it slowly if you wouldn't mind, 10:43
6 inspector?

7 A. Right. I spoke to her, Judge, in relation to the
8 concerns raised by her mother, Rita. I didn't mention
9 Paula because I was conscious that Paula didn't want
10 her name in the mix and her wedding was coming up. And 10:43
11 she, Marisa did inform me that she had issues with
12 Keith and that she was willing to make a statement.
13 She was, I suppose, betwixt and between. You know, she
14 was in two minds because she was conscious that he was
15 a member of An Garda Síochána, number one; and she just 10:43
16 didn't know whether she was coming or going, to be
17 honest. So I explained the options to her. She had
18 the wedding coming up the next day, which was her
19 sister Paula's wedding on the Friday, she was
20 bridesmaid and, like, any bridesmaid she was busy the 10:43
21 day before the wedding. She spoke about her children
22 and it was literally: There is no pressure on you, you
23 speak to me when it suits you to speak to me.

24 86 Q. Well, you say you explained the options to her. Could
25 you just expand on that, please? 10:44

26 A. Well, I highlighted the concerns that obviously
27 whatever went on between herself and Keith is one thing
28 but when there's children present, when there's threats
29 made in front of children, it's a bigger concern and

1 obviously --

2 87 Q. Did you say this to her?

3 A. Yes, I did, yes. And that was the main instigator.

4 Because there was nobody else pushing any involvement

5 until -- between Marisa and Keith, until this issue 10:44

6 with the children arose. And that was the concern. I

7 did say that to her about her children. But at that

8 stage she was down in Annagry with her sister Paula

9 with the children, and, like, I was satisfied they

10 weren't at risk at that stage. 10:44

11 88 Q. She told you they were down with her at Paula's?

12 A. Yeah. She told me that she was down there and they

13 were getting sorted for the wedding the next day.

14 89 Q. Yes. Just to be clear, you have referred there to

15 issues of threats. Did you have any discussion 10:45

16 explicitly concerning a threat that had been reported

17 to you, i.e. a threat to burn her and the kids, was

18 there any mention of that specific threat?

19 A. I can't remember if -- I most likely did, but I can't

20 remember specifically saying that he threatened to 10:45

21 burn, burn you out or bury you. I couldn't put my hand

22 on my heart here today and say that I definitely said

23 that to her, but I certainly mentioned threats in front

24 of the children.

25 90 Q. Well, did she say anything about making a statement or 10:45

26 the probability of making a statement?

27 A. She said she would make a statement but not until after

28 the wedding. And I appreciated that because obviously,

29 like, she is a victim here and I am not going to be

1 pressurising her into making a statement, just because
2 I want a statement or I need a statement. Like, it's
3 her prerogative to decide if she wants to make a
4 statement or not.

5 91 Q. Yeah, but did she say anything about Garda Harrison and 10:46
6 the wedding?

7 A. Judge, during that first conversation, she discussed a
8 number of issues and obviously that this thing that he
9 had -- she had been at the hen party with Paula and
10 that he had actually contacted the hotel and inquired 10:46
11 about getting footage or photographs from the hotel,
12 which was, we both agreed, a bit odd. And in actual
13 fact she did mention at that stage that Keith wasn't
14 invited to the wedding and he was mad because he wasn't
15 invited and that Andrew Simms was going and I suppose 10:46
16 that was a bigger -- that was a bone of contention for
17 him.

18 92 Q. That was what?

19 A. A bone of contention for him, because Andrew Simms was
20 going to the wedding and he wasn't. 10:46

21 93 Q. And I take it you knew obviously at this point that
22 Andrew Simms was her husband from whom she was
23 separated?

24 A. Yeah. She told me that as well at that time.

25 94 Q. And was she trying or did she say that Keith was sort 10:47
26 of jealous of this or was suspicious of this or fearful
27 of this or --

28 A. Just, it was a bone of context. He wasn't happy. He
29 was not being invited to the wedding and her ex-husband

1 was. Now, from talking to Marisa, there was nothing
2 between her and Andrew. It was just, he was the father
3 of her children and that was it. There was no threat
4 there to Keith.

5 95 Q. Did she say anything about the state of their relations 10:47
6 and leaving the house or --

7 A. I can't remember specifically, Judge. She spoke about
8 a number of incidents. I think she mentioned the phone
9 calls, this persistent phoning and texting and since
10 she had left the house that it was -- this was going 10:47
11 on, he was ringing and texting her all the time.

12 96 Q. Well, is it a case of her describing it in that way,
13 that she left the house, or did she ever say to you
14 whether she had been put out of the house?

15 A. At that point I can't say. Again, I couldn't put my 10:48
16 hand on my heart and say that she said at that point
17 that he had thrown her out of the house, but there were
18 certainly the issues at the house and that she had left
19 as a result of the threats on 28th of September.

20 97 Q. And you seem to have had a second phone call with her 10:48
21 shortly afterwards, according to the log, where she
22 phoned you back slightly later in that afternoon?

23 A. Yeah, and I presume it's that point I was seeking
24 clarification on her. I rang her at 2:10pm and then
25 she rang me back at 2:51. 10:48

26 98 Q. You spoke for another couple of minutes, it would
27 appear there?

28 A. Yeah.

29 99 Q. And can you recollect specifically what that

1 clarification was that you were seeking?

2 A. I don't remember specifically, but I suppose later in
3 the day I am asking her to clarify in relation to the
4 date that they were in the Westport Hotel, so perhaps
5 at that point I am just clarifying a few points in 10:49
6 relation to what she raised.

7 100 Q. Mmm. In relation to that issue about the Westport
8 Hotel, did she describe that in any way or was she --
9 what sort of a view did she express to you about why he
10 was doing that or would she regard it as normal? 10:49

11 A. She certainly didn't regard it as normal. You know,
12 she was going on a hen party and he didn't trust her
13 going to the hen party, and that he was trying to find
14 out what she was doing at this hen party. And she said
15 she was just away on a hen party with her sister and he 10:49
16 didn't want her to go, he didn't want her to be
17 bridesmaid with her -- bridesmaid for her sister. So
18 that was another bone of contention.

19 101 Q. Okay. Now, you seem to have sent a text to her later
20 there at half six in the evening, and had she not 10:49
21 remembered the name of the hotel or had you not
22 recalled the name of the hotel or the date or --

23 A. I just think -- I don't know, between the three of us,
24 maybe I didn't record it or she didn't remember, I
25 don't know, but I just text her: "Marisa, when you are 10:50
26 free will you text the date you were in Westport and
27 the name of the hotel for them? This is Goretta
28 Sheridan." So, like, she mentioned a number of matters
29 but I suppose that was one that I just sought

1 clarification on. And she didn't come back to me on
2 that and I didn't press it because I was conscious that
3 she was getting ready for the wedding the next day.

4 102 Q. Now, we will come to it in another context, but did you
5 become aware on the next day, on the 4th, that a death 10:50
6 threat had been communicated to the Gardaí and relayed
7 on at some stage in the evening to Garda Harrison?

8 A. Not on the 4th, no. Judge, I was acting district
9 officer in Milford on the 4th of October and I would
10 have finished work around 5:00 or 6:00 so I wasn't 10:51
11 aware, no.

12 103 Q. Okay. Well, you appear to be back on duty on the 6th,
13 is that right, or the 5th?

14 A. The 5th. On the Saturday the 5th then I am back
15 working in Letterkenny and at that point then I become 10:51
16 aware of the threat, the phone call into Letterkenny
17 Garda Station and the threat on Garda Harrison.

18 104 Q. Okay. You appear to have tried to call her on the
19 following morning after half ten in the morning, is
20 that right? 10:51

21 A. That's correct, Judge, yes.

22 105 Q. And why were you phoning her now, the day after the
23 wedding?

24 A. Judge, it was in relation to the threat, that I was
25 after getting word about the threat. And again, that 10:51
26 is 10:34 and I think it might have been 11:34, but
27 regardless, that morning anyway I became aware of the
28 threat on Garda Keith Harrison. And that was coming
29 from, both in Letterkenny and Sergeant Fergus McGrory

1 in Milford.

2 106 Q. I am sorry, I missed the last bit?

3 A. It was coming from -- when I came into work in
4 Letterkenny it was coming from within Letterkenny Garda
5 Station and then I think it was Sergeant McGrory in 10:52
6 Milford. Perhaps Pat O'Donnell, the detective
7 inspector was on duty that day, but I became aware
8 anyway that there had been a threat on Garda Harrison.

9 107 Q. But you spoke to Marisa in any event, she phoned you
10 back and you appear to have phoned her back then? 10:52

11 A. Yeah. I think that was just a case of she rang me and
12 I said I will call you back, you know like, to save her
13 credit.

14 108 Q. Okay. And you seem to have spoken for close to seven
15 minutes. What was the content of that conversation? 10:52

16 A. We discussed, I suppose, it was about the threat this
17 time around and she had said that he had contacted her,
18 he had contacted the hotel looking for her and he had
19 been ringing and texting her on the mobile also and
20 begging her to come back, and if she cared about him 10:53
21 she would have left --

22 109 Q. Pardon?

23 A. If she cared about him she -- if she cared about him
24 she would have left the wedding and went home to him in
25 Churchill. 10:53

26 110 Q. I am not suggesting he was using the threat, but he
27 certainly told her about the threat and wanted her to
28 come back, is that right?

29 A. Yeah, it was my understanding that he was -- he rang

1 her a lot and I think that is evidenced in the phone
2 records between Keith and Marisa, that there's a lot of
3 contact on the night of the threat and the following
4 day.

5 111 Q. Okay. Well, how was Marisa Simms on this morning when 10:53
6 you spoke to her?

7 A. She was grand. I suppose, like, we had a general
8 conversation about the wedding as well. The wedding
9 went well but I suppose there was a lot of stuff going
10 on for her. And for me, I suppose, I kind of felt she 10:53
11 didn't get a chance to even enjoy the wedding because
12 this was going on in the background. And we discussed
13 then about whether she was going to make a statement or
14 not and she was wholeheartedly going to make a
15 statement. 10:54

16 112 Q. Okay. Had she any reservation about --

17 A. No, absolutely not.

18 113 Q. Were you pressing her to come in?

19 A. No, I have, as I have explained, I am 24 hours in the
20 guards, and at that stage 20 years in the guards, I 10:54
21 would never pressurise anybody into making a statement.

22 114 Q. She has suggested, as you have seen in her statements,
23 that she was being sort of pressured to come in and
24 that you said to her the superintendent wants a time
25 and a date? 10:54

26 A. That is totally incorrect. And I know she said that I
27 bombarded her with calls, it's evident -- like, the
28 phone records show she was not bombarded with calls and
29 I might have initiated a first contact, but she always

1 questions asked about why we went to the
2 superintendent's office. We had no superintendent so
3 it was probably -- well, number one, probably the
4 tidiest office in the station. Number two, it was off
5 the beaten track and on a Sunday the station would be 10:56
6 relatively quiet upstairs anyway because we have no
7 clerical staff. If it had have been a Monday or
8 Tuesday we would have went somewhere else.

9 120 Q. Okay. Did you see anyone accompany her to the station?
10 A. No, no, I didn't. 10:56

11 121 Q. Did you see Paula in the vicinity at the time?
12 A. No, no. It was my belief that she arrived on her own.

13 122 Q. Well, did you see her at the front office or at the
14 front door?
15 A. Just downstairs at the front office, yeah. 10:57

16 123 Q. Okay. At that point in time had you any idea what she
17 might say to you?
18 A. No idea. I certainly wasn't expecting to get a litany
19 of events from December 2010 until October 2013. I
20 think, I suppose, the key one was, I suppose this 10:57
21 indication that she was threatened in front of her
22 children. Her children were threatened on the 28th of
23 September, so I suppose that was my belief, that it
24 was --

25 124 Q. Were you trying to get evidence of that or what was 10:57
26 your objective?
27 A. Well, first of all, to find out what actually happened
28 and what was the risk to -- or to assess, as I say, the
29 risk to the children and that was I suppose anybody's

1 key concern in relation to any relationship, are the
2 children. But to find out what was going on with Garda
3 Harrison also.

4 125 Q. Okay. Now, I note from your statement you contacted
5 Sergeant Brigid McGowan from Kerrykeel Garda Station -- 10:58

6 A. That's correct, yes.

7 126 Q. -- the previous day?

8 A. Yes.

9 127 Q. What expertise had she in the matter?

10 A. Sergeant McGowan, well, I suppose she is a female 10:58
11 sergeant number one. But, number two, she's stationed
12 in the Milford district on that occasion, and I know
13 now she's the HSE liaison sergeant, I am not even sure
14 I knew that on the day that I contacted her or
15 whether -- but anyway, regardless, I suppose it was 10:58
16 just to have number member present while I was taking
17 the statement.

18 128 Q. You see, you have emphasised in a number of your
19 answers about the protection of the children and the
20 potential risk, etcetera, but had you got that in mind 10:58
21 when you were getting Sergeant McGowan in?

22 A. Well, like, as I said, I don't know if -- I think it
23 was Sergeant McGowan, because she is a female member
24 and she is stationed in the district where they live,
25 and I can't be sure -- like, she is the HSE liaison 10:59
26 guard, whether I considered that I don't know, but as
27 somebody helping me to take the statement, I think it
28 was -- you know --

29 129 Q. Is she the liaison officer for that area or that

1 division?

2 A. Yeah, for that -- yes, she is, yes.

3 130 Q. And is there a different one for Letterkenny?

4 A. Yes, Sergeant Walsh.

5 131 Q. Sergeant Walsh? 10:59

6 A. Yes.

7 132 Q. Is he a male guard?

8 A. Yes, Judge.

9 133 Q. And did you inquire with Sergeant McGowan had she any
10 knowledge of Garda Harrison or Marisa Simms or the 10:59
11 children?

12 A. Judge, she did mention something about an incident
13 going back, and I can't say -- like, I know now it was
14 2012, but I can't say what she said to me. Most likely
15 she did say 2012 and that a letter was sent in to the 10:59
16 HSE in relation to it, but nothing came of it.

17 134 Q. This is the anonymous letter issue, is it?

18 A. Yes, that's correct, yes.

19 135 Q. Had you seen any report or document in relation to that
20 before -- 11:00

21 A. Nothing, no.

22 136 Q. Okay. What had you with you when you went in to speak
23 to Marisa Simms with Sergeant McGowan? Had you any
24 documents or reports?

25 A. I think I just -- I suppose from taking any witness 11:00
26 statement you are not going in pen and paper out, but I
27 would have certainly had paper, you know witness
28 statement paper. I don't know if I had much else now,
29 to be honest.

1 137 Q. Pardon?
2 A. I don't know if I had anything else with me or not.
3 138 Q. You didn't have any forms of any kind?
4 A. No. No. No forms, no.
5 139 Q. Okay. And could you describe how she was at the time? 11:00
6 A. She was certainly apprehensive, like anybody coming
7 into a Garda station. I am sure it was an alien
8 environment for her. But she was conscious, and she
9 spoke about it, that she was conscious of, you know,
10 like, she was going out with a guard and here she is 11:00
11 making a statement through the guards, like, in the
12 Garda station. She was conscious of who she was, that
13 she was Martin McDermott's sister. I didn't know
14 Martin McDermott and I had absolutely no hand, act or
15 part in any of that investigation and I told her she 11:01
16 would be treated the same as everybody else.
17 140 Q. Okay. Was she nervous then at the beginning, would
18 that be a fair description or not?
19 A. Yeah, I think just a natural nervousness, apprehension.
20 I think I have experienced it with lots of victims over 11:01
21 the years, that it's not a natural environment and it's
22 a big step to come in and make a complaint about
23 somebody.
24 141 Q. You probably wish now you had videoed it?
25 A. 110%. I don't think -- and we wouldn't be here today 11:01
26 if we videoed it, and I am saying that hand on my
27 heart.
28 142 Q. But did you consider whether you might take an audio
29 recording of it? Or where there video or audio

1 recording facilitates in Letterkenny?

2 A. There are audio/video recordings in Letterkenny, but
3 it's more for, I suppose, prisoners. And certainly
4 it's not an environment conducive to recording
5 statements from victims of domestic violence or the 11:02
6 likes.

7 143 Q. That is what I was going to ask you. Are they solely
8 the in the interview rooms?

9 A. They are in the prisoners suite. So they would be down
10 where the prisoners come. 11:02

11 144 Q. Sort of in the detention section --

12 A. Yes, correct.

13 145 Q. -- interview rooms where you bring suspects?

14 A. Yes.

15 146 Q. I mean, you obviously weren't treating her as a suspect 11:02
16 in any sense?

17 A. Absolutely no way. No.

18 147 Q. Okay. And how did the issue of actually making the
19 statement come about? Did you ask her directly 'would
20 you like to make a statement about this matter or do 11:02
21 you want to just tell me about it first?' or --

22 A. Well, we went through and again --

23 148 Q. Pardon?

24 A. It's like taking any statement, you know, you discuss
25 what the options are. You know, like, you can tell us 11:02
26 what happened, you can make a formal statement and if
27 you make a formal statement then, you know, obviously
28 we can take a step forward and commence a criminal
29 prosecution.

1 MR. HARTNETT: Again, I am just finding it quite
2 difficult to pick up on this.

3 CHAIRMAN: Yes, I can appreciate you are, Mr. Hartnett.

4 MR. MCGUINNESS: It's my fault, I should be --

5 CHAIRMAN: No, no, it is fine. If you pause a bit, 11:03
6 Mr. McGuinness. But the other thing we can do, is
7 perhaps, Ms. Downes, we could just get a draft
8 transcript printed out at lunchtime. We will give that
9 to you, Mr. Hartnett.

10 MR. HARTNETT: It might be helpful, but in the 11:03
11 meantime, in order to get the colour of the evidence if
12 the witness could just -- I understand she may have a
13 Donegal tilt but just to slow it somewhat.

14 A. Apologies.

15 MR. HARTNETT: No reason to apologise. 11:03

16 CHAIRMAN: You can see all right today, Mr. Hartnett?

17 MR. HARTY: If I could also ask for a copy of the
18 draft.

19 CHAIRMAN: Yes, definitely. If you want that,
20 Mr. Harty, no problem. 11:03

21 149 Q. MR. MCGUINNESS: You did refer to, as it were, going
22 through the options, but I want to be clear, what do
23 you recollect saying to her in explaining the options
24 to her?

25 A. Well, if she made a statement of complaint, then 11:04
26 obviously An Garda Síochána then could take the next
27 step and commence a criminal prosecution. And if she
28 didn't, that we certainly would have certain
29 obligations in relation to anything to do with the

1 children and our role or our obligation in relation to
2 referrals to the HSE in that regard.

3 150 Q. Did you explain that to her?

4 A. We spent, we did a lot of talking at the start.
5 Because it's like taking any statement from a witness, 11:04
6 whether it be a burglary or a robbery or sexual
7 assault, like, you just don't go in and take out paper
8 and start writing. You explain the process to them.
9 And Marisa had never made a statement before and
10 obviously this was, this was a big one. 11:04

11 151 Q. Okay. You made some notes, I think?

12 A. Myself and Sergeant McGowan recorded notes, yeah.

13 152 Q. Can I just turn to the notes first of all at page 895.
14 Again it's in volume 3. Could you just identify, are
15 these in your handwriting? 11:05

16 A. The notes, most of the notes on the left are Sergeant
17 McGowan's notes. And mine are, let's say, to the
18 right-hand side. There is a phone number and a date --
19 I have the original notes that I can probably --

20 153 Q. Were these notes being made, as it were, in the initial 11:05
21 discussion or as the statement was actually being taken
22 subsequently?

23 A. They were taken initially -- well, the bulk of them
24 were taken initially before we commenced recording the
25 statement. I know some of my notes, it's in red 11:05
26 writing and I don't know if it's in the Disclosures red
27 writing, but I have down "Threat real. Bury burn
28 family". I think it's family. And then -- that's my
29 -- "he wasn't in control of himself." That is down on

1 the right-hand side. And I have written then "Include
2 dates and times of missed calls on phone". And that
3 relates to, Sergeant McGowan was recording the
4 statement and I wanted to include the details of all
5 the calls and text messages coming in when she was in 11:06
6 the station.

7 154 Q. Okay. Now, the reference to "threat and bury/burn"
8 there, is that on the right-hand side, with an arrow
9 pointing towards it?

10 A. Yes. 11:06

11 155 Q. We have got a very indistinct copy here.

12 A. Yes.

13 156 Q. Could I take that copy just to look at it, the
14 original? [SAME HANDED] Could we go to page 896, it's
15 on a slightly different format of the page there, but I 11:07
16 see towards the middle of the page, if we go down,
17 there is a "HSE referral referral", is that right?

18 A. Yes. And looking at the notes now, I believe they are
19 notes that I recorded when I was out with Rita.

20 157 Q. Pardon? 11:07

21 A. They are notes that I recorded when I was out with Rita
22 McDermott.

23 158 Q. This page or the previous page?

24 A. That particular page. No, the previous page is from
25 talking to Marisa because I have written in that "James 11:07
26 v Collins", and that's Sergeant Collins was with me.

27 159 Q. Okay. So that is recorded on a different occasion?

28 A. Yes, yes, that's correct.

29 160 Q. Not the 2nd. Disputes frequently arise, inspector, as

1 to the status of people in a station and whether they
2 are there of their own free will or whether they are a
3 suspect or whether they can leave or --
4 CHAIRMAN: Mr. McGuinness, I am sorry, I am just having
5 difficulty. 2360 seems to be the Garda Ombudsman 11:08
6 criminal statement. And this says 2360 but it seems to
7 be the -- oh, is that 896. Sorry, okay, I see, I have
8 been looking at the wrong place. Don't worry, just
9 ignore it, thanks. You mentioned the HSE when I
10 interrupted you. 11:09

11 161 Q. MR. MCGUINNESS: Anyway, that is a note from your
12 discussion with -- the time of your discussion with
13 Rita McDermott on the 2nd?

14 A. That's correct, yes.

15 162 Q. Just going back then to Ms. Simms' position in the 11:09
16 station. Was there any discussion about whether she
17 was free to go or how long she might be there?

18 A. Marisa came to the station at 3:00 o'clock, and from
19 the outset she was under no obligation to stay at all.
20 She could have left at any stage. And I know we were 11:09
21 conscious around, probably around 6:00 or 7:00 that it
22 would have been coming up to bed times for the girls
23 and we both, myself and Sergeant McGowan, said to her
24 that if she wanted to leave it and go home and come
25 back another day, there was no issue. She undertook to 11:09
26 stay and she -- again it's in the phone records,
27 confirmation of same, she was in contact with both
28 Paula, her sister, and Andrew, her ex-husband, in
29 relation to the children and she actually phoned both

1 parties. And I do remember her talking and I can't say
2 she spoke to the kids, but she was certainly talking
3 about the children.

4 163 Q. Okay. And did she decline any calls from anyone?
5 A. The phone was hopping. It was beeping non-stop when 11:10
6 she was in the station and during the recording of the
7 statement, and we incorporated it into the statement,
8 she said: "That's actually him ringing me now. He's
9 ringing me from the landline." And because the phone
10 was so -- it was just a busy phone, and that's why I 11:10
11 probably have it written down in my notes include
12 details of the phone contacts between her and Keith
13 coming in.

14 164 Q. The statement obviously is taken in handwriting and
15 whose handwriting is that? 11:10
16 A. I commenced it and then Sergeant McGowan finished it.
17 I think Sergeant McGowan had more writing to do than I
18 had.

19 165 Q. Okay. And were you both present at all times during
20 the whole taking of the statement -- 11:11
21 A. Yes.

22 166 Q. -- when the statement was being taken?
23 A. Yes, that's correct, yes.

24 167 Q. Did anyone else come in the room?
25 A. No, nobody else came into the room. And I know it's 11:11
26 alluded to, I think Garda Harrison told Sergeant
27 Wallace, if I am correct, that the chief came into that
28 meeting --

29 168 Q. Pardon?

1 A. I think Garda Harrison told Sergeant Wallace, the crime
2 prevention officer, that Chief Superintendent McGinn
3 came into that meeting, which is totally incorrect.
4 Nobody came into that meeting. Nobody knew we were
5 there. 11:11

6 169 Q. Okay. Well, had you not told Chief Superintendent
7 McGinn, look, we have had a breakthrough, I have now
8 arranged on the Saturday for Marisa to come in
9 tomorrow?

10 A. No. 11:11

11 170 Q. Okay. Well, what I want to do is I want you to us
12 through the statement as it was taken, word-for-word.
13 And people can follow it in the handwritten version
14 from page 857 onwards or in the typed version from page
15 70, but which -- which would -- have you preference for 11:12
16 doing either?

17 A. The copy that I have is from page 2328.

18 171 Q. 2328?

19 A. Yes. At least -- or if it's in the same format.

20 172 Q. It's the same statement. Anyway, you are referring to 11:12
21 a typed version, is that correct?

22 A. Yes. So, I can read through.

23 173 Q. Would you do that, please. I may pause and ask you to
24 answer some questions at different stages?

25 A. Yes. 11:12

26 174 Q. And I may ask you to just to omit some names of other
27 parties?

28 A. Okay, no problem.

29

1 "Statement of Marisa Simms of Woodbury House,
2 Drumcanoo, Churchill County Donegal.
3 Telephone number: 086 040 5510.
4 Occupation: Teacher.
5 Date of Birth: 5/9/80. 11:13
6
7 Taken on 6th of October 2013 at Letterkenny Garda
8 Station by Goretta Sheridan inspector 00765L,
9 Letterkenny Garda Station, and in the presence of
10 Sergeant B McGowan. 11:13
11
12 I hereby declare that this statement is true to the
13 best of my knowledge and belief that I make it knowing
14 that if it is tendered in evidence I will be liable to
15 prosecution if I state in it anything which I know to 11:13
16 be false or do not believe to be true."
17 175 Q. Could I just stop you at that point? That is obviously
18 included in typed versions and it's included in the
19 original version in a very small print?
20 A. That's correct, yes. 11:13
21 176 Q. Was this read -- was this portion explained to her and
22 read at the time?
23 A. Yes. It was read to her and prior to that obviously we
24 went through, if she makes a statement that this is --
25 it's a criminal prosecution that we are looking at 11:13
26 here.
27 177 Q. Okay.
28 A. If there were offences disclosed, of course.
29 178 Q. Yes, yes. There is no specific acknowledgement in the

1 original that she understood that or that it was read
2 to her at any particular time, but are you clear in
3 your recollection that you read this to her at the
4 commencement?

5 A. Yes, Judge, and I know, let's say, in a cautioned 11:14
6 statement you probably clarify that they understand.
7 You know, if you take a cautioned statement from a
8 prisoner --

9 179 Q. Yes.

10 A. No, on this occasion it was read. She fully understood 11:14
11 what she was doing, yeah.

12 180 Q. Obviously there was no need or reason to issue a
13 caution and you didn't caution her and you didn't
14 require her to --

15 A. No, absolutely no way. 11:14

16 181 Q. -- didn't require her to sign any such acknowledgement.
17 If you then continue?

18 A. "My name is Marisa Simms and I reside at the above
19 address. I am originally from Ballindrait, Lifford,
20 County Donegal. I have one sister, Paula McDermott, 11:14
21 and one brother, Martin McDermott. My mother is Rita
22 Boyle and she lives in Raphoe and my father is Turlough
23 McDermott, and he is still living Ballindrait. I have
24 two daughters, and they are Andrew Simms' children. I
25 married Andrew on 2nd of July 2004 and we separated in 11:15
26 February 2011. I went to college in University College
27 Galway in 1998 until 2002. I studied Arts and did an
28 H.Dip in Irish and then I did a master's degree in
29 Special Needs. I teach in Deele College in Raphoe

1 since 2003. When I was in Galway I met Keith Harrison.
2 He was studying commerce at the time. We met in
3 October 1998. We went out then until April 1999 when
4 we got engaged. We stayed together until August 1999.
5 We broke up then. He got the call for the guards then 11:15
6 around that time. I took a year out of college after
7 first year. I think Keith went into second year but
8 left soon after to join the guards. I met him once
9 after that in a nightclub in Galway. I had gone down
10 to see a friend I had shared a house with during my 11:15
11 first year. I had no further contact with Keith until
12 2010. I do remember, however, that my sister, Paula,
13 told me one time that Keith had inquired about me
14 through Bebo. That is about 2005 or 2006 roughly.
15 Child was young at the time. I got a message through 11:16
16 Facebook in August 2010 from Keith. I didn't reply
17 until December 2010, I think it was. I remember the
18 date because I was pregnant with... at the time. He
19 had said he was stationed in Athlone. I had said I was
20 collecting exam papers for correction in Athlone. He 11:16
21 said I should have met him for coffee. We kind of had
22 chitchat on Facebook only three or four messages and he
23 gave me his mobile number. It was 29th of December
24 2010 I first texted him on the phone."
25 CHAIRMAN: Can I just stop, in ease of the 11:16
26 stenographer, this can simply be scanned in unless
27 there is any question arising. I don't think there is
28 a need to take down all 11 pages at breakneck speed
29 unless you want to test yourself on a world speed

1 transcription record. But it is up to, just in case it
2 helps. So, go on, please.

3 A. "It was the 29th December 2010 I first texted him on
4 the phone and then once he had my number it was nonstop
5 texts and calls from him. I was still living and 11:17
6 married with Andrew Simms at the time. He didn't know
7 about the texting and calls. Keith and I met then on
8 1st February 2011 in Roscommon and again the next
9 weekend in Roscommon. After the first weekend I met
10 Keith I came home and told Andrew I had been with 11:17
11 someone else. He knew straight away it was Keith. I
12 had lied to him about meeting Keith and I couldn't live
13 with the guilt. I was unhappy in my marriage and I
14 thought Keith and I could start a relationship. I felt
15 I still had feelings for Keith. Keith moved up to 11:17
16 Donegal in March 2011. He transferred up. Andrew knew
17 it was Keith. He said I had only just had a baby and
18 maybe I was just looking for attention. I thought I
19 loved Keith. At the time there was something more in
20 the relationship with Keith. I had more feelings for 11:18
21 Keith than Andrew. Keith was stationed in Buncrana
22 when he moved up from Athlone. Keith had got a house
23 in Churchill when he arrived up and the plan was that
24 I'd move in with him there. He rented a room in the
25 Mountain Top in Letterkenny before moving to Churchill. 11:18
26 He stayed there in Tir Argun in Churchill up until
27 January 2012 I think. I moved in with him around April
28 2011. I stayed for a week and then thought oh, my God,
29 I have made a huge mistake. I moved back to my house

1 in Milford to my husband and Andrew wasn't happy with
2 me moving out. During the week that I stayed in
3 Churchill I had spoken to Andrew and he had phoned to
4 call out to the house. I can't remember what for
5 exactly. The phone coverage is very bad in Churchill. 11:18
6 I had told Keith, who was in work, that Andrew was
7 calling out. He must have tried to get through on the
8 mobile, I don't know, but the next thing the guards in
9 Milford were there. Andrew was there and then
10 afterwards Keith arrived home. He must have thought 11:19
11 Andrew was going to do something to me. It was totally
12 blown out of proportion."

13 182 Q. May I just stop you there, Inspector Sheridan? Had you
14 learned at any stage of any incident which had seemed
15 to involve Marisa Simms' former husband and any threats 11:19
16 that were made at that time?

17 A. No, I had absolutely no knowledge of that incident.
18 Nothing.

19 183 Q. Continue on.

20 A. "Keith told me that they found out in Bunrana that he 11:19
21 was living with Martin McDermott's sister. The guards
22 in Milford had to put something on the computer about
23 having to call out to our house. Keith was called in
24 by Kevin English in Bunrana. There was a few days
25 where they were trying to figure out where to put him. 11:19
26 Martin Egan and a few others apparently said they were
27 refusing to work with him. That is what Keith told me.
28 He said that Kevin English said he would try to keep
29 him in the Donegal division. He got moved to Donegal

1 Town, but he stayed living in Gartan/Churchill in Tir
2 Argus. I remained in Milford in the family home after
3 this. Andrew and I did not have a relationship. We
4 just stayed in the house together. Keith was annoyed
5 that I had moved back to Milford. He constantly texted 11:20
6 and phoned me on my mobile phone. My mobile phone
7 number at the time was 086 385 0322. My current mobile
8 phone is 086 040 5510. I changed my mobile number in
9 September 2012. Keith had changed his mobile phone
10 loads of times. He has bill pay and ready-to-go 11:20
11 phones. An old number of Keith's is 0862449392. I
12 don't remember any of the other ones. I may have them
13 in an old phone. His current mobile number is
14 086446456? His landline number is (074) 9137641.
15 That's actually him ringing me now." And she shows a 11:21
16 mobile with a phone number showing an incoming call.
17 At that point she was showing myself and Sergeant
18 McGowan her phone and there was an incoming call.

19
20 "That is the landline at Woodbury House. It's in his
21 name. In April 2011 and March I continued to have
22 relationship with Keith. Keith was so angry about me
23 moving back to Milford. Around September 2011 he moved
24 into a house in Thornbury in Letterkenny. When I was
25 in Milford and he was ringing me, if I didn't answer
26 right away he would keep ringing me and then sending
27 text messages, why are you not answering. I had
28 children and I couldn't answer all the time. I'd say
29 it was obsessive looking back on it. I didn't see it

1 that way at the start though. I lived in Milford up
2 until January 2012 when I moved into Thornbury with
3 Keith. I stayed there about ten days. The kids were
4 with Andrew at this stage. I felt his behaviour was
5 suffocating. If I had to ring Andrew about the
6 children I'd have to put the phone on loud speaker and
7 he would listen to my calls. He was controlling. I
8 moved back to Milford again after these 10 days. He
9 would drive past the lane at the house in Milford and
10 he would know if I was at home or not. If I wasn't
11 answering he'd know if I was at home or not. Keith was
12 at work on the day I moved out after my ten days in
13 Thornbury. He was not happy. He was texting and
14 ringing persistently. It was continuous. There were
15 days when you could get ten or more, or God there too
16 many to remember. He would say he really loved me but
17 looking at it now it was extreme what he was doing. I
18 don't remember the exact content of the text messages.
19 I just remember now that between April 2010 and
20 September 2011 I started going to a counsellor about my
21 welfare, maybe 5 or 6 times. It was about my marriage
22 breakdown and all that was going on with me. Keith
23 discouraged me from doing them. Keith would ask me
24 what did she say and questioned why it took longer than
25 the allocated hour. He did not want me attending. I
26 would come out of a session and I would have missed
27 calls and messages from him. After I left Thornbury he
28 moved to Ballymaleel outside Letterkenny. I was still
29 in a relationship with him. I'd never stay overnight

1 with him. I always went home to Milford. I don't
2 remember exactly when he moved there. I remember in
3 June 2012 I travelled to Athlone Hudson Bay Hotel for a
4 marking conference. I did a 2 day marking conference
5 in the hotel and Keith stayed there for the duration.
6 After the conference I got a number and travelled to
7 Cornamaddy Department of Education and collected
8 approximately 450 Junior Certificate higher exam papers
9 for marking. Prior to attending this conference we had
10 gone to Keith's brother Brian's 21st birthday party in
11 Galway. We stayed in Galway and then travelled to
12 Athlone for the conference. He is from Caltra in
13 Galway and we stayed there and went to a pub for the
14 party. I don't remember the name of the village the
15 pub was in, all the family and friends were there,
16 about 50 or 60 people in total. I was talking to his
17 family and relations and at one point went to the
18 toilet. I went to go into the cubicle and the next
19 thing he was behind me. He caught me by the arm and he
20 said something along the lines that his family didn't
21 know the hell I put him through. He was so angry and
22 roaring. He was shouting so badly that he was
23 attracting attention. His sister Nicole was in another
24 cubicle in the toilet and came out when she heard the
25 shouting. She intervened and tried to calm him. Next
26 his father came in and maybe his mother too. I didn't
27 know what he was talking about. I was totally shocked.
28 I remember say 'I don't know what I have done'. His
29 brother Mark said don't worry, we have seen this

1 pattern of behaviour in Keith before when he was
2 married to" --

3 184 Q. Can you just make sure you don't identify the name or
4 address of anyone there now.

5 A. Yes.

11:24

6 "I think he married her -- the marriage only lasted a
7 few months, not longer than a year. They divorced in
8 November. At the 21st party I was really shocked by
9 his behaviour. That was the first time I'd seen him
10 like that. It was a complete rage. It was totally out
11 of character from the Keith I knew up until that point.
12 The only other thing strange about Keith up until that
13 point was the constant phone calls and texts. I had
14 drink taken on the night as had Keith. He was fairly
15 drunk, but I definitely had drink taken. His mother
16 and father brought him home. His father almost marched
17 him into the car and said we will talk about this when
18 we get home. We stayed in the family home. I told his
19 mother that I thought he was drinking heavily at that
20 time, he was drinking too much. He was speaking to his
21 dad downstairs. He fell out with his dad. The next
22 day his mother suggested that me and Keith go for a
23 drive. We did, and Keith was so angry saying, I can't
24 believe I fell out with my dad over you. Even up until
25 last month I have tried so many times to get Keith to
26 lift the phone and talk to his dad. He hasn't really
27 spoken to him since the 21st. His daddy has spoken to
28 him about his drinking habits and this seems to have
29 made their relationship worse. Since June 2012 he has

1 constantly reminded me that I am the reason he is not
2 in a good place with his father, that I am the problem.
3 He gets angry about this and it's worse when he is
4 drinking. After collecting the papers in Cornamaddy,
5 Keith and I travelled back to Donegal. I don't
6 remember if the papers were in his car or my car or how
7 they came to be in his house in Ballymaleel, but they
8 ended up there. The day after we came back from
9 Athlone it would have been my intention to check that
10 all the papers are there as you have to text the
11 advising examiner to say that all papers are accounted
12 for. I went to Keith's house in Ballymaleel to get the
13 papers and he refused to give them to me. He said he
14 was going to burn them. It was because I hadn't moved
15 into Ballymaleel. It was more or less come and live
16 with me or your papers will be up in smoke. I felt it
17 as a real threat and I was panicking as it was
18 important that I knew the location and number of the
19 papers. He knew how important they were to me. I had
20 rang him first looking for them and he said no. Then I
21 collected my mother Rita and the two of us called for
22 them. We had no conversation when we actually got
23 there. Mammy had rang him on the phone on the way over
24 there and told him if he didn't give the papers she
25 would call the guards. When we arrived at the house he
26 threw the bags, they were orange, outside the front
27 door. I knew by him he had been drinking, he had rosy
28 cheeks and all. He once again said that he was sorry
29 but said that I drove him to do it. He would always

1 say that, twist things around and blame me. I was
2 beginning to believe that maybe it was me that was
3 causing his patterns. I continued in a relationship
4 with Keith, me staying in Milford and him staying in
5 Ballymaleel. I decided at that stage I'd get a house
6 on my own, just me and the girls. In September 2012 me
7 and the [redacted] moved into a house up behind the
8 Mountain Top in Letterkenny. I rented a three-bedroom
9 dormer. Keith would have come over and stayed with me
10 in Mountain Top but he kept his house in Ballymaleel.
11 He got on good with the two. I remember 17th November
12 2012 I got a phone call on my mobile from Andrew
13 telling me there was someone in the house looking for
14 me. A woman came on the phone and said her name was
15 [redacted] and she was Keith's girlfriend. We both
16 arranged to meet at the chapel in Kilmacrennan. She
17 got into my car and showed me messages on her phone.
18 She showed me a picture of an engagement ring which
19 Keith had sent her and told her he was saving for it.
20 The screensaver on her phone was of her and Keith at a
21 wedding in Donegal Town at a time when he told me he
22 had travelled to Galway to make amends with his father.
23 He had a whole high convoluted story made up about
24 uniting his daddy and it was all lies. [Redacted] and
25 I went to my house in The Mountain top to confront
26 Keith. When he saw the two of us the colour drained in
27 his face. He told me he was torn between us. He had
28 bought me a rose and I had it in my hallway."
29 185 Q. Omit any names. Thank you.

1 A. Apologies for that.

2 CHAIRMAN: We will leave out any name inadvertently
3 mentioned.

4 A. Apologies. "when [redacted] saw it she said she got
5 one the exact same from him. This was the first
6 knowledge I had of any infidelities in our
7 relationship. I asked the 2 of them to leave and they
8 both left together. About an hour later he came back
9 saying how sorry he was. [Redacted] told me he begged
10 her the whole way back to Kilmacrennan to stay with him
11 and when she said no he came back to me. He had met
12 her on 5th September 2012, my birthday. He wouldn't go
13 out with me as he said he couldn't be seen out with me.
14 It didn't bother him before. He said because I hadn't
15 moved out of Milford and because of the nature of his
16 job he couldn't be seen with me. Keith left the house
17 that night around 17th November 2012 and a couple of
18 hours later I received text messages from him. Some of
19 the messages said that it would never have happened if
20 I had moved out of Milford sooner and that I had more
21 or less pushed him into [redacted] arms. I also
22 received a text message from [redacted] to say she had
23 received a text from him asking to meet her at the
24 Radisson the next day. There was a large volume of
25 texts, very persistent and again bordering on obsessive
26 in my view - they were so regular that I didn't even
27 have time to reply to one before the next would arrive.
28 My mobile number at that time was (086) 3850322. Over
29 the next few days and weeks, Keith kept calling and

1 texting me telling me more or less that I drove him to
2 it. I then decided to give the relationship another
3 chance. Before I decided this I had changed my phone
4 number in an effort to break all contact with him and I
5 got a new number (086) 0405510. Another reason why I
6 changed my phone is because I became aware of the fact
7 that somebody had been accessing my mobile phone
8 account without my permission. I had logged into my
9 account on line and noticed a previous log-in that I
10 had not done and when I contacted 02 the customer
11 services representative was able to tell me that my
12 account had been checked several times. I do remember
13 that the customer services representative told me it
14 had been checked a number of times since during
15 November when I had the fallout with Keith. The only
16 person that I can remember of who may have accessed my
17 account was Keith as he had my password but he didn't
18 have my permission to look at my account. I did at one
19 point challenge Keith over it after we got back
20 together but he denied it. When I got back with Keith
21 he stayed living at Ballymaleel and I was at the
22 Mountain Top but again he used to stay over on a
23 regular basis. I thought things had improved in the
24 relationship, it was better than it had been. As with
25 all times during our relationship Keith would
26 persistently text and phone me asking me where I was or
27 who I was with. A good friend of mine actually
28 commented to me about this. She knew about [redacted]
29 because I had confided in her. She had told me that

1 while I was still living in Milford that Keith had
2 contacted her and a number of my other friends, he told
3 her that he felt that I was unhappy in my marriage and
4 asked her to support me and to advise me to move out of
5 Milford. Keith got the contact details of my friends
6 from my phone without my knowledge. As well
7 as [redacted] he also contacted another friend of mine
8 [redacted]. There may have been others, but I just
9 can't recall at this moment in time. The phone calls
10 and the text messages from Keith were still as
11 persistent as ever, but I think that as time went on I
12 became more accepting of it because I was used to it
13 and didn't see it as strange or obsessive. During our
14 relationship Keith insisted on knowing where I was
15 going or who I was with at all times. At times when I
16 would drop the girls to their dad at Milford, he would
17 ring and demand to know where I was or why I was taking
18 so long. During my relationship with Keith, any
19 friends or family of mine who he thought didn't suspect
20 or approve of our relationship were people that he
21 singled out and tried to ensure that I stopped contact
22 with them. Even when I am speaking about this now it
23 sounds crazy that I could allow to this happen, but I
24 didn't see it. In February of 2013, Keith gave up his
25 house at Ballymaleel and we decided we would have a
26 fresh start and move in together. We found a house in
27 Drumacanoo, Churchill, Woodbury House, and signed a
28 lease together. It was a fresh start and I believed I
29 was doing the right thing. I paid the deposit of €675

1 and bought whatever furniture and items were needed for
2 the house. I now pay the rent by direct debit from my
3 account and Keith paid the rent on a couple of
4 occasions but I don't know exactly how many. We had
5 only moved into the house two weeks and I discovered by
6 checking his phone that he was seeing a [redacted] who
7 he had met on a dating website. She was from Inishowen
8 and the site they met on was Plenty of Fish. I made
9 contact with her and she told me to check out the POF
10 website as that is where she met him. I discovered
11 this on the 24th of March 2013. The alarm wouldn't
12 stop going off on his phone and it wouldn't stop. It
13 was 6:04 a.m. and he gave me the PIN to access his
14 phone and to turn off the alarm. It was while I had
15 access to his phone that I looked through it and found
16 a message from [redacted]. I actually took a
17 photograph of it which I have stored on my phone and
18 shown to you now."

19 186 Q. Did she show that photograph to you, do you recall?

20 A. She did, and it's not on the download, I don't think, 11:33
21 from the phone, and I don't think it was one -- it was,
22 a lady from my recollection, so -- I don't think it's
23 for the --

24 187 Q. If you continue on. "There were also..."

25 A. "There were also messages and pictures from other women 11:33
26 on the phone and I couldn't believe what he was doing
27 as we were meant to have a fresh start and yet he was
28 still trying to have relationships with other women.
29 Some of the messages were very crude and of a sexual

1 nature and there were also pictures of naked women. I
2 was extremely upset but I didn't challenge him the
3 following day as he had been drinking the night before.
4 When I did challenge him, he denied everything and when
5 I mentioned [redacted] he said she was torturing him
6 and that he didn't know how or where she got his number
7 from. I did try to check the websites but I didn't
8 have his PIN numbers to access them. Tensions were
9 fraught at this point between us and we continued to
10 live at Woodbury House. Keith told me that the contact
11 details I had discovered on his phone were from women
12 he had met before he had started our relationship and
13 that he would delete them all. At the time I felt so
14 low that I simply accepted what had happened and
15 continued in the relationship. From the time we
16 started living together I did notice that Keith drank a
17 lot. He drank red wine or brandy. As time went on I
18 noticed that he seemed to need more and more drink. He
19 didn't really go out to pubs and drank at home. He
20 could drink almost 3 bottles of wine while sitting in.
21 I have found bottles of wine in the house or noticed
22 them in the wheelie bin. When Keith has drink on him
23 his demeanour changes. He would be downright vile and
24 become aggressive towards me, verbally, never
25 physically, and never in front of the kids except for
26 last week. He would always challenge me in relation to
27 the other women in his life and blame for me driving
28 him to it. Since we moved into Woodbury House, there
29 are at least 3 different occasions when Keith has put

1 me out of the house."

2 188 Q. Can I just stop you there. Have you any doubt that she
3 said that last sentence?

4 A. Absolutely no doubt, no doubt at all. She definitely
5 said it.

6 189 Q. Right. She goes on to describe then the first
7 night/morning. Could you just continue there.

8 A. "The first night/morning was the 31st March 2013. I
9 think it was when the Rock Bar was closing and we had
10 gone up to it. We would have been in there maybe twice
11 before that. Keith was drinking brandy and I was
12 drinking wine, I think white wine. As the night went
13 on a group of young lads arrived into the pub, they
14 seemed to be passing through on their way to a
15 nightclub. There were about 3 of the young fellows and
16 they sat away in a corner and we were sitting at the
17 counter by ourselves. As time went on the young lads
18 were chatting about the guard at the counter, meaning
19 Keith, and they were getting louder. I think Keith
20 said he had stopped one of them in Donegal Town. I
21 think he said his name may have been Daniel. I felt
22 uncomfortable and wanted to go home and Keith wanted to
23 stay on. Keith had spoken to the young fellow Daniel
24 and I was worried there was going to be trouble but
25 Keith said he was staying, that nobody was going to run
26 him out of the pub. I left and walked up the laneway
27 heading for home when I realised Keith had the keys. I
28 then headed back towards the pub and as I did a car
29 pulled up with a group of fellows who had been in the

1 pub earlier. They asked me if I wanted a lift up to
2 the pub and I got into the car. Before we went to
3 drive off Keith arrived driving my car, a black Audi,
4 09 DL 1695. He jumped out of the car and started
5 shouting and roaring at me - what was I doing in the
6 car and to get out. He was roaring at me 'what the
7 fuck are you doing?' And I was so embarrassed. I got
8 out of the car and into the passenger side beside Keith
9 and he drove home and which is less than a minute's
10 drive. He was roaring and shouting at me in the car
11 and when we pulled up outside the house I remember he
12 banged the dashboard in front of him with his fist. I
13 thought he had actually cracked the dashboard, he had
14 banged it so hard. I was frightened of him at this
15 point as he was in a complete out-of-control rage. We
16 both went into the house. At some point Jim Quinn, who
17 we both know, arrived to the house. I went to bed, I
18 don't know if it was before or after Jim arrived. It
19 may have been before. I was really upset and I do
20 recall that when Jim came I went out to his car and
21 spoke with him. I asked him if he knew anything
22 [redacted] or the other women. After I spoke with Jim
23 I went to bed, I don't recall the exact time. The next
24 thing I do remember is being woken out of my sleep by
25 Keith, he was roaring and shouting at me about getting
26 into the car earlier with the fellas and why did I
27 leave the pub. He pulled the quilt off me and grabbed
28 my arm and pulled me out of the bed and told me to get
29 out of the house. I tried to reason with him and told

1 him that I wouldn't be able to get a taxi and asked if
2 I could stay until the morning. He kept telling me to
3 get out and caught me by the arm. I kept pleading with
4 him to get a coat as I had only pyjamas on and he
5 allowed me to get my coat. At one point he had a hold
6 of my arm and he was shouting and roaring at me. I was
7 terrified of him. And the only other time that I had
8 seen him like this was the night of his brother's 21st
9 in Galway. I got my phone which was beside the locker
10 and rang my mother and asked her to come and collect
11 me. She was actually in Mayo, and I then rang Jim
12 Quinn, who had been in the house earlier. Before I
13 left the house I managed to grab my purse. Keith put
14 me out of the house and pushed me out the front door
15 all the time shouting and roaring at me. When Jim
16 arrived I was standing outside and I got into the car
17 and he drove me to my mother's. Keith was very drunk
18 when this happened as when we had come back to the
19 house he had continued on drinking until I had gone to
20 bed. While I was in the car with Jim a guard rang and
21 I spoke with him. My mother had contacted them as she
22 was concerned about me and because coverage for mobile
23 phones is poor at the house, she was not able to reach
24 me. I spoke to the guard and he asked me if I wanted
25 to speak with him and I told him that I may at a later
26 date. I spent the night at my mother's house in
27 Raphoe. At the time of this incident the girls were
28 staying with Andrew in Milford. The next day Keith
29 kept trying to ring me and sending me text messages but

1 I didn't speak with him or text him as we had just
2 gotten word that my mother's brother had died. I spent
3 the next few days with my mum during the funeral. I
4 remember getting a text from him asking if he should go
5 to the wake and I told him not to come. This was
6 typical of Keith - after something like what had
7 happened he would attempt to play it down and ignore me
8 as if it had never happened. At some point after the
9 funeral I went back to the house. I can't recall
10 exactly when. Keith was there and was apologetic and
11 said to me that he had too much to drink and that I had
12 too much to drink and to forget about it as it was
13 nothing. After this incident and when Keith returned
14 to work after his rest days he checked the Garda Pulse
15 system. I think Jim Quinn had told him that the guards
16 had rang and when he saw an incident recorded on Pulse,
17 he became extremely annoyed. A case in court involving
18 him for road traffic offences was due up in May and he
19 told me that he felt that this would impact negatively
20 on it."

11:40

21 190 Q. Were you aware yourself at that time that his
22 prosecution in relation to tax and insurance was due
23 before the District Court?

24 A. No, I knew nothing of it, no.

25 191 Q. So you didn't understand necessarily what this referred 11:40
26 to?

27 A. No, I hadn't a clue, but obviously it's clear now, but
28 I didn't know at the time when I was talking to Marisa.

29 192 Q. If you continue on.

1 A. "He was extremely annoyed with me and asked me why I
2 had contacted my mother. On more than one occasion he
3 spoke to me asking me to go to the guards and tell them
4 it never happened so that it could be removed from the
5 Pulse system. I asked him what exactly he wanted me to
6 do and he told me to go to the guards and say it didn't
7 happen, but I kept saying to him but it did happen. He
8 also said to me on one occasion when we were discussing
9 this that another lady had tried to do the same thing
10 but she didn't get that far. I didn't really know what
11 he was referring to but took it that he was trying to
12 tell me that nothing would ever come of it even if I
13 tried to pursue it. Like everything else, he repeats
14 this when he has drink on him. Keith has also put me
15 out of the house on two other occasions. On the 6th
16 July 2013, my mother appeared on Winning Streak and we
17 all went to Dublin for it. I had gone to Evolve in
18 Letterkenny and bought Keith a new shirt and trousers
19 for it. My mother had given Keith a ticket for the
20 audience but he passed on it and said it should go to
21 my uncle and everyone thought it was a nice gesture on
22 his part. Keith dropped me to the studio at RTÉ and
23 collected me later that evening. When he collected me
24 I had noticed he had changed the new shirt and he said
25 it was because it had been too warm. I also noticed
26 that the child seat in the back of the car was loose
27 and asked him about it but then he passed it off and I
28 never thought anything more about it. In late July
29 2013 I noticed a message on his phone - it was a

1 message through viber and I read it. It said something
2 along the lines of 'I actually think I love you having
3 met you three weeks ago' and also references to wanting
4 a more stable relationship and not just the odd meeting
5 like three weeks ago and it was signed [redacted]. I
6 think her name is [redacted]. I text her and asked her
7 how she knew Keith Harrison and she replied that he
8 started messaging her through Facebook a year ago and
9 she said how he hadn't contacted her in two weeks and
10 she had defriended him on Facebook. During the
11 two-week period she had referred, I had actually been
12 hospitalised and had to undergo" --

13 193 Q. Just don't go into the details of that. Thank you.

14 A. "He was absolutely delighted with the news and had been
15 really good and attentive to me and I thought that our
16 relationship was getting stronger. On the night when I
17 contacted [redacted] I was devastated. She also told
18 me that while I was in hospital that Keith had
19 contacted her after she had defriended him to say how
20 much he loved her and that he wanted a baby with her
21 and that he had told her he would move to [redacted]
22 where she was living. The children were due to go to
23 Andrew that weekend and I waited until they were gone
24 until I confronted Keith but I confided in my friend
25 about it. That weekend when the girls were with Andrew
26 I confronted Keith about [redacted] and he initially
27 denied it but then admitted to meeting her in Stephen's
28 Green for coffee on the day my mother appeared on
29 Winning Streak. He just said that he had coffee with

1 her but I spoke to her about this in detail and she
2 told me that she had been intimate with him in my -- in
3 his car. I have checked my phone and the 26th of July
4 2013 is the date I first contacted her after seeing the
5 Viber message." 11:43

6 194 Q. Can I just stop you there. She makes reference to
7 checking the phone. Did she do that there in your
8 presence, to check the date of the call and the number
9 that you recorded in the original statement?

10 A. Yeah, that is my recollection, that she did, or 11:44
11 certainly it was crystal clear in her head, anyway.

12 195 Q. Okay. But she was in possession of her own phone still
13 at this point in time?

14 A. Yes, that's correct.

15 196 Q. And she was -- 11:44

16 A. She was in control of her --

17 197 Q. And she was deciding what to show you or not to show
18 you, is that right?

19 A. That's correct, yeah.

20 198 Q. And this passage of events she is describing, it's said 11:44
21 to have taken place just some, I think three months
22 before this date when you are taking the statement on
23 6th of October?

24 A. That's correct.

25 199 Q. Referring to events in July '13, that year? 11:44

26 A. Yes, that's correct.

27 200 Q. If you'd just continue on then after the reference to
28 her number?

29 A. "When I confronted Keith I was extremely upset

1 especially when I thought about everything that I had
2 been through during that time. I kept asking Keith
3 about [redacted] and he just said that they had met for
4 coffee and that she had sent flowers to him for his
5 birthday to the station. He also told me that he was
6 wrecked with guilt after the meeting for coffee with
7 her. On the night I confronted him I was very upset,
8 as I have said, and went to my friend's house as I told
9 him I needed space. On that night I also rang Keith's
10 brother and told him what happened. He just said to me
11 that he believed that what I was saying and that he
12 wasn't surprised and that he was so sorry. I then
13 returned to the house after staying in [redacted] and
14 he was at home. He told me that he didn't believe me
15 that I had stayed in [redacted] house and kept
16 badgering about where I had been. I felt that he was
17 totally undermining my confidence and kept saying to me
18 things like who would want you with two -- I felt that
19 this was the lowest point in our relationship and I had
20 made the decision that when he returned to work, that I
21 was going to leave. Things weren't good between us,
22 and sometime during August 2013, I don't recall the
23 date, we had another row. Keith had been drinking and
24 the children were in Milford. He became extremely
25 abusive and aggressive towards me and I had had a
26 couple of drinks also. Keith became so aggressive
27 towards me that night that I was so frightened of him,
28 I actually locked myself in my car outside the house.
29 I left that night because so I was scared of him.

1 while in the car I rang my mother and asked her to come
2 and collect me and she came. He never came out and I
3 spent the night in my mother's. I received texts from
4 him on that occasion giving out to me as to why I had
5 gotten my mother involved again. I can't recall how I
6 ended going back to the house to him but I did. At the
7 end of August 2013, myself and Keith went to Killarney
8 for a weekend. I paid for the trip out of my
9 supervisor's money but Keith kept saying it was a good
10 idea as we hadn't had a break away and we needed time
11 together. He kept saying that when we didn't have
12 anyone like our parents or sister interfering, that we
13 got on well. Killarney was fine and we returned home.
14 I went back to work and, in my view, Keith seemed to be
15 making a genuine effort to get the relationship back on
16 track. However, in the middle of September I
17 discovered on his phone history that he was on another
18 dating website called Paraship or something to that
19 effect. I confronted him and he denied it and then
20 later said he was checking if an old profile from years
21 ago still existed, but I didn't believe him. After I
22 returned to work I went to Westport for my sister
23 Paula's hen party. We were staying for two nights in
24 the Westport Plaza on 30th/31st August. I had told
25 Keith I was going for one night and he wasn't happy
26 about me going as Paula had not invited him to the
27 wedding. I left after work on Friday and drove to
28 Westport. The rest of the girls had arrived that
29 morning. I was sharing a room with Paula and

1 [redacted]. when I arrived the girls had already eaten
2 and we went to a pub for a few drinks. We got back to
3 the hotel at about 1 a.m. and we went to our rooms.
4 The next morning we went to Westport House for Tag
5 Laser and then went for lunch to the hotel. From the
6 time I left Donegal, Keith continuously text me and
7 called me. He didn't want me on the hen party and kept
8 saying/texting, I can't believe you have left me after
9 everything your sister has said about Keith" --

10 MR. HARTY: I think it's important that that portion of
11 the statement be read in full.

11:48

12 A. Okay, that is what I was just conscious of that, that's
13 fine.

14 "He didn't want me on the hen party and kept
15 saying/texting I can't believe you have left me after
16 everything your sister has said about Keith and the
17 pregnancy. To me, it was if he was trying to stop me
18 from going or having a nice weekend away. Because
19 Keith wasn't invited to the wedding, he did not want me
20 to go and was continuously trying to convince me not to
21 go. It was non-stop and it was a major issue for him,
22 he was totally obsessed by it. It got so bad one night
23 that I went to Derry - I had to get a [redacted] for my
24 child for the wedding but he had been on to me so much
25 in the house, I just went that night to get away from
26 him. While at the hen weekend he never stopped
27 texting/phoning and giving out about the fact that I
28 was there. I had loads of missed calls, it went into
29 double figures and my mailbox had reached maximum

1 capacity on my phone a couple of times during the
2 weekend because he had left so many messages. I felt
3 totally harassed at this point and I felt I couldn't do
4 anything unless I had okayed it with him, just for
5 example, we had booked the Tag Laser but I didn't tell
6 him about it. He asked me what I was doing and I told
7 him I was eating lunch - we had gone for lunch after
8 the Tag Laser. He then got very aggressive with me on
9 the phone and told me he knew I had been to the Tag
10 Laser. He then started asking me what else I was
11 hiding and he was totally obsessed with the idea that I
12 wasn't being straight with him. I had simply forgotten
13 about the Tag Laser but he had checked the profiles of
14 one of the girls on Facebook who was on the hen weekend
15 and saw a picture of us that she had put up on
16 Facebook. During the course of one of the phone calls
17 Keith me asked who was staying in the room and whatever
18 reply I made he told me I was wrong because he knew the
19 room number (I think it might have been 229/239) and he
20 told me he had checked with reception and knew who was
21 staying in the room and that dinner for Saturday
22 evening was booked for 8:30. At that point the way he
23 was going on totally freaked me out. I couldn't
24 believe he was checking up on me through the hotel.
25 There is no other way he could have gotten that
26 information, in my opinion, other than the hotel as
27 none of the other girls spoke to him that weekend. For
28 the whole weekend he bombarded me with texts and phone
29 calls and I at this point felt completely worn out and

1 tired of the situation. I returned to Donegal on
2 Sunday evening and left my bag to unpack the next day.
3 I went to work and when I came home Keith started on at
4 me again as to whether or not I had told Paula if I was
5 or wasn't going to be bridesmaid. He then produced a
6 pair of black tights which he said he had taken from my
7 bag and which I admitted to wearing during the weekend.
8 He then told me he could smell sex on the tights and
9 started questioning me. There was no smell off the
10 tights but he was completely fixated on this. For the
11 last month the relationship has been dreadful. After
12 the way he behaved while I was at the hen weekend and
13 when I came home, I made up my mind that I had had
14 enough. Shortly after that, I saw a voicemail message
15 on his phone and I had checked it. The message was
16 from a woman by the name of Lisa who said she was
17 returning his call and that the images from the night
18 in question from C2 nightclub were on Facebook and she
19 also asked what footage in particular he was looking
20 for. The nightclub we had been in in Westport was, I
21 think, called C2. I asked him what the message was
22 about, but he denied it and asked me to check his phone
23 again, which I did, but the message had been deleted.
24 Keith was so conveyancing while denying it that I
25 nearly began to doubt myself, but I had listened to the
26 message twice so I knew it had existed. My sister
27 Paula got married on Friday 4th October 2013. As I
28 have already said, Keith had a major issue with the
29 fact that I was going and his behaviour towards me

1 became more and more abusive. No matter where I went
2 or what I did he was continuously harassing me by
3 ringing and texting me about where I was or who I was
4 with. One evening we went for a dress fitting for the
5 bridesmaids' dresses and I had left a strapless bra in
6 a Menary's bag in the boot of my car as this was what I
7 was wearing with the dress. One evening he confronted
8 me and wanted to know why I was driving around with a
9 strapless bra in the boot. It was obvious that he was
10 going through my car and I couldn't understand why he
11 went through -- and I couldn't understand why he went
12 through it, and then I started to worry thinking about
13 what else was he checking up on me about. As I have
14 said earlier, I had made up my mind to finish the
15 relationship but I didn't know when to do it as I was
16 concerned with Keith's erratic behaviour and I felt
17 that mentally he had issues and I was worried about how
18 he would react in light of his recent behaviour. On
19 Saturday 28th September 2013 I collected [redacted]
20 from horse-riding. Andrew had the [redacted] and I met
21 him and the [redacted] in Kilmacrennan. I had a
22 wedding present for Paula and I had wanted to bring it
23 down to Paula's house in Annagry with the [redacted].
24 I had mentioned this to Keith and he took major
25 exception to the fact I was going down. He wanted to
26 know how much money I was giving to her, but I didn't
27 tell him for fear he would become even more annoyed.
28 He also took issue with the fact that I was going down
29 and kept asking why I couldn't give it to her on the

1 day. I left the house at about 5:30 p.m. even though
2 he wasn't happy about it. I kept saying I was just
3 going to my sister and he tried to make it into
4 something else and referred to it as being another
5 weekend after the hen. We went to Paula's and on the
6 way home I had missed calls from him while in her
7 house. I eventually spoke to him and I knew by his
8 speech on the phone that he had been drinking. He
9 seemed to be in good enough form and asked me to bring
10 home curry chips, which I did. I arrived home sometime
11 after 9 p.m. and gave him the chips. His mood totally
12 changed and as I was getting the girls ready for bed he
13 started at me. He said don't think a curry chip will
14 make up for me being gone all evening. He started on
15 in front of the children and I felt completely drained
16 and just wanted him to stop. I kept trying to put
17 child number one's top on and he said no, he wouldn't
18 stop, they know what is going on, meaning the children.
19 This is the first time that he even started going on in
20 front of them. He kept making comments and ranting on
21 about my sister saying 'who does she think she is? I
22 will take her down a peg or two', and also said 'I am
23 going to bury her and you'. He kept repeating this and
24 I told him to stop but it was as if he went into a
25 total rant. He then said 'I am going to burn you' and
26 at that point I could see child number one's eyes
27 filling up and she was getting upset, so at that stage
28 I put their coats over their pyjamas and told them we
29 were going to the car. I remember child number one was

1 asking me if I was okay after having him threatening to
2 burn me and it appeared to me that she didn't know
3 whether to go to the car or not as she was worried
4 whether I would follow her out or not. I brought the
5 children to the car and strapped them in. At that
6 point I knew once I left I wouldn't be back to the
7 house, but I went back in to get child number one's
8 school uniform out of the tumble dryer. When I lifted
9 it out he wouldn't let me back into the kitchen from
10 the utility room again. He prevented me from going
11 back in by physically grabbing my wrist. I was really
12 frightened of him at this stage as he was in such a
13 rage, it was as if he was not in control of himself and
14 he was crazy. I asked had he been drinking and he told
15 me he had only two glasses of wine but I knew by him he
16 had way more than that. He caught me by the right
17 wrist and I remember when I was driving home it was
18 sore as a result of him grabbing me. While he was
19 preventing me from going into the kitchen to get out of
20 the house he told me to take a good look at them
21 because he said I would only see them at weekend visits
22 by the time he would be finished with me. At that
23 point I was thinking will I get out of the house at all
24 and I was worried that he was in such a rage that he
25 would hurt me. He kept ranting on at me and if I made
26 to take a step forward he would try and block me by
27 putting his hands out in whatever direction I attempted
28 to go in. I felt completely intimidated and frightened
29 at this stage - I would say he kept me in the house for

1 at least 2 to 3 minutes even though it felt much
2 longer. I eventually got out to the car and drove to
3 my sister Paula in Annagry. I was so upset and
4 flustered at what happened that I took a wrong turn. I
5 rang Paula before I left Churchill and I was crying on
6 the phone. She offered to come and get me but I
7 managed to get my own way there. I remember [redacted]
8 asking me why I was crying and I told her I had
9 something in my eye and tried to pull myself together.
10 While on the way to Annagry Keith kept trying to call
11 me but I didn't take the calls. Since then I have
12 spoken to him on a couple of occasions. He contacted
13 me on the night of Paula's wedding and told me that
14 there was a threat out on him. I think it was after
15 9:00 just after the first dance was over. He had also
16 attempted to ring me loads of time during the evening
17 time but I didn't take any of his calls and I left a
18 few rubbish voicemails. He had also contacted me via
19 text and email during the week and more or less told me
20 that I had started the whole thing on the night that I
21 left and that he didn't mean that he was physically
22 going to burn me but meant that he was going to destroy
23 me. Since he told me about the threat he has
24 continuously phoned and text me. On the night of the
25 wedding, he kept saying to me that he felt I should
26 come back as somebody had threatened him and that if I
27 cared I would come back. He also told me that he
28 thought my brother Martin was behind the threat. I
29 have also shown you a video-recording on my phone from

1 23rd of August 2013 at 9:54 a.m. On that date I went
2 to the house in Churchill from my mother's to get a few
3 bits and pieces. I was driving my mother's car and
4 when I went to leave, Keith obstructed me by standing
5 behind the car with his arms folded. I had locked
6 myself into the car and he just kept saying to come
7 into the house just for ten minutes to talk. This was
8 after our weekend in Killarney and I can't remember
9 exactly what the problem was between us at that
10 specific time. The reason why I had locked myself in
11 the car was because I was frightened of him and all I
12 wanted to do was leave, but he was behaving in a way
13 that was preventing me from doing so. He also
14 attempted to open the car but I couldn't as I had it
15 locked. I eventually got away after promising to come
16 back later but I didn't. It is only now in my mind
17 that the relationship is over that I can see how
18 obsessive Keith was and that his behaviour was totally
19 irrational and abnormal."

20 201 Q. She makes reference, as you have recorded her to
21 saying:

11:57

22 "I have also shown you a video-recording on my phone
23 from the 23rd August 2013 at 9:54".

24 Is that right?

25 A. That's correct, yes.

11:57

26 202 Q. And did she do that?

27 A. She did show us the video, Judge. It's not on the
28 download so it may have been deleted before the phone
29 was downloaded.

1 203 Q. Okay. We will come to that in a few minutes. But you
2 didn't take possession of her phone that night?
3 A. No, Judge, we didn't take possession of the phone for
4 another 48 hours. It was two days later, on 8th of
5 October. 11:58

6 204 Q. She dropped the phone in on the 8th?
7 A. That's correct, yeah.

8 205 Q. We will come to that. And then it was downloaded on
9 the morning of the 9th?
10 A. Yes, that's correct. 11:58

11 206 Q. She had a temporary phone in use then, and we will come
12 to that, is that right?
13 A. That's correct, yes.

14 207 Q. But did you and Sergeant McGowan see the video or were
15 you paying close attention to what you saw on the 11:58
16 video?
17 A. I did, I remember seeing the video specifically because
18 I didn't know Keith Harrison, I had never seen him in
19 person and it wasn't -- I suppose I was curious to see
20 what was on it, and I saw clearly that he was standing 11:58
21 with his arms folded in front of the car.

22 208 Q. OK. Was it consistent with what she was saying to you?
23 A. Yes, 100 percent, yes.

24 209 Q. All right. Now, you left off at the end of the
25 sentence where it concludes: "His behaviour is totally 11:59
26 irrational and abnormal".
27 A. Yes.

28 210 Q. If you continue on there.
29 A. "I have told Keith that the relationship is over but I

1 am also concerned about his mental well-being and he
2 has asked if he got counselling would there be a
3 future. Since I have been in the Garda station today,
4 from 3 p.m. to 11:10 p.m. I have had 9 messages and
5 numerous missed calls from Keith, at least 13 from the
6 landline and some are from the landline prior to 3 p.m.
7 I don't have an exact number for missed calls from his
8 mobile but there are at least 4. Compared to what I
9 would normally get from Keith this would be mild, it is
10 often much worse. This statement has been read over to
11 me and I have made any alterations or corrections I
12 deem necessary and it is true and correct."

13

14 And it's signed by Marisa Simms, Sergeant McGowan and
15 myself, and at that stage Marisa Simms then signed 11:59
16 every page of the original statement which I have in my
17 possession here.

18 211 Q. This obviously took a long time, but can you tell the
19 Tribunal, did you give her an opportunity to have a
20 break at any stage? 12:00

21 A. Judge, it did take -- like, I suppose eight-and-a-half
22 hours sounds like an extremely long time. We did break
23 for a cup of tea here and there. There is a lot of
24 talking done at the start, I suppose, to get to things
25 and, I suppose, put things in chronological order. But 12:00
26 it was a case of, like I knew from Marisa that she was
27 exhausted and this was tough going for her, she was
28 upset at times, and she says some of the things she
29 couldn't even -- you know, when she was talking about

1 it out loud, she was shocked by it. And I kind of
2 felt, I suppose, like one of your victims where to
3 reach that cathartic stage where they start talking and
4 everything comes out and it's their first time actually
5 talking about their experiences, which we would 12:00
6 encounter on a regular basis in the guards, where, if
7 you have a victim of domestic violence or, let's say, a
8 rape victim, that it's their first time actually
9 talking about the whole scenario to somebody.

10 212 Q. And I just want to be clear, is everything in that 12:01
11 statement, did that emanate from Marisa Simms?

12 A. Yes, absolutely, yes.

13 213 Q. Did you include anything in that statement that she
14 didn't say?

15 A. No, absolutely not. 12:01

16 214 Q. Are you satisfied you didn't misunderstand anything she
17 said to you?

18 A. Everything -- like, the way I take a statement is,
19 like, you just wouldn't write that full statement from
20 beginning to end without drawing breath, I suppose, 12:01
21 per se. We went through the whole procedure at the
22 start. She outlined general, talking about her
23 experience or her relationship with Garda Keith
24 Harrison, and then we started writing. Like, I would
25 always write a bit, read it, 'is that okay?', move on 12:01
26 to the next, just to refreshing her memory all the way
27 through, and that is the way I have always taken
28 statements.

29 215 Q. Are you in a position to identify what stage in the

1 taking of the statement you took these breaks?

2 A. No, it's not -- it isn't -- it's not documented, no. I
3 can't say -- like, I couldn't say for sure.

4 216 Q. How many breaks for cups of tea or biscuits? Did you
5 offer anything substantial to eat? 12:02

6 A. Like, I know it sounds like a very, very long time, but
7 I think we were so consumed with what we were doing,
8 like, there was -- I think there was mention of food,
9 certainly of getting something more substantial than
10 biscuits, but, like, Marisa was quite happy to go -- to 12:02
11 carry on. And I think there was mention, like there is
12 mention of dinner at home, and I can't say whether it
13 was with Paula or Andrew, but certainly it was an
14 option for Marisa to go home or to take a break at any
15 point. 12:02

16 217 Q. Did you offer her an opportunity to sort of take a
17 break and come back another day?

18 A. Oh, absolutely, Judge, and at that point, like, I
19 was -- we were aware that she was in contact with her
20 ex-husband and with Paula while she was in the station, 12:02
21 and I suppose we were conscious, I suppose, like, that
22 she was a mother, and the two kids, where it was
23 bedtime, and, as I say, I can't remember whether it was
24 around 6:00 or 7:00 or 8:00, around that time, that she
25 actually spoke to Andrew and Paula, and it was in 12:03
26 relation to the children, and I don't know whether she
27 spoke to them, the kids themselves, as I say.

28 218 Q. And was she free to answer the calls from Garda
29 Harrison when he phoned?

1 A. She had full control of her phone.

2 219 Q. Pardon?

3 A. She had full control of her phone at all times in the
4 station.

5 220 Q. You have read out, obviously, the passage where she 12:03
6 refers to the issue of the hotel in Westport and her
7 discovering the message from Lisa, and we have actually
8 seen an email from Lisa which was later acquired, but
9 she didn't have any account of him giving an
10 explanation for what was happening there, is that 12:03
11 right?

12 A. No, just whatever is documented in the statement is
13 what information that she gave us.

14 221 Q. The reference to burning, you have that in quotes.

15 A. Yeah. 12:04

16 222 Q. I mean, why did you put it in quotes? Was this not her
17 narrative entirely?

18 A. I believe that part was recorded by Sergeant McGowan,
19 so she might be better placed to say why it's in
20 quotes, but I would imagine it's because it's a direct 12:04
21 quote from -- she is quoting Garda Harrison.

22 223 Q. And there is reference to the child's eyes then filling
23 with tears?

24 A. Yes.

25 224 Q. Are you certain those things were said by her, they are 12:04
26 not your interpretation of events?

27 A. Absolutely no way. This statement was read over, you
28 know, steps were read over throughout, and, at the end,
29 the full statement was read to Marisa and she was

1 invited to make any amendments, and from the original
2 statement you will see where there are amendments made
3 and she initials every such amendment.

4 225 Q. There is reference to, after the threat is communicated
5 to Marisa that had been apparently made in relation to 12:05
6 Garda Harrison, that she told you that he thought her
7 brother Martin was behind the threat?

8 A. That's correct, yes.

9 226 Q. Okay. Did you know anything about any phone calls
10 that -- or messages that Martin McDermott was said to 12:05
11 have sent out from prison to his mother or about Keith?

12 A. No, absolutely not. That was my first time hearing
13 anything about Martin.

14 227 Q. Did you know at that stage that Garda Harrison, on his
15 own account, is said to have phoned Portlaoise Prison? 12:05

16 A. No, that is news to me since this -- since this
17 Tribunal commenced.

18 228 Q. The issue of the consents that she signed that night
19 then, were they done at the conclusion of the statement
20 or while it was being read over? 12:06

21 A. No, and after the statement was read over, like, it was
22 very obvious from taking the statement that there was
23 obviously an issue with these constant --

24 229 Q. Pardon?

25 A. It was very obvious throughout taking the statement 12:06
26 that this constant texting and phoning and harassing,
27 or perceived harassment of Marisa Simms, that the phone
28 evidence would be important in relation to that, and
29 that was explained to Marisa Simms, so she had -- she

1 detailed that she had two mobile phone numbers from
2 December 2010, when she had first met him, up until,
3 that was October 2013, so it was important to get the
4 messages in relation to that, that contact. And also
5 in relation, she said that there was inappropriate 12:07
6 accessing of her on-line account, and she again pointed
7 the finger at Garda Harrison. And whether it was him
8 or not, that was the reason why we got her to sign
9 those.

10 230 Q. Could we look at those successively from page 900 12:07
11 onwards. Do you see that on screen, Inspector?

12 A. Yes, yes.

13 231 Q. And that was -- that was signed that night, is that
14 right?

15 A. That's correct. 12:07

16 232 Q. And that perhaps would have enabled you to seek those
17 from the phone company, is that right?

18 A. That's correct, we have to get the owner's --

19 233 Q. Pardon?

20 A. We have to get the permission from the owner. 12:07

21 234 Q. Okay. And then at page 901, that relates to her
22 different mobile phone number, is that correct?

23 A. Yes, that was her second number that she had -- you
24 know, she changed her mobile in November 2012.

25 235 Q. And the third one then related to seeking details of 12:08
26 access?

27 A. Yes, that's correct, that is in relation to --

28 236 Q. To her account?

29 A. To her on-line account, Judge, yes.

1 237 Q. It would appear to have been proved necessary to
2 utilise those, is that right?

3 A. Well, the download that we got from Marisa's phone that
4 she gave to us on 8th of October concerned certain
5 data. I never made application in relation to these 12:08
6 permissions that Marisa has signed, I never sought to
7 get that information subsequent to that. But that may
8 have probably -- like, that I know, it only provided
9 limited information in relation to the period of time
10 up to the 8th October, whereas this information would 12:08
11 have provided, I suppose, data in relation to the
12 persistent texting and phoning going back to December
13 2010 and onwards.

14 238 Q. Yes. You see, you do say in your statement that you
15 then discussed having the contents of her phone 12:09
16 downloaded?

17 A. Yes, that's correct.

18 239 Q. As there would be data relating to the continuous phone
19 calls, voicemails and texts she had received from Garda
20 Harrison? 12:09

21 A. That's correct.

22 240 Q. "She is not in a position to hand over her phone as she
23 needed it." And you say: "It was agreed that when she
24 had sourced an alternative phone, she would leave it
25 into the station." 12:09

26 A. That's correct, yes.

27 241 Q. And were you expecting to get a record of calls and
28 texts that were on -- such as were on the phone from
29 her old number and her new number?

1 A. Well, from -- I got the download, or got the phone from
2 Marisa on Tuesday the 8th and I organised then for
3 Garda Niall Maguire to download the -- he is an X-ray
4 expert, so just to download the contents of the phone,
5 and I think he was having difficulty downloading the 12:10
6 voicemails, so then Garda Eoin Waters, who is also an
7 X-ray expert, I suppose -- I don't know if it's the
8 right way to do it, but they just played -- transferred
9 onto a micro set, just played it onto a wee mini
10 tape-recorder, and that data lay in my drawer up until 12:10
11 this year.

12 242 Q. Okay.

13 A. But --

14 243 Q. Well, did you examine the -- did you examine the texts
15 at that stage, or was it just still in raw form, as it 12:10
16 were?

17 A. It was in raw form, it was in an X-ray format, and I
18 didn't actually examine it until, well -- after the
19 Tribunal was set up in February, I think it was 25th of
20 February or 27th of February, I asked Siobhán McGowan, 12:10
21 another guard who is qualified in downloading the data,
22 to convert it to some kind of a readable format.

23 244 Q. Well, the question I am coming to is this: So you
24 weren't aware then, when you took this statement and in
25 subsequent months, about the existence of Marisa's text 12:11
26 to Keith, which in a number of places referred to a
27 threat to burn her, you didn't see those at the time?

28 A. No, I didn't see -- like, this is nearly four years
29 later. It was only when Garda McGowan went through the

1 data and I asked her to prepare the contacts between
2 myself and Marisa, Marisa and her mother, Marisa and
3 Keith, Marisa and the landline and Marisa and her
4 sister, and I was shocked, I suppose, by what I had
5 seen.

12:11

6 245 Q. Pardon?

7 A. I was shocked by what I had seen, you know, the
8 contents and the number of calls, and also, I suppose,
9 I looked at the 6th of October 2013, on the day that
10 she was in the station, and the data was there, there
11 were these persistent text messages and phone calls
12 coming in both from the landline and from Garda
13 Harrison's phone while she was in the station.

12:11

14 246 Q. Well, just going back to that night. Did you, when the
15 statement was concluded, did you have Ms. Simms driven
16 home?

12:12

17 A. It was late and she was tired, but I offered -- or
18 myself and Brigid offered that, if she needed, we would
19 get somebody to leave her home, because we were
20 concerned about her, I suppose the fact that she is
21 tired, and I suppose with any victim you would probably
22 offer -- do the same, but there was a concern. She was
23 frightened in case Garda Harrison knew that she was in
24 the Garda station. So, from that point of view, I was
25 willing to organise to get somebody to drop her down to
26 her sister in Annagry, but she undertook to leave, and
27 I said to her well, when you leave, will you just text
28 me when you get home and I will know you are safe.

12:12

12:12

29 247 Q. Okay. But did you receive a text from her?

1 A. Yes, I got a text back from Marisa, and this is where I
2 think the phone may be out by an hour, because the time
3 on this is 23:15, but I think we only finished taking
4 the statement at 23:15, so I am guessing it's
5 12:15 a.m. 12:13

6 248 Q. So her phone is an hour behind?

7 A. Yes, yes, I believe so. And she texts back: "Hi, just
8 here now. Thanks for everything". And I suppose that
9 was a relief for me, that she was home safe, to be
10 honest. I will still in work. And I replied back to 12:13
11 her: "No problem. Sorry it took so long". And it did
12 take a period of time, yeah.

13 249 Q. Can we look at the bottom of that page at 1587, which
14 is a record of a text between you and Marisa Simms.
15 Now, you were in contact with her on the following day 12:13
16 when you sent a text to her?

17 A. That's correct.

18 250 Q. Can you just explain why you sent that text?

19 A. I sent a text at -- and again it's probably an hour
20 out, but on this it's 20:44, and I said: 12:14
21 "Hi Marisa, just wondering did you tell Keith you made
22 a complaint? He mentioned to a guard about you looking
23 for a safety order, et cetera. Just wondering.
24 Thanks."

25 251 Q. Okay. And did she reply to that within a few minutes? 12:14
26 A. She replied just within minutes. She said:
27 "Hi, he told me he was talking to Dave Kelly this
28 morning and that he thought he was off with him on the
29 phone and asked if I had been talking to anyone. I

1 asked him to stop calling or I would get a safety
2 order. He called me crying all day, seems in a bad
3 way."

4
5 And I then texted Marisa: "All right, that is okay. I 12:14
6 thought he might just be sussing things out trying to
7 get info. One of the lads out there with him for over
8 two hours."

9
10 And that is a reference -- that's Sergeant Paul Wallace 12:14
11 is out with Garda Keith Harrison in relation to the
12 threats to him and they were furnishing him with crime
13 prevention advice in relation to the threats made on
14 him on 4th and 5th October.

15 252 Q. Yes. Perhaps -- you exchanged further texts with her 12:15
16 then?

17 A. Yes.

18 253 Q. In relation to following on that conversation?

19 A. Yes, I said at 20:58: "As you said, he probably needs
20 help". I suppose she had -- she had alluded to that 12:15
21 when she was making her statement, that he probably
22 needed help. And she replied back then within a couple
23 of minutes:

24
25 "Yes, I really think he does. I called him earlier 12:15
26 because I am seriously worried he might do something
27 stupid. He has promised everything if I came home,
28 told me he will move out. Believe it when it happens."

29 254 Q. Now, there is a record of some other calls then on the

1 8th, and could you help us what they are in relation
2 to. They take place on the morning?

3 A. Yes, that's correct.

4 255 Q. Of the 8th?

5 A. On the 8th of October -- I can't remember did we agree 12:16
6 on the 6th that she would come in on the 8th or how it
7 came about that she was coming in to me on the 8th, but
8 when she left on the 6th it was she needed to organise
9 an alternative phone, because I was conscious she
10 needed to have -- there is no way I was taking the 12:16
11 phone off her on Sunday the 6th and leaving her --
12 going out the door without a mobile phone, so I suppose
13 it was important for her to source a second phone
14 before she came in to me. So she was coming in -- that
15 morning, she has a missed call from me at 10:31, and 12:16
16 she rings me back then in less than a minute and we
17 speak for a minute-and-a-half, and I believe that
18 conversation was in relation to her having sourced
19 another phone and coming in to Letterkenny Garda
20 Station to me. 12:16

21 256 Q. Okay. And I think if we go to page 916. Did she come
22 in on the 8th, by appointment, at 2 p.m., with her
23 phone?

24 A. Yes, that's correct.

25 257 Q. And you'd prepared that in advance, had you, or -- 12:17
26 A. No, I don't think -- no, I -- probably, after talking
27 to her that morning and making the reasons for her to
28 come in, I probably had it prepared.
29

1 "I, Marisa Simms, born 5/9/'80, Woodbury House,
2 Drumacano, Churchill, County Donegal, hereby
3 acknowledge that I handed Inspector Goretta Sheridan my
4 personal mobile phone."

12:17

5
6 I didn't know what kind of phone she had.

7
8 Her phone number, "0860405510, on today's date, 8th of
9 October 2013, at 2 p.m., I am aware the phone is
10 required as part of a Garda investigation."

12:17

11
12 So I had that prepared when I went down to her and
13 discussed the matter with her, and she confirmed that
14 she had a Samsung Galaxy S3 and signed the form.

15 258 Q. Okay. You sent an email to Sergeant McGowan then later 12:18
16 on the 8th at 15:38, and could we look at page 909.
17 And you seem to have perhaps got a phone number of her
18 friend Emma that is referred to there, also from her,
19 is that right?

20 A. That's correct. That is at 3:38, and I email her and 12:18
21 Emma's -- Emma's name, it's a friend of Marisa's, and I
22 then just confirmed the dates of birth of --

23 259 Q. Yes. And did she confirm what is recorded there, did
24 she tell you that Keith -- she didn't tell Keith that
25 she had made this statement? 12:18

26 A. No, she didn't, but, like, I believed from -- that he
27 was trying to suss out through Sergeant Paul Wallace --

28 260 Q. Pardon?

29 A. I believed that he was trying to suss out with Sergeant

1 Paul wallace if Marisa had been in making a statement.

2 261 Q. Yes.

3 A. And that is why I texted Marisa at that stage, did she
4 tell him, because I believed he was trying to find out
5 at that stage had she made one. 12:19

6 262 Q. Now, I just want to deal with one issue of consents.
7 Did you ever explain to Ms. Simms on the night that the
8 threats might be referred to the HSE or would be
9 referred to the HSE?

10 A. There was no doubt that they would be referred to the 12:19
11 HSE, and she was in no doubt about that.

12 263 Q. Yes. The question, and I think you probably heard it
13 correctly: Did you tell her that the threats would be
14 referred to the HSE or could be referred to the HSE?

15 A. No, I told her they would be referred. They have to be 12:19
16 referred and we are duty-bound to refer them, and I
17 would imagine she understood that, and she is a teacher
18 herself so she would have certain obligations in that
19 regard also, but, without a shadow of a doubt, she knew
20 that this was a serious matter. This wasn't an 12:20
21 argument over washing or ironing. This was a more --
22 it's not your average argument in a house. This is a
23 more serious argument that she told us about, and
24 therefore, without a shadow of a doubt, this has to go
25 to the HSE. 12:20

26 264 Q. Yes. Now, it may or may not be relevant to some
27 extent, and it's a matter for the Chairman, obviously,
28 ultimately, but was there any discussion about
29 referring her statement on to GSOC?

1 A. I didn't discuss GSOC with Marisa. Myself or Brigid
2 didn't mention GSOC.

3 265 Q. Okay. Now, I think you are well aware of what
4 Ms. Simms is saying about the taking of the statement
5 at this point in time? 12:21

6 A. Yeah.

7 266 Q. There is a complaint being made that a lot of the
8 questioning and what is recorded here is intrusive,
9 irrelevant, deeply personal matters and ought not to
10 have been either recorded or inquired into by you. 12:21
11 Have you anything you would like to say about that?

12 A. Well, Judge, the first I heard of, let's say, the GSOC
13 complaint was yesterday, and it's 13 months old, and I
14 got to read the content of same. And I have sworn
15 affidavits in relation to - some are, I suppose, 12:21
16 allegations, which I replied to, and that upset me, but
17 I think it was 'Prime Time' or the news on the 14th or
18 15th of February, I am sitting at home and I am hearing
19 that this is going to be included in the Charleton
20 Tribunal, and I really felt, when do I get to speak? 12:21
21 And I actually rang my AGSI rep the next day to say how
22 is it that politicians and guards, or management, I
23 presume, my name is being bandied around all these
24 circles and I don't get to speak? These allegations
25 are being made and there is no, I suppose, fair 12:22
26 process. And I felt like I was looking -- not looking
27 forward to it, but I wanted to come here today and tell
28 it as it is. And I suppose Mr. McGuinness asked about
29 video-recording it or audio-recording it. I wish we

1 had, because we wouldn't be here today if we did that
2 and it did upset me.

3 CHAIRMAN: Well, as I understand what you are saying
4 is, there was some reluctance; initially, there was a
5 lot of chat, preliminaries, but as -- if I am incorrect 12:22
6 in taking you up as this -- matters tumbled out as a
7 kind of an uninhibited stream and you said that that
8 was in some way something you'd experienced before in
9 relation to sexual violence or domestic violence?

10 A. That's correct. 12:22

11 CHAIRMAN: That is fine. That is as I understand it.

12 267 Q. MR. MCGUINNESS: You probably heard it being asserted
13 on behalf of both Garda Harrison and on behalf of
14 Ms. Simms that there was never any threat made to burn
15 her. Are you quite clear that these words recorded 12:23
16 here are her words?

17 A. Absolutely 100 percent they are her words.

18 268 Q. And accurately recorded, as such?

19 A. Absolutely, they are recorded it as she said it. And,
20 Judge, I think even -- I have gone through it with a 12:23
21 fine-tooth comb and that particular part of the
22 original statement where she details that incident, she
23 has actually initialled it, alterations in it maybe in
24 three or four places, so, like, while we were reading
25 it over, she was obviously listening to what we were 12:23
26 saying and she initialled the amendments to it.

27 269 Q. Right.

28 A. And that is only in relation to that one particular
29 incident, which is what we are here about today.

1 270 Q. Obviously, you have told the Chairman that it was read
2 over and she signed every page of it, is that right?

3 A. She signed every page, yes.

4 271 Q. Okay. If these threats -- if, as a matter of fact,
5 these threats were never made, and I want to ask you, 12:24
6 did you consider at the time whether the statement was
7 being made or might have been made out of revenge for
8 these alleged or actual infidelities or had you any
9 doubt you were getting an accurate account yourself at
10 the time? 12:24

11 A. To be honest, dealing with victims, there is times when
12 you think this doesn't add up. But with Marisa, Marisa
13 is a lovely girl and she came in and she was very open,
14 she was like any victim, she was upset about what she
15 was doing. She was in two minds, you know, she had to 12:24
16 think about it and consider what she was doing, and
17 she -- everything that is in that statement is a true
18 reflection of what she told us, 100 percent, and I
19 found her a credible witness, I found her -- she was
20 like a broken woman, that she had reached -- to me, she 12:24
21 was like a woman who had reached rock-bottom. She had
22 gone through an awful lot and, like, outside of her
23 relationship with Keith, and I just felt -- like, my
24 heart went out to her, to be honest, and that is the
25 bottom line. I think she was going through a very, 12:25
26 very hard time with Keith Harrison at that stage and
27 that is the way I viewed her. It wasn't that I looked
28 at the statement and thought, sure this is all -- it's
29 off the wall. To me, it was from the heart.

1 272 Q. Well, you saw on the 2nd of October and the Tribunal
2 has seen, obviously, Sergeant Collins' report in which
3 he has a certain degree of scepticism about what Paula
4 was saying to him insofar as it related to the
5 disturbance at the wedding. Now, he says obviously in 12:25
6 his statement he had no doubt that the threats were
7 real, but he seemed to be concerned and was wondering
8 in writing whether the gardaí were being played in
9 relation to this issue of disturbance at the wedding.
10 Now, at the time you were taking the statement, the 12:25
11 wedding had gone by?
12 A. That's correct.

13 273 Q. Was there anything said by Paula to you in relation to
14 the wedding or Keith Harrison which caused you to be
15 suspicious about her motives or be distrustful of what 12:26
16 she was saying to you about the threats?
17 A. I presume it's Marisa and Keith?

18 274 Q. Yes.
19 A. No, like, she just -- he was peeved because he wasn't
20 invited to the wedding. 12:26

21 275 Q. Pardon?
22 A. He was peeved because he wasn't invited to the wedding,
23 and I think this seemed to be the main instigator for a
24 lot of the stuff that happened in the weeks prior to
25 her coming in to me. 12:26

26 276 Q. Yes. And she obviously was telling you and told you
27 that Andrew Simms was invited to the wedding, is that
28 right?
29 A. Yes, and she said that didn't go down well with Keith

1 and this was upsetting him.

2 277 Q. Now, you attended a conference on the 8th of October in
3 Letterkenny Garda Station, isn't that correct?

4 A. That's correct, yes.

5 278 Q. And what was the purpose of that conference, if I could 12:27
6 ask you that?

7 A. That was a conference convened by the Chief
8 Superintendent in Donegal, Terry McGinn, and there
9 present were Chief Superintendent McGinn;
10 Superintendent McGovern, who was the superintendent in 12:27
11 Milford at the time and who was superintendent for the
12 district when these events happened, or where Garda
13 Keith Harrison and Marisa Simms live; Superintendent
14 Michael Finan was there, because he is the super in
15 Ballyshannon that covers where Garda Harrison works; 12:27
16 and Detective Inspector Pat O'Donnell.

17 279 Q. Now, just the first question: Was any note, official
18 note taken of that meeting?

19 A. I am not sure. What I have there are my own notes. I
20 don't know what -- who else was recording notes. 12:27

21 280 Q. Was there any agenda prepared for it?

22 A. No, there was no agenda. I think it was just a
23 discussion. Obviously there had been the two threats
24 out on Keith on Friday the 4th and Saturday the 5th.
25 We had -- we had a very -- like, a statement of 12:28
26 evidence from Marisa Simms where she outlined serious
27 allegations against -- criminal offences against Keith
28 Harrison, and I suppose the key concern were this
29 incident that happened on the 28th of September where

1 you have children involved and that was the --

2 281 Q. Okay. Well, you had obviously -- you had got the
3 handwritten statement over many pages and over many
4 hours?

5 A. Yeah. 12:28

6 282 Q. Had you arranged for that to be typed in the interim
7 and circulated?

8 A. Yeah, on the night that I took the statement, I left it
9 for Sergeant Peter Duffy, because I was off on the
10 Monday, I wasn't going to be working, so I didn't want 12:28
11 to -- I needed to leave it for somebody so I left it
12 for him. And when I came into work then on the
13 Wednesday, there was a typed version -- or Tuesday,
14 should I say, sorry.

15 283 Q. So Tuesday is the 8th? 12:29

16 A. Yes, that's correct.

17 284 Q. Now, we know Chief Superintendent McGinn had sort of
18 typed but unproof-read copies to send off to GSOC later
19 that day?

20 A. Yeah, that's correct. 12:29

21 285 Q. But were these available to everyone at the conference?

22 A. They were, yes.

23 286 Q. And what else was available?

24 A. I think we discussed the threats or whatever
25 information -- I think Pat O'Donnell was looking after 12:29
26 the threats, so whatever information was available in
27 relation to the threats made to Garda Harrison and
28 perhaps a statement of evidence from Garda Harrison in
29 relation to that matter.

1 287 Q. Is that a statement made by Garda Harrison on being --
2 having been informed of the threats?
3 A. That's correct, yes.
4 288 Q. And being advised?
5 A. I think he -- Sergeant Fergus McGrory had taken a 12:29
6 statement from Garda Harrison.
7 289 Q. And I think he nominated as a suspect a Martin
8 McDermott?
9 A. That's correct, yes.
10 290 Q. Is that right? And was taking it seriously by all 12:29
11 accounts at that time?
12 A. Oh, yes, absolutely, yes.
13 291 Q. Well, this meeting was held with, was it Chief
14 Superintendent McGinn presiding?
15 A. Yes, he chaired the meeting, yes. 12:30
16 292 Q. Yes. And you record in your statement that you had
17 discussed applying for a Pulse activity report for
18 Garda Harrison as this had been alleged in the
19 statement?
20 A. Yes, that's correct. That was in relation to -- I 12:30
21 suppose I had raised the matter that Marisa had
22 mentioned in her statement that he had accessed Pulse
23 and that he was going mad with her for reporting -- or
24 for the guards being involved in the domestic where Jim
25 Quinn attended at the house, and then there was -- 12:30
26 Superintendent McGovern was aware that he had been
27 accessing Pulse before because that was the first -- I
28 didn't know anything about that, but that he had been
29 accessing Pulse inappropriately before and I was tasked

1 with looking for a Pulse activity report on him.

2 293 Q. Yes. And I think you ultimately, relatively quickly,
3 to be fair, sought a Pulse report from IT for a
4 specific period?

5 A. Yes, that's correct, yes. 12:31

6 294 Q. From 2010, is it, or --

7 A. No, I think I just looked for the crux of a year.

8 295 Q. Yes, sorry, '12 to '13?

9 A. Yes, that's correct.

10 296 Q. Now, you took some notes at that meeting, and perhaps 12:31
11 we would look at them at page 906.

12 CHAIRMAN: Mr. McGuinness, do you think you will be
13 much longer?

14 MR. MCGUINNESS: I think at least half an hour more.

15 CHAIRMAN: Okay. And I don't obviously unnecessarily 12:31
16 wish to exclude the press and the public, but
17 2 o'clock, I am afraid, is the come-back time for the
18 press and public. And as I say, if it turns out that
19 matters can be put on the transcript, we will do that,
20 because I am conscious of the obligation to hear 12:33
21 everything in public unless it is absolutely necessary.

22 MR. MCGUINNESS: I am told on instructions from our
23 solicitor that RTÉ may wish to be heard on the issue as
24 to whether the Tribunal goes into a private sitting.

25 CHAIRMAN: Sure then I would have to tell them what it 12:33
26 is about, in which case it would be a waste of
27 everybody's time. So does RTÉ want to be heard? I am
28 very happy to hear anybody.

29 MS. SANDRA HURLEY: RTÉ does want to be heard --

1 [inaudible]
2 CHAIRMAN: Yes, all right. It is a matter of regret to
3 me that I would ever ask journalists not to be present.
4 I can't see there is a reason for a big hoo-ha about it
5 because I think it is wholly exceptional, and in the 12:34
6 event that we can get to the point where matters can be
7 put on the transcript, we will put them on the
8 transcript and it will be here tonight. But if you
9 want to make submissions to me, I will certainly
10 listen, but, I mean, time is limited, and what do you 12:34
11 want to do?
12 MS. SANDRA HURLEY: The solicitors would like to know
13 is it family law matters?
14 CHAIRMAN: I am not going to say anything, I am sorry.
15 If you want to be here at twenty-five to two and make 12:34
16 submissions, well then please do, but I honestly am not
17 going to listen to big long extracts from various
18 judgments of the kind that I write myself. I think I
19 know what the law is on the matter. But it's going to
20 be very hard to persuade me, so you might just tell 12:35
21 them that, and also I am bearing your rights in mind
22 very much. I very much welcome the scrutiny that the
23 press give to the courts and to the Tribunal, so I am
24 not making this lightly and I am not intending to
25 conceal things if at all possible. So that is the 12:35
26 situation. Thanks.
27
28 THE HEARING ADJOURNED FOR LUNCH
29

1 THE HEARING RESUMED, AS FOLLOWS, AFTER LUNCH:

2
3 CHAIRMAN: So I suppose the first thing is, do we have
4 any legal submissions from the media?

5 MS. GILLANE: Yes, Chairman. Chairman, Seán Gillane is 13:39
6 my name. I appear instructed by Ms. Harrington for
7 RTÉ. Thank you for hearing me.

8 CHAIRMAN: Well, I am delighted to hear you,
9 Mr. Gillane. You don't certainly need to thank me.

10 MS. GILLANE: As I understand the position, there is a 13:39
11 ruling to be arrived at in respect of the relevance or
12 otherwise of a document or documents and you are not
13 proposing to hear evidence, as it were, in private. So
14 I think in those circumstances there isn't an
15 application at this juncture. I've discussed the 13:39
16 matter with Mr. McGuinness and he has alerted me to how
17 the Tribunal is to proceed in respect of the issue.

18 CHAIRMAN: Yes. Well, you appreciate, you know, there
19 is a lot of private information being gone into now,
20 but that can't be helped. But insofar as there's other 13:40
21 private information related to unrelated people who are
22 perhaps years before, well then I do think that I have
23 to be very careful in relation to bringing them into a
24 public forum without proper consideration, and I can't
25 give it proper consideration while, at the same time, 13:40
26 revealing everything about them.

27 MS. GILLANE: No, I completely understand.

28 CHAIRMAN: So that is the reason for this. And it is
29 related to the family and the usual rights that would

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be protected there under the Constitution. So that's the reasoning.

MS. GILLANE: Yes. I understand that position. As a consequence, we don't want to make any irresponsible application at this juncture and I understand how the Tribunal is to proceed in respect of it.

13:40

CHAIRMAN: Okay. As much as it pains me, and it does pain me, then could I ask any members of the public and any journalist to leave for, I hope it is no more than about 15 minutes. That even includes Mr. Cunningham, and I won't say missing you already, Mr. Cunningham.

13:41

THE TRIBUNAL CONTINUED IN PRIVATE SESSION

1 THE TRIBUNAL RESUMED, AS FOLLOWS, FOLLOWING A HEARING
2 IN PRIVATE SESSION

- 3
- 4 297 Q. MR. MCGUINNESS: Inspector Sheridan, just before the
5 lunch break, I was asking you to direct your attention 14:42
6 to, your notes at page 906 of our documents --
7 MR. HARTY: Sorry, I wonder, Garda Harrison has to step
8 out for a moment.
9 CHAIRMAN: He can be here or not here, as he chooses.
10 MR. HARTY: Yes. 14:42
- 11 298 Q. MR. MCGUINNESS: And these are notes that you made
12 while the conference was going on, is that correct?
13 A. That's correct.
- 14 299 Q. And it appears to have commenced at 10:00am, is that
15 correct? 14:42
16 A. That's correct, yes.
- 17 300 Q. Now the first thing on your notes is, it says "activity
18 report on Pulse", is that right?
19 A. That's correct, yes.
- 20 301 Q. And it there seems to be an arrow to "Marisa, Paula and 14:42
21 Rita Bogle", is that correct?
22 A. Yes, that's correct.
- 23 302 Q. Was that to pull them up or to create them or to find
24 out what was there? Or, what was the purpose of that?
25 A. It's not necessarily an arrow, it's just a line down. 14:43
26 The "activity reports on Pulse" is one thing and then
27 "Marisa, Paula and Rita Bogle", that is to do with the
28 witnesses or the potential witnesses in relation to
29 this investigation.

1 MR. HARTY: Excuse me. I wonder if the notes could be
2 brought up on the screen while questioning.

3 MR. MCGUINNESS: Page 906.

4 303 Q. You have a reference then to some interviewing, is that
5 right, interviews? 14:43

6 A. Yeah. "Cars" first and then "interview". So Emma
7 Roulston was mentioned in Marisa Simms' statement, she
8 had confided in her and I think she had raised concerns
9 in relation to the number of phone calls and text
10 messages that she was getting from Garda Harrison. 14:43

11 Paula, I have -- some of the writing is in black and
12 some of it is in red.

13 304 Q. Sorry, you're dropping your voice there a little bit,
14 could you speak up a little bit?

15 A. So "Emma Roulston" is there and I have a line over it 14:44
16 then "to BMCG" and that is a reference to Bridget
17 McGowan. That that would be a job for her to do, to
18 take a statement perhaps from Emma Roulston.

19 305 Q. And did she?

20 A. No. She didn't, no. "Paula" then I have in brackets 14:44
21 "(honeymoon)", because I was aware she had gone on her
22 honeymoon at that stage. She was going on either the
23 Sunday night or the Monday. "Andrew" I have a "BMCG"
24 beside that and that again is a reference to Bridget
25 McGowan. Because again Emma Roulston and Andrew lived 14:44
26 in Milford.

27 306 Q. Okay. Now you've got a reference then to "phone" and
28 it says "- dumped", is that correct?

29 A. That's correct. And beside it then there's a dash and

1 then "- E Waters" which is Eoin Waters, Garda Waters,
2 who was involved in dumping the phone.

3 307 Q. Then there is a "GSOC"?

4 A. That's correct yes. "GSOC", yes.

5 308 Q. Was this reflecting discussion that was going on around 14:45
6 the table?

7 A. Yeah. It was just a general discussion in relation to
8 all matters.

9 309 Q. Okay. And was anyone leading on that issue?

10 A. Well, I think the first thing was, I was asked to go 14:45
11 through the statement, you know, or just to highlight
12 the offences that had been alleged through the
13 statement.

14 310 Q. You took the meeting through the statement, is that
15 right? 14:45

16 A. No, we didn't go through the full statement. But I
17 kind of -- from my reading of it, I identified where I
18 thought that there were criminal offences committed.
19 Like, there were some minor, very obvious section 2
20 minor assaults. There's obviously the section 3, 14:45
21 attempt to cause criminal damage to the Junior
22 Certificate exam papers. I believe that there was
23 harassment from Keith Harrison towards Marisa Simms.

24 311 Q. Is that in terms of the communications, is that it?

25 A. Yeah, persistent. 14:45

26 312 Q. Is that the possible area?

27 A. That controlling behaviour through the phone, etcetera.
28 And it was as a result of, you know, what Marisa had
29 outlined in her statement.

1 313 Q. Okay. You've got "HSE referral" there?
2 A. Yeah, that's right. Obviously the welfare of the kids
3 were discussed at that meeting and that again, I have a
4 dash over and "BMCG" there and that is a reference
5 again to Sergeant Bridget McGowan, that she would look 14:46
6 after the HSE referrals.

7 314 Q. Okay. Is a HSE referral, in your knowledge or
8 experience, is that required to be done by any
9 particular member?
10 A. No. It can be done by anybody. well, anybody that has 14:46
11 knowledge of a child at risk.
12 CHAIRMAN: I take it when we're referring to HSE, we
13 are meaning Tusla?
14 A. Yes, that's it. Sorry, Judge, I have a habit.
15 CHAIRMAN: That is fine, the social services. 14:46
16 A. Yeah.

17 315 Q. MR. MCGUINNESS: Sergeant McGowan, she wasn't at this
18 meeting?
19 A. No, she wasn't at meeting, no.

20 316 Q. Okay. Just on that point, did you instruct her at 14:46
21 stage to send off the statements to the HSE?
22 A. No, I had no -- I was just writing down, I didn't -- it
23 wasn't me that told Sergeant McGowan to send the HSE
24 referrals.

25 317 Q. Pardon? 14:47
26 A. It wasn't me that informed Sergeant McGowan to send the
27 referrals.

28 318 Q. This is what I am grasping towards. Who has to make a
29 decision or who made the decision?

1 A. Well, it would be, on this occasion it would either be
2 myself or Bridget.

3 319 Q. Pardon?

4 A. On this occasion, and in normal circumstances if you
5 come across an incident where you believe there are
6 children at risk or being exposed to an element of
7 risk, the obligation is on the investigating guard or
8 whoever is present to make the referrals. But myself
9 and Bridget, I believe we had already discussed that
10 anyway.

14:47

14:47

11 320 Q. Okay. Well, this is what I want to explore carefully.
12 Did any of the other officers there direct you to
13 require Sergeant McGowan to make the referral?

14 A. No. Like, they were going to be sent regardless of
15 what --

14:48

16 321 Q. Pardon?

17 A. No, they would have been forwarded regardless of what
18 anybody said. Because myself and Sergeant McGowan had
19 a duty to ensure the referrals were forwarded.

20 322 Q. Well, I just want to go through the people who were
21 there. Did Superintendent McGinn have any role in
22 deciding that this had to be referred?

14:48

23 A. No, like, the whole -- I suppose there was a discussion
24 certainly around the children and their welfare.

25 323 Q. Yes.

14:48

26 A. And that this was a matter that, you know, like, we're
27 legally obliged to refer to GSOC. So it wasn't that --
28 Chief Superintendent McGinn or Superintendent McGovern
29 or Superintendent Finan didn't say make sure you send

1 in that referral or you send in that referral. That
2 was something that myself and Bridget McGowan had
3 discussed. Like, I mean, it was a matter of course.
4 It wasn't up for discussion.

5 324 Q. You put the phrase GSOC into your answer there, but I'm 14:48
6 just asking you about HSE.

7 A. Sorry, HSE, that is what I meant. I beg your pardon.

8 325 Q. Was your answer intended in relation to the HSE
9 referral?

10 A. Yeah, that's correct. That it was myself and Sergeant 14:49
11 McGowan at the conclusion of taking that statement,
12 anybody, any member of An Garda Síochána would have
13 said, would know that they are obliged to send in a
14 referral.

15 326 Q. Okay. It's not a cabinet meeting, there isn't 14:49
16 necessarily collective responsibility, but I'm trying
17 to find out, did any of the other officers there, as it
18 were, lead the way in deciding that there must be a
19 referral or give you instructions to make a referral or
20 was there simply just a general consensus that it 14:49
21 should be referred?

22 A. Yeah, it was like that, just a general consensus. It
23 was, it was, a matter of course. And certainly myself
24 and Sergeant McGowan had, we had agreed that at the
25 conclusion of the interview that these referrals would 14:49
26 have to go in.

27 327 Q. Okay. You've got a reference then on your notes to
28 "phone", at the bottom there, and "Martin McDermott".
29 Is that "Portlaoise"?

1 A. Portlaoise, yes.

2 328 Q. He was in prison in Portlaoise I think?

3 A. Yeah, that's correct. And I was tasked by the chief
4 superintendent to contact Portlaoise Prison. Because
5 Garda Harrison had indicated to Sergeant McGory, as had 14:50
6 Marisa Simms to myself and Sergeant McGowan, that
7 Martin McDermott was the source of these threats that
8 were made to Garda Harrison on the 4th and 5th October.

9 329 Q. You see, had you been made aware of some suggestion
10 that Mr. McDermott from Portlaoise Prison had contacted 14:50
11 either Paula or Rita or both of them --

12 A. No.

13 330 Q. -- on different occasions?

14 A. No. It was coming from Garda Harrison, he highlighted
15 it in his statement. He believed the threat was coming 14:50
16 from Martin McDermott. And also, Marisa in her
17 statement to me said that he had told her the same
18 thing.

19 331 Q. Okay. But there's reference there to "checking the
20 cell", is that Mr. McDermott's cell in Portlaoise? 14:51

21 A. Yeah, well, I suppose what that refers to is, there was
22 a phone call made to Garda Harrison -- or sorry, I beg
23 your pardon, made to the command control office in
24 Letterkenny Garda Station, one on the 4th and one on
25 the 5th October. 14:51

26 332 Q. Yes.

27 A. And that was in relation to, is there any way that
28 possibly that Martin McDermott was in a position to
29 arrange for those threats to be made or to actually

1 make the call himself. And I don't know if I knew at
2 that stage or afterwards that the phone calls were
3 made. I think they were bouncing off a mast in the
4 Lifford area, which would probably imply he himself
5 couldn't have made the phone calls, but he may have 14:51
6 been in a position to organise for somebody else to do
7 that.

8 333 Q. What is the last entry in the note?
9 A. "Visits made recently."

10 334 Q. Visits to Mr. McDermott while in prison? 14:51
11 A. That's correct, yeah.

12 335 Q. That subsequently became the matter of some inquiry as
13 well?
14 A. Yes. I made inquiries of Portlaoise Prison.

15 336 Q. The second page of these notes then. "Phone" what does 14:52
16 that say, at the top?
17 A. "Phone records Marisa."

18 337 Q. "Phone records Marisa."
19 A. And there is a tick beside that, "dump phone".

20 338 Q. Okay? 14:52
21 A. That was just to do with dumping her phone again.

22 339 Q. There seems to be then a discussion about the GSOC
23 referral?
24 A. Yeah, there was a discussion. I'm -- at that stage I
25 wouldn't have been overly familiar. 14:52

26 340 Q. Pardon?
27 A. At that stage I wouldn't have been overly familiar with
28 GSOC but there was a discussion around referring the
29 complaint to or to the report or the statement to GSOC.

1 341 Q. Yes. Well, you see your first entry there says
2 "section 85 GSOC" and what is the phrase underneath
3 that?
4 A. "Complaint of serious harm."
5 342 Q. Then you have "section 102 GSOC" and you have got the 14:52
6 word "may" which seems to be possibly a quote from the
7 section?
8 A. Yeah, I think -- well, for me sitting in, it was I
9 suppose a learning curve for me in relation to
10 referrals. So I probably quoted "may" because it was a 14:53
11 case that harm or death may result, or whatever the
12 wording was, that's the reason why --
13 343 Q. But was there a discussion about section 102 should be
14 used or could be used --
15 A. Well, I think -- 14:53
16 344 Q. -- is that the context?
17 A. Well, to be fair, I think the discussion was around,
18 like, the very serious allegations that were being
19 made. That, to ensure an open and transparent
20 investigation that the matter should be referred to 14:53
21 GSOC. And I suppose the discussion was around: Did
22 the statement contain enough evidence in it to support
23 the theory that, you know, harm or death could have
24 been caused to Marisa Simms?
25 345 Q. But specifically was there a discussion about whether 14:53
26 it could be referred because of the fact that no
27 fatality, thankfully, nor any actual physical harm had
28 taken place, as to whether it was enough if it may have
29 been contemplated?

1 A. Well, to be fair I suppose, going through the
2 statement, I would have thought there was ongoing harm,
3 albeit probably psychological harm being caused to
4 Marisa Simms. Which I don't know whether you call that
5 serious harm or whatever. But certainly there was an 14:54
6 element of harm there. But there was certainly a
7 discussion around, it was definitely being forwarded to
8 GSOC but in whatever format, like, that is what the
9 discussion was about. Whether it would be a section
10 85, I think, or a section 102. 14:54

11 346 Q. Okay. There seems to be an arrow to "GSOC" and then
12 says "IC", is that reflecting the fact GSOC would be in
13 charge of it?

14 A. Yes.

15 347 Q. They could decide -- 14:54

16 A. Yeah.

17 348 Q. -- what was appropriate, is that right?

18 A. I think -- well, I don't know. But I know from my
19 experience since I have gone to Donegal, that GSOC,
20 that a lot of complaints are forwarded to GSOC and 14:54
21 there could be sometimes more trivial matters and
22 there's a pro discipline approach up in Donegal. And I
23 think - well, this is only my personal opinion, I don't
24 know whether I should say it or not, but - it's
25 probably coming from the Morris Tribunal. That, there 14:55
26 is -- the management in Donegal feel that they have to
27 be seen to have an open and transparent -- I suppose,
28 they have to be seen to open and transparent in how
29 they deal with Garda members up there.

1 349 Q. Are you saying there is a determination that everything
2 gets looked at and oversight of GSOC on anything that's
3 possibly --

4 A. Well, not like -- obviously this is way more serious,
5 but there's pro discipline at every level. Like, I 14:55
6 mean, even from simple things like not -- like,
7 regulation 10s, like, I suppose spending 20 years in
8 Dublin I wouldn't have had sight of too many of them,
9 it seems to be more proactive up there. It is my
10 belief that they run a tight ship up there. And that 14:55
11 is, I suppose, the bottom line.

12 350 Q. Apart from that, just going back to -- what have you
13 then recorded, is that section 105, is it, or what is
14 it?

15 A. I was trying to figure that out. It looks like "GS105" 14:56
16 and then "CS105". I don't know. It may be relating to
17 the --

18 351 Q. What do the words underneath that say?

19 A. "Gardaí continue and GSOC". So it may be -- oh, it
20 must be to do with the Garda Síochána Act, yeah. 14:56

21 352 Q. Okay. Then you have got something about statements of
22 evidence at the bottom?

23 A. Yeah. "Statements of evidence: Gerry Curran and
24 Padraig Conroy." They are the two members that took
25 the phone calls in the communications room in relation 14:56
26 to the threats on --

27 353 Q. The two threats on the 4th and the 5th?

28 A. Yes, that's correct.

29 354 Q. The next page we have got a reference to Paula being on

1 honeymoon for two and a half weeks?

2 A. Yeah.

3 355 Q. And what's that then?

4 A. "He said he's going to move on Thursday."

5 356 Q. He's going to move on Thursday? 14:56

6 A. Yeah.

7 357 Q. Is that out of the house?

8 A. Looking at it, I presume so. I may have got that

9 information from Marisa, that morning. I can't say for

10 sure. 14:57

11 358 Q. And then there is a reference to Mr. Wright, from GSOC,

12 Darren Wright?

13 A. Yeah, I think at that point Superintendent McGovern had

14 made inquiries to see who was the SIO on call in GSOC,

15 and that was Darren Wright. 14:57

16 359 Q. They have a number of designated officers permanently

17 on call, isn't that right?

18 A. Yes. You will always get them 24/7.

19 360 Q. Were you present when that phone call was made to

20 Mr. Wright? 14:57

21 A. No, I wasn't. No.

22 361 Q. Okay. We've covered Marisa Simms bringing her phone in

23 on the 8th?

24 A. Yeah, that's correct.

25 362 Q. And the downloading then. Were you present when it was 14:57

26 returned to her on the 9th?

27 A. No, I wasn't. And I can't say -- I think she got it

28 back on the 9th, after it was downloaded, but I can't

29 say. Garda Waters knew Marisa from Raphoe and he gave

1 it to her.

2 363 Q. And you took possession of the downloaded XRY data --

3 A. That's correct, yes.

4 364 Q. -- is that correct?

5 A. Yes. 14:58

6 365 Q. And the voicemail made by Garda Waters, is that

7 correct?

8 A. That's correct, Judge.

9 366 Q. You've kept them in your custody ever since, have you,

10 the originals? 14:58

11 A. Judge, this is the format in which I got it. And just,

12 Judge, this is the micro cassette that the voice mails

13 were recorded on to [INDICATING] --

14 367 Q. Okay?

15 A. -- and then this is just the original download from the 14:58

16 phone.

17 368 Q. The original?

18 A. Yes. I've had that in this envelope from then until

19 February of this year.

20 369 Q. Now you say in your statement that "further to the 14:58

21 conference on the 8th Superintendent McGovern referred

22 the statement to GSOC pursuant to section 102"?

23 A. Mm-hmm.

24 370 Q. Were you present when he did that or did he tell you

25 that he had done that? 14:58

26 A. No, I just -- I don't know, I might have heard it

27 from -- well, I obviously heard it, somebody in the

28 divisional office or the district office, I'm not sure.

29 371 Q. Okay. You were aware, I think, that Sergeant Durkin

1 was following up on the Westport Hotel issue, is that
2 right?

3 A. That's correct, yes.

4 372 Q. And I think you received a report from that, from him,
5 which is page 918 of the report -- of the papers, I 14:59
6 mean, if we look at page 918. Had you, did you
7 consider any further action was required on foot of
8 that?

9 A. No. When I got that it was just -- wait till I see,
10 that was the statement. That was forwarded over to the 14:59
11 divisional office. So at that stage it's my belief
12 that the matter has been referred to GSOC and I'm not
13 taking any further action at this point.

14 373 Q. Okay. Did you see any documentation that
15 Sergeant McGowan sent off to the HSE? 14:59

16 A. No. No, I didn't, no. No dealings at all.

17 374 Q. Did she raise the issue with you as to whether she
18 should or whether she had furnished the HSE with Marisa
19 Simms's statement?

20 A. No. I don't even know if I had discussed it with her 15:00
21 after that. No. Sergeant McGowan would have went back
22 to Milford after we took the statement on Sunday. But
23 I know she did subsequently do the referrals. But I
24 never had sight of them or reason to have sight of
25 them. 15:00

26 375 Q. Were you ever informed that a Mr. Hone had written a
27 letter back saying HSE aren't going to do anything
28 unless or until we get further information?

29 A. No, I had absolutely no dealings with the HSE end of it

1 at all.

2 376 Q. Well, you see, that is what I want to inquire. There
3 are different constructions perhaps being put upon what
4 the HSE had done at that point in time. Were you told
5 that they had closed the case or they weren't opening 15:00
6 the case or they weren't doing anything until the
7 Gardaí provided more information?

8 A. I wasn't told anything. And the only time that I have
9 seen correspondence in relation to that is since the
10 disclosure. I have seen it in the disclosure material 15:00
11 here before the Tribunal.

12 377 Q. I think you obviously got Sergeant Durkin's report into
13 the Westport matter, but you seem to have been required
14 to provide an update in relation to matters by
15 Superintendent McGovern or Chief Superintendent McGinn, 15:01
16 is that right?

17 A. Do you know what date that is? Sorry.

18 378 Q. It's 17th -- 7th November. Page 929. If we look at
19 page 929. That is sent, it would appear, on behalf
20 of -- 15:01

21 A. That's correct. Yes. That was a Carl, is Carl
22 Campbell, a garda who works in the divisional office.
23 He looks after mostly the discipline matters and
24 internal affairs, etcetera.

25 379 Q. But he's writing on behalf of Chief Superintendent 15:02
26 McGovern, is he?

27 A. Yes.

28 380 Q. Or Chief Superintendent McGinn?

29 A. Oh no, he's writing on behalf of Chief Superintendent

1 McGinn. He's messaging me from the divisional office.
2 381 Q. Well, you see, that states that "Marisa Simms was
3 contacted by GSOC and replied stating that she would
4 not be cooperating with their inquiries, so therefore
5 they are closing their file on the matter. A request 15:02
6 will be forwarded from this office to assistant
7 commissioner Sligo to appoint a superintendent from
8 outside the division to investigate all aspects of this
9 matter. So, we need to gather up as much as we can in
10 anticipation of such an appointment." 15:02

11
12 Did you have any discussion or input into that intended
13 process?

14 A. No. That was, when I got the email that was my first
15 knowledge. And I think there is another email there 15:02
16 that I text or that I emailed Carl Campbell in relation
17 to -- I think I had been in contact with Marisa maybe
18 the week previous when she'd indicated that she may
19 withdraw her statement. But at that stage I wasn't
20 aware that she had told GSOC that she was withdrawing. 15:03

21 382 Q. Okay. Well, there is an email the previous day, which
22 had been sent to you by the chief superintendent,,
23 perhaps you will look at 927 of our documents. It
24 seems to be coming from -- it says "Terry McGinn", it's
25 to you on the 6th November, 16:34: 15:03

26
27 "The attached report from Superintendent McGovern is
28 forwarded for your information. Please update report
29 by return regarding your recent meetings and

1 discussions with Ms. Simms."

2

3 And the report which had been forwarded to you says:

4

5 "With reference to the above, on today's date I spoke 15:03
6 with Darren Wright, GSOC. I inquired in respect of the
7 section 102 referral which had been made to him in
8 respect of Garda Keith Harrison and the criminal
9 complaint as made by Marisa Simms. He indicated that
10 he had been in contact with Ms. Simms and she had 15:04
11 indicated to GSOC in writing that she was not willing
12 to cooperate with their inquiries. As a result of
13 this, and due to the fact that they were of the view
14 that the complaint in the first instance did not meet
15 the criteria for a section 102 referral, they would be 15:04
16 closing their file on the matter. A report to that
17 effect will issue to the Commissioner in due course."

18

19 You saw that, I take it.

20 A. That's correct. And that was, that was forwarded to 15:04
21 me. Now I know it's addressed to Inspector Harrison,
22 but it was emailed to me. But that was my first
23 knowledge then that she was withdrawing her statement.

24 383 Q. Yes?

25 A. And, as I say, I had spoken to her the week before and 15:04
26 she said she would think about it.

27 384 Q. Yes. But Chief Superintendent McGinn is referring in
28 the email at the top to "your recent meetings and
29 discussions with Ms. Simms"?

1 A. Yeah. well, I had, from the day we took the statement,
2 I had tried to contact her a couple of times and I
3 had -- there was no answer to her phone. Apart from
4 that one time that I spoke to her a week before 6th
5 November when I did speak to her, and then it was at 15:05
6 that stage that she indicated that she may withdraw her
7 statement and we had a discussion, and she would take
8 more time to consider her, to consider it.

9 385 Q. well, just tell me a little more about that. Because
10 you do say in your statement to the Tribunal that by 15:05
11 reference to this email that you had spoken to Marisa,
12 you say, the previous week when she indicated that she
13 might withdraw her statement. "I advised Marisa to
14 take time to think about it." was that contact simply
15 on the phone? 15:05

16 A. Yeah, that's correct. I tried her a number of times on
17 the phone. well, I certainly have records in my
18 journal of trying to contact her and there was no
19 answer. And I had some, some recollection of her being
20 hospitalised at that stage but I can't say for sure was 15:05
21 it October or November, but there's something about
22 hospital, and I didn't know what it was for either.

23 386 Q. But you appear to have been in Templemore on some
24 training. If we look at page 931 you're forwarding an
25 email, it would appear, to Carl Campbell in the 15:06
26 divisional office?

27 A. Yeah.

28 387 Q. Saying:
29

1 "I have statements from Westport confirming he
2 contacted hotel, etcetera. Not posing as a guard, but
3 as a groom. In Templemore. I spoke to her last week.
4 She indicated she might withdraw statement but advised
5 her to take time to think about it. In class. Will 15:06
6 ring in a little while."
7
8 A. That's correct, yes.
9 388 Q. Did you try and persuade her not to withdraw her
10 statement or did she say why she was withdrawing her 15:06
11 statement?
12 A. No. It was just a general, she was thinking about
13 withdrawing her statement. And I said well, take your
14 time and when you decide we can organise it. And I had
15 been trying to contact her and she had my -- she 15:06
16 actually had my mobile number at all times.
17 389 Q. Did you understand that she was withdrawing it in the
18 context of GSOC?
19 A. No.
20 390 Q. That GSOC contact, that had been in touch with her? 15:07
21 A. I actually didn't know about GSOC until I got the email
22 on the 7th November and I was quite surprised actually
23 at that stage.
24 391 Q. Well, that's what I am wondering. This appears to have
25 been sent on the afternoon of the 7th after 2:00pm. 15:07
26 And the one that is sent to you earlier is sent at
27 12:36.
28 A. Yeah. Well, like, that's what I mean. Like, it was
29 that day like.

1 392 Q. Pardon?
2 A. It was that day, like. I mean, I didn't know prior to
3 that -- I'm not saying that conversation, but that day.
4 Obviously when I got the email I replied back to that.
5 Like, when I got it, I was probably down in Templemore, 15:07
6 I don't know if I was on a promotion course or --
7 393 Q. I'm sorry I want to be clear about this. You spoke to
8 Marisa the week previous to the 7th November?
9 A. Yeah. Well, I have notes to that effect. But I don't
10 have a specific day or date or time. 15:08
11 394 Q. Now, you have no note of the contents of that
12 conversation?
13 A. No, I don't. But I know that it was just, as I wrote
14 it, it would have been fresh in my mind then when I
15 wrote that email to Carl Campbell and that is what I 15:08
16 said, yeah.
17 395 Q. What I am trying to get from you is: was she making
18 clear to you that she was simply withdrawing her
19 statement from GSOC, because she didn't want them to
20 consider it, or was she conveying to you that she was 15:08
21 in effect retracting her statement made to you?
22 A. I don't think she even mentioned anything to me about
23 indicating to GSOC that she was withdrawing. It was my
24 understanding at all times that it was proceeding until
25 she said to me that she was thinking of withdrawing, 15:08
26 and, you know, that I had spoken to her about that.
27 396 Q. Okay. Did you have any discussion with her about why
28 she was doing that?
29 A. I don't have any recollection of -- I honestly don't

1 know whether we went into the fine detail of why she
2 wanted to withdraw it, I don't know.

3 397 Q. Okay. Well, I mean, obviously we know you're in
4 contact with her the day after, in the days after you
5 took the statement from her on the 8th, on the 9th, and 15:09
6 you have been on the phone with her now. Did she make
7 any complaint to you about how she had been treated in
8 that period?

9 A. No, absolutely not. Nothing. And I would have thought
10 that we had built up a good rapport. 15:09

11 398 Q. Pardon?

12 A. Absolutely not. I would have thought that we built up
13 a good rapport while she was in the station and we were
14 talking -- you know, like, I mean, she had my mobile
15 number, we were talking, she accepted my calls. I 15:09
16 think when she wasn't accepting my calls that may have
17 been the time that she was in hospital, but I'm not a
18 hundred percent sure on that.

19 399 Q. You see she has portrayed, as you know, a view that she
20 was trying to pursue you in order to withdraw her 15:10
21 statement, her Garda statement, and that you were, as
22 it were, fobbing her off or not getting back to her, to
23 try and --

24 A. That is --

25 400 Q. -- either not cooperate with her or to stymie the 15:10
26 process of withdrawing the statement?

27 A. Absolutely not. And Marisa knows and, you know, she's
28 here today, she knows that she had my mobile phone
29 number and she could contact me at any time she wanted.

1 And when she did contact me in January 2014 I returned
2 her call within about 45 minutes. And she knew where I
3 was. And in addition, if she wanted to withdraw her
4 statement she didn't necessarily have to come to me.
5 And Garda Harrison would know this. She could have 15:10
6 easily went to any Garda station in the country or gone
7 to any guard if she felt that keen in withdrawing her
8 statement. She didn't have to come to me.

9 401 Q. Are you saying that if she thought she had been badly
10 treated by you she could go to another guard to 15:10
11 withdraw the statement?

12 A. Well, I think if Marisa was badly done by, or badly
13 treated by myself and Sergeant McGowan her first port
14 of call would have been she had an opportunity when she
15 spoke to GSOC, on the 9th October when she spoke to 15:11
16 Mr. O'Doherty, and at that point she could have easily
17 said, you know what, and explained that this was taken
18 under duress, I never wanted to make it, they treated
19 me badly. And she didn't. Because that is not the
20 case. She was treated very well in the Garda station. 15:11
21 And, like, any victim. And I'm disappointed to think
22 that she would actually go down that line and make
23 those allegations.

24 402 Q. You're highlighting the fact that she was directly
25 contacted by GSOC and she had an opportunity to make a 15:11
26 complaint about your conduct?

27 A. Absolutely.

28 403 Q. which she could have taken if she had wanted to?

29 A. Well, if I was her.

1 CHAIRMAN: I have the point, Mr. McGuinness.

2 MR. MCGUINNESS: Right. Yes.

3 404 Q. You've provided copies of your diary entries in
4 relation to phone contacts or attempted contacts with
5 her and could you just talk us through some of those 15:12
6 perhaps from page 933 on.

7 A. On the 23rd October at 5:10pm I have a note in my
8 diary: "Phoned Marisa Simms. Left message regarding
9 contacting me. No reply ." And then have a line
10 "voicemail". I don't know whether that means I got a 15:12
11 voicemail or I left a voicemail but that is my note.
12 "Phoned Rita McDermott, no reply." It looks like I
13 phoned her twice. "Message minder. Didn't leave a
14 message." And on the 31st October, it was a Thursday,
15 at 4pm "Rang Marisa Simms. No answer. Left message to 15:12
16 call me."

17 405 Q. Okay. Do you think you phoned her or left messages on
18 other occasions or have you any note of any other
19 occasion?

20 A. I may have, but I couldn't honestly say I did here 15:13
21 today because I don't have a note of it. I know I sent
22 an email then to Carl Campbell on the 15th October 2013
23 and I have: "Carl, no reply from Marisa today.
24 Gorette." So that would imply that I rang her on the
25 15th also. So that was the 15th. 15:13

26 406 Q. Is there any record of her attempting to contact you at
27 Letterkenny Garda Station or on your own mobile?

28 A. No. And well, Marisa had my mobile phone number, she
29 could have contacted me direct. But no, I never got

1 any -- the only message that I ever got in the station
2 to contact Marisa was in December 2013 when she spoke
3 to Garda Rosemary Rooney and inquired about getting
4 copies of her statements which she had made. And I
5 contacted her right away and organised that for her. 15:13

6 407 Q. Okay. Well, you have on page 937 a note in your -- is
7 this in your diary, by the way?

8 A. It's a notebook, I have it here, it's just like that.
9 A notebook that I have [INDICATING].

10 408 Q. That is an ordinary work notebook? 15:14

11 A. An ordinary work notebook, yes.

12 409 Q. What is the note you have there?

13 A. "10/1/14 rang Marisa Simms at 10:00am. She had texted
14 me at 9:06 requesting I contact her. Coming into
15 station at 11:00am, Saturday 11/1/14." 15:14

16 410 Q. You rang her back to make that appointment, is that
17 right?

18 A. I got the text at 9:06 and I rang her back at 10:00.

19 411 Q. Okay. Did she tell you what she was coming in to do?

20 A. Yes. She did indicate that she was coming in to make a 15:14
21 withdrawal statement. And that was no problem. Come
22 in and --

23 412 Q. Okay. Did you consult with anyone or report that to
24 anyone at the time or before she came in?

25 A. No. Never. That was a -- I think it was a Friday 15:14
26 because she came in to me on a Saturday. No, I didn't.
27 That was --

28 413 Q. Okay.

29 CHAIRMAN: 11th November or 11th January?

1 A. January 2014.

2 CHAIRMAN: Okay.

3 A. Yeah.

4 414 Q. MR. MCGUINNESS: Now you took a statement from her?

5 A. That's correct. I took a statement from her on the 15:15
6 11th January 2014 in Letterkenny Garda Station. On
7 this occasion it was a Saturday and she was in my
8 office in the station.

9 415 Q. Now was there anyone else present when you took that
10 statement or did anyone else witness it? 15:15

11 A. No. Unfortunately. But no, they didn't. It was just
12 me.

13 416 Q. Did you think there was any need for anyone?

14 A. No, absolutely no way, no.

15 417 Q. Okay. There seems to be a suggestion that the 15:15
16 statement was pre-prepared --

17 A. No.

18 418 Q. -- and you pressured her into signing it in the form in
19 which you had drafted it?

20 A. No, that is incorrect. The statement, when she came 15:15
21 in, we talked about it, and I asked her to read the
22 statement and I actually gave her the original
23 statement and I said you know, will you just do me a
24 favour, read the statement and then, you know, I will
25 take your withdrawal statement, if you are happy to do 15:15
26 that. And that is what I would do with most victims.
27 And sometimes I mightn't -- if it was a long statement
28 like that, if it's a long statement I would get them to
29 read it, if it's something smaller, like if it's a

1 section 2 assault, you know often people will come in
2 withdraw statements, not directly to me at this rank,
3 but certainly when I was a guard, when I was a
4 sergeant, you mightn't necessarily have to go in
5 through the whole ins or outs or ask them to read a 15:16
6 full statement, and it might be just a couple of lines
7 withdrawing their statement. But, this was, I invited
8 Marisa to read the statement.

9 419 Q. Yeah. Well, can I ask you this, obviously some people
10 do come in with pre-prepared withdrawal statements, but 15:16
11 did you give her the typed version or the handwritten
12 version to read?

13 A. I gave her the handwritten one. I gave her my own --
14 yeah, the original document.

15 420 Q. And why did you want her to read it again? 15:16

16 A. I wanted her to be a hundred percent happy that what
17 she was doing was right. Or not right, but that she
18 felt that it was the right thing for her to do. And
19 that was it. I was probably concerned given the nature
20 of the allegations made that she was withdrawing it. 15:16
21 But it was her prerogative at the end of it. And she
22 indicated to me that she was back with Keith at that
23 stage. So, you know, things were looking up for her,
24 so I wasn't going to interfere in that.

25 421 Q. Do you know when she had got back with Garda Harrison? 15:17

26 A. I think, she told me it was Christmas time, so --

27 422 Q. Christmas?

28 A. Yeah. That's from my recollection. I think she said
29 it was Christmas.

1 423 Q. Or sooner, or do you know?
2 A. Actually I don't know, but I think she told me since
3 Christmas.
4 424 Q. Okay. Could we look at page 940? Can you say that she
5 did read the whole of her original statement? 15:17
6 A. One hundred percent yes, she read that whole statement.
7 Because when she was reading it, she was saying 'oh my
8 God, I forget a lot of this stuff'. You know, she
9 didn't even remember saying it to us at the time. At
10 no point did she say this is lies or you forced me to 15:17
11 take it, record the statement. I think parts of it she
12 was shocked by -- well, not shocked, but it was just,
13 like, coming back to her the detail that she had given
14 us in relation to the --
15 425 Q. But she didn't complain about the content of any of 15:18
16 it --
17 A. No. Absolutely no way, no.
18 426 Q. -- is that what you are saying. Perhaps you will read
19 out this statement as you have recorded it.
20 A. Okay. 15:18
21
22 "Statement of Marisa Simms of Woodbury House,
23 Drumcanoo, Churchill County Donegal.
24 Telephone number: 086 040 5510.
25 Occupation: Teacher.
26 Date of Birth: 5/9/80.
27
28 Taken on 11/1/14 at Letterkenny Garda Station by
29 Goretta Sheridan inspector 00765L, Letterkenny Garda

1 Station."

2
3 And the declaration:

4
5 "I hereby declare that this statement is true to the
6 best of my knowledge and belief that I make it knowing
7 that if it is tendered in evidence I will be liable to
8 prosecution if I state in it anything which I know to
9 be false or do not believe to be true."

10
11 And that, again, like the other statement, was read
12 over to her and she indicated she understood.

13
14 "My name is Marisa Simms and I live at the above
15 address." 15:18

16
17 I might just add that when I was writing that I had the
18 original statement in front of me. So I did write
19 Marisa Simms Woodbury, confirm that she was still
20 living in Churchill, copied the phone number, copied 15:19
21 the occupation, you know, from the original statement.
22 So then:

23
24 "My name is Marisa Simms and I live at the above
25 address. On the 6th October 2013 I attended 15:19
26 Letterkenny Garda Station and spoke to Inspector
27 Goretta Sheridan and Sergeant Bridget McGowan. I
28 outlined to them details of incidents which had
29 occurred between myself and Keith Harrison. Keith at

1 that time was my ex partner. They recorded a statement
2 of complaint from me on that day. I have read that
3 statement over today, 11th January 2014. I want to say
4 that everything that I did say -- everything I told
5 them on the 6th October 2013 and that recorded in the 15:19
6 statement is true. These things did happen and I was
7 honest in what I told them at the time. Today, the
8 11th January 2014, I wish to inform you that I no
9 longer want to pursue a complaint against Keith
10 Harrison. I wish to withdraw the statement I made on 15:19
11 the 6th October 2013. I am making the statement of my
12 own accord. No one is pressurising me to do so and I
13 am not under duress. This statement is correct."

14
15 And she signed that statement, the bottom of both 15:20
16 pages.

17 427 Q. Did you read that over to her before inviting her or
18 requiring her to sign that?

19 A. Like, just like every -- like, nearly every one or two
20 or three sentences I was clarifying, is that okay, is 15:20
21 that okay. And that's the way take statements.

22 428 Q. So you were getting her ascent to each sentence as you
23 were writing it?

24 A. Yeah, that's correct.

25 429 Q. Is that right? 15:20

26 A. That's correct.

27 430 Q. I think you reported that she had attended and
28 withdrawn her statement, is that normal practice?

29 A. Well, it was in these circumstances, because it was my

1 understanding that, from the email, in November, that
2 the matters was being referred to an external
3 superintendent to investigate matters, so it would be
4 relevant in the divisional office that she was
5 withdrawing her statement, yeah.

15:20

6 431 Q. Okay. Your report to that effect is at page 942,
7 perhaps we might just look at that.

8 A. Yes. So I emailed at 12:09 on the same day to the
9 Donegal divisional office, which would be, I suppose,
10 where Carl Campbell works, and Chief Superintendent
11 McGinn, Superintendent Eugene McGovern, who at that
12 stage was the superintendent in Milford, that covers
13 where they live, Carl Campbell who works in the chief's
14 office, Bridget McGowan who obviously is the sergeant
15 who was with me when I took the statement, Michael
16 Harrison and Andrew Archibald who has since passed
17 unfortunately. And that was -- and at that stage
18 Superintendent Archibald was the superintendent in
19 Ballyshannon Garda Station.

15:21

15:21

20 432 Q. You see, I was going to ask you, why did so many people
21 need to know so quickly that she had withdrawn her
22 statement?

15:21

23 A. I don't think there's any particular reason. It's just
24 I sent up the email to -- it was a Saturday, just sent
25 it up for their information. well, I think the
26 relevant parties from, like certainly the divisional
27 office, had reason to know, Eugene McGovern had reason
28 to know, obviously Sergeant McGowan and Superintendent
29 Archibald and Inspector Michael Harrison would have

15:22

1 been acting district officer at that stage in
2 Letterkenny.

3 433 Q. Now, you made a Pulse entry in relation to the event
4 several months later, why was that?

5 A. I know at the time there was -- certainly, at that 15:22
6 meeting I was told not to put anything on Pulse because
7 there was this history of Garda Harrison accessing
8 Pulse inappropriately. And I suppose for the safety of
9 Marisa. So I didn't create a Pulse incident at the
10 time. 15:22

11 434 Q. But I mean, having been directed to do that, and we
12 know as part of your actions resulting from the
13 conference you sought Pulse entries or a record of
14 Pulse searches that Garda Harrison had made for that
15 year, isn't that right? 15:23

16 A. That's correct, yeah.

17 435 Q. And that went back into 2013, did it?

18 A. That's correct, yes.

19 436 Q. But did you consult anyone before you now made this
20 Pulse entry in July as to whether it was in fact 15:23
21 appropriate to do it and what you would put in it?

22 A. No. I was trying to think why I only did it then, but
23 I was -- and I don't know if this was the reason behind
24 it. But I was going on leave for two weeks, I think on
25 the 30th July, so it was probably a matter of going 15:23
26 through all my files and getting things, I suppose,
27 tidied up before I go off on leave. But I can't say
28 for sure. Like, I know I didn't create the incident
29 until I think it was July 2014.

1 437 Q. Yeah.

2 A. It was June or July.

3 438 Q. If we look at the text of that at page 945. It was
4 created on the 28th July 2014.

5 A. That's correct, yeah. 15:24

6 439 Q. The category is put down as "Assault/harassment".
7 There's no reference to a threat to kill or a threat to
8 burn. Is there any guidance on whether such a serious
9 matter should be put in or not?

10 A. No. I think in the body I have indicated: "Injured 15:24
11 party reports receiving constant texts and phone calls
12 from SO over a period of time. Also, allegation of
13 assault and threats. Referrals created for children."
14 And then: "Pulse incidents whatever refer." So, like,
15 there is a mention of the threats there. But I suppose 15:24
16 the overarching investigation in relation to -- you
17 know, I suppose realistically there could have been an
18 incident created for every assault and maybe there
19 should have been another incident created for threats
20 to kill, but I suppose I incorporated everything in the 15:25
21 one.

22 440 Q. Okay. There's a reference to two other Pulse incidents
23 there?

24 A. Yeah, that was just from checking Pulse, that I
25 discovered then -- I just wanted to link them in with 15:25
26 the HSE referral incidents.

27 441 Q. And notes that referrals were created for the children
28 there?

29 A. Yeah, and that's why. That would be normal practice.

1 That you would have -- you know, you have to -- I
2 suppose, a Pulse accountability meeting every month.
3 So like, if there is an incident and there's children
4 present, you have to make sure there is a corresponding
5 incident created in relation to the HSE referrals. 15:25

6 442 Q. And that is normal practice, is it?
7 A. It is normal practice -- well, it would certainly be
8 normal practice that there has to be a link or the
9 incidents are what we would say "cased".

10 443 Q. Did you have any feedback, as it were, from 15:25
11 Sergeant McGowan, who was the HSE liaison officer,
12 after you had sent your notification that a statement
13 of complaint had been withdrawn?
14 A. Nothing. No, I hadn't.

15 444 Q. Did you have any discussion with Chief Superintendent 15:26
16 McGinn or any other officer of your rank or senior as
17 to any effect that this would have in relation to the
18 HSE referrals?
19 A. No. I just, when I took the statement, I sent it up.
20 And I had absolutely nothing to do with the HSE in any 15:26
21 regard in relation to this investigation. I never had
22 any written or oral contact with them.

23 445 Q. Okay. You got an inquiry from Garda Campbell as to
24 whether a file had ever been sent to the DPP. Firstly,
25 would that have been your responsibility as the officer 15:26
26 taking the statement, if there was a file created?
27 A. Yeah, well, if I -- like, on Pulse I am down as the
28 investigating garda at that point. Yeah, well, like if
29 I had been in charge of the investigation, you know,

1 from beginning to end, I probably would -- not
2 always -- like, obviously in this case Keith Harrison
3 was never arrested --

4 446 Q. Yes?

5 A. -- or questioned in relation to the allegations, so I 15:27
6 didn't feel it was necessary to send a file. Plus
7 there was a statement of withdrawal. There indents
8 where --

9 CHAIRMAN: It's okay, I understand.

10 A. Yeah. 15:27

11 447 Q. MR. MCGUINNESS: But in terms of investigating the
12 alleged offence in the statement of complaint made to
13 you, is there any reason why he wasn't arrested between
14 October and January to progress the investigation?

15 A. Well, it was referred to GSOC and again I suppose I'm 15:27
16 going back to this accountability in Donegal, that
17 there probably would have been provision for us to
18 carry on with our investigation and to make an arrest,
19 which probably would have been the appropriate thing to
20 do. But it was over to GSOC and let them carry out 15:27
21 their investigation.

22 448 Q. You have been informed as of the 7th November that GSOC
23 had closed the file because it's an inappropriate
24 section 102 referral. So what was then to happen as
25 far as the complaint and your role as the investigating 15:28
26 officer?

27 A. Well, just from the email there, that I received on the
28 7th November, it was indicated that the chief was
29 forwarding or making a request to the assistance

1 commissioner in the Northern Region to appoint a
2 superintendent from outside the division to carry out
3 an investigation. And at that point, I don't know, I
4 suppose I can't say, I didn't know at the time, I'm
5 only learning from reading the paperwork here in the 15:28
6 Tribunal, that Superintendent McGovern was appointed
7 initially I believe and then it was -- that was sent
8 back because I think there was some discussion over
9 whether that was appropriate to have --

10 449 Q. Okay. So that second email that we have looked at of 15:28
11 the 7th November, the matter was out of your hands as
12 regards what was being done by whom to further the
13 investigation, is that right?

14 A. Yeah. I carried out no inquiry in relation to the
15 matter. 15:29

16 450 Q. I think subsequently in December you spoke to Marisa
17 because she had left a message at the station looking
18 for you?

19 A. That's correct. Detective Sergeant Rosemary Rooney
20 just emailed me to say that Marisa Simms was looking 15:29
21 for me and that I would know what it was about. And I
22 rang Marisa and she asked me could she get copies of
23 her statements and I said no problem. I did ask her, I
24 said how are you getting on, and she said I'm getting
25 on fine. I'm just thinking, I don't know whether -- 15:29
26 prior to that I was involved in investigating a
27 discipline matter and I had been trying to contact
28 Keith in relation to that matter to see did he want to
29 make a statement, it was in relation to another member,

1 and I may have said -- I think I probably did say to
2 her in that conversation in December, you know, would
3 she tell Keith or did he get my letter, because I sent
4 him a letter with all my contact details on it.

5 451 Q. Okay. Did you query why she wanted a copy of the 15:30
6 statement or was it an issue at all?

7 A. To be honest I didn't, I didn't ask her. But I thought
8 she's back, there must be something brewing, but I
9 didn't think anything more of it until we got the High
10 Court sworn affidavits. 15:30

11 452 Q. Did she make any complaint to you about how she had
12 been treated at any point?

13 A. No. No, she didn't, no.

14 453 Q. Were you aware as to whether or not she had ever made a
15 complaint up to that point in time in relation to 15:30
16 anything that you had done?

17 A. I didn't believe so. Like, I had no knowledge of it.

18 454 Q. Okay. I think you became aware of judicial review
19 proceedings and in your statement you refer to a number
20 of statements that you provided in relation to that. 15:30

21 CHAIRMAN: Yes, but is that not a bit after the time
22 we are looking at?

23 MR. MCGUINNESS: Yes, it is. I don't intend to go --

24 CHAIRMAN: Unless there's some question of a prior
25 inconsistent statement. 15:31

26 MR. MCGUINNESS: Yes.

27 455 Q. Is there anything further that you wish to add in
28 relation to the matter that is in your view relevant
29 arising out of those statements?

1 A. Well, in relation to the affidavits that were furnished
2 by both Garda Harrison and Marisa Simms, I refuted all
3 the allegations outlined in them. And to be fair,
4 Garda Harrison made allegations, and he wasn't there to
5 say whether -- you know, he wasn't in a position to say 15:31
6 -- it was hearsay evidence coming from him. But I
7 would just say that everything that was alleged against
8 me in relation to, I suppose, malpractice or whatever,
9 not being professional taking a statement, they are
10 inaccurate and I refuted all those allegations. 15:31

11 456 Q. You did have to respond to a particular allegation made
12 by her that when she came in to retract her statement
13 or confirm that she didn't want to continue with the
14 complaint about Keith Harrison, you, on her account,
15 appear to have been urging her to think of her children 15:32
16 and were referencing some example you had of another
17 family or couple who had been the subject of a HSE
18 reference?

19 A. That is totally incorrect.

20 457 Q. Okay. 15:32

21 A. There is absolutely -- there is no way was anything
22 mentioned to her in relation to another couple and
23 their children. Absolutely no way. And she was
24 sitting in the office. He was, like, where I am here
25 now, the seat was right in front of me [INDICATING]. 15:32
26 She would have seen me writing actually, if she could
27 read up downside I suppose. But it was a fairly
28 relaxed atmosphere. We spoke about -- I have a cousin
29 who works with Marisa, they teach together and we spoke

1 about her and it was a relaxed environment. And
2 there's no way -- there was nothing, no threats made or
3 nothing mentioned to Marisa Simms in relation to
4 children and the HSE or anything like that. No way.

5 458 Q. You see she describes it in such a way as you giving 15:33
6 this as an example of where some other couple had had a
7 blazing row in front of their children and that led to
8 a reference to the HSE and that you couldn't guarantee
9 it wouldn't happen, and she seemed to be taking that as
10 a threat, either expressed or implied, by you, was 15:33
11 there any discussion about any such altercations?

12 A. We had a conversation on the night, on the 6th October,
13 in relation to the referrals and the need to forward
14 referrals to the HSE. That was when the discussion
15 around the welfare of her children came up. And that 15:33
16 was that we were told at that stage that we had an
17 obligation to make the referrals to the HSE, and I
18 think that's -- the referrals did go in on that
19 occasion. And no other referrals went in. Certainly
20 not from me. I never sent in any referrals in relation 15:33
21 to Marisa and her children. And to add that, I have no
22 doubt -- Marisa is a lovely girl and I have no doubt
23 she is a good mother, so I have no concerns about her
24 and her ability to be a mother.

25 MR. MCGUINNESS: Perhaps you would answer any questions 15:34
26 any other parties may have for you. Thank you.

27
28
29 CHAIRMAN: I think Mr. Hartnett is first on this

1 occasion.

2 MR. HARTY: I am mindful of the time, and I will be
3 some be considerable time with this witness.

4 CHAIRMAN: No, Mr. Hartnett is most directly affected.

5 MR. HARTY: Sorry, I thought you said Mr. Harty. 15:34

6 CHAIRMAN: No, I am sorry. I am mumbling.

7 MR. HARTNETT: I had understood my friend was going
8 first and I had more or less relied on that, that he
9 would be a matter of some hours. So, I might ask for
10 five minutes just to -- I had not anticipated starting 15:34
11 today. The usual roll is that Mr. Harty goes first.

12 CHAIRMAN: Yes, Mr. Harty, I suppose, is affected most
13 closely by most of the evidence so far, but this is the
14 evidence which most closely affects you, Mr. Hartnett,
15 it wouldn't be fair to -- 15:34

16 MR. HARTNETT: I accept that. But I understood that
17 Mr. Harty was to go first.

18 CHAIRMAN: Yeah, well, I suppose that is reasonable.

19 MR. HARTNETT: Sir, I can start but I would ask for
20 five minutes just to get my notes together. 15:35

21 CHAIRMAN: Would you prefer to go to Monday?

22 MR. HARTNETT: Yes. Probably.

23 CHAIRMAN: All right. well, the ordeal will continue.
24 Just a couple of housekeeping notes then: Vis-à-vis
25 the transcript for the immediately after lunch session, 15:35
26 that can't be published for obvious reasons - that it
27 relates to family matters that aren't within the terms
28 of reference; I am inviting the parties to make
29 submissions as soon as the evidence ends in this case,

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immediately please; and we're not sitting on Monday,
2nd October until two o'clock.

THE HEARING THEN ADJOURNED UNTIL MONDAY, 25TH SEPTEMBER
2017 AT 10:00AM

15:36

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