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MATTERS FOLLOWING RESOLUTIONS PASSED BY DÁIL ÉIREANN AND
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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 WEDNESDAY, 27TH SEPTEMBER 2017 - DAY 26

26

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

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1 THE HEARING RESUMED, AS FOLLOWS, ON WEDNESDAY, 27TH
2 SEPTEMBER 2017:

3
4 MS. LEADER: Yes, sir, the first witness today is
5 Marisa Simms. Her statement to the Tribunal is at
6 volume 1, page 40 of the materials.

10:01

7
8 MS. MARISA SIMMS, HAVING BEEN SWORN, WAS DIRECTLY
9 EXAMINED BY MS. LEADER:

10 1 Q. MS. LEADER: Ms. Simms, I wonder if you could start
11 your evidence by explaining to the Tribunal who you
12 are, who members of your family are and where you are
13 from.

10:02

14 A. My name is Marisa Simms. I am from Donegal. I have
15 one sister, Paula McDermott, and one brother, Martin
16 McDermott.

10:02

17 2 Q. And your mother is Rita McDermott, who gave evidence to
18 the Tribunal last week?

19 A. That's correct, yeah.

20 3 Q. Now, if you would in summary form explain to the
21 Tribunal how you know Garda Keith Harrison?

10:02

22 A. I originally met Keith back in college, in university
23 in Galway in 1998. We were together for a while then,
24 parted ways in 1999 and met again in 2010.

25 4 Q. Okay. And I think in the meantime, you had gotten
26 married to a man called Andrew Simms and have two
27 children as a result of that relationship?

10:03

28 A. That's correct, yeah.

29 5 Q. Okay. You are no longer with Andrew Simms, obviously?

1 A. No, we are divorced.

2 6 Q. Okay. Now, in 2010, I think, and going into 2011, you
3 commenced a relationship with Garda Harrison, is that
4 correct?

5 A. That's correct, yeah. 10:03

6 7 Q. And you now have one child together?

7 A. That's right, yeah.

8 8 Q. And your mother described Garda Harrison as being a
9 supportive partner and she was happy to see both of you
10 together and that is the current situation? 10:03

11 A. That's correct, yeah.

12 9 Q. But that hasn't always been the case, isn't that
13 correct?

14 A. That's right, yeah.

15 10 Q. And I think particularly in 2013, the relationship with 10:04
16 Garda Harrison was in a very bad place?

17 A. It was. It was not a happy time for both of us.

18 11 Q. And I think that had been the case since 2011 on a
19 maybe much milder way since he had moved to Donegal?

20 A. That's correct, yeah. 10:04

21 12 Q. Now, if you could just, in summary, maybe, tell the
22 Tribunal about his move to Donegal and how that came
23 about?

24 A. Garda Harrison moved to Donegal in March 2011. He was
25 stationed in Buncrana. He moved from Buncrana in May 10:04
26 2011, I think it was, and was stationed then in Donegal
27 Town.

28 13 Q. In Donegal Town. And in relation to the move from
29 Buncrana to Donegal Town, your brother at that time was

1 in custody awaiting trial in relation to the
2 manslaughter of a guard, isn't that correct?

3 A. That's right, yeah.

4 14 Q. Did you have any particular view of how Garda Harrison
5 should approach that topic with his colleagues in 10:05
6 Buncrana Garda station?

7 A. I didn't, really. I suppose I just left it up to
8 himself. It was -- I suppose I was embarrassed of my
9 brother, if I am honest.

10 15 Q. But did you think he should share the information with 10:05
11 his colleagues?

12 A. Em, perhaps. He was working with the people, I suppose
13 I left it up to him, we didn't really discuss it.

14 16 Q. All right. Now, maybe if I could go first of all to
15 the months of August, September and October 2013. You 10:06
16 at that time moved in with Garda Harrison, isn't that
17 right?

18 A. That's correct, yeah.

19 17 Q. You were living in a place called woodbury and that had
20 been the case since the previous March or April, is 10:06
21 that correct?

22 A. That's correct, yeah.

23 18 Q. Okay. And I think there had been tension in the
24 relationship, if I can put it at its most neutral,
25 because of your reluctance to move him with him prior 10:06
26 to that?

27 A. Yeah. My family didn't really approve, I suppose, they
28 wanted me to remain with Andrew, and it had caused
29 tensions. I suppose the main change that I saw in

1 Keith was when he moved from Buncrana to Donegal Town.

2 19 Q. Okay. Well, maybe, I think you weren't happy with
3 Garda Harrison as a result of information that came to
4 you from a number of different sources with regard to
5 ongoing infidelities, isn't that right? 10:07

6 A. That's correct, yeah.

7 20 Q. Okay. And by the time August 2013 had come along, you
8 were, to put it mildly, raging with him, in relation to
9 the infidelities?

10 A. I was angry with him, yeah. 10:07

11 21 Q. Okay. And there was also another complication at that
12 time, because your sister's wedding was coming up?

13 A. Yes, that caused a lot of stress and tension, yeah.

14 22 Q. And were you to be her bridesmaid?

15 A. Yeah, she's my only sister and I was chief bridesmaid 10:07
16 and I suppose I felt torn. The early months of 2013, I
17 had found out I was pregnant and --

18 23 Q. Maybe, we can skip over that. So there was the --
19 Paula's wedding coming up?

20 A. Yeah. She had relayed her feelings in no uncertain 10:08
21 terms about Garda Harrison; she didn't like him and she
22 didn't like how he treated me.

23 24 Q. And he wasn't invited to the wedding?

24 A. Initially she said she would invite him to the wedding
25 and then I think she'd heard something and he was no 10:08
26 longer welcome.

27 25 Q. Okay. And Andrew Simms was invited to the wedding?

28 A. He was, yeah.

29 26 Q. Okay. And I think this was something that was causing

1 a lot of aggravation between yourself and Garda
2 Harrison?

3 A. That's right, yeah.

4 27 Q. And that was along with the various infidelities which
5 had been referred to? 10:08

6 A. Yeah, and he'd also been involved in a road traffic
7 accident in May 2013 and the loss of the baby in June
8 2013 and just various factors, it just was not a good
9 or happy time for both of us.

10 28 Q. Okay. Now, I suppose we are all here because of a 10:09
11 statement that was taken from you in Letterkenny Garda
12 Station on 6th October 2013?

13 A. That's right, yeah.

14 29 Q. Okay. So if I could immediately jump to that, and ask
15 you why did you go to the Garda station on that day? 10:09

16 A. Can I just be absolutely clear about this from the
17 start: I never wanted any garda intervention in my
18 life. Inspector Sheridan alluded to the fact that I
19 contacted her or -- it was Inspector Sheridan and
20 Sergeant Collins who initiated contact with me. By the 10:09
21 time I returned the call to Inspector Sheridan I had
22 three missed calls, a voicemail, a text message and she
23 had passed her number on to my mother, and that is why
24 I returned her call.

25 30 Q. Okay. So, you returned her call and you went to the 10:10
26 Garda station?

27 A. I returned her call, I think it was on the 3rd of
28 October. We spoke, I think, for around seven minutes.
29 She obviously had been speaking with my sister. She

1 was looking for information in relation to the hen
2 party and various other things. She had asked me to
3 come in for a chat and that's her exact words, for a
4 chat. There was never any mention of a statement. She
5 called me -- she called me back about 20 minutes later 10:10
6 and to be honest, it was the day before the wedding and
7 I remember thinking, what does she want now? She said,
8 and I am 100 percent clear on this, the chief wants an
9 exact time. She wasn't happy that I was going to come
10 in the day after the wedding, and she suggested 3:00pm. 10:11
11 So to say that I voluntarily went in of my own accord
12 is absolutely, totally incorrect.

13 31 Q. Okay. So, what you are saying to the Tribunal is that
14 you didn't go in voluntarily to the Garda station?

15 A. No. And in fact, one other thing I forgot, this was 10:11
16 the day before the wedding, she suggested that two of
17 the Gweedore Gardaí could call to the house and talk to
18 me. So in my mind I suppose I was thinking, if I don't
19 go in and I am hearing the chief wants an exact time,
20 if I don't go in where are these people going to show 10:11
21 up? Are they going to show up at my work? Where am I
22 going to see them again?

23 32 Q. Okay. You drove into the Garda station yourself, is
24 that right?

25 A. I drove in myself, yeah. 10:11

26 33 Q. Okay. And we know you were there for an extended
27 period of time. If you would explain to the Tribunal,
28 in your own words, how you were treated during that
29 time in the Garda station and what happened while you

1 were in there?

2 A. When I went in, as I said, it was suggested that I call
3 at 3:00pm. Inspector Sheridan, as far as I can
4 remember, met me at reception. She was pleasant. She
5 took me up to a room, it was a large room which I later 10:12
6 found out was the superintendent's office. I did think
7 it was strange, if I am honest, I suppose I thought
8 maybe some senior member may call in. Or, why are they
9 taking me here? Why was I in this office?

10 34 Q. Yes. And what happened then? 10:12

11 A. I met Sergeant McGowan. We had initial chitchat, I
12 suppose. There was no paper on the desk, no witness
13 paper, I think somebody suggested that. I am
14 absolutely certain on that, there was no statement
15 paper out at all. I was taken in for this chat. And 10:13
16 to be honest, I didn't really know why I was -- why I
17 was there, but I was -- when I heard that the chief
18 wanted me there, I was going to be there.

19 35 Q. Okay. So you went in because Inspector Sheridan had
20 contacted you on a number of times, that she had told 10:13
21 you the chief wanted a statement --

22 A. Yeah.

23 36 Q. -- you were afraid that guards would arrive
24 unannounced?

25 A. Sorry, she didn't say statement, she told me to come in 10:13
26 for a chat. I am clear on that.

27 37 Q. Okay. And what was the situation with regard to the
28 chief?

29 A. Sorry, how do you mean?

1 38 Q. I thought earlier on in your evidence there was a
2 suggestion that the chief wanted -- was it a time?
3 A. She said the chief wants an exact time and Inspector
4 Sheridan suggested 3:00pm.
5 39 Q. 3:00pm. And you were afraid that guards would call to 10:13
6 your house or work unannounced?
7 A. There had already been a suggestion that the Gweedore
8 car could call out. This was the night before my
9 sister's wedding, we had family from Canada there and I
10 did not want Garda cars calling to the house. 10:14
11 40 Q. Okay. And you got there, and she was initially
12 friendly, you went up to an office and you met sergeant
13 McGowan up there, and you don't remember any paper and
14 there was some chat at that stage?
15 A. That's correct, yeah. 10:14
16 41 Q. Okay. Well, what was that chat about?
17 A. About how myself and Garda Harrison had met. I suppose
18 background details, really. They were trying to I
19 suppose maybe put me at ease. I remember they were
20 trying to make find common ground with me. I remember 10:14
21 Sergeant McGowan talking about the montessori that one
22 of the children had went to. And just, I suppose
23 trying to put me at ease, if you like.
24 42 Q. Okay. And do you think they did put you at ease at
25 that stage? 10:15
26 A. I thought when the chat was over that that was it, that
27 I was going. It was never my intention to make a
28 statement.
29 43 Q. Okay. So, when the chat was over, what were you

1 talking about when the chat ended?

2 A. When the chat ended?

3 44 Q. Yes, you said when the chat was over.

4 A. I can't, I can't remember exactly, but I remember
5 Sergeant McGowan sitting back in the chair and saying, 10:15
6 'we'll get some of this down now while it's fresh in
7 your head'. And I was reluctant. And I am very
8 definite on this because my children were mentioned.
9 She said, 'You know, Marisa, you really need to think
10 of your children'. 10:15

11 45 Q. Okay.

12 A. So that was when the paper was produced.

13 46 Q. Okay. And what do you think, the needing to think of
14 your children, what was that a reference to, do you
15 think? 10:16

16 A. I don't know, but I remember feeling afraid and it was
17 said more than once. I felt, like, if I was wavering
18 they thought I wasn't going -- they weren't going to
19 get what they wanted from me, this 'think of your
20 children was mentioned'. 10:16

21 47 Q. Okay. So, during the chat was Garda Harrison
22 mentioned?

23 A. Yes.

24 48 Q. And in what way was he mentioned by the guards?

25 A. I remember specifically when I was talking about him 10:16
26 being moved from Buncrana, I said -- I named a few
27 people who Garda Harrison had told me refused to work
28 with him, and I remember Sergeant McGowan said well,
29 that's the story he told you or that's what he told

1 you. And when I read back over the statement, when I
2 went in to retract it, that was exactly what was wrote
3 down, they were not my words, they were Sergeant
4 McGowan's words.

5 49 Q. Okay. 10:17

6 A. And that is just an example of some of the things that
7 were wrote that were not my words.

8 50 Q. Okay. So, when you were going into the station for a
9 chat, did you know what that chat was going to be
10 about? 10:17

11 A. I knew it was in relation to Garda Harrison but to be
12 honest, I didn't really know why they wanted private
13 details. Like, there's things in that statement I
14 would never divulge to anyone.

15 51 Q. Okay. So if you could tell the Tribunal in your own 10:17
16 words what happened during the taking of the statement
17 and how it came about that the statement was taken?

18 A. It was suggested to get things down on paper while it
19 was fresh in my head, it was Inspector Sheridan who
20 initially started taking down, I suppose, the 10:18

21 biographical details, if you like. Say maybe the first
22 four pages, she wrote down and it was read back to me.
23 After that, nothing was read back to me. It was just a
24 series of probing questions. I remember stopping at
25 one time saying 'Sorry, I don't see the relevance of 10:18
26 this'. I was told these things may be relevant later.

27 52 Q. Okay. And what do you have to say about the behaviour
28 of Inspector Sheridan and Sergeant McGowan towards you
29 while taking the statement?

1 A. I believed them at the start, I took these ladies at
2 face value. They told me it was for the chief's eyes
3 only.

4 53 Q. Okay. And in relation to providing information to them
5 to put in the statement, how did that come about? 10:19

6 A. I suppose the best way to describe it, it was a bit
7 like a question-and-answer session.

8 54 Q. Okay. And you gave answers to the questions,
9 obviously?

10 A. I did, yeah. And some of them were, like, 'would you 10:19
11 say it was obsessive?', they were not my words. I may
12 have agreed but they are not my words.

13 55 Q. Okay. And did you get food? Did you have a break? Do
14 you want to tell the Tribunal anything about that?

15 A. We had I think, from what I remember, two tea breaks 10:19
16 and Sergeant McGowan brought up something from the
17 vending machine. But to be honest, I just felt sick
18 and I wanted out of there.

19 56 Q. You wanted out of there. Okay. And I suppose why
20 didn't you go out of there if you wanted to get out of 10:20
21 there?

22 A. I was told at one stage, I remember putting my head in
23 my hands and saying, I didn't know they wanted me to
24 say or where to go next.

25 57 Q. Okay. 10:20

26 A. And it was suggested I come back in the morning. I
27 don't want to see these people again.

28 58 Q. Okay. You were sure about that, that you didn't want
29 to see them again?

1 A. Yes.

2 59 Q. Okay. And is that why you stayed?

3 A. I stayed because I did not want to come back in the
4 morning, I didn't want to have to go through this
5 again. 10:20

6 60 Q. Okay. And we will get on in more detail in a while to
7 the actual taking of the statement in detail, but when
8 it came to signing it, do you have anything to say to
9 the Tribunal in relation to that?

10 A. Initially, I think I signed my full name at the start. 10:21

11 61 Q. I am sorry, I just didn't catch that?

12 A. Sorry, the first few pages, I think I may have signed
13 my full name. Coming near the end, as I remember,
14 Sergeant McGowan was trying to get the paperwork sorted
15 for the phone, so I was initialling the pages and not 10:21
16 only was I initialling the pages, it was being turned
17 around when they would notice an amendment that was to
18 be done. I think someone said there was 20-something
19 amendments in it, but there's also 14, and at least 14
20 other amendments that I have not initialled. 10:21

21 62 Q. Okay. And you studied --

22 A. Because I never -- because the statement was never read
23 over to me. Only the first few pages when Inspector
24 Sheridan was taking, say, the biographical details, to
25 make sure they were correct, and after that nothing was 10:22
26 read over to me. The first time I read the statement
27 was when I went in to retract it.

28 63 Q. And that was the following January?

29 A. That's correct.

1 64 Q. Okay. And in relation to giving details of your
2 personal life with Garda Harrison, do you want to tell
3 the Tribunal anything about how you felt about that?
4 A. I do remember saying to them that it was irrelevant.
5 Like, as I said, there's things in that I wouldn't tell 10:22
6 anyone. I didn't understand why I was being asked some
7 of these probing questions. I didn't -- to be honest,
8 I didn't feel it was any of their business.

9 65 Q. Okay. And are you saying -- I just want to be clear
10 about this, Ms. Simms, in relation to the contents of 10:22
11 the statement; are you saying the guards made it up, or
12 are you saying you provided that information to the
13 guards albeit reluctantly?

14 A. I am not saying -- I am not suggesting that they made
15 it up. 10:23

16 66 Q. OK.
17 A. But I am saying the details in it, like, details about
18 Keith's infidelities and various issues, that's nothing
19 to do with anyone. That is private to me.

20 67 Q. Okay. And so, are you saying that the information in 10:23
21 the statement was provided by you to the guards?
22 A. Was provided by me but there's things in it I don't
23 agree with and they are not my words.

24 68 Q. Okay. And when you say they are not your words, are
25 you saying that what is down there is true but you 10:23
26 would have expressed it in a different way or are you
27 saying something else?

28 A. Sorry, could you repeat that?

29 69 Q. Are you saying, in relation to things in the statement

1 not being your words, are you saying you would have
2 expressed what is in the statement in a different way
3 but what is there is true?

4 A. I suppose what I am saying is, small things were taken
5 and magnified into something that it never was. Like, 10:24
6 a non-incident was made into an incident, something
7 small was made into something big.

8 70 Q. Okay. I wonder could you give me an example of that.

9 A. Can I --

10 71 Q. You can of course look at the statement. 10:24

11 A. I suppose maybe on page 7 of the statement, I am not
12 sure --

13 72 Q. Are you looking at the typed --

14 A. 1635, I think, is it.

15 73 Q. Okay. 10:25

16 A. Just in relation to text messages, there was a large --
17 just over halfway down, "there was a large volume of
18 texts", do you see that?

19 74 Q. Yes.

20 A. "There was a large volume of texts, very persistent and 10:25
21 again bordering on obsessive in my view." That's,
22 "obsessive in my view", that was a question that was
23 put to me. And just, like, during the course of our
24 relationship we were in frequent contact with each
25 other, the texts and phone calls, that was normal, but 10:25
26 that's something that was made into something that it
27 wasn't.

28 75 Q. So what are you saying about the word "obsessive"
29 there, were they obsessive in your view?

1 A. That is not my view. Even there "in your view", that
2 was a question that was put to me. 'In your view was
3 it obsessive?' No, I might say at times if we had an
4 argument he might have been persistent, he might have
5 wanted to contact me, but it wasn't, in my view it 10:26
6 wasn't obsessive and that was a question that was put
7 to me - 'In your view was it obsessive? - and that's
8 what was recorded.

9 76 Q. Okay. And maybe you could give us another example of
10 something that is wrong in the statement? 10:26

11 A. Page 1640. Up at the top: "Keith has also put me out
12 of the house on two occasions." I have never been put
13 out of my home. Let's be clear on that, if I had ever
14 been put out I never would have returned. We lived
15 down a quiet cul-de-sac and we have very good 10:27
16 neighbours. The suggestion that I was put out of my
17 home is absolutely ludicrous. I left voluntarily, I
18 asked my mother to collect me, I have never been put
19 out of my home.

20 77 Q. Okay. You have a car, do you? 10:27

21 A. Yes.

22 78 Q. And you didn't leave the house in your own car, though?

23 A. No. Maybe times if I had a glass of wine or something
24 I wasn't going to drive myself, I would ring my mother
25 and ask her to come and collect me. 10:27

26 79 Q. And maybe if we could continue on and identify another
27 time.

28 A. The next page, 1641.

29 80 Q. And what do you wish to --

1 A. About halfway down there: "I felt like he was totally
2 undermining my confidence." That was again a question
3 that was put to me.

4 81 Q. Okay.

5 A. Just on down a few more lines: "He became extremely 10:28
6 abusive and aggressive towards me." They are not my
7 words.

8 82 Q. And I think we are referring here to August 2013?

9 A. Yeah.

10 83 Q. And when you say they are not your words, I would just 10:28
11 like you to clarify, does it convey the sense of what
12 was being communicated to the guards?

13 A. To be honest, everyone here knows this was a lengthy
14 statement. Some of these questions were put to me, I
15 was so exhausted, I was nodding in agreement, I already 10:28
16 had two threats to think of my children.

17 84 Q. Okay. So, was it the case that they are not your
18 words, I suppose, or is the information in them -- was
19 that being conveyed --

20 A. He was never abusive or aggressive. 10:29

21 85 Q. Okay. So are you saying the guards made this part of
22 it up?

23 A. I am not saying they made anything up.

24 86 Q. OK.

25 A. I am saying they are not my words. I may have nodded 10:29
26 in agreement to one of their questions, but I never
27 voluntarily said, he became abusive and aggressive
28 towards me.

29 87 Q. All right. And maybe we could continue on and point

1 out where else the statement, you disagree with it?

2 A. The next page, 1642.

3 88 Q. Yes.

4 A. About three quarter way down: "I felt totally harassed
5 at this point and felt I couldn't do anything unless I 10:29
6 OK'd it with him." I don't remember saying that.

7 89 Q. And again to be clear, do you think it was something
8 you nodded in agreement or did it convey the sense of
9 what you were saying to the guards?

10 A. To be honest, there were times in the interview, some 10:30
11 of the questions, I didn't know whether I was coming or
12 going, to be honest, so I can't answer that honestly.

13 90 Q. Okay. I suppose I could ask you this way: Did you
14 feel harassed and did you feel you couldn't do anything
15 unless you'd OK'd it with Garda Harrison? 10:30

16 A. No. No.

17 91 Q. You never felt like that?

18 A. Never.

19 92 Q. Okay. Maybe we could continue then.

20 A. Page 1644. 10:30

21 93 Q. Yes. That relates to the threats?

22 A. Yeah.

23 94 Q. Yes.

24 A. And this, I think it was alluded to a few times that
25 this was the reason why they were so keen to pursue me, 10:31
26 why I suppose I was sought out.

27 95 Q. Did the guards say that to you?

28 A. No, but I've listened to that over the past
29 week-and-a-half here. I have listened to my life being

1 torn apart by people in here.

2 96 Q. Okay. And what parts of that do you say are incorrect?

3 Take your time doing this.

4 A. Down near the bottom.

5 97 Q. Okay. 10:31

6 A. "And also I'm going to bury her and you."

7 98 Q. Now, what do you say about that?

8 A. He did say about -- Garda Harrison did say about my

9 sister, I am going to bury her.

10 99 Q. Yes. 10:31

11 A. But it was in relation to the wedding. It was, I

12 suppose, he was going to get her back, he was going to

13 out-do her for not inviting him. That's my inference

14 of it. It was never a threat that he was going to

15 physically bury her. 10:32

16 100 Q. Okay. So what do you think you said to the guards

17 there?

18 A. I am going to bury her, there was never any mention of

19 me.

20 101 Q. Okay. 10:32

21 A. "And then he said "I am going to burn you"." He did

22 say I was going to get burnt, but he meant by my

23 family, not -- I was going to get burnt if I didn't

24 stop trying to please everyone. I was being pushed and

25 pulled in every direction. 10:32

26 102 Q. Okay. And if we can continue there.

27 A. Yeah.

28 103 Q. And there was a reference to burn, but not in the way

29 it appears in the statement?

1 A. Yes, absolutely. Never meant that he was going to
2 incinerate or burn anyone. That was never -- and I
3 never picked it up like that.

4 104 Q. Okay. And if you could just identify any other
5 inaccuracies? 10:33

6 A. "And I could see the child's eyes filling up and she
7 was getting upset." The child was crying, but it was
8 when I went back out to the car.

9 105 Q. So do you think the guards either made that up or --
10 about the child's eyes filling up with tears? 10:33

11 A. I may have said it there, but that's not the way that
12 it happened.

13 106 Q. Okay. And if you could continue on and maybe --
14 A. And just then "after having him threatening to burn me"
15 I remember that was -- I think it was Sergeant McGowan 10:33
16 said that the child was upset after him, that I never
17 said that.

18 107 Q. Sorry, so you never said?
19 A. "After him having threatening to burn me."

20 108 Q. Okay. And is there anything else you want to point
21 out? 10:34

22 A. Yeah, the next page.

23 109 Q. Yes.
24 A. "He prevented me from going in by physically grabbing
25 my wrist. I was really frightened of him at this stage 10:34
26 and he was in such a rage as if he was not in control
27 of himself and he was crazy." Number one, I was never
28 grabbed by the wrist. He did physically, I suppose, by
29 his sheer size stand in front of the door before I

1 left, he didn't want me to go.

2 110 Q. Okay.

3 A. And I've no recollection of saying "-- as if he was not
4 in control of himself and he was crazy".

5 111 Q. So do you think that was just put in by the guards? 10:35

6 A. I can't answer that.

7 112 Q. Okay. well, you've no --

8 A. I have no memory of saying that at all.

9 113 Q. Okay. So if you can't remember saying it and if you
10 are saying it didn't happen, I suppose the logical 10:35
11 conclusion from that is that the guards made it up and
12 put it in?

13 A. I can't say, I can't answer that, that's not -- I never
14 said that.

15 114 Q. Okay. And if you could point out anywhere else in the 10:35
16 statement that you have a difficulty with?

17 A. On down: "At that point I was thinking will I get out
18 of the house at all. And I was worried that he was in
19 such a rage he would hurt me." I remember being asked
20 'what were you thinking at this point when he was 10:36
21 standing at the door?' And I -- it is possible that I
22 may have nodded, if they asked me 'Did you think you
23 wouldn't get out of the house?'.
24 115 Q. Okay. And anything else?

25 A. At the very end: "This statement has been read over to 10:36
26 me and I have made any alterations or corrections I
27 deem necessary and it's true and correct."

28 116 Q. Okay. So you have pointed out there where you say the
29 statement is inaccurate, and you have told us that you

1 went into the Garda station, as you thought for a chat,
2 afraid that the guards would turn up at your house and
3 that there was some involvement from the chief in the
4 matter at that stage, that you were exhausted while you
5 were there, that you felt the guards were intruding 10:37
6 into your personal life unnecessarily?

7 A. Yeah.

8 117 Q. And is there anything else you want to say in relation
9 to your time in the Garda station that day?

10 A. Just that I think there has been a few different 10:37
11 versions of the toilet break. I had one toilet break
12 and it was an escorted toilet break by Inspector
13 Sheridan. She did come into the bathroom and she did
14 wait outside the toilet door. I am certain of that.

15 118 Q. Okay. And you have also told us that the reason you 10:38
16 stayed there was, you didn't want to go back to the
17 Garda station?

18 A. There was a suggestion I could come back in the morning
19 but I did not want to return.

20 119 Q. Okay. And in relation to the signing of the statement, 10:38
21 do you want to explain to us how that came about?

22 A. I initially I think signed my full name on the first
23 few pages, from what I can remember. Coming near the
24 end, one of them made the suggestion that I could just
25 initial it, and it was the same with the amendments, 10:38
26 all the amendments - excuse me - the page was just
27 turned on its side and I initialled it. I didn't read
28 it, what I was initialling.

29 120 Q. Okay. And you drove yourself home from the Garda

1 station that night?

2 A. That's correct, yeah.

3 121 Q. Now, I suppose obviously, Ms. Simms, there is a big
4 dispute between yourself and the guards as to what
5 happened in the Garda station that night, you have 10:39
6 heard Inspector Sheridan and Sergeant McGovern [sic]
7 talk about it?

8 A. Yeah.

9 122 Q. Yes. And there's also a big dispute about how you got
10 to the Garda station on that day, as in the 10:39
11 understanding that -- put it this way, that you weren't
12 forced or coerced or persuaded into going into the
13 Garda station?

14 A. I never wanted any Garda involvement and the only
15 reason I went in was when I heard the chief wants an 10:39
16 exact time. As I've said, I had a seven-minute phone
17 call with Inspector Sheridan, it was the day before my
18 sister's wedding. The phone rang again, I think
19 initially I missed the call, she rang me back 20
20 minutes later. I returned the call, and her exact 10:40
21 words were, in fairness to her she was almost
22 apologetic which made me think that she was being
23 directed to do this, she said 'I am sorry about this,
24 Marisa, the chief wants an exact time', and she
25 suggested 3:00pm. 10:40

26 123 Q. Okay. Now, like all of these things, we are trying to
27 find out where the truth lies, and sometimes you can be
28 helped by looking at documents that were created nearer
29 the time or what happened nearer the time --

1 A. Yeah.

2 124 Q. -- in order to explore what was happening at that time?

3 A. Yeah.

4 125 Q. So, if we go, first of all, to the first thing we see
5 in your phone after leaving the Garda station, and I 10:40
6 appreciate this is maybe extracts of what was
7 downloaded from your phone. If we could just turn to
8 page 1587 of the materials. And you will see at the
9 second-last paragraph, if it can be turned around,
10 maybe, we will see a text going from Marisa to 10:41
11 Inspector Sheridan at 23:15?

12 A. Yeah.

13 126 Q. And the first thing we see: "Hi, just here now, thanks
14 for everything."

15 A. Yes, that's correct. 10:41

16 127 Q. So that might be a fairly unexpected thing to find in
17 your phone history if you were relieved to get out of
18 the Garda station you had been -- your personal life
19 had been scrutinised in every way, that you'd been kept
20 in the Garda station all day at a stage where you 10:42
21 didn't even properly understand why you were going in
22 there?

23 A. Yeah.

24 128 Q. So I don't know if you'd like to explain that?

25 A. Yes, I will absolutely, that is a fair comment. 10:42
26 Inspector Sheridan asked me to let her know that I got
27 home okay after being in the Garda station for over
28 eight-and-a-half hours. I had an hour to drive then to
29 my sister's house, so -- and they knew I was exhausted,

1 so she asked me to let her know that I was home okay,
2 so I texted "just here now and thanks for everything".
3 At that stage, can I just say in relation to the
4 "thanks for everything", I suppose at that stage I
5 hadn't realised that I suppose, if I like, had been 10:42
6 duped. That, I didn't realise that until I got the
7 phone call from George O'Doherty when I was in
8 hospital.

9 129 Q. Okay. What were you thanking her for?
10 A. Well, I was just thanking her for inquiring that I got 10:43
11 home okay, letting her know that I got home.

12 130 Q. Well, we will look at the text again now and what it
13 says is: "Thanks for everything." So, everything is a
14 bit more than I got home okay, especially when you are
15 initiating the contact -- 10:43
16 A. Yeah.

17 131 Q. -- if you understand?
18 A. Yeah, yeah. As I said, at that stage I took these
19 ladies at face value, that the information that I
20 suppose was partly extracted from me was only for the 10:43
21 chief's eyes only.

22 132 Q. Okay. Well, let's explore that another little bit.
23 You said you took them at face value.
24 A. Yes.

25 133 Q. But at the same time you have just told us here that 10:43
26 you went to the Garda station for a chat, okay?
27 A. Yes.

28 134 Q. You were taken up to a room, went to the toilet once
29 during the day, felt that you wanted to get out of the

1 Garda station and never go back there, to such an
2 extent that you stayed on for a long time?

3 A. Yeah.

4 135 Q. That you were quizzed about intimate details of your
5 personal life? 10:44

6 A. Yeah.

7 136 Q. And you were just blindly initialling a statement at
8 the end, so it might seem that it's an unusual thing to
9 say then "Hi, just here now, thanks for everything".

10 A. I suppose, I was just being polite and letting her know 10:44
11 that I was home, thanks for inquiring that I got home.
12 That was it, I didn't mean any more than that.

13 137 Q. Well, maybe, and I am just suggesting this to you,
14 Ms. Simms, that if you had been through the day as you
15 have described it to the Tribunal the last thing you'd 10:44
16 been doing is saying thanks to anybody who had been
17 involved in it?

18 A. Yeah. As I said, at that stage I believed that the
19 information was only for the chief. I didn't realise
20 all the whole thing was going to happen afterwards. 10:45

21 138 Q. Okay. So you were happy that you had provided the
22 statement, am I correct in saying that?

23 A. No, I wasn't happy that I provided the statement.

24 139 Q. So you weren't happy you'd provided the statement when
25 you got home on the 6th? 10:45

26 A. When I -- happy isn't the -- happy isn't the right
27 word.

28 140 Q. Okay. So what was your feeling when you got home on
29 the 6th?

1 A. Exhausted, number one.

2 141 Q. OK.

3 A. And like, as I said, at this stage I was so far through
4 myself, I didn't know whether I was coming or going. I
5 believed that -- I genuinely believed that what was 10:45
6 taken down was for the chief, and I wasn't -- it wasn't
7 until the next day when Inspector Sheridan had - sorry
8 - had contacted me and said, she used the words,
9 statement of complaint, that was the first time I
10 suppose in my mind, I was thinking, is that actually 10:46
11 what I did?

12 142 Q. Okay. You see, it's just very hard to understand why
13 you would be thanking somebody who had put you through
14 an ordeal, immediately after that ordeal was over?

15 A. I wouldn't describe it as an ordeal. I would say it 10:46
16 was uncomfortable and I took them at face value. I
17 believed what they told me.

18 143 Q. Okay. Well, lots of people don't feel comfortable in
19 Garda stations, you know, so uncomfortable is a very
20 mild way of putting something. What you described 10:47
21 earlier is closer to an ordeal about staying in the
22 Garda station, determined to finish it so you'd never
23 have to go back there, being asked about intimate
24 details of your life with Garda Harrison. Do you
25 understand what I am saying? 10:47

26 A. I understand what you are saying.

27 144 Q. So are you saying it was simply uncomfortable in there?
28 And I know it's hard, years later, but we have to be
29 as --

1 A. I appreciate that.

2 145 Q. It's important we understand.

3 A. I was asked a series of probing questions that clearly
4 I was not comfortable answering. Like, as I said, I
5 put my head in my hands at least twice and not knowing 10:47
6 where I was going. I was confused, I was exhausted, I
7 was -- Inspector Sheridan asked me to let her know that
8 I got home okay, I can't -- I was -- I thanked her for
9 inquiring that I got home okay. Like, there's nothing
10 merely more to read into it than that. 10:48

11 146 Q. Okay. Well you see, I suppose the way Inspector
12 Sheridan described you on the day was that you were
13 unburdening yourself to her and that she was listening
14 to you, that she wasn't expecting all of this
15 information to come out either. And maybe that text is 10:48
16 consistent with what Inspector Sheridan says of the
17 day, that you were thanking her for listening, for
18 going through matters with her?

19 A. No, absolutely not.

20 147 Q. Okay. And then Inspector Sheridan replies to that text 10:48
21 almost immediately, saying: "No problem. Sorry it
22 took so long." And matters were left there.

23 A. Yeah.

24 148 Q. Okay. Now, I just want to refer to the texts to your
25 sister and Andrew while you were in the Garda station 10:49
26 and the phone calls to them. If we could just maybe
27 turn first of all to the phone communication with
28 Andrew Simms, and that's at page 1822 of the materials,
29 I think. Sorry, 1882, I beg your pardon. So, we see a

1 text from you to Andrew at half past four saying:
2 "Okay, still at station." Do you see that?

3 A. Yes.

4 149 Q. And that's in reply to a text from Andrew at 16:27
5 saying: "Are you okay? worried." That is at the 10:50
6 bottom of the last page. Have you opened that?

7 A. Yes.

8 150 Q. So Andrew at that stage is worried about you. You say
9 you are okay, and then two hours later there is a text
10 from Andrew: "will I take children on down and put 10:50
11 them to bed?" Another text at 18:26 from Andrew to
12 you: "Away on with the children, worried about you."
13 And then there is a series of dialled calls. a missed
14 call from Andrew at half past six, just immediately
15 after that, and a series of dialled calls from you to 10:51
16 Andrew, one at 19:14, one at 22:28 and one at 22:59?

17 A. Yeah.

18 151 Q. And one of those phone calls lasted eight minutes 37
19 seconds, do you see that? I am sorry, you don't on the
20 screen, if Mr. Kavanagh could -- yes. 10:51

21 A. Yes, I see it.

22 152 Q. Eight minutes 37 seconds. So you were communicating, I
23 suppose. First of all you were saying to -- it appears
24 from this, saying to Andrew Simms that you were okay
25 and you were still at the Garda station and then you 10:51
26 stayed on the phone to him for eight minutes 37 seconds
27 at half past ten?

28 A. No, I think that might be when I left the station. I
29 think the phone may have been out by an hour.

1 153 Q. Okay. All right. Very well. But I suppose maybe if
2 we go then to the text -- Andrew was texting you
3 because he was worried about you and you were saying
4 you were okay. So I suppose what I am asking you
5 really is: If you were uncomfortable in the Garda 10:52
6 station and you were in communication with the father
7 of your two children at that time, maybe it's something
8 you would have said to him?

9 A. No, it was a quick text. This was between -- this may
10 have been -- I think the first text was maybe just 10:52
11 after the chat had ended, the initial chat at the start
12 before anything was written down.

13 154 Q. Okay. So you were happy at the station at that time?

14 A. Yes.

15 155 Q. Okay. So there were no complaints until the statement 10:53
16 was being taken, is that what you are saying?

17 A. I would say when they started taking down the
18 statement, it was less, I won't say friendly but that
19 was the first time of the mention of I should think of
20 my children. 10:53

21 156 Q. Okay. And if he was inquiring about being worried
22 about you at half past six, maybe it's something you
23 would have -- if you were under enormous stress at the
24 time, you might have asked him to bail you out in some
25 way? 10:53

26 A. No, I may have texted during a tea break to either
27 Andrew or my sister but it wasn't like -- I was
28 answering a series of questions, it wasn't like my
29 phone was in front of me that I could have text a big

1 long message.

2 157 Q. I know, but I mean, all you'd have to say in reply is
3 'I'm not okay' or 'rescue me' or something like that.
4 It's a thing that, what I am suggesting to you is, that
5 you didn't indicate to Mr. Simms, who was in 10:54
6 communication with you, that it wasn't all well in the
7 Garda station, and I am asking you do you want to
8 explain that in any way?

9 A. Well, I don't really because -- even though myself and
10 Andrew have a very good relationship I wouldn't discuss 10:54
11 anything to him about Keith or being in a Garda station
12 or -- I wouldn't discuss anything like that with him.

13 158 Q. Okay. But you told him you were at the station?

14 A. Yeah, I think Paula had already told him, Paula and
15 Andrew have a very good relationship. 10:54

16 159 Q. Okay. So that's what you say in relation to that?

17 A. Yeah.

18 160 Q. And if we could then maybe turn to a text to your
19 sister Paula. Who were you staying with at the time?

20 A. I was staying with my sister. 10:55

21 161 Q. Your sister Paula, at the time. And the children were
22 with Andrew that night --

23 A. No. He was leaving them down to my sister's house.

24 162 Q. He was leaving them down to your sister's house?

25 A. Yeah. 10:55

26 163 Q. There is a text communication between yourself and
27 Paula at 2316 of the materials. You see there we have
28 Paula texting Marisa: "What time are you going to be
29 back? Gonna get dinner sorted." And you say the same

1 as you have said to Andrew, I think: "Am okay, still
2 at station."

3 A. Yeah, I think I may have just forwarded the message on
4 to both of them.

5 164 Q. Okay. So if you were telling your sister and Andrew 10:56
6 Simms that you were okay, maybe it would suggest that
7 you actually were okay at the station and you were
8 happy to be there?

9 A. Well, at that stage, this was, as I said, I think it
10 was still the initial chat. 10:56

11 165 Q. Okay. And maybe if you were unhappy to be there, you
12 might have told them, 'Could you get me out of here?',
13 if you thought you couldn't leave yourself?

14 A. It wasn't -- it wasn't that I felt there was a bar put
15 on the door, that I couldn't leave there, if I gave 10:56
16 that impression I apologise, it wasn't like that.

17 166 Q. Okay. Well, why didn't you leave, so?

18 A. I didn't leave because, as I said, there was a
19 suggestion that I could come back in the morning and I
20 did not want to have to come back in the morning. 10:57

21 167 Q. Okay. Well, I suppose if I can put it this way to you,
22 and I don't mean this in any which disrespectfully,
23 but: You are an adult, you're in a position of
24 responsibility in what you do, and you say there was
25 nothing keeping you in the Garda station, so maybe -- 10:57

26 A. Yeah, I understand where you are coming from, but I was
27 sought out by these people. If I -- I felt that I --
28 "the chief wants an exact time", they are very specific
29 words. Like, I -- this was a very difficult time for

1 me.

2 168 Q. No, I appreciate that.

3 A. There was a lot of factors, a lot of things going on.

4 I felt pressure from every side and I suppose I did

5 feel pressure when I heard "the chief wants an exact 10:58

6 time". I didn't want to have to come back and that is

7 the truth.

8 169 Q. Okay. Now, so the position is, you didn't want to go

9 back to the Garda station, I am correct about that,

10 after you had left? 10:58

11 A. Yes.

12 170 Q. And you felt the questioning was unduly intrusive into

13 details of your personal life and in particular into

14 details of your relationship between yourself and

15 Keith, isn't that right? Am I correct? Is that your 10:58

16 position?

17 A. You are correct, but I knew I had to return to give my

18 phone. I had an hour's drive to drive to my sister's

19 house, and it was late at night, so I couldn't hand my

20 phone over there and then in case I got a flat tyre or 10:58

21 something. I needed to have my phone with me, so I

22 knew I needed to return to hand my phone in.

23 171 Q. Did you have to give your phone?

24 A. I suppose the correct -- the -- I suppose I didn't have

25 to but I felt obliged to. 10:59

26 172 Q. Okay. Well, why did you feel obliged to give your

27 phone?

28 A. I suppose there had been a threat on Garda Harrison's

29 life and there had been a suggestion that it may have

1 had something to do with my brother. So I think that
2 was maybe my thinking at the time; maybe if I handed
3 over my phone they may see that -- I don't know, not to
4 exonerate myself but I think in the back of my mind
5 that that was kind of a thought that was going through 10:59
6 my head.

7 173 Q. Okay. And I suppose anybody's phone, it's a very
8 private thing to give to somebody else?

9 A. Yeah.

10 174 Q. It contains details of all your text communication? 11:00

11 A. Yeah.

12 175 Q. All your phone calls, all your voicemails, any whatsapp
13 messages, there was a video referred to on the phone
14 already?

15 A. Yeah, mm-hmm. 11:00

16 176 Q. All of that information is contained in the phone?

17 A. Yes.

18 177 Q. And you returned to the Garda station on the 8th
19 October 2013 to hand your phone to Inspector Sheridan,
20 isn't that right? Am I right about that? 11:00

21 A. Yeah, I think it may have been Garda Waters who took
22 it. I can't remember exactly but, yeah.

23 178 Q. I might be able to assist you. If you turn to page 916
24 of the materials, okay? And what it says is: "I
25 Marisa Simms, hereby acknowledge that I handed 11:01
26 Inspector Goretta Sheridan my personal mobile phone --"
27 and it's described for the phone number. "-- on
28 today's date, 8th October 2013 at 2:00pm. I am aware
29 the phone is required as part of a Garda

1 investigation." And you sign it, it's witnessed by
2 Inspector Sheridan and it's dated 8th October.

3 A. Okay, yeah, maybe it's Garda Waters that gave me back
4 the phone, sorry.

5 179 Q. Gave it back to you the day after? 11:01

6 A. Yeah.

7 180 Q. So what did you think you were handing the phone to
8 Inspector Sheridan for?

9 A. As I said, I think I felt maybe it was in relation to
10 the threats on Keith's life. Just, I don't know, I 11:02
11 suppose, not to prove that I didn't have anything to do
12 with it but just, they asked for the phone and I gave
13 it to them. I don't know why I gave them the phone. I
14 didn't feel under any pressure, as such, to hand over
15 my phone. They asked would I give them the phone to 11:02
16 dump and I said yes.

17 181 Q. And they'd asked you that on 6th of October in the
18 Garda station?

19 A. Yes, in the Garda station at the end of the
20 eight-and-a-half hours. 11:02

21 182 Q. And you were happy to give them permission to access
22 your phone at that time?

23 A. At that time, yeah.

24 183 Q. Okay. And while in the Garda station, while giving the
25 statement, you had referred to getting lots of texts 11:02
26 from Garda Harrison, isn't that right?

27 A. Mm-hmm, yeah.

28 184 Q. And lots of missed calls?

29 A. Yes.

1 185 Q. And it's featured quite a lot in your statement, isn't
2 that right?

3 A. Yes.

4 186 Q. Okay. And I don't think there was any reference to the
5 threats to Garda Harrison in your statement? 11:03

6 A. Okay, yes.

7 187 Q. So it might be a logical thing to take from that that
8 as you had been talking about continuous texts from
9 Garda Harrison and messages and communications that
10 were on your phone -- 11:03

11 A. Mm-hmm.

12 188 Q. -- and had given your permission on the night to give
13 your phone and given that phone to the same guard that
14 you had given your permission to, that you had given
15 the statement to, that you might have been giving the 11:03
16 phone so as the guards could pursue an investigation
17 into Garda Harrison?

18 A. Yeah, that may be true.

19 189 Q. So do you think that is why you gave them the phone, to
20 investigate Garda Harrison and not the threats? 11:03

21 A. It may be, I don't know what I was thinking at the
22 time. As I said, it was at the end of the
23 eight-and-a-half hours, they asked for my phone and I
24 said yes.

25 190 Q. Okay. But this is two days later, so you had lots of 11:04
26 time to withdraw your permission, you could have said
27 those guards were treated me very badly in the Garda
28 station, I have no intention of ever going back, as you
29 have said you did --

1 A. Yes, yes.

2 191 Q. -- and they are certainly not getting my phone which
3 contains even more details of my personal life?

4 A. Yeah. I don't know, I gave them the phone, I can't say
5 why I did. They asked for it and I gave it to them. 11:04

6 192 Q. Okay. well, as I said, I think maybe you can explain
7 why you gave them the phone, you were the person who
8 gave them the phone, so I don't know if you could maybe
9 try to explain.

10 A. I don't know what else to say other than they asked for 11:04
11 my phone and I gave it to them.

12 193 Q. Okay. well, you had to organise a replacement phone as
13 well, so -- which was --

14 A. well, it was a phone that we had at home. It wasn't --
15 I didn't have to go out and buy another phone. 11:05

16 194 Q. It was one of the children's phones, wasn't it?

17 A. Yes.

18 195 Q. So, you had said that. So you had to persuade a child
19 to give up his or her phone for a day or two?

20 A. well, not persuade. Like, the child was only eight at 11:05
21 the time. It was a phone that Andrew would ring her
22 on, it wasn't that I was taking the phone off her.

23 196 Q. Okay. But you had to organise matters?

24 A. Yes.

25 197 Q. Yes. So that you would have a phone while the phone 11:05
26 was in the Garda station?

27 A. Yes.

28 198 Q. So why not just abandon the whole giving the guards the
29 phone at that stage?

1 A. I suppose I wish I did now. But at the time I didn't.
2 They asked for my phone and I gave it to them. I don't
3 know what else to say other than I gave it to them.

4 199 Q. well, one interpretation of it is that you were happy 11:05
5 that they investigate Garda Harrison in relation to how
6 he'd been behaving towards you in the preceding months,
7 that is one interpretation?

8 A. Yeah. Look, at the time I was not happy with Garda
9 Harrison and it wasn't a happy time for us at all.

10 200 Q. So do you think that's why you gave them the phone? 11:06
11 A. Maybe. I don't know. Perhaps.

12 201 Q. And it had nothing to do really with the threats?
13 A. No, it had. At the back of my mind it had.

14 202 Q. Okay. All right. well, maybe we could look at what 11:06
15 you were looking up on the Internet, which is also
16 downloaded from the phone, on the 7th. And that's in
17 the materials which were circulated yesterday. At page
18 2438 of the materials. So if we just go to page 2438
19 of the materials, we see halfway down the page, that
20 you are looking up Citizens Information in relation to 11:07
21 barring, safety and protection orders?

22 A. That's correct, yeah.

23 203 Q. Yes. And if we just turn down through the page then,
24 next page, 2439, we see that there is a reference to
25 you looking up: "Police ex-lover said he could make my 11:07
26 life hell, says harassed graduate, Kate Bow." Do you
27 see that?

28 A. I see that, yeah.

29 204 Q. So that would appear you are looking up matters which

1 also coincide with the description you gave of your
2 life with Garda Harrison to the guards on the 4th
3 October, do you understand what I am saying to you?
4 A. I understand what you are saying. Just Inspector
5 Sheridan had talked about, you know, if the calls were 11:08
6 still persistent or text messages, that she had
7 suggested a safety order. I had never heard of a
8 safety order and that was why I looked it up.
9 205 Q. So that is the safety order?
10 A. Yes. 11:08
11 206 Q. So in relation to looking up "Police ex-lover said he
12 could make my life hell, says harassed graduate, Kate
13 Bow" --
14 A. Yeah.
15 207 Q. -- and this is referring to an article in a newspaper 11:08
16 which is public anyway?
17 A. I suppose harassed was one of the words that the
18 inspector and the sergeant had used and it may have --
19 I may have Googled something like that and I suppose
20 this may have come up. 11:09
21 208 Q. And if we go down to the next thing you actually looked
22 up, it says: "Gardaí to get phone records of man
23 accused of harassing wife. Herald.ie."
24 A. Yeah, I see that. And again, I think it was just a
25 word that they had mentioned and I was just looking it 11:09
26 up. It wasn't anything, it wasn't anything sinister.
27 209 Q. I don't think anybody is suggesting to you that it's
28 sinister, looking up these things.
29 A. Yeah.

1 210 Q. And then we go down to the next thing that you look up:
2 "Garda Tribunal recommends dismissal of garda accused
3 of harassment. RTE news." Do you see that?
4 A. I do, yeah.

5 211 Q. Now, they were all things that you looked up the day 11:09
6 after you get out of the Garda station, having given a
7 statement to Inspector Sheridan and sergeant McGowan?
8 A. Yeah.

9 212 Q. Do you understand what I am saying?
10 A. I understand, yeah. 11:10

11 213 Q. So there is a safety order, the police ex-lover saying
12 he could make my life hell, the phone records --
13 A. Mm-hmm.

14 214 Q. -- of somebody accused of harassing his wife and then
15 the Garda Tribunal recommending dismissal of a garda 11:10
16 accused of harassment. So, again this is a suggestion,
17 Ms. Simms, that they are all matters that directly
18 related to what you had told the guards the day before
19 about Garda Harrison, they touched on those topics.
20 A. Yeah, I agree with you. 11:10

21 215 Q. Okay.
22 A. Some of these words that were used, as I said, like
23 words like obsessive and harassment, these were words
24 that were suggested to me and it wasn't like I didn't
25 know what they meant; I was looking up, I suppose -- I 11:11
26 suppose I was looking up the definition of was the
27 way -- if I am honest, I suppose I felt Keith at times
28 perhaps wasn't behaving rationally and I was Googling
29 it. That's it.

1 216 Q. Okay. Well, I suppose that is one interpretation, but
2 another interpretation that could be put on this is
3 that you'd gone to the Garda station and unloaded
4 yourself, as Inspector Sheridan and sergeant McGowan
5 have told the Tribunal, unloaded yourself about what 11:11
6 had been going on in your domestic life, so that had
7 been done, the statement had been done, and you were
8 now exploring where things would go from here in
9 relation to the matter, should you get a safety order.
10 You knew you had given permission in relation to the 11:12
11 phone.

12 A. Yeah, as I said --

13 217 Q. You were exploring maybe the consequences of doing that
14 for you in relation to police ex-lover saying he could
15 make my life hell, the consequences for Garda Harrison 11:12
16 insofar as he might lose his job about it, the Garda
17 Tribunal recommending dismissal and the consequences of
18 handing over the phone, which hadn't been done already,
19 so as to -- "Gardaí to get phone records of man accused
20 of harassing wife." Do you understand? 11:12

21 A. I understand, yeah.

22 218 Q. So an interpretation that could be put on it is: You
23 were thinking things through.

24 A. As I said, I had never heard of a safety order, I had
25 heard of a barring order and I was Googling it. I 11:12
26 don't -- that is all I can say in relation to it.

27 219 Q. And maybe what is absent from the searches, and I am
28 sure I will be corrected if I am wrong about this in
29 any way, but what seems to be absent from the searches

1 is, there's no searches in relation to Gardaí
2 mistreating people in Garda stations or anything in
3 relation to those type of matters?

4 A. I never -- I didn't say that I was mistreated. At that
5 stage I said I took the two ladies at face value and I 11:13
6 believed -- I didn't -- at that stage, I didn't believe
7 that I had been duped.

8 220 Q. Okay. But you had still felt intrusive -- am I right?

9 A. Yes, yes.

10 221 Q. I just want to be very clear about this. intrusive 11:13
11 questioning, exhaustion?

12 A. Irrelevant questions I would say.

13 222 Q. Irrelevant questions.

14 A. Yes.

15 223 Q. And you knew you had made a statement, obviously? 11:13

16 A. I knew I had made a statement, yeah.

17 224 Q. So what I am suggesting to you in relation to going to
18 the Garda station the next day with your phone is: You
19 must have appreciated exactly what you were doing in
20 relation to handing over the phone to the guards in 11:14
21 view of making the statement to the guards in relation
22 to the behaviour of Garda Harrison, looking up all you
23 did on the 7th and going to the Garda station the next
24 day and signing the form acknowledging that you had
25 handed over the phone, which was required as part of a 11:14
26 Garda investigation?

27 A. Yeah.

28 225 Q. Yes. And that's notwithstanding that the phone
29 contained very precise details of your intimate life

1 with Garda Harrison?

2 A. Yes.

3 226 Q. And you were happy to give this to the guards on the
4 8th October?

5 A. Yes. 11:14

6 227 Q. Okay. And to some people that might seem unusual in
7 circumstances where you thought the guards were prying
8 into details of your personal life on the 6th October,
9 which was two days before?

10 A. Yes. 11:15

11 228 Q. I don't know if you want to say anything about that or
12 explain anything in relation to that?

13 A. No. As I said, they asked for my phone and I gave it
14 to them. I had already had suggested to me on at least
15 two occasions to think of my children. They asked for 11:15
16 my phone and I gave it to them. There's nothing more
17 to it than that.

18 229 Q. And you picked up your phone from Sergeant Walsh I
19 think the next day, on the 9th?

20 A. Yeah, Garda Waters I think it was. 11:15

21 230 Q. Okay. Now, if we could just turn to the texts -- or
22 the phone history with Inspector Sheridan on the 8th of
23 October. You phoned her a number of times -- well,
24 there was phone contact between yourself and Inspector
25 Sheridan on 8th October, isn't that right? 11:16

26 A. I think so, yeah.

27 231 Q. So if we could turn to page 1588 of the materials,
28 Inspector Sheridan phoned you at half past ten - sorry,
29 yes, it's at the bottom of the page - and that seems to

1 be a missed call. Then one minute later you phoned her
2 back and stayed on the phone, do you see that?

3 A. Yeah.

4 232 Q. Then Inspector Sheridan then phones you at half past
5 eleven and you answer the phone and stay on for one 11:17
6 minute. And then we have another phone call from
7 Inspector Sheridan at half eleven and you phoned her
8 back?

9 A. Yeah.

10 233 Q. So we have an exchange there, do you understand what I 11:17
11 am saying?

12 A. Yes.

13 234 Q. And maybe it appears you were arranging in relation to
14 the handing over the phone?

15 A. I think it may have been, yeah. 11:17

16 235 Q. Yes. But again, that may for some people's eyes not be
17 consistent with you feeling you had been probed too
18 much or tricked into going to the Garda station on the
19 6th?

20 A. As I said, it was Sergeant McGowan who had made the 11:17
21 reference to my children, not Inspector Sheridan.

22 236 Q. So were you happy with Inspector Sheridan at that
23 stage? I just don't want to misunderstand.

24 A. At that stage, as I said, I believed them when they
25 said that the statement for the chief's eyes only. It 11:18
26 wasn't until the 9th, until I had received the phone
27 call from George O'Doherty that I realised it wasn't
28 just for the chief's eyes.

29 237 Q. Okay. And then if we could just, while we are on that

1 page, go to the text between yourself and Inspector
2 Sheridan on the 7th. That was the same day as you were
3 looking up safety orders on the Internet, the day
4 before. It's at the very bottom of that page, at page
5 1587. Inspector Sheridan says to you: "Hi Marisa, 11:18
6 just wondering did you tell Keith you made a complaint.
7 He mentioned to a guard about you looking for a safety
8 order, etcetera. Just wondering. Thanks." And then
9 you fairly quickly after that, you reply to Inspector
10 Sheridan: "Hi, he told me he was talking to Dave Kelly 11:19
11 this morning and that he thought he was off with him on
12 the phone and asked if I had been talking to anyone. I
13 asked him to stop calling or I would get a safety
14 order. He calling me crying all day, seems in a bad
15 way." And Inspector Sheridan says back to you: "All 11:19
16 right, that's okay. I thought he might be just sussing
17 things out, trying to get info. One of the lads out
18 there with him for over two hours." And then Inspector
19 Sheridan texts you again: "As you said, he probably
20 needs help." Then you text her back: "Yes, I really 11:19
21 think he does. I called him earlier because I am
22 seriously worried he might do something stupid. He was
23 promising everything if I came home, told me he would
24 move out, believe it when it happens." So that would
25 seem that you are on very good terms with Inspector 11:20
26 Sheridan and that you are on bad terms with Garda
27 Harrison, when you are talking in safety order terms.
28 A. Yes, yes.
29 238 Q. Okay. And is everything that happened in that, is that

1 true? That he was -- you asked -- he asked you if you
2 had been talking to anybody, you asked him to stop
3 calling or I would get a safety order, "He calling me
4 crying all day, seems in a bad way." Is that true on
5 the 7th? 11:20

6 A. Yes, I think it may have been, yeah.

7 239 Q. Okay. So, you were threatening him with a safety order
8 at that stage?

9 A. It had been mentioned to me the day before by Inspector
10 Sheridan and I think I may have mentioned it to him, 11:21
11 yeah.

12 240 Q. Okay. So that is talking to your partner in fairly
13 strong terms; that you'd get a safety order. And at
14 that stage I think you might have known exactly what a
15 safety order was because you'd looked it up on the 11:21
16 Citizens Information?

17 A. Yes.

18 241 Q. It means you can't go near a person.

19 A. Yes.

20 242 Q. So, I suppose really what I am suggesting to you, 11:21
21 Ms. Simms, is what I have just outlined to you: You
22 seemed determined to pursue a course of action
23 involving Garda Harrison. That there would be family
24 law proceedings in relation to safety orders, that
25 there would be a criminal investigation and that is 11:21
26 evidenced by your knowledge of the phone -- leaving the
27 statement out of it for the minute?

28 A. Mm-hmm.

29 243 Q. And that there might be other consequences for Garda

1 Harrison, that he might lose his job. I don't know if
2 you want to comment on that in any way? That would
3 appear to have been the state of play on the 7th and
4 8th October, immediately after you making the statement
5 to the guards? 11:22

6 A. I suppose a huge factor in all of this, apart from
7 myself and Garda Harrison not being on good terms, was,
8 I was staying with my sister. As I said, she really
9 didn't have a high opinion of Garda Harrison. And I
10 suppose may have been pressing me or exerting a bit 11:22
11 more pressure on me to make sure I didn't, I suppose,
12 get back on good terms with him.

13 244 Q. Okay. But you are not blaming all -- or, I don't want
14 to say blaming, but are you saying this was all Paula's
15 idea? It seems to have been from what -- 11:23

16 A. No, no, I am not saying that, no.

17 245 Q. Okay. Now, you didn't make any complaint about
18 Inspector Sheridan's and Sergeant McGowan's comments to
19 you that were made in the Garda station in Letterkenny
20 on the 6th of October? You went back to the Garda 11:23
21 station on the 8th, you didn't seem to be on bad terms
22 with Inspector Sheridan, no complaint had been made by
23 you about the guards and their behaviour?

24 A. That's correct, yeah.

25 246 Q. Okay. And I think we have heard Mr. O'Doherty from 11:23
26 GSOC phoned you on 9th October?

27 A. That's correct, yeah.

28 247 Q. Okay. And what was your reaction to that telephone
29 call?

1 A. I remember he said that he had received the statement
2 and when he said there had been some serious
3 allegations made, I suppose the cogs starting turning
4 in my head thinking, well, what serious allegations,
5 not really knowing what he meant. And it was then that 11:24
6 I realised the statement had gone further, that it
7 had -- it wasn't just for the chief.

8 248 Q. Okay. And --

9 A. And also, as well, that was the first time that I
10 became aware that my mother had made a statement. It 11:24
11 was Mr. O'Doherty who informed me of that, I didn't
12 know before that.

13 249 Q. Okay. So as far as you were concerned, the statement
14 had gone further than you'd intended it to go?

15 A. Yes. 11:25

16 250 Q. And here was a person from GSOC telling you that?

17 A. Yes.

18 251 Q. And you didn't make a complaint to Mr. O'Doherty about
19 the fact that the statement had gone further?

20 A. I was in hospital when he rang me and to be honest, I 11:25
21 was -- his comments had kind of thrown me a bit, so I
22 think I said I would ring him back when I would be
23 feeling a bit better.

24 252 Q. And you spoke to him again on the 11th?

25 A. I think I may have called him on the 11th, yeah. 11:25

26 253 Q. Okay. Well, Mr. O'Doherty told the Tribunal that he
27 was under the impression that you knew what GSOC was
28 about at that time?

29 A. I knew GSOC, I knew what they stood for, I knew -- I

1 think there may have been a mention of them whenever
2 Garda Harrison had had his road traffic accident back
3 in May. But other than that, I didn't know anything
4 else about them. I knew -- I knew what it stood for
5 but I didn't know the workings of it or anything else. 11:26

6 254 Q. Well, it might have been a time you take the
7 opportunity to say to Mr. O'Doherty, look, I don't want
8 to pursue a complaint against Garda Harrison but I most
9 certainly want to pursue a complaint against the guards
10 because I never wanted the matter to go any further 11:26
11 than the chief?

12 A. Look, at that stage I was in hospital with an
13 infection, the last thing on my mind was GSOC.

14 255 Q. But even though GSOC were on the phone to you twice?
15 A. GSOC were on the phone to me about this statement. To 11:26
16 be honest, I wanted the whole thing to go away.

17 256 Q. Okay. And you actually took a number of years to make
18 a complaint to GSOC in relation to the statement?
19 A. Sorry, say that again?

20 257 Q. You made a complaint to GSOC in relation to the matter, 11:27
21 made a statement to GSOC.
22 A. Yes.

23 258 Q. And that was in 2015.
24 A. Yes.

25 259 Q. '16, sorry. So, why wait three years to get on to GSOC 11:27
26 when you have been talking to them -- you knew they
27 were aware of the matter days after the statement had
28 been made?
29 A. I knew they were aware of the matter but to be honest,

1 this Tribunal is only getting a snippet of things that
2 we have had to endure since then, and it had come to
3 the stage where I just felt like we couldn't take any
4 more, so that was where I decided I was going to make a
5 complaint to GSOC.

11:27

6 260 Q. Okay. So you didn't think you would make a complaint
7 about where the statement had gone when GSOC were
8 actually dealing with it, but it was when other matters
9 intervened that the complaint was made to GSOC, am I
10 correct in that?

11:28

11 A. Yes.

12 261 Q. Now, if I could go back to why -- before you made the
13 statement, immediately before you made the statement.
14 First of all, you say you were going in for a chat, and
15 Inspector Sheridan doesn't disagree with you, she said
16 the chat -- the word chat may have been used because
17 it's a word she would use in normal conversation. You
18 thought that was going to be the extent of it, that you
19 were going to go in for a chat?

11:28

20 A. Yes.

11:29

21 262 Q. Now, I suppose to any other person -- to a lot of
22 people, if I can put it that way, you don't go into the
23 guards just to chat to them; there is another purpose
24 beyond that?

25 A. Look, clearly I knew it was about Garda Harrison, but I
26 never -- as I said, I never -- it wasn't until the next
27 day that Inspector Sheridan had texted me about the
28 words statement of complaint, that I started thinking
29 is that actually what I have done.

11:29

1 263 Q. Okay. But you had been complaining about Garda
2 Harrison's behaviour in that statement?
3 A. I had, yes.
4 264 Q. Yes. Okay. And it was an extremely bad time for you
5 and Garda Harrison? 11:29
6 A. It was, it was an extremely bad time.
7 265 Q. Okay. And you had been -- your mother had been
8 encouraging you to leave Garda Harrison, isn't that
9 right?
10 A. Yes. 11:30
11 266 Q. Okay. And you didn't know but she had been calling the
12 guards in relation to Garda Harrison's behaviour
13 towards you?
14 A. Yeah, and just as well at that time, I suppose the
15 relationship between my mother and my sister hadn't 11:30
16 been good, but in the previous maybe three weeks before
17 the wedding they were in contact with each other and I
18 suppose I think Garda Harrison was maybe a common
19 ground. They kind of suppose were like a tag team
20 then, they were working together to try and put more 11:30
21 pressure on me.
22 267 Q. Okay. Well, I suppose put it this way: You are close
23 to your mother and she is now very supportive of you
24 and Garda Harrison and your relationship and your
25 family that you have built up. 11:30
26 A. That's right, yeah.
27 268 Q. Okay. And she has your best interests at heart and you
28 don't dispute that, do you, at all, in any way?
29 A. No.

1 269 Q. And at that time, she had been collecting you from your
2 house when you'd phoned her, isn't that right?
3 A. That's right, yeah.

4 270 Q. And that had been on a number of occasions?
5 A. Yeah, at least two, I think, yeah. 11:31

6 271 Q. At least two. I think she has three, but --
7 A. Possibly, yeah.

8 272 Q. But you think that could be right?
9 A. It may well be, yeah.

10 273 Q. And to put it neutrally, that was because of rows you'd 11:31
11 had with Garda Harrison?
12 A. Yes.

13 274 Q. You felt you couldn't stay in the house, whether it be
14 that you were thrown out or couldn't stay?
15 A. I was never thrown out of the house. And I suppose 11:31
16 there had been a lot going on with Garda Harrison at
17 that time. He had been drinking more. I suppose, he
18 wasn't coping with the loss of the baby. There was
19 the upcoming wedding. There was a number of factors at
20 play. And I just felt at times that I just needed 11:32
21 space. I just went to my mother's, I suppose, to clear
22 my head.

23 275 Q. Okay. Now, I will get on to, if we could call it, the
24 burn threat, but your mother told the Tribunal that you
25 had seriously considered calling the guards and making 11:32
26 a statement?
27 A. Absolutely, totally not true.

28 276 Q. Okay. That's not something that was put to your mother
29 at all?

1 A. Never, I never discussed that with my mother.

2 277 Q. And that you had said to your mother that you were
3 going to put off making a statement until after the
4 wedding?

5 A. That's not true. 11:33

6 278 Q. Okay. And again, you had moved in with Paula before
7 the wedding and your mother again later on in her
8 evidence said that you had considered going to the
9 Gardaí to make a statement about it, that you had --

10 A. Yeah. 11:33

11 279 Q. You had?

12 A. Yes.

13 280 Q. That's not true?

14 A. No.

15 281 Q. Your mother was encouraging you to leave Garda Harrison 11:33
16 at the time, was she?

17 A. Yeah. I think the main thing for her was she felt that
18 he wasn't being respectful to me.

19 282 Q. Okay. Was she encouraging you to leave him?

20 A. Yes. 11:33

21 283 Q. Okay. And at one stage your mother texted you and told
22 you to keep all the text messages that Garda Harrison
23 sent to you, isn't that right?

24 A. That's right, yeah.

25 284 Q. Okay. And you got that text? 11:33

26 A. I did, yeah.

27 285 Q. So what did you think all of that was about?

28 A. If myself and Keith had a row, he -- I suppose where I
29 wanted head space or just to take a step back, he was

1 on his own here up -- he was on his own in Donegal, he
2 didn't have any family. He wanted to sort it out.

3 286 Q. Sort what out?
4 A. Our relationship.

5 287 Q. Okay. So what was the purpose of keeping the texts so? 11:34
6 what did that do?
7 A. I can't say what my mother was thinking, I don't know.

8 288 Q. Okay. Well, when Mr. Marrinan asked her about it, what
9 was the purpose of keeping the texts, what she said:
10 "Well, if something, you know, for evidence like." So 11:34
11 it would seem that from your mother's point of view,
12 that she was encouraging you to leave Keith?
13 A. Yeah.

14 289 Q. That a statement had been discussed and you go to the
15 guards and that the matter of evidence and keeping 11:35
16 texts had come up.
17 A. She never discussed that with me.

18 290 Q. But she did send you the text?
19 A. Yes.

20 291 Q. Okay. And when your mother told the Tribunal that she 11:35
21 talked about making a statement with you in relation to
22 your domestic situation, that she left the ultimate
23 decision with you, you are saying that never happened?
24 A. I never discussed -- as I said, the first time I knew
25 my mother made a statement was when George O'Doherty 11:35
26 rang me.

27 292 Q. Well, we know that, that it was the first time your
28 mother made a statement but in relation to discussions
29 your mother had with you in relation to making a

1 statement?

2 A. No, never. The only discussion she had was when she
3 texted me Inspector Sheridan's number and asked me to
4 call her. That is the only discussion I ever had.

5 293 Q. Okay. Well, interestingly enough, when your mother was 11:36
6 giving evidence, this was not something that was
7 challenged on your behalf in any way?

8 A. I am not sure that's correct.

9 294 Q. Well, this is what --

10 A. Okay, I accept -- 11:36

11 295 Q. It was suggested -- Mr. Hartnett said to your mother:
12 "It was suggested that you would have said at the time
13 to her, if I can just find the quote, 'If you make a
14 statement it will be investigated'. Now, can I suggest
15 to you that that was never said to Marisa by you, 'If 11:36
16 you made a statement it will be investigated'?"
17 So, it was a very precise thing that was put to your
18 mother; that if you made a statement it would be
19 investigated. But it was certainly never explored or
20 challenged with your mother, that it had been discussed 11:37
21 with you that you'd make a statement in relation to
22 your domestic situation with Garda Harrison and threats
23 Garda Harrison made to you.

24 A. My mother never discussed and I never discussed with
25 her making a statement. 11:37

26 296 Q. Okay. And so, you must have been very surprised, so,
27 when your mother texted you the name -- the phone
28 number of a guard?

29 A. I wouldn't say very surprised. She had been talking to

1 me about perhaps I should, and Pauly equally had been
2 saying perhaps I should talk to the guards. But I
3 didn't realise all the things that were going on behind
4 my back.

5 297 Q. So your mother did discuss reporting Keith to the 11:37
6 guards?

7 A. But never making -- never mentioning going in to make a
8 statement.

9 298 Q. You see, your mother had two conversations with 11:38
10 Sergeant Durkin at that stage, and he had made it clear
11 to her that a statement would have to be made by a
12 complainant in order for the guards to pursue an
13 investigation, we know that.

14 A. Yes.

15 299 Q. And you know that now. 11:38

16 A. Mm-hmm.

17 300 Q. Your mother is a very determined person and has your
18 best interests at heart, you agree with that?

19 A. Yes.

20 301 Q. She texted you the phone number of a guard -- 11:38

21 A. Yes.

22 302 Q. -- in relation to the matter. She was never challenged
23 in relation to discussing making statements with you.
24 So really, it does seem, Ms. Simms, that the matter of
25 reporting Keith to the guards and making a statement 11:38
26 was very much discussed between you?

27 A. No, it definitely was never discussed. And, as I said,
28 all the conversations and phone calls with Sergeant
29 Durkin and Sergeant Collins and Inspector Sheridan,

1 that was all done behind my back. I didn't know
2 anything about that.

3 303 Q. And this was somebody who you were phoning up in the
4 middle of the night to pick you up from in front of
5 your house, sometimes in your pajamas? 11:39

6 A. No.

7 304 Q. Your mother?

8 A. My mother collected me sometimes from the house.

9 305 Q. Yes, and you did phone her?

10 A. Yes. 11:39

11 306 Q. To collect you?

12 A. Yes.

13 307 Q. And your mother, and these texts were opened in full to
14 her, was texting you and being quite derogatory about
15 Garda Harrison, calling him a bastard and names like 11:39
16 that

17 A. Yes, but I never responded.

18 308 Q. Well, maybe it was a thing you might correct her on, if
19 you were disagreeing with all of that?

20 A. You mean -- 11:40

21 309 Q. When you say you didn't respond to her, it's a thing
22 you'd expect somebody to correct if they thought that
23 in relation to their daughter's partner?

24 A. As you say, my mother is a very determined woman and I
25 didn't intend in engaging in any, I won't say conflict 11:40
26 but any -- I wasn't going to disagree with her, shall
27 we say.

28 310 Q. Okay. If we can just turn to page 1874 of the
29 materials, just to formally open the text that your

1 mother sent to you on the 3rd October 2013. And you
2 will see there that what she says is: "Hi, that
3 inspector number is --" and Inspector Sheridan's number
4 is given there "-- if you want to contact her. X."
5 Isn't that right? 11:41

6 A. Yes.

7 311 Q. So if you weren't talking about going to the guards,
8 why didn't you just say, what inspector are you talking
9 about there? If none of this had been discussed with
10 you. 11:41

11 A. As I said, I was staying in Paula's and I am quite sure
12 that the two of them had discussed this and there --
13 Paula I know had said to me a few times that she wanted
14 me to go into Letterkenny Garda Station but I told her
15 I didn't want to. 11:41

16 312 Q. Okay. And if we will just go to Paula's conversations
17 with Sergeant Collins, Paula had told Sergeant Collins
18 about the upcoming wedding and the threat and had said
19 that you'd make a statement to the guards, which
20 actually happened -- 11:41

21 A. Yes.

22 313 Q. -- on the 4th October. So she was right about that,
23 wasn't she, Paula was right, you made a statement to
24 the guards?

25 A. I did make a statement but that was never my intention. 11:42

26 314 Q. Okay. But she, when she was talking to Sergeant
27 Collins on the 1st October, said that that was your
28 intention?

29 A. I never said that to Paula.

1 315 Q. Okay. Because you see, Ms. Simms, there are an awful
2 lot of people who have your best interests at heart, we
3 are talking about your mother here, saying that the
4 issue of making statements to the guards and reporting
5 Keith's activity to the guards, would be done in the 11:42
6 next few days, so it would appear, if you look at all
7 of the extraneous material --

8 A. Yes.

9 316 Q. -- that that was what was actually going on and when
10 the statement was made that you were happy it was made 11:42
11 in the days immediately following the making of the
12 statement, do you understand what I am saying to you?

13 A. Yes, I understand.

14 317 Q. It's not just one person or one source of information,
15 but there are lots, different streams here? 11:42

16 A. As I said, I have -- I am under no illusion Paula's
17 interest in all this matter was her wedding. She
18 wanted the wedding to run smoothly. She didn't want
19 Keith anywhere near the wedding. Herself and Andrew,
20 as I said, have a good relationship and this was the 11:43
21 first time that my mother and sister have been speaking
22 again, so I suppose that was a common ground for them.
23 They were --

24 318 Q. Well, there is nothing wrong with somebody wanting
25 their wedding to run smoothly. 11:43

26 A. No --

27 319 Q. You agree with that?

28 A. Of course, yeah.

29 320 Q. But you had arrived at Paula's house very distressed

1 about a week before that, isn't that right?

2 A. Yes.

3 321 Q. Separately to that?

4 A. Yes.

5 322 Q. You were upset, weren't you? 11:43

6 A. I was upset, yeah.

7 323 Q. Very upset?

8 A. Yeah.

9 324 Q. And I think is it true that you took a wrong turn on
10 the way to her house? 11:44

11 A. I think I may have, yeah.

12 325 Q. Okay. So, you were well used to getting to Paula's
13 house, so you knew the way to Paula's house.

14 A. I wouldn't say well used. She had just recently moved
15 into this house and myself and Paula weren't on good 11:44
16 terms, she never approved of Keith.

17 326 Q. Okay. Well, did you know how to get to her house?

18 A. I knew how to get there.

19 327 Q. And you were upset when you arrived and you were so
20 upset you'd taken a wrong turn on the way? 11:44

21 A. Yeah.

22 328 Q. And it would appear that when you got to Paula's house,
23 that you told her about having been threatened by Garda
24 Harrison?

25 A. I didn't say about being threatened. I said that he 11:44
26 said that he was going to bury you and she took great
27 exception to this. I think she meant -- thought,
28 interpreted it as, he was going to do something at the
29 wedding.

1 329 Q. Well, that is maybe not that surprising if --
2 A. Perhaps.

3 330 Q. Yeah. But it would appear that it had been agreed with
4 yourself and Paula or it had been mentioned that you
5 would go to the Garda station after the wedding to make 11:45
6 a statement?

7 A. No.

8 331 Q. And I suppose, as a matter of common sense, if there
9 has been very unhappy domestic situation, at the very
10 least that you'd been collected by your mother at the 11:45
11 very least, there had been, at the very least, a threat
12 to bury Paula, if you were going to the Garda station
13 it would be to make a complaint, as a matter of common
14 sense?

15 A. Yes. 11:45

16 332 Q. You'd agree with that?

17 A. Yes.

18 333 Q. So maybe it was the case that you knew exactly why you
19 were going to the Garda station --

20 A. No. 11:45

21 334 Q. -- from the 4th October?

22 A. No.

23 335 Q. You thought it was just for a chat and to get something
24 down on paper --

25 A. There was no mention then of getting anything down on 11:45
26 paper then at that stage.

27 336 Q. Later on after the notes?

28 A. Yeah.

29 337 Q. So it was to get a time and a place from the chief, is

1 that right, yes?

2 A. Sorry?

3 338 Q. It had been agreed between yourself and Garda Sheridan
4 that a time and place would be arranged because of the
5 chief's requirements? 11:46

6 A. She wasn't satisfied that I said I may come in after
7 the wedding, which is why she called me back.

8 339 Q. Okay. And insofar as Sergeant Collins has an opinion
9 about you making a statement, you never met Sergeant
10 Collins? 11:46

11 A. No.

12 340 Q. Do you know Sergeant Collins?

13 A. I do, yeah.

14 341 Q. But you had never met him or spoke to him about
15 statements? 11:46

16 A. Absolutely not, never.

17 342 Q. Okay. So it was never information you gave to Sergeant
18 Collins?

19 A. I don't know where he got that information. It wasn't
20 from me. 11:46

21 343 Q. Okay. Now, if I can just turn to the statement and to
22 the content of the statement and we will go to the
23 night of the 28th -- evening of the 28th of December.
24 It's, I am at page 744, I am working from, of the
25 materials. But I think your reference is 1644. If you 11:47
26 work from that. And if we go down, what it says is.
27

28 "On Saturday, 28th September 2013 I collected [blank]
29 from horse-riding. Andrew had the [blank] and I met

1 him and the [blank] in Kilmacrennan. I had a wedding
2 present for Paula and I had wanted to bring it down to
3 Paula's house in Annagry with the [blanks]. I had
4 mentioned this to Keith and he took major exception to
5 the fact that I was going down." 11:48

6
7 Is that true?

8 A. Yes.

9 344 Q. "He wanted to know how much money I was giving to her
10 but I didn't tell him for fear he would become even 11:48
11 more annoyed." Is that true?

12 A. Yes.

13 345 Q. "He also took issue with the fact that I was going down
14 and kept asking why I couldn't give it to her on the
15 day." 11:48

16
17 Is that bit true?

18 A. Yes.

19 346 Q. "I left the house at about 5:30pm, even though he
20 wasn't happy about it. I kept saying I was just going 11:48
21 to my sister and he tried to make it into something
22 else and referred to it as being another weekend after
23 the hen. We went to Paula's on and the way home I had
24 missed calls from him while in her house. I eventually
25 spoke to him and I knew by his speech on the phone that 11:49
26 he had been drinking."

27
28 Is that true?

29 A. Yes.

1 347 Q. Up to there. "He seemed to be in good enough form and
2 asked me to bring home curry chips, which I did. I
3 arrived home sometime after 9:00pm and gave him the
4 chips. His mood totally changed."

11:49

6 Is that part true?

7 A. Yeah.

8 348 Q. Okay. "And as I was getting the children ready for
9 bed, he started at me. He said, don't think a curry
10 chip will make up for being gone all evening. He
11 started on in front of the children and I felt
12 completely drained and just wanted him to stop."

11:49

14 Is that true?

15 A. Yes.

11:49

16 349 Q. "I kept trying to put child's top on and he said no, he
17 wouldn't stop, they know what's going on, meaning the
18 children."

19 A. Yeah.

20 350 Q. That's correct, is it?

11:50

21 A. Yes.

22 351 Q. "This is the first time that he even started going on
23 in front of them."

24

25 Is that correct?

11:50

26 A. I don't remember saying that but -- yeah, okay, I
27 accept it.

28 352 Q. Okay. "He kept making comments and ranting on about my
29 sister, saying "who does she think she is, I will take

1 her down a peg or two"." Is that true?
2 A. Yes.
3 353 Q. "And also said "I am going to bury her and you"."
4
5 Now, you have said the "going to bury" her is correct 11:50
6 but not "you"?
7 A. Yes.
8 354 Q. Okay. So there was a threat to bury Paula at that
9 stage?
10 A. Yes, he was annoyed that he hadn't been invited to the 11:50
11 wedding.
12 355 Q. Well, it was a bit more than annoyed, really, isn't it?
13 A. Well, I would say annoyed, but okay.
14 356 Q. Okay. Well you said already his mood totally changed.
15 A. Yes, he was -- he wasn't happy. 11:51
16 357 Q. Just above. And you have also said just above that he
17 kept making comments and ranting about your sister.
18 Was it ranting? He threatened to bury her.
19 A. It wasn't he -- when he said "I am going to bury her",
20 this is a term -- like, for example, if Keith had a 11:51
21 case in court he said -- he might say oh, we are going
22 to bury this guy today. It didn't mean he was going to
23 take out a shovel and bury them.
24 358 Q. Okay. "He kept repeating this and I told him to stop
25 but it was as if he went into a total rant. He then 11:51
26 said, "I am going to burn you". At that point I could
27 see [blank]'s eyes filling up and [blank] was getting
28 upset. So at that stage I put their coats over their
29 pyjamas and told them we were going to the car. I

1 remember [blank] was asking me if I was okay after
2 having him threatening to burn me and it appeared to me
3 that [blank] didn't know whether to go to the car or
4 not as [blank] was worried whether I would follow
5 [blank] out or not. I brought the [blanks] to the car 11:52
6 and strapped them in. At that point I knew once I left
7 I wouldn't be going back to the house but I went back
8 in to get their school uniform out of the tumble
9 drier."
10
11 Did you go back in to get school uniforms out of the
12 tumble drier?
13 A. Yes.
14 359 Q. And you put the girls -- the children in the car at
15 that stage? 11:52
16 A. Just can you go back there?
17 360 Q. Yes, certainly.
18 A. Just the order there, the girls were already in the
19 car, once he had said "I am going to take her down a
20 peg or two" I decided that we were going at that stage, 11:53
21 that is the stage I decided that we were leaving.
22 361 Q. Okay. So there were no children crying?
23 A. [Child's name] was crying when --
24 CHAIRMAN: I am just going to intervene. It is an
25 order of the Tribunal that there should be no reference 11:53
26 to children by name.
27 A. Sorry, apologies.
28 CHAIRMAN: It's not you. That is directed to the
29 press.

1 A. Apologies. Sorry, what was I saying there?

2 362 Q. MS. LEADER: So you say you brought the children to the
3 car at what stage?

4 A. Once he had said "I am going to take her down a peg or
5 two", I just felt he was going off on a spiel so I 11:53
6 decided, I was completely drained, I am going. I
7 didn't want any more conversation.

8 363 Q. Okay. And you went back in to get their school
9 uniforms?

10 A. Yes. 11:54

11 364 Q. And there was a second, it was at that stage that the
12 "burn Paula"?

13 A. There was no mention of burning Paula.

14 365 Q. "Bury Paula", I beg your pardon?

15 A. Yes. 11:54

16 366 Q. Okay. And then when you went to get -- you got the
17 school uniform out of the tumble bell drier.
18

19 "When I lifted it out he wouldn't let me back into the
20 kitchen from the utility room again. He prevented me 11:54
21 from going back in by physically grabbing my wrist. I
22 was really frightened of him at this stage as he was in
23 such a rage it was as if he was not in control of
24 himself and he was crazy. I asked had he been drinking
25 and he told me he had only two glasses of wine, but I 11:54
26 knew by him he had way more than that. He caught me by
27 my right wrist and I remember when I was driving home
28 it was sore as a result of him grabbing me. While he
29 was preventing me from going into the kitchen to get

1 out of the house he told me to take a good look at the
2 [blanks] because he said I would only see them at
3 weekend visits by the time he would be finished with
4 me. At that point I was thinking will I get out of the
5 house at all, and I was worried that he was in such a 11:55
6 rage that he would hurt me. He kept ranting on at me
7 and if I made to take a step forward he would try and
8 block me by putting his hands out in whatever direction
9 I attempted to go in. I felt completely intimidated
10 and frightened at this stage. I would say he kept me 11:55
11 in the house for at least two to three minutes even
12 though it was much longer. I eventually got out to the
13 car and drove to my sister Paula. I was so upset and
14 flustered at what had happened that I took the wrong
15 turn. I rang Paula before I left Churchill and I was 11:55
16 crying on the phone. She offered to come and get me
17 but I managed to make my own way there. I remember
18 [blank] asked me why I was crying."

19
20 Did one of your children ask you why you were crying? 11:55

21 A. Yes.

22 367 Q. "And I told the [child] I had something in my eye and
23 tried to pull myself together. While on my way to
24 Paula's Keith kept trying to call me but I couldn't
25 take the calls. Since then I have spoken to him on a 11:56
26 couple of occasions."

27
28 So, where we are from your point of view is that there
29 was a threat to bury Paula, you took the girls out of

1 the house, you were very upset and you stayed in
2 Paula's for the next few days?

3 A. Yes.

4 368 Q. Okay. You see, it's a very extreme thing to do, to
5 leave your house with your two children, them in their 11:56
6 pyjamas, crying?

7 A. No. The child was crying when I was in the car -- she
8 wasn't -- she was upset that I was crying, so at that
9 stage I thought I have to pull myself together here and
10 I told her I had something in my eye and we carried on. 11:56

11 369 Q. Okay.

12 A. I had already decided that I was going to stay in my
13 sister's house until the wedding was over because it
14 was causing so much tension.

15 370 Q. But you had just driven from Paula's house? 11:57

16 A. Yes.

17 371 Q. Okay. And you went almost an hour or two later back
18 immediately?

19 A. Yes, because I didn't want to -- I didn't want any
20 conversation with Keith. Once he said, started off by 11:57
21 saying "I am going to take her down a peg or two" I
22 decided at that stage I was leaving, I wasn't listening
23 to it.

24 372 Q. Okay. So, if I just maybe -- now, that appears in the
25 statement, but you say you didn't realise that on the 11:57
26 night you made the statement, is that your position
27 now?

28 A. Sorry, could you repeat that?

29 373 Q. You didn't realise those words appeared on the

1 statement on the night?

2 A. No.

3 374 Q. And maybe if we just first of all go to the handwritten
4 version of the statement, which appears -- and that
5 portion of the statement, it appears at page 890 of the 11:58
6 materials. And just in relation to, where you say:
7
8 "He started on in front of the [blank] and I felt
9 completely drained and just wanted him to stop. I kept
10 trying to put the children's top on and he said he 11:58
11 wouldn't stop."
12
13 It would appear that you initialled the page there,
14 just there.

15 A. There are other things that I initialled. This was at 11:58
16 the very end, as I have said. This wasn't read over to
17 me, none of this, apart from the first, as I said, the
18 first maybe four pages to make sure everything was --
19 the biographical details were in correct order.

20 375 Q. Okay. And the bottom of the page would seem to be 11:59
21 initialled as well?

22 A. Yeah. I initialled or signed every page but none of
23 this, apart from the first few pages, none of this was
24 read over to me.

25 376 Q. Okay. And at page 891 where you say you knew "-- once 11:59
26 I left I wouldn't be back to the house and I went --"
27 and there would seem to be an initial there as well.

28 A. Yeah. As I said, there's at least 14 other places that
29 I haven't initialled where there's words scored out.

1 377 Q. It just seems, I suppose, put it this way, strange that
2 your initials appear fairly immediately before the bury
3 and burn issues and immediately after?
4 A. As I have said, I was signing some of the pages at the
5 start, and I suppose because I had to initial so many 11:59
6 different things, the page, it was just turned on its
7 side and I was initialling it. That is it. I
8 didn't -- I am absolutely certain this was never read
9 over to me.

10 378 Q. Okay. And again if we go to what you said to Keith, 12:00
11 you stayed in Paula's house that night, the night of
12 the 28th?
13 A. I stayed in Paula's house until after the wedding.

14 379 Q. Until after the wedding. Did you meet him again? When
15 did you next meet him, do you think? 12:00
16 A. I can't recall exactly when it was.

17 380 Q. Okay. So, if we go to the morning of the --
18 A. Sorry, I do remember. Paula had asked me to go to,
19 back to the house to get her, she wanted some, I can't
20 remember, some jewellery or something I think that she 12:00
21 wanted to take on honeymoon, so I took her car and went
22 back, I think maybe it was the day before the wedding,
23 to collect things for her.

24 381 Q. Okay. That had been the Thursday, the 3rd October. So
25 if we go to your phone records from the 29th of 12:01
26 September, we see at just before 7:00 in the morning,
27 you send a text to Keith, it's recorded and it's at
28 page 1827 of the materials, and what you say in that
29 text, it will come up in front of you now:

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29

"Disproportionate! Really. So which part of all you said should I have taken then? Let me see. You said you would burn me, you would bury me and Paula. You would not be on your own because I was no catch anyway with all my list of faults, including my --"

12:02

And I don't mean this to be disrespectful towards your family.

12:02

-- including my gouger brother, a father who has disowned me. You would destroy me. Get the kids taken from me and to go to the newspapers. Told child one mother has no home and can't provide for child one. You have crossed the line once too often of late and with her constant -- and with her constant lying but last night was the tipping point for me. Goodbye."

12:02

Sorry:

12:03

-- provide for child one. You have crossed the line once too often of late with your constant cheating and lying, but last night was the tipping point for me. Goodbye."

12:03

So it would appear from this that the first thing you say to Garda Harrison in a text the day after you've driven from your house to Paula's house with the two children in the car, is that he said -- "you said you

1 would burn me, you would bury me and Paula, you
2 wouldn't be on your own because I was no catch anyway
3 and you would get the kids taken from me." So you see,
4 that would be seen to be very like, almost to the word,
5 what you told the guards a few days later on the 4th 12:03
6 October.

7 A. Yeah, I see that. If I can just put that into context.
8 When -- I was in my sister's house and when I relayed
9 the message to her she convinced me that this was a
10 threat in order to get to the Garda station. And Garda 12:04
11 Harrison had hurt me a lot emotionally and I knew these
12 words. I suppose, immaturely I knew if I said this --
13 I knew there was never a genuine threat but I suppose I
14 did it immaturely maybe to hurt him.

15 382 Q. Well, you didn't just say it once. 12:04

16 A. No, I know I didn't.

17 383 Q. Okay. So you sent that text to Keith at three minutes
18 to seven in the morning on the morning of the 29th, and
19 Keith tries to get in touch with you constantly --
20 well, on a fairly regular basis, until 11:14. We have 12:04
21 a text from Keith to Marisa at 9:01. He doesn't deny
22 that in any way of the communications. We have a
23 missed call from Keith at 9:13, a missed call from
24 Keith at 9:17, a text from Keith with two kisses at
25 9:27, a missed call from Keith at 9:30, a missed call 12:05
26 from Keith at 9:30, a missed call from Keith at 10:08,
27 a text from Keith to Marisa at 10:02, "Marisa?", a
28 missed call from Keith at 10:53, a text from Keith to
29 Marisa at 11:08 "why are you doing this to me?", a text

1 from Keith to Marisa at 11:14 "I love you and the
2 children, always know that xxx" and then you reply.
3 So the second communication from you to Keith, the
4 first one you repeat the terms of the burning and
5 burying, you say at 11:39: "You are so full of 12:05
6 S-H-I-T, you make me sick. Love! You don't know the
7 meaning of the word, you have threatened me for the
8 last time."
9 So again, the second text you sent to him that day you
10 are accusing him of threatening you and that is for the 12:06
11 last time?
12 A. Yeah.
13 384 Q. So again, it would appear from reading that that
14 Mr. Harrison had threatened you the night before?
15 A. Yeah, but he never threatened to burn me or bury me. 12:06
16 385 Q. Did he threaten you?
17 A. He made a threat about the children that I would only
18 see them at the weekends.
19 386 Q. Only see them at the weekends?
20 A. Yeah. 12:06
21 387 Q. Okay. And then we have a text from Keith to you at
22 11:44 "what?", a text from Keith to Marisa at 11:45 "We
23 over?", a text from Keith to Marisa at 11:50 "You
24 finishing with me?" And then a text from Keith to
25 Marisa at 12:24 saying: "How many times have you 12:07
26 flipped out at me and the children in the last week or
27 so and shouted at us? Seriously?" A missed call from
28 Keith at 15:34, a missed call from 15:35, a text from
29 Keith to Marisa at 15:36, "Marisa are you coming home,

1 please?", a missed call from Keith at 15:38, a text
2 from Keith to Marisa "Can you please tell me what's
3 going on? It's torture being left like this. Please,
4 Marisa, are you done with us?" A text from Keith to
5 Marisa at 18:57, "I love you, Marisa. I always will 12:07
6 xoxo". A text from Keith to Marisa at 23:45 "Miss you
7 xxx, night xx". A missed call from Keith to Marisa at
8 12:08 --

9 CHAIRMAN: Gentlemen, I wonder could you please
10 maintain decorum, thank you. We will go on Ms. Leader. 12:08

11 388 Q. MS. LEADER: A text from Keith to Marisa at 7:36 on the
12 30th, "Do you even care how I am, if I am okay? Am the
13 last thing on your mind. You are putting me through
14 hell. Haven't slept. Keep thinking you will be home.
15 How sad I am." A text from Keith to Marisa, 07:41, 12:08
16 "Thought as much, do you realise how much this is
17 hurting, you wouldn't care if I wasn't around". And
18 the only thing you have to say in relation to all of
19 that, and that is on the morning of the 30th is "The
20 rent is paid". So it would appear that you were 12:08
21 finished at that stage, he was staying in the house and
22 you had paid the rent?

23 A. Yeah.

24 389 Q. And then we have a text from Keith to Marisa at 8:07,
25 is "Can you please let me know you are okay? Miss you 12:09
26 so much. Please Marisa x." And then we have, on 30th,
27 at 8:24, a text from you to Keith: "Nothing to talk
28 about. Keith, you threatened to burn me, bury me and
29 Paula, get my kids taken from me, what type of person

1 would do that? I am done completely." And then we
2 have a series of texts from Keith to Marisa,
3 essentially -- on the same vein as the previous texts
4 that he has sent to you, and they go from 08:35 to
5 17:07 and then you text him at 17:17, questioning him: 12:10
6 "Are you for real? I have no idea how you are feeling,
7 Keith. You threatened to burn me, a threat you seem to
8 be blatantly ignoring. I am not exposing the children
9 to that. What kind of person would want to come
10 between myself and the children? Just crazy the things 12:10
11 you said to me. You think because you tell me you love
12 me I will come running after all, I am no catch anyway,
13 your parting words to me. You horrible person, leave
14 me alone. We are done."

15
16 Do you see that? 12:10

17 A. Yes.

18 390 Q. So, as I said, the Tribunal is here to establish the
19 truth of what happened and the truth of what was told
20 to the guards on the night in question? 12:11

21 A. Yeah.

22 391 Q. But it would appear, Ms. Simms, anyway person who had
23 no prior knowledge or no prior impression of yourself
24 and Garda Harrison or Garda Harrison on his own, that
25 he did threaten you, to burn you and Paula, to bury 12:11
26 you, to take the children from you, that you did tell
27 that to the guards because that's what he told you, and
28 you were happy to pursue the matter at least in the
29 days following making the statements to the guard and

1 you were happy to give them your phone to download all
2 of this information so that it couldn't be denied later
3 on if it came to it; do you understand what I am
4 saying?

5 A. I understand what you are saying. I can totally see 12:11
6 how it might look like that. As I said I was in my
7 sister's house and when I had relayed the message to
8 her that he threatened to bury her, she had convinced
9 me that when he said you are going to get burnt that he
10 actually meant he was going to burn me. But if you -- 12:12
11 if she thought that was a serious threat or and indeed
12 if I had thought that was a serious threat, why would I
13 have went to the house on my own and why did she give
14 me her car to go and collect stuff for her honeymoon?

15 392 Q. So, you are saying your sister convinced you that this 12:12
16 had happened, am --

17 A. Not convinced me when it had happened, when I relayed
18 the -- when I had relayed it to her, she had said to
19 me, Marisa, that is a threat, he has threatened you.

20 393 Q. And that was on the 30th September? 12:12

21 A. Yes.

22 394 Q. And four days later, were you still convinced that is
23 what happened when you went into the Garda station?

24 A. Sorry, say that again.

25 395 Q. On the 4th of October were you still convinced? 12:13

26 A. 4th of October, I think that was the wedding.

27 396 Q. I beg your pardon, the 6th, six days later?

28 A. No, I knew it was never a genuine threat. Exactly what
29 he said was, if I didn't stop trying to please everyone

1 I was going to get burnt. He did use the words bury
2 and burn, but never in that -- he never meant he was
3 going to incinerate me. If I had felt that was a
4 genuine threat I never would have went back there
5 before the wedding on my own. 12:13

6 397 Q. Okay. You see, the guards took the statement on the
7 4th, they didn't know what was on your -- on the 6th, I
8 beg your pardon. They didn't get your phone until the
9 8th?

10 A. Yeah. 12:13

11 398 Q. They couldn't have known that what was on your phone
12 would directly reflect what you had told them on the
13 statement, if you are saying the statement is
14 incorrect?

15 A. I understand. 12:13

16 399 Q. Do you understand?

17 A. I understand, yes.

18 400 Q. They couldn't have known that.

19 A. Yeah.

20 401 Q. So, I have to suggest to you, Ms. Simms, that it does 12:14
21 appear you told the guards that Keith threatened you in
22 the way they have reported the matter?

23 A. I can only tell you what he said to me that night and
24 as I said, I was -- I was in a very bad place at that
25 time. I may have been confused, I am not saying that 12:14
26 I -- this was a really, really difficult time for both
27 of us, and I would never put myself or my children in a
28 situation that if I felt I was genuinely threatened by
29 Garda Harrison, I would -- if I was threatened or if

1 anyone had been threatened, a genuine threat, I
2 wouldn't have anything to do with him.

3 402 Q. But in fairness, Ms. Simms, that is what was happening
4 at the time; you were moving out, not having anything
5 to do with him, and going to the guards. Do you 12:15
6 understand that point of view?

7 A. I understand that point of view, but I left -- when I
8 left that night it was with the intention of staying
9 away until the wedding was over. Because it had caused
10 so much tension. 12:15

11 403 Q. Okay. Now, if we could -- when did you move back to
12 the house?

13 A. When I got out of hospital, I can't remember the exact
14 date. Possibly the 12th, 13th of October. Around that
15 time. 12:15

16 404 Q. Okay. So did you discuss the matter with Garda
17 Harrison at that stage, what had happened from the end
18 of August onwards?

19 A. Yeah, of course we had discussed it. Like, I felt that
20 he wasn't behaving, maybe, rationally and we discussed 12:16
21 him going to counselling.

22 405 Q. Okay. And did he go to counselling after that?

23 A. Yes.

24 406 Q. Okay. So his behaviour changed?

25 A. Yeah, his behaviour had changed from when he got moved 12:16
26 from Buncrana to Donegal Town, that is when I saw a
27 different Keith.

28 407 Q. Okay. And it changed for the better when, are you
29 saying?

1 A. It changed for the better --

2 408 Q. Again after that?

3 A. Yeah.

4 409 Q. When was that?

5 A. Around that Halloween/November time, he had been going 12:16

6 to counselling and I could see a change in him.

7 410 Q. Okay. You see, a cynical person, to put it in Sergeant

8 Collins' words, might think the reason you are saying

9 that the threats to burn weren't expressed in the way

10 the guards have put them across, is because you are now 12:17

11 in a stable relationship with him and you don't want

12 any of the bad things to happen to him that you looked

13 up on the 7th October, didn't want him to lose his job,

14 or be prosecuted in relation to the threats and you

15 didn't want a safety order any more? 12:17

16 A. I accept that, but I'm -- I'm not here to defend Garda

17 Keith Harrison. I am here because my children have

18 Pulse IDs and they don't deserve that. Garda Harrison

19 has been portrayed as an absolute monster and it's

20 horrendous, some of the stuff that I have had to listen 12:18

21 to here over the past week-and-a-half and I have had to

22 sit down there and listen to all this stuff, that is

23 not true.

24 411 Q. Okay. Well, maybe if we could go through your

25 statement in relation to just how Garda Harrison had 12:18

26 been?

27 CHAIRMAN: Ms. Leader, I am sorry to intervene.

28 Ms. Simms, you say Garda Harrison has been portrayed as

29 a monster.

1 A. Yes.

2 CHAIRMAN: By who?

3 A. By some of the untruths that I have had to listen to

4 sitting here.

5 CHAIRMAN: These are the untruths that come from your 12:18

6 statement, because that is the worst anyone has said

7 about him?

8 A. Yes, possibly.

9 CHAIRMAN: So you are saying the Gardaí, somehow, got

10 this untrue statement out of you and that is what you 12:19

11 have had to listen to, you are not referring to

12 anything else?

13 A. No.

14 CHAIRMAN: Can I just ask you as well, did you ever

15 tell Garda Harrison that Chief Superintendent McGinn 12:19

16 had walked in during the taking of the statement and

17 made a comment about her not tolerating male members of

18 the Garda force in Donegal mistreating women at home?

19 A. No.

20 CHAIRMAN: Did you ever tell him that? 12:19

21 A. No.

22 CHAIRMAN: Thanks.

23 412 Q. MS. LEADER: An impression may be being put across

24 here, Ms. Simms, that it was all about the wedding?

25 A. Yeah. 12:19

26 413 Q. And you being pulled in two directions because of your

27 family's disapproval of Garda Harrison and also in

28 relation to you wanting to be with him, that it was all

29 about that, how the matter ended up in the Garda

1 station?

2 A. Yeah.

3 414 Q. Okay. But really, let's explore that a little bit,
4 because it would appear from a reading of your
5 statement that it was most -- more generally about how 12:20
6 you felt about Garda Harrison and his behaviour, which
7 had been -- which was, as you described it, getting
8 worse and worse over a number of months, okay? So you
9 moved in with Garda Harrison properly I think in
10 March/April 2013, to the house in Woodbury? 12:20

11 A. Yeah.

12 415 Q. Yes. Okay. And from that time, and before that time,
13 you had discovered a series of infidelities in relation
14 to Garda Harrison, isn't that correct?

15 A. Yeah. 12:21

16 416 Q. And you were not happy about that, as anybody would be
17 in your position?

18 A. No, I wasn't happy.

19 417 Q. Okay. And you were getting more and more frustrated
20 and more downtrodden, if I can put it that way, he was 12:21
21 making you feel worse and worse about yourself, and
22 that is separate to the wedding matter at the end of
23 August?

24 A. I think there was a culmination of factors, not merely
25 infidelities. 12:21

26 418 Q. What matters, what culmination of matters are you
27 talking about?

28 A. Keith wasn't enjoying his work, he had a road traffic
29 accident, he had a pending court case ahead of him and

1 we had lost a baby in June, and then the wedding.

2 419 Q. Okay. Well, from November 2012 there was an issue in
3 relation to infidelities and Keith, wasn't there?

4 A. Yeah.

5 420 Q. Okay. Andrew had told you that somebody had arrived at 12:22
6 his house, a woman, looking for Keith, isn't that
7 right?

8 A. Yes.

9 421 Q. Okay. How did that make you feel?

10 A. I wasn't happy. 12:22

11 422 Q. Okay. But notwithstanding that, you thought, okay,
12 let's -- let bygones be bygones and we will give the
13 relationship another chance, isn't that right?

14 A. Yes.

15 423 Q. Okay. And that was November 2012? 12:22

16 A. Yeah.

17 424 Q. Okay. So you then do what he asks you to do and move
18 into the house with him in February 2013 -
19 February/March 2013?

20 A. Yeah. 12:23

21 425 Q. And it had always been a bone of contention with Keith
22 that you were still living in Milford with Andrew Simms
23 while going -- having a relationship with Keith, isn't
24 that right?

25 A. Yes. 12:23

26 426 Q. So you were at that stage doing what Keith wanted you
27 to do in relation to moving the relationship and living
28 with him, isn't that right?

29 A. Yes.

1 427 Q. Okay. So, soon after that, you had just moved into the
2 house, and then you discovered, by checking his phone,
3 that he was seeing another girl and he had met her on a
4 website, Plenty of Fish, isn't that right?

5 A. Yes. 12:23

6 428 Q. Okay. You also discovered that there were other women
7 besides the girl, the first person on Plenty of Fish,
8 there were other relationships or other women that he
9 had been seeing, and that was March 2013?

10 A. Yes. 12:24

11 429 Q. And then you have yourself referred to losing a baby,
12 and that was June, was it, 2013?

13 A. Yes.

14 430 Q. Fairly soon after that. So not only had you committed
15 yourself to moving in with him, but there was also a 12:24
16 baby which was lost, and that obviously made you feel
17 very bad, and you were in hospital as a result of that,
18 weren't you?

19 A. Yes.

20 431 Q. So, just after that, you notice another message on his 12:24
21 phone indicating to you that he had been seeing another
22 woman, isn't that right?

23 A. Yes.

24 432 Q. And you discovered in relation to that that he had been 12:25
25 seeing her when you had been in hospital after losing
26 the baby?

27 A. Yes.

28 433 Q. And this was something that was obviously, very
29 understandably, devastating to you, isn't that right?

1 A. Yes.

2 434 Q. And later on in August of 2013, at a time when you
3 thought you had made some sort of amends by going away
4 for a weekend with Garda Harrison to Killarney, you
5 discovered that he had been on another dating website 12:25
6 called Parship, and that was another bone of contention
7 between you, isn't that right?

8 A. Yes.

9 435 Q. So you also had been phoning your mother to collect
10 you, isn't that -- and you say it wasn't because you 12:25
11 were put out of the house but you were certainly
12 outside the house at night-time because of Garda
13 Harrison's behaviour?

14 A. No, I would choose to leave. I just didn't want to --
15 sometimes when Keith had drink taken he would like to 12:26
16 try and, I suppose, justify his behaviour, and I felt
17 like I just wanted to -- it was best -- something that
18 was best talked about with a fresh head.

19 436 Q. Okay. And that was all before what happened on the
20 night of the 28th of September/29th of September? 12:26

21 A. Yes.

22 437 Q. So really, I suppose what I am suggesting to you is,
23 that going to the guards and making that statement
24 wasn't all to do with the wedding; it was to do with
25 Garda Harrison's behaviour to you, culminating in the 12:26
26 threat on the 28th of September 2013?

27 A. Yes, but I wasn't going to go to the guards and say he
28 had been unfaithful. Like, that wasn't a reason to go
29 to the Garda station.

1 438 Q. Absolutely. But at that stage there was no issue of
2 the burn/bury issue?

3 A. Yes.

4 439 Q. And we can see from your phone history which has been
5 circulated, beginning at page 1823 of the materials, 12:27
6 that on the 21st August 2013, you were texting Keith
7 before 9 a.m. in relation to the matters which I have
8 just outlined to the Tribunal in summary form:

9

10 "Let's see, I woke up to you roaring and shouting about 12:27
11 Paula, how you are going to destroy her wedding,
12 destroy me, destroy everything or anyone who has
13 annoyed you, that I should go and kill someone like my
14 brother, my family of criminals, you not getting
15 promotion is my fault, you not getting the PSNI is my 12:28
16 fault, you f-ing half your Facebook friends is not my
17 fault too because I drove you to it. The icing on the
18 cake for me was firstly finding out you were with
19 [blank] two weeks after the ectopic pregnancy but last
20 night you were very honest and open. For that, I 12:28
21 applaud you. So, Keith, you have finally done it, you
22 have chipped away at any nice memories."

23

24 And it continues.

25

12:28

26 And then we have again on the 22nd of August, you are
27 putting it up to Keith. What you say is:

28

29 "You will never change. Took you to Killarney, treated

1 you like royalty and I get abuse you gave me on Tuesday
2 night for no reason. I was asleep, for God's sake.
3 worrying what your mood will be like from day to day.
4 Sick of your lies, sick of being accused of things I
5 haven't done, sick of you cheating, sick of you going 12:29
6 over and over the past. I spent a year showing you how
7 much I care and love you. Told you -- told you that
8 you were pushing me away. My heart is just numb at
9 this stage. Saying you are glad we didn't have a child
10 shows how you really feel, bitter and angry, and I 12:29
11 don't deserve that, having had an ectopic pregnancy.
12 Myself and the children deserve way better. So angry
13 with you. You totally overdid it this time, Keith. It
14 has just made me stand back and ask myself is this how
15 I want to spend my life, crying and begging someone for 12:29
16 affection. I am sad. You should have wanted my
17 affection, but, no, you would rather some slut. Let's
18 see if she will be treated like I have been for the
19 past year."

20 12:30

21 And then again in mid-September, on 14th of September,
22 you are texting him. You are saying:

23
24 "The fact that you can't even tell the truth about
25 Parship is beyond me. It clearly shows in your phone, 12:30
26 not to mention the one-night-stand site."

27
28 And it continues like that in relation to infidelities.
29

1 So they are all matters you told the guards about in
2 more detail than the texts, isn't that right?

3 A. Yeah.

4 440 Q. So your complaint in going to the guards, it would
5 appear from that, wasn't all invented by Paula, it 12:30
6 wasn't Paula convincing you that Keith had threatened
7 you in a particular way?

8 A. Yeah.

9 441 Q. It's because you -- I have to suggest to you,
10 Ms. Simms, that the materials, all the materials 12:30
11 together, would paint a picture of you maybe being
12 encouraged to go to the guards by your mother, but
13 certainly you were a willing participant in going to
14 the guards and making the statement to the guards and
15 following it up in giving the phone two days later? 12:31

16 A. Yes, I did give them the phone, but I never initiated
17 any contact with the guards. It was them came after me
18 looking for the statement.

19 442 Q. Well, we know that, that it was the guards phoned you,
20 but I suppose looking at it from their point of view, 12:31
21 they had members of your family contacting them,
22 worried about you, naturally worried about you at that
23 time in relation to what is going on?

24 A. Yes.

25 443 Q. And I should say, Ms. Simms, I totally respect that you 12:31
26 are now in a happy relationship, but things were
27 different in those days. It was three years ago now --
28 four.

29 A. Four.

1 444 Q. Yes.

2 A. Yes.

3 445 Q. Do you understand?

4 A. I understand, yeah.

5 446 Q. So all of this material would suggest that those 12:31
6 threats were made, that you were in an unhappy place
7 with your partner at the time, you felt undermined by
8 the whole lot, whole situation at that time, and you
9 went to the guards at the prompting mostly of your
10 family and maybe not being able to put up with a bad 12:32
11 situation any more. Do you understand what I am trying
12 to put across to you?

13 A. I understand what you are trying to say, yes.

14 447 Q. Do you have anything to say in relation to that?

15 A. It was definitely not a happy time for myself and 12:32
16 Keith, but I never wanted to make a statement.

17 448 Q. Maybe it is you felt you had to, you had no other
18 choice, considering where you were vis-á-vis Garda
19 Harrison at that time, not because of any pressure from
20 the guards but because of the situation you found 12:32
21 yourself in, is that possible?

22 A. Sorry, can you repeat that?

23 449 Q. Is it possible that maybe, in an ideal world, nobody
24 wants to be going to the Garda station making
25 statements about their partner, but maybe, is this 12:33
26 possible, that you felt driven to it because of months
27 of bad behaviour from your partner, having to phone
28 your mother to collect you from time to time and a big
29 row which culminated in, at the very least, a threat to

1 Paula and you moving into Paula's house, maybe, because
2 of all of that, you felt you had to make a -- you had
3 no other choice?

4 A. No.

5 450 Q. This was the way forward?

12:33

6 A. No, I don't agree.

7 CHAIRMAN: All right. We will take a break now.

8

9 THE HEARING ADJOURNED FOR LUNCH

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1 THE HEARING RESUMED, AS FOLLOWS, AFTER LUNCH:

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3 451 Q. MS. LEADER: I think before lunch you said you
4 reconciled with Garda Harrison in mid-October 2013?

5 A. Yes, that's correct.

13:35

6 452 Q. I think that's where we netted off on. And with regard
7 to what appears in the statement of the guards and in
8 the text, you're saying Paula had convinced you in some
9 way that Mr. Harrison had said that to you on the 28th?

10 A. Yeah.

13:35

11 453 Q. And is there any question, insofar as that the
12 relationship was at an unhappy stage in August,
13 September, October 2013, that you used that and then
14 told the guards about that in order to get back at
15 Garda Harrison for behaving badly to you?

13:36

16 A. No, I mean, I definitely was -- I was annoyed with him,
17 but I would never do something like that to get back at
18 someone.

19 454 Q. Okay. So if I can go on then to January 2014, you made
20 an arrangement with Inspector Sheridan to go into the
21 station to withdraw it?

13:36

22 A. That's correct, yeah.

23 455 Q. And I think in October, the previous October, there had
24 been some sort of an exchange between yourself and
25 Inspector Sheridan in relation to you thinking -- you
26 withdrawing the statement and her saying to you, think
27 it over?

13:36

28 A. That's correct, yeah.

29 456 Q. And do you think that's an accurate reflection --

1 A. Yeah.

2 457 Q. -- of what happened at that stage?

3 A. Yeah, it is, yeah.

4 458 Q. And in relation to making a date, an arrangement to
5 meet at the Garda station to withdraw the statement, 13:37
6 what do you say in relation to making those
7 arrangements?

8 A. I can't recall exactly how many times I contacted her.
9 I know one of the times I contacted her, I think the
10 turn of phrase she used was that she was up to her 13:37
11 tonsils and she told me to think about it. I think
12 that may have been November. I got, I think -- as far
13 as I remember, it was me called her in January again,
14 but I may be corrected on that, and an arrangement was
15 made for January 11th. 13:37

16 459 Q. Well, Inspector Sheridan is saying there is no question
17 of her evading you in any way or making it difficult
18 for you to arrange a time to call into the Garda
19 station to withdraw the statement.

20 A. I'm not saying she made it difficult, but when I rang 13:38
21 her initially I think it may have rang out and she rang
22 me back fairly swiftly. When she found out that I
23 wanted to withdraw my statement, she told me to think
24 it over and, if I can put it this way, there wasn't the
25 urgency that there was to get me in previously. 13:38

26 460 Q. In her statement, what she says, she refers to speaking
27 to you on a number of occasions between October 2013
28 and January 2014. She phoned you, she says, on the
29 15th October and there was no reply. On the 23rd

1 October she contacted both you and your mother, Rita.
2 Neither answered the phone and she left a message for
3 you. And then on the 31st October 2013 she rang you
4 and there was no reply and she left a message. So do
5 you disagree with any of that? 13:39

6 A. I don't -- I genuinely don't remember.

7 461 Q. You don't remember?

8 A. Yeah.

9 462 Q. And then she goes on to January 2014, when she says on
10 the 10th January she got a text from you requesting her 13:39
11 to contact you. Inspector Sheridan phoned you at 10:00
12 and you told her that you wished to withdraw the
13 statements and then you came into the following
14 station -- the station the next day at 11:00am, do you
15 think that is what happened? 13:39

16 A. I think that's fairly accurate, yeah.

17 463 Q. So it would seem that it was the next day you came in?

18 A. Yeah.

19 464 Q. Okay. And you're saying you then read the statement
20 that you had made in October when you went into the 13:39
21 Garda station?

22 A. That's correct, that's the first time I read it. This
23 time, I wasn't taken to the superintendent's office; I
24 was taken to a small office. Inspector Sheridan was
25 working on the computer. She gave me the statement and 13:40
26 asked me to read over it. I read it for maybe ten
27 minutes and I went to give it back to her, and she
28 said, no, no, I want you to read it all. And when I
29 read it, as she rightly said in her evidence, I was

1 surprised. I'd maybe go a bit further and say I was a
2 little shocked at the contents of it. And that's --

3 465 Q. Okay. And I think then a statement was signed by you
4 dated 11th January 2014 withdrawing the October
5 statement?

13:40

6 A. That's correct. But just, in between something that
7 Inspector Sheridan seems to have forgotten, but as a
8 mother I'll never forget what she said to me because I
9 felt sick to my stomach as she relayed her tale about a
10 local couple. She sat back in the chair and she said,
11 I'm going to tell you now about a local couple. She
12 said, I'm sure you'll appreciate I can't give you their
13 names. She said, they had a row in front of their
14 children and now social services are involved in these
15 children's lives and I can't guarantee you that won't
16 happen to you. And that's exactly what she said. She
17 may forget it, but I felt physically sick when she
18 relayed that tale to me.

13:41

13:41

19 466 Q. That is something Inspector Sheridan says didn't
20 happen.

13:41

21 A. It absolutely one hundred percent happened, because,
22 for me, that brought back all the memories of the
23 anonymous letter, at the mention of the word 'social
24 service'. I will never forget what she said to me that
25 day.

13:42

26 467 Q. Okay. Now, we will just read into the record your
27 statement of the 11th January 2014. It says -- it's
28 the handwritten version is on page 940 of the
29 materials:

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"My name is Marisa Simms and I live at the above address. On the 6th October 2013 I attended at Letterkenny Garda Station and spoke to Inspector Goretta Sheridan and Sergeant Brigid McGowan. I outlined to them details of incidents that had occurred between myself and Keith Harrison. Keith at that time was my ex-partner. They recorded a statement of complaint from me on that day. I have read the statement over today, 11th January 2014. I want to say that everything I said to them on the 6th October 2013 and that they recorded in my statement is true. These things did happen and I was honest in what I told them at the time. Today, 12th January 2014, I want to inform you that I no longer want to pursue a complaint against Keith Harrison. I wish to withdraw the statement I made on the 4th October 2013. I am making this statement of my own accord and no one is pressuring me to do so and I am not under duress. This statement is correct."

And both pages are signed and witnessed by Inspector Sheridan and it's dated 11th January. So I suppose the obvious question, Ms. Simms, is: why did you sign a statement saying that everything in the statement of the 6th October 2013 and that was recorded in that statement is true when you just had read that statement?

A. Why did I sign it?

1 468 Q. Yes.

2 A. I signed it because she was after relaying a threat to
3 me about social services, and I thought by signing it
4 it was what they wanted and that I was protecting my
5 children. Little did I know it was the opposite effect 13:44
6 it was going to have.

7 469 Q. Okay. Well, I suppose if we just think about that for
8 a minute, maybe. You had just read a statement saying
9 that, amongst other things, that your partner at that
10 time had threatened to bury yourself and Paula -- 13:44

11 A. No, bury Paula.

12 470 Q. Bury Paula and burn you. And also to make sure that
13 you'd never see your children again, okay? You had
14 just read that statement?

15 A. Yes. 13:44

16 471 Q. Okay. And you're saying you signed a statement saying
17 everything in the statement of October, including that,
18 was true, so as to ensure that there would be no more,
19 if I am understanding you correctly --

20 A. Yes. 13:45

21 472 Q. -- HSE intervention with your children?

22 A. Exactly.

23 473 Q. Now, just, I suppose, as a matter of logic, is it not
24 more likely that there would be HSE intervention if you
25 were, a number of months later, saying that everything 13:45
26 in the statement of October 2013, even though I'm
27 withdrawing it, is true? Is it not, as a matter of
28 common sense, more likely that the HSE would be more
29 interested to visit and ensure that everything was okay

1 at home?

2 A. why, when they got the statement in October, was there
3 no intervention then?

4 474 Q. Yes. But what I am saying to you, if you are saying
5 that the reason you signed the statement -- 13:45

6 A. That is the reason why I signed.

7 475 Q. Yeah. But does that really make sense? Because you're
8 confirming that there was an argument in front of the
9 children, that there were threats, that the children
10 would -- you'd never see the children again? 13:45

11 A. But they already had this. This was the first time
12 that I saw this.

13 476 Q. Yes, I understand that. But you're confirming that in
14 January 2014 in a written statement, okay?

15 A. Yeah. 13:46

16 477 Q. Yes.

17 A. After this message was relayed to me.

18 478 Q. Yes. So is it not more likely if you confirm that
19 situation that is set out in the statement of October
20 2014 -- or '13, I beg your pardon, if you confirm that 13:46
21 to be the case, that to be true --

22 A. No.

23 479 Q. -- and that to have happened, that the HSE will
24 actually visit?

25 A. No, I'm telling you my understanding at the time was, 13:46
26 if I signed this to say it was true, that is what they
27 wanted. why relay that story to me?

28 480 Q. Yeah, okay. well, it may be suggested to you on behalf
29 of Inspector Sheridan and Sergeant McGovern that --

1 well, their position is, or Inspector Sheridan's
2 position is that she never said that.

3 A. I will never forget what she said to me.

4 481 Q. Okay. All right. So then we have the -- what was your
5 understanding of the situation? GSOC, you told them 13:47
6 not to investigate in October?

7 A. Yeah.

8 482 Q. You now had gone into Letterkenny Garda Station the
9 following --

10 A. Sorry, can I just add something as well? 13:47

11 483 Q. Of course, yes.

12 A. Inspector Sheridan says that I told her that myself and
13 Keith were back together at Christmas. There was no
14 mention of that. And the Gardaí were well aware, they
15 knew fine well when me and Keith were back together 13:47
16 from the numerous patrols, marked and unmarked, that we
17 had passing by the private cul-de-sac. They were well
18 aware of where I was and what we were doing.

19 484 Q. Okay. You'd left the Garda station, having signed that
20 statement in January 2014? 13:47

21 A. Yeah, and if --

22 485 Q. And where were matters at in regard to your statement
23 at that stage? We had, GSOC had discontinued their
24 investigation, you knew that?

25 A. I knew that, yeah. And just as Inspector Sheridan was 13:47
26 walking me out of the Garda station, her parting words
27 were 'is he still on the websites?', which I thought
28 was really nasty.

29 CHAIRMAN: Sorry to intervene, I beg your pardon,

1 Ms. Leader, but I did mention the rule in Browne v.
2 Dunn, I did urge people to actually put their client's
3 case. So many things have come out today which were
4 never put to any of the witnesses. I regard it as
5 deeply unfair. But I think we should just go on. 13:48

6 486 Q. MS. LEADER: So I think then you got a letter from the
7 HSE in February?

8 A. After withdrawing my statement, a few weeks later I had
9 a letter from HSE.

10 487 Q. Okay. And what was your reaction to that? 13:48

11 A. I wasn't overly surprised, concerning the comments that
12 Inspector Sheridan had made.

13 488 Q. Well, you seem to say in some of your later statements
14 that you were shocked when you got that letter?

15 A. Well, I was, I was shocked -- I suppose at the back of 13:49
16 my mind after she had relayed that story, it was on my
17 mind, but I was, I suppose, hoping that it wouldn't
18 happen.

19 489 Q. In your statement to the Tribunal what you say is:
20
21 "On the 2nd February 2014 I received a letter from
22 Tusla requesting a meeting with Keith and I about
23 [blank] and [blank]. I had no idea what this was for
24 and assumed it was the doing of the Gardaí in
25 Letterkenny, because I took back the statement, and as 13:49
26 suggested what would happen by Goretta Sheridan, social
27 services were getting involved."
28
29 So, did you know what the letter from the HSE was about

1 when you got it?

2 A. It said in relation to -- we have received information,
3 I think, in relation to yourself and your partner.

4 490 Q. So did you know what it was about?

5 A. I assumed it was because I had retracted my statement. 13:50

6 491 Q. Okay. I suppose you're familiar with the HSE's
7 obligations and professionals' obligations with regard
8 to reporting matters to the HSE?

9 A. Yes.

10 492 Q. Yes. So maybe it is the case that you knew what the 13:50
11 HSE's or Tusla's, at that stage, letter was about?

12 A. I had an idea, yes.

13 493 Q. Okay. If I can just, I think you yourself and Keith
14 Harrison met with the HSE shortly after that?

15 A. That's correct, yes. 13:51

16 494 Q. There was an appointment made. And I think it was the
17 4th February, was it, or sometime around that time?

18 A. The beginning of February. I can't remember
19 specifically.

20 495 Q. Yes. The 1st, the 1st of February. 13:51

21 A. Okay.

22 496 Q. And that was Ms. McTeague who met you at that stage?

23 A. I think it was, yeah.

24 497 Q. Do you have anything to say about the behaviour of
25 Ms. McTeague on that day? 13:51

26 A. No, absolutely not.

27 498 Q. It was a very --

28 A. She was professional and courteous, yeah.

29 499 Q. Okay. Just in relation to what you said that

1 Ms. McTeague had said to you, you said:

2

3 "Ms. McTeague explained that she dealt with families
4 where children were at immediate risk but was confused
5 as to her role in this instance as the incident 13:52
6 occurred over four months previously."

7 A. That's correct.

8 500 Q. Well, Ms. McTeague says she was never at any time
9 confused and never said that to you?

10 A. Perhaps she mightn't have used the word 'confused' but 13:52
11 it was words to that effect.

12 501 Q. Okay. She's quite firm that she explained to you at
13 the outset of your meeting her role as duty social
14 worker, that you explained -- she explained the
15 difference between a child protection referral and a 13:52
16 child welfare referral, and that's set out, she points
17 out, in the notes prepared by Ms. Wallace, where, on
18 page 137 of the materials, it should come up in front
19 of you, these are notes prepared by the HSE in relation
20 to the meeting of the 7th February 2014. 13:53
21

22 "Donna explained her role to the couple and explained
23 how she received the referral."

24

25 You think that's true? 13:53

26 A. Yes, that's accurate, yeah.

27 502 Q. That's true. Then you'll see that:

28

29 "Donna clarified with the couple the basis of the

1 referral and asked if what mum had reported to the
2 Gardaí was the truth. Mum verified that the incident
3 did happen and that only one of the children had
4 witnessed it as she had put them in the car. However,
5 [blank] had got back out and had gone into the house." 13:53

6
7 Now, I just want you to explain how you said that, in
8 circumstances where, a month previously, you had read
9 the statement and knew what was in the statement. And
10 it would appear there that you are telling the HSE or 13:54
11 Tusla people that what you had reported to the guards
12 was the truth.

13 A. The information that she had was that we had a row in
14 front of the children and I verified that we did have a
15 row. 13:54

16 503 Q. Well, that's not quite what she says, you see,
17 Ms. Simms. What's in the notes is:

18
19 "Donna clarified with the couple the basis of the
20 referral." 13:54

21
22 And then she said:

23
24 "And asked if what mum had reported to the Gardaí was
25 the truth." 13:54

26
27 So it would appear from these notes that what you were
28 being asked was, what you reported to the guards, is
29 that the truth.

1 A. No, she asked if the child was present during a row, if
2 we had a row, that's what she asked.

3 504 Q. Okay. Well, we will ask Ms. McTeague that.

4 A. That's fine.

5 505 Q. And then what it says is: 13:55
6
7 "Mum verified that the incident did happen and only one
8 of the children had witnessed it as she had put them in
9 the car. However, [blank] had got back out and gone
10 into the house." 13:55

11 A. That's correct.

12 506 Q. And then the notes continue:
13
14 "Keith began to explain that prior to this reported
15 incident they had lost a baby. He admitted he did not 13:55
16 deal with the loss very well and began to drink. At
17 this point Keith began to get tearful and Marisa began
18 to cry. Marisa explained that it had been very
19 difficult for them at the time. Her sister was getting
20 married and had not invited Keith. They did not 13:55
21 approve of the pregnancy as both had been married
22 previously. Keith explained that it was all his fault.
23 He explained that they had made plans for the baby,
24 calling it baby Harrison, and when they lost the baby
25 he had no support here as all his friends and family 13:55
26 were in Galway, so he leaned on drink."
27
28 And then we come again:
29

1 "Donna again clarified with Marisa that she had made
2 the statement to the Gardaí. Marisa explained that she
3 did not initially go the Gardaí but they had phoned her
4 to make the statement. She further explained that it
5 was her sister that reported it to the Gardaí." 13:56

6
7 And then we again see:

8
9 "Keith admitted to the incident being his fault and not
10 Marisa's. He has attended counselling since then and 13:56
11 was discharged. He found it beneficial and was able to
12 see that things could change. Donna explained to the
13 couple that she would have to inform the children's
14 father, Mr. Simms. The couple agreed and understood it
15 was this to happen." 13:56

16
17 So From those notes it would appear that you are
18 confirming to Ms. McTeague that what was in the
19 statement was the truth, that the incident did happen,
20 and also, it would appear that Keith is taking 13:56
21 responsibility for what was in the statement?

22 A. Absolutely not. She had not saw the entire statement.
23 She had only been given a referral and I was confirming
24 that we had a row and that we were having problems.

25 507 Q. Okay. But you didn't know what had been given to the 13:57
26 HSE at the time?

27 A. No, but she mentioned the referral was about a row.

28 508 Q. Okay. And I'm just trying to be clear about this. It
29 would also appear that she mentioned that she asked you

1 if what mum had reported to the Gardaí was the truth,
2 if you see what I mean?

3 A. I see what you mean, but she didn't see the full
4 statement. She was asking me --

5 509 Q. You now know that, if you understand, but was that 13:57
6 clarified at the time in any way?

7 A. I think there may have been a mention of a statement, I
8 can't recall exactly. But what I was clarifying with
9 her was that yes, there was a row.

10 510 Q. Now, in relation to what happened then, you say in your 13:58
11 statement to the Tribunal at page 46:

12
13 "Before we left --" you and Mr. Harrison " -- Donna
14 McTeague told us she didn't think we would hear from
15 her again, that she would be reporting to her team 13:58
16 leader. No further action was necessary."

17 A. That's correct.

18 511 Q. "We left with mixed emotions, relieved that because
19 that was the end of the matter, angry we had to go
20 through that." 13:58

21
22 And then you continue in your statement, saying:

23
24 "Later that evening I was astounded and upset when I
25 received a call from Donna McTeague. She apologised 13:59
26 and stated that her team leader had been contacted by
27 the guards and, as a result, she now had to do a house
28 visit."

29

1 And that, for you, was the ultimate invasion of your
2 family life and the greatest insult to you as a mother?

3 A. That's correct.

4 512 Q. So you can see in the notes that Ms. Wallace took of
5 the meeting on the 7th, that at the very end of them 13:59
6 Ms. Wallace records that:
7

8 "Donna also explained that she may have to visit and
9 speak to the children. Both agreed to this and Marisa
10 said, you're more than welcome to come." 13:59

11 A. That's correct.

12 513 Q. That is correct?

13 A. Yes.

14 514 Q. So there was no question, am I correct in saying that,
15 that you were surprised when the Tusla people came to 13:59
16 your house?
17 A. She had said when we -- we were talking before we left,
18 and she said, to be honest, I don't think you're going
19 to see us again.

20 515 Q. Yes. But what's in the notes, and Ms. McTeague can 14:00
21 give her own evidence to the Tribunal, is the polar
22 opposite; that she explained that she may have to visit
23 and speak to the children.

24 A. She did say she may have to visit, but the indication
25 that she gave us was that we didn't -- we more than 14:00
26 likely wouldn't see her again.

27 516 Q. Okay. But why, later on, were you so astounded when
28 the possibility --

29 A. Well, maybe 'astounded' wasn't the right word to use.

1 517 Q. Okay. And are you sure she said she'd been contacted
2 by the guards as a result of which she now had to do
3 the house visit? Because the impression you would get
4 from that is, the whole thing was closed off and she
5 was doing the house visit as a result of a contact from 14:00
6 the guards?

7 A. No. Well, that wasn't what I meant.

8 518 Q. Well, what did you mean?

9 A. She had received the referral from the guards, so
10 that's what I assumed, there had been some liaison 14:01
11 there. That's what I picked up from that.

12 CHAIRMAN: I'm sorry to intervene, but you actually
13 said that you were phoned that evening and the social
14 worker said to you, I'm sorry, we have to do a visit
15 because we have been contacted by the guards. 14:01

16 A. She didn't say directly we have been contacted by the
17 guards, no.

18 CHAIRMAN: What are you trying to say then? I'm sorry,
19 I'm going to leave it to Ms. Leader, but that is just
20 very unclear now in my mind. What are you trying to 14:01
21 say about this phone call?

22 A. I'm just saying that she rang and said that she would
23 have to do a house visit because of a direction she had
24 been given by her superior.

25 CHAIRMAN: Nothing to do with the Gardaí? 14:01

26 A. No.

27 CHAIRMAN: You just told me that it was because of the
28 Gardaí, just in the last two minutes.

29 A. Sorry, if I --

1 CHAIRMAN: Yes.

2 A. The referral had been from the Gardaí, so I suppose it
3 was my assumption that there had been some liaison
4 between them. So I apologise if I misled you.

5 519 Q. MS. LEADER: well, I suppose it's not only me and the 14:02
6 Chairman who are picking what you said in your
7 statement up in a particular way. When Ms. McTeague
8 saw your statement, she took it upon herself to prepare
9 a supplemental statement for the Tribunal, and what she
10 says in particular reference to what you say in your 14:02
11 statement:
12
13 "Later that evening I was astounded and upset when I
14 received a call from Donna McTeague. She apologised
15 and stated that her team leader had been contacted by 14:02
16 the guards and as a result she now had to do a house
17 visit."
18
19 I will get the page reference in just a minute.

20 CHAIRMAN: No, don't worry about the page reference. 14:03
21 It's presumably at the very end of volume 7. People
22 are looking at it. So just carry on, Ms. Leader,
23 please.

24 MS. LEADER: Yes. What she says is:
25
26 "I did not phone Ms. Simms following our meeting on the 14:03
27 7th February 2014."
28
29 It's 2435. Mr. Kavanagh will get it up for you.

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"My case notes on RAISE, our information recording system in the Social Work Department, clearly indicates that I telephoned Ms. Simms on the 14th February 2014 to arrange a visit to meet with the children in their home on February 19th, 2017. Furthermore, I did not say my team leader had been contacted by the guards and, as a result, I had to do a home visit. The decision to undertake a home visit in any case for the purposes of completing an initial assessment is based on the need to ensure children's voices and views are sought, observed and recorded in our assessments. In this case, it was my view, based on the information I had at the time of meeting with Ms. Simms and Garda Harrison, that there were likely no ongoing child welfare/child protection concerns. However, I added that I may need to visit the children. Both Ms. Simms and Garda Harrison agreed. Following discussion with my team leader, it was agreed I would, in fact, complete the home visit, meet the children, and if no new issues arising, the case would be closed."

14:03

14:03

14:04

14:04

So what you said to the Tribunal in your statement last March, you're not saying that to be the case now, am I correct in saying that?

14:04

- A. No, what I am -- what I am saying is, when Ms. McTeague did contact me, I suppose I was surprised in that it was a week later. I assumed, if there was going to be a house visit, that, I don't know, she may have been in

1 contact sooner. She did contact me. She did say that
2 her team leader had instructed her or directed her to
3 do a house visit. That's all.

4 520 Q. So are you now making any connection with the guards
5 and the house visit? 14:05

6 A. No, I suppose that was just my assumption, that they
7 had been in contact.

8 521 Q. Okay.

9 CHAIRMAN: Sorry, could I just ask you, Ms. Simms --

10 A. Yeah. 14:05

11 CHAIRMAN: -- where did you get that assumption from?

12 A. I suppose Ms. McTeague had told us that the referral
13 had been from An Garda Síochána, so maybe I wrongly
14 assumed. I thought there had been some liaison there
15 with me retracting my statement and then -- 14:05

16 CHAIRMAN: The impression, forgive me for intervening
17 now just for a second, the impression that I was
18 getting from your statement and that of Garda Keith
19 Harrison was that the Gardaí were manipulating the
20 HSE/Tusla into pursuing you. That is the very clear 14:06
21 impression that I got on that particular statement that
22 Ms. Leader has just put to you.

23 A. Yes.

24 CHAIRMAN: That a social worker said to you on the
25 phone, look, we have to come because the Gardaí have 14:06
26 more or less told us or directed us.

27 A. No.

28 CHAIRMAN: That was, if you like, yet another link in
29 the very distinct conveyance of the fact from both of

1 your statements that all of this was being manipulated
2 by the Gardaí and that they were using the Tusla or the
3 HSE against you. Are you saying that that never
4 happened, or what are you saying?

5 A. No, I suppose what I am saying is, I think -- I didn't 14:06
6 feel there was a coincidence between me withdrawing my
7 statement and then, a week-and-a-half later, I had
8 received -- I suppose that is what I meant. I
9 apologise.

10 CHAIRMAN: No, I can see your point. Thank you. 14:06

11 522 Q. MS. LEADER: Then in relation to what you say
12 Ms. McTeague said to you when she did visit, you say:

13
14 "She apologised to me on her arrival saying that she
15 had no choice in the matter." 14:07

16
17 And Ms. McTeague, what she says in response to that, I
18 think it might be the next page, 2433 of the materials,
19 she says:

20
21 "I was very clear on the purpose of my visit and why I
22 was meeting with the children. I never said that I had
23 no choice in the matter." 14:07

24 A. I have absolutely no issue with Ms. McTeague. When she
25 was leaving, she spoke with me in the kitchen and she 14:07
26 said, I'm sorry had you to go through this, or, I am
27 sorry I had to call out. She didn't apologise, coming
28 in the door and apologise. It wasn't a case that she
29 was constantly apologising. And if I portrayed it that

1 way, that wasn't what I meant.

2 523 Q. Are you saying that now you'd accept that the guards
3 had nothing to do with the HSE meeting you and Garda
4 Harrison and the follow-up home visit?

5 A. If I am honest, I suppose I didn't think maybe there 14:08
6 was a coincidence between me withdrawing my statement
7 and then, a week later, social services are in contact
8 with me. That's my own -- but that's my own, but
9 that's only my personal opinion.

10 524 Q. But are you saying you now think that there was no 14:08
11 connection between withdrawing the statement?

12 A. I don't know.

13 525 Q. You don't know.

14 CHAIRMAN: well, are you saying I should reach the same
15 conclusion you reached at the time? 14:08

16 A. Absolutely not. That's -- I'm just -- that's just my
17 own opinion.

18 CHAIRMAN: Yes. And if I were to reach that
19 conclusion, where do you say the evidence is?

20 A. I don't -- I'm not saying there's -- I'm only telling 14:08
21 you personal -- at the time what I was thinking.

22 CHAIRMAN: Right. Thank you.

23 526 Q. MS. LEADER: Just so that we can be -- it would appear
24 from the HSE papers that, even though Sergeant McGowan
25 said she phoned the HSE to say that the statement had 14:09
26 been withdrawn, according to the case recording summary
27 the phone calls came from the HSE to Sergeant McGowan,
28 chasing up on the referral that had been made the
29 previous October?

1 A. Yeah. I wasn't aware of this at the time, until I saw
2 it.

3 527 Q. Yes. But you must have somehow made the -- based your
4 suspicions on something, Ms. Simms. The guards
5 motivating the HSE to get involved in February. 14:09

6 A. What I couldn't understand was why Inspector Sheridan
7 had made a reference to social services, and then, a
8 week-and-a-half later, I'm getting a letter. That's
9 all was going on in my mind.

10 528 Q. I'm sorry, I just didn't get that? 14:09

11 A. That's what was going on in my mind at the time.

12 529 Q. Okay. But do you now understand that the HSE were, as
13 set out in their statements, following up a referral
14 which --

15 A. I have no issue with Tusla or the HSE. 14:10

16 530 Q. Okay. And do you think they were acting in any way at
17 the behest of the guards?

18 A. I don't know.

19 531 Q. Well, why don't you know? You must be basing it on
20 something, your doubt that they may have been acting at 14:10
21 the behest of the guards?

22 A. As I said, I suppose I was suspicious in that I had
23 retracted my statement, and then, a week-and-a-half
24 later, I get a letter. That's only my own personal
25 opinion. 14:10

26 532 Q. Okay. And that's the only reason you think that you
27 have a suspicion the HSE/Tusla were acting at the
28 behest of the guards?

29 A. No, I didn't say -- I have absolutely no issue with

1 Tusla. If they received a referral -- the people we
2 were dealing with were professional, they were
3 courteous, they were carrying out their job. I have no
4 issue with Tusla.

5 533 Q. Okay. And you have nothing other than your own 14:11
6 thoughts/suspicions in relation to the connection
7 between withdrawing the statement and HSE contacting
8 you?

9 A. That's all.

10 534 Q. You see, there's a suggestion that there was a personal 14:11
11 connection between HSE personnel and
12 Sergeant McGowan -- McGovern, sorry. You don't know
13 anything about that?

14 A. I don't know anything about that.

15 CHAIRMAN: Well, sorry, Ms. Leader, I was puzzled when 14:11
16 that came up yesterday - excuse me for intervening -
17 Sergeant McGowan, and she seemed upset by that
18 suggestion, that, somehow, because of a friendship, she
19 would use that friendship against somebody. I just
20 don't know where it came up and whether it is correct 14:12
21 to ask Ms. Simms about it.

22 MS. LEADER: I think it's something that Garda Harrison
23 refers to in some of his statements or affidavits. So
24 maybe it's something that --

25 CHAIRMAN: Is more properly for him. 14:12

26 MS. LEADER: Is more properly perhaps --

27 535 Q. Do you think Garda Harrison ever said that to you?

28 A. I don't recall ever talking about any connection.

29 536 Q. Okay. It seems to be at page 2435 of the materials.

1 But that can be dealt with with Garda Harrison.

2 MR. MCDERMOTT: Chairman, it might be useful also to
3 look at page 2359. It's a statement Ms. Simms made to
4 the Garda Ombudsman, and at the bottom of page 2358 she
5 talks about:

14:12

6
7 "Donna phoned and said she is getting pressure from her
8 superior and was going to make a house call to speak to
9 the kids. Nothing came from it. I know Donna's
10 superior had weekly meetings with Brigid McGowan.
11 Following this, I started noticing a lot of Gardaí
12 passing by our house."

14:12

13
14 That would seem to be an attempt to link the home visit
15 with Brigid McGowan and suggesting they'd had weekly
16 meetings, that Garda cars were going around their
17 house. It seems to be a clear implication that it was
18 the Gardaí somehow involved in setting up a home visit.
19 I imagine that is where the Garda witness, in part, had
20 that concern.

14:13

21 CHAIRMAN: Well, Ms. Leader, that has been pointed out
22 to us and I know there is a lot of statements and it
23 would be appropriate if Ms. Simms had a chance to
24 answer that official statement that she made to GSOC.

25 537 Q. MS. LEADER: So if we turn to page 2358 of the
26 materials. This is a statement made by you to GSOC on
27 the 16th August 2016.

14:13

28
29 "The second statement I made on the 11/1/2014 and it

1 was part pre-prepared and Goretta told me a story of a
2 local couple who had kids in a domestic incident and
3 how social services got involved. She said there is no
4 guarantee that social services won't get involved in my
5 case. I took it as a threat. Two weeks after that I 14:14
6 got a call from social services and Keith and I were
7 interviewed. During the meeting, Donna McTeague was
8 very apologetic and did not know why it was referred.
9 She said as far as she is concerned there is nothing in
10 it. Two days later Donna phoned and said she is 14:14
11 getting pressure from her superior and was going to get
12 a house call to speak to the kids. They also phoned
13 the school, our GP and the public nurse, who was
14 familiar with the kids. Nothing came from it. I know
15 that Donna's superior had weekly meetings with Brigid 14:15
16 McGowan."

17
18 How did you know -- do you know that?

19 A. During the course of the interview with Ms. McTeague,
20 she had mentioned that Bridgeen Smith had weekly 14:15
21 meetings, and I didn't infer anything from that.

22 538 Q. Okay. Then the next --

23 CHAIRMAN: Sorry, hold on a minute. If you didn't
24 infer anything from it, why are you making that
25 connection in that statement and actually complaining 14:15
26 about it to GSOC?

27 A. I wasn't complaining about it. I was just --

28 CHAIRMAN: Well, you say immediately after that you
29 were effectively harassed by the Gardaí because --

1 A. No, there should have been -- that was a separate, that
2 is something separate.

3 CHAIRMAN: You took a pause at that point?

4 A. Yes.

5 539 Q. MS. LEADER: Then you link that, you say:

14:15

6

7 "Following this, I started noticing a lot of Gardaí
8 passing our house."

9

10 So the Chairman said, Ms. Simms, that the meaning to be
11 taken from that, from anybody reading it, is that that
12 house visit was carried out because there was a
13 connection between Donna's superior, that's
14 Ms. McTeague, and Sergeant McGowan.

14:15

15 A. I don't know what relationship they have. I was only
16 told that they had weekly meetings.

14:16

17 540 Q. Okay.

18 CHAIRMAN: And who told you that?

19 A. Ms. McTeague.

20 CHAIRMAN: And they, presumably, were professional
21 meetings.

14:16

22 A. Yes. I'm not -- yes, I didn't say they weren't.

23 541 Q. MS. LEADER: And then at the very bottom of the GSOC
24 statement, it's again 2359:

25

14:16

26 "I believe it was the Gardaí who made the referral to
27 the HSE and got my kids involved. There was no reason
28 for doing so and it is a way of abusing their
29 authority."

1 Do you see that?

2 A. Yeah.

3 542 Q. So do you think the HSE shouldn't have come to call to
4 yourself --

5 A. No, I'm not saying that. I'm saying, at the time I 14:17
6 believed that there was -- I didn't think it was a
7 coincidence that I withdrew my statement and then
8 that -- that was my own personal opinion.

9 543 Q. Okay. So what do you say the HSE should have done?

10 A. I don't understand what you are asking me. 14:17

11 544 Q. Do you think the HSE acted appropriately in relation to
12 the referral they got to the guards?

13 A. If they received the referral, I have no issue with the
14 HSE.

15 545 Q. And they acted professionally and carried out their 14:17
16 duties?

17 A. Yes.

18 546 Q. And they did so, are you saying, with no influence,
19 undue influence from the guards?

20 A. I can't answer that definitively, I don't know. I 14:17
21 just, I --

22 547 Q. But from your point of view, do you agree with the
23 actions the HSE carried out?

24 A. They had a referral and they carried out
25 professionally, in my view. 14:18

26 548 Q. Okay. So there was nothing untoward in relation to why
27 they carried out the interview with you and
28 Mr. Harrison and the home visit?

29 A. I can't say definitively. I can only have -- it's only

1 my own personal opinion.

2 549 Q. well, what is your personal opinion?

3 A. I thought -- I thought it was a bit suspicious that I
4 withdrew my statement and then social services are
5 involved. 14:18

6 550 Q. Do you still think it is suspicious?

7 A. I don't know. I suppose that's why we're here.

8 551 Q. well, you don't know whether it was suspicious or not?

9 A. I don't know whether what was, sorry?

10 552 Q. why the HSE called to your -- had an interview with 14:18
11 yourself and Mr. Harrison and also had a home visit,
12 having had the benefit of all the materials that have
13 been served on you and the recent statements from the
14 HSE?

15 A. They received a referral and I felt they dealt with it 14:19
16 appropriately.

17 553 Q. Okay. And do you think there was a connection
18 between -- you're making a particular accusation, if I
19 can put it that way, against Sergeant McGowan and Donna
20 McTeague's superior in the HSE, it would appear from 14:19
21 the papers?

22 A. I'm not implying anything. I don't know what type of
23 relationship they have. I'm assuming it was
24 professional. I don't know anything about these
25 people. 14:19

26 554 Q. And it would seem that you are saying that they in some
27 way abused their power in carrying out an interview
28 with you and a home visit with Mr. Harrison?

29 A. I don't recall saying that they abused their power.

1 555 Q. Well, you're suspicious about it?
2 A. I'd say I'm suspicious. I never said anyone abused
3 their power.
4 556 Q. So you accept that nobody abused their power in any
5 way? This is an important thing to get clear, 14:20
6 Ms. Simms.
7 A. I understand. But you're asking me something I don't
8 genuinely have an answer for.
9 CHAIRMAN: Well, if I could just put it this way: You
10 know the idea that you can't convict someone of 14:20
11 cheque-fraud without there being some proof?
12 A. Yes.
13 CHAIRMAN: You can't convict them on the basis of a
14 suspicion.
15 A. No. 14:20
16 CHAIRMAN: In a criminal case, of course, you have to
17 be certain beyond reasonable doubt. In a civil case,
18 you have to see, well, the probability stacks up in
19 that direction. Now, what Ms. Leader has been asking
20 you is, you may well think something in your mind, but 14:20
21 are you seriously asking this Tribunal to act on a
22 suspicion in your mind?
23 A. No.
24 CHAIRMAN: And just wait until I finish. And to
25 condemn the HSE and to condemn the Gardaí, the Gardaí 14:20
26 from manipulating the HSE into doing something
27 completely unnecessary, which was the home visit to you
28 and the checking up on your children, which you say in
29 your statement caused you a great deal of anguish, are

1 you actually asking this Tribunal to reach that
2 conclusion.

3 A. No, I'm not.

4 CHAIRMAN: Well, what are you doing then?

5 A. I'm sorry, I don't understand. 14:21

6 CHAIRMAN: What is your evidence on this?

7 A. I'm sorry, I don't understand what are you asking me.

8 CHAIRMAN: Well, it's the exact same as Ms. Leader has
9 been asking you. What are you actually saying about
10 the Garda and the HSE? 14:21

11 A. I'm not inferring anything.

12 557 Q. MS. LEADER: Okay. And have you commenced any
13 proceedings against the HSE in the Four Courts in
14 relation to your dealings with them?

15 A. No, I have no issue with the HSE. 14:21

16 MR. MCDERMOTT: Chairman, again if I might assist. At
17 page 1579 there is a letter written on behalf of Marisa
18 Simms and Garda Harrison by their solicitors to
19 Dr. Zappone, who is the Minister for Children and Youth
20 Affairs; in other words, my client's Minister. And in 14:22
21 particular at page 1579, at the bottom, it says:

22
23 "The manner of intervention of Tusla in our client's
24 family life is a cause of concern and is by any measure
25 an inexcusable abuse of their position." 14:22

26
27 It was my understanding that the reason we're here in
28 this module was to investigate that allegation. It
29 appears as though it is no longer being pursued.

1 MR. HARTNETT: I should say for clarification that that
2 was a solicitor other than the present solicitor acting
3 in this Tribunal for Ms. Simms.

4 CHAIRMAN: Mr. Hartnett, I actually don't think you
5 should blame a solicitor for writing a letter without 14:23
6 instructions.

7 MR. HARTNETT: I'm not doing that, sir.

8 CHAIRMAN: I don't know what point you are making.

9 MR. HARTNETT: I'm clarifying that it wasn't
10 Mr. Mullaney, just in case there was any confusion in 14:23
11 relation to that.

12 CHAIRMAN: Well, I am assuming that solicitors write
13 letters on the basis of instructions. I am not taking
14 anything to the contrary.

15 MR. HARTNETT: Of course. I am just clarifying that 14:23
16 one simple matter, that it wasn't the solicitor who is
17 before this Tribunal.

18 558 Q. MS. LEADER: Just finally, Ms. Simms, in your affidavit
19 which you swore for the High Court proceedings, what
20 you say in that, and it's at page 789 of the papers - 14:24
21 Mr. Kavanagh will get it up in front of you - what you
22 say in that:

23
24 "I say, for the avoidance of any doubt, that I have
25 never been threatened or have I felt threatened or been 14:24
26 fearful of the applicant" -- who is Mr. Harrison --
27 "insofar as any element of harassment is alleged, I say
28 that the applicant and I have had rows in the past but
29 same were of a minor nature in a private environment.

1 I say that I never wanted assistance from the Gardaí.
2 I say the only reason I went to the station was to put
3 an end of the continued contact and request to attend.
4 I say that I now know the true reason for their
5 interest in my private matters. I feel I was taken 14:24
6 advantage of, given the vulnerable position I was in at
7 the time. I believe that Inspector Sheridan and other
8 members of the Gardaí sought to elicit personal
9 information under false pretences."

10
11 So it would appear what you are saying there is that
12 there was a plan afoot to interfere as much as possible
13 with your private life by the Gardaí and this was
14 always the case. You say -- then you continue on:

15
16 "I say and believe that the respondent sought to use
17 your deponent and my children as a pawn in an attempt
18 to exert pressure on the applicant and further subject
19 him to increased scrutiny and intimidation."

20
21 Do you see that?

22 A. Yes, I do. I suppose I was thinking about the way I
23 was sought out to give a statement. I suppose that's
24 what I am talking about there, really.

25 MS. LEADER: Just bear with me for a moment. If you 14:26
26 would answer any questions anybody else might have.

27 CHAIRMAN: Yes, I am just going to take a little pause,
28 if you don't mind, Ms. Simms, for the moment. I
29 appreciate you have been here for a long time. Just

1 some people will have to ask you some questions. Now,
2 there was some shouting at members of the Garda
3 Síochána over the last number of days. That's not
4 going to happen to you, do you understand?

5 A. Yes. 14:26

6 CHAIRMAN: I'm not going to let it happen.

7 A. Yes.

8 CHAIRMAN: The second thing is, I think people should
9 try and complete matters with reasonable expedition, so
10 I am just going to ask people now what order they want 14:26
11 to go in and how much time they're going to take, how
12 much time they want, but it doesn't necessarily mean
13 I'm going to give it to them.

14 A. Okay.

15 CHAIRMAN: So that's what I am about now. I hope you 14:27
16 understand that.

17 A. Thank you.

18 CHAIRMAN: All right. So who feels they need to ask
19 any questions?

20 MR. MCDERMOTT: On behalf of Tusla, Chairman, I am 14:27
21 happy Ms. Leader has put the case. The only new issue
22 which arose was a suggestion Donna McTeague told
23 Ms. Simms she had weekly meetings. Obviously we
24 weren't aware of that particular suggestion and we will
25 get instructions. I don't think it is a big issue, but 14:27
26 I'm happy Ms. Leader has fairly put my client's
27 position, so I don't propose to repeat the questions.

28 CHAIRMAN: Yes. And the evidence in that regard will
29 be called, in any event, later on.

1 MR. MCDERMOTT: Yes. And the witness has been made
2 aware of the things my witnesses will say.

3 CHAIRMAN: Yes. So does anybody else feel they need to
4 ask any questions? I am not discouraging it, by the
5 way; I'm simply asking how much time it will take, 14:27
6 that's all, to try and plan matters and so that
7 Ms. Simms will know when this is going to finish.

8 MR. DOCKERY: Chairman, on behalf of Inspector Sheridan
9 and Sergeant McGowan, I think I will be asking some
10 questions. I will try and confine it to about 30 14:28
11 minutes.

12 CHAIRMAN: Thank you.

13 MR. Ó BRAONÁIN: Sir, on behalf of Chief Superintendent
14 McGinn, I do have some questions but I propose to be
15 quite brief. 14:28

16 CHAIRMAN: So it would be five or ten minutes?

17 MR. Ó BRAONÁIN: Yes, I would have thought so.

18 MR. O'HIGGINS: Chairman, on behalf of the management
19 of An Garda Síochána, I similarly will be asking some
20 questions and I propose to be brief as well. 14:28

21 MR. O'NEILL: Sir, on behalf of Rita McDermott, I
22 don't --

23 CHAIRMAN: Sorry, Mr. O'Neill, I didn't see you back
24 there. Thank you.

25 MR. O'NEILL: Line-of-sight issues again. I don't 14:28
26 intend to be asking any questions. There are some
27 minor issues there that have already been covered by
28 the Tribunal lawyers, and only to reiterate just, yet
29 again, that this has obviously been a very difficult

1 time for Rita McDermott and the rest of the family,
2 Marisa McDermott in the witness box, and Rita McDermott
3 has already given her evidence in relation to what she
4 recalls, to the best of her ability, to the Tribunal,
5 and matters have been covered and her evidence is left 14:29
6 there for the Tribunal, as the Tribunal wishes to deal
7 with it. But I think that as far as any further
8 questions are concerned, that they have been adequately
9 covered up until now in relation to the evidence that
10 Rita has given. 14:29

11 CHAIRMAN: Very good. Thank you, Mr. O'Neill.

12 MR. HARTY: Sir, I will probably have -- I would
13 obviously not have an interest in a long
14 cross-examination of this witness, and I imagine I will
15 be 15-20 minutes in relation to it. 14:29

16 CHAIRMAN: So we have less than an hour-and-a-half.
17 Who is going first? Yes, thank you very much,
18 Mr. Dockery.

19
20 MS. SIMMS WAS CROSS-EXAMINED BY MR. DOCKERY: 14:29

21
22 559 Q. MR. DOCKERY: Ms. Simms, I hope you can see me, for a
23 start, down here?

24 A. Yes, I can.

25 560 Q. And you can hear me all right? 14:29

26 A. Yes.

27 561 Q. Okay. There was a little bit of an issue over the last
28 few days, just about hearing me when I was speaking
29 occasionally to some of the witnesses, but have you no

1 difficulty hearing me?

2 A. No, I can hear you.

3 562 Q. All right. Can I just ask you this: As I understand
4 your evidence this afternoon, you have no basis for
5 believing that the Gardaí tried to manipulate the HSE 14:30
6 in any way with regard to the referral, isn't that so?

7 A. That's correct.

8 563 Q. All right. Well, can I ask you then, on what grounds
9 do you allege in your GSOC complaint last year that the
10 Gardaí abused their authority and made a referral to 14:30
11 get your kids involved?

12 A. As I've said, I just based it on -- I didn't think at
13 the time that there was a coincidence between me
14 withdrawing my statement and the referral.

15 564 Q. So that allegation that you made in your GSOC complaint 14:30
16 as recently as last year, that you believe it was the
17 Gardaí who made the referral and got your kids
18 involved, there was no reason for doing it and it was a
19 way of abusing their authority. That allegation which
20 has placed my clients under criminal investigation, 14:31
21 that's based on your thought that there was a
22 coincidence between the referral and a visit by the HSE
23 to your home?

24 A. Yes.

25 565 Q. No more than that. All right. Can I suggest to you 14:31
26 that if that is the case, that you are somebody who has
27 a rather casual regard for people's professional
28 reputations?

29 A. Absolutely not.

1 566 Q. You're an educated woman, isn't that so? You would
2 agree with me on that?
3 A. Yes.

4 567 Q. You are. You've a third-level education, you're an
5 articulate woman, isn't that right? We'll agree on 14:31
6 that?
7 A. Yes.

8 568 Q. Yeah. You're an experienced secondary school teacher,
9 isn't that so?
10 A. Yes. 14:31

11 569 Q. I presume you teach up to 30, maybe more, students in a
12 class?
13 A. Yes.

14 570 Q. You've to manage them, isn't that right?
15 A. Yeah. 14:32

16 571 Q. You meet their parents from time to time when issues
17 arise?
18 A. Yes.

19 572 Q. So you hold a position of trust, authority,
20 responsibility, isn't that so? 14:32
21 A. Yeah.

22 573 Q. You're expected to be able to lead, to have certain --
23 to have intelligence, isn't that right?
24 A. Yes.

25 574 Q. You're a mother of three children, well capable of 14:32
26 protecting their interests when necessary, isn't that
27 so?
28 A. Yes.

29 575 Q. Even, I think Inspector Sheridan said she thought you

1 were a perfectly good mother, and nobody in this room
2 has any reason to doubt it. Can I ask you, do you
3 think that you're a suggestible person?

4 A. What do you mean by that?

5 576 Q. Do you think you're somebody who is easily led, someone 14:33
6 who is prone to following the suggestions of other
7 people in a given situation?

8 A. No. But I assume you're referring to how I was at the
9 time, and I would say I was in such a bad place that I
10 probably could have been easily guided by certain 14:33
11 people.

12 577 Q. And you've given a rather different impression of your
13 personality in a sworn affidavit in judicial review
14 proceedings two years ago, in 2015. Can I just show
15 you, if it might be put up on the screen, page 785, 14:33
16 please. This is an affidavit you swore, and I want to
17 look at paragraph 5. Do you see there paragraph 5,
18 Ms. Simms? This affidavit is sworn in the context of
19 the issue of how you were treated by the Gardaí, all
20 right? 14:34

21 A. Yes.

22 578 Q. You said there, under oath:
23
24 "I say and believe that I am an experienced secondary
25 school teacher and am an articulate woman and as part 14:34
26 of my work I manage some 30 students and interact with
27 their parents on a daily basis. I say that if I ever
28 felt that I had cause or concern for my safety or that
29 of my children or if I have had cause to make a

1 complaint to the Gardaí, I say and believe that I would
2 have done so of my own accord."

3
4 You're not saying anything there about this assessment
5 of my character has to be seen in light of the fact 14:34
6 that, at this particular time, I was vulnerable or I
7 was in a bad place; you're making a general statement
8 of your character there?

9 A. This is a replying affidavit. And I'm not sure what
10 your question is. 14:35

11 579 Q. Well, I'm putting it to you that what you said there is
12 absolutely true and what I am putting to you is that on
13 the 6th October you did exactly what you're describing
14 in that paragraph; in order to protect your safety and
15 that of your children, you went to the Gardaí to make a 14:35
16 complaint, just as you say there you're well capable of
17 doing?

18 A. This was 2015. In 2013 I was in a very bad place.

19 580 Q. Which is all the more reason why it was so important
20 that you did something about it, because you were at 14:35
21 your wits end, isn't that right?

22 A. I was in a bad place, yes.

23 581 Q. Yes, indeed, yeah. And isn't that, I am putting to
24 you, precisely why it came to a point where the only
25 option you had was to do something about it, and you 14:36
26 did so by making that statement on the 6th October and
27 by speaking to Goretta Sheridan and Brigid McGowan?

28 A. It was the Gardaí who sought me out, not the other way
29 round.

1 582 Q. You see, I suggest to you that you didn't hurry into
2 making that statement on the 6th October. I know
3 you -- I mean, it is a fact that your mother texted you
4 Inspector Sheridan's mobile on the 3rd October, three
5 days earlier, isn't that right? 14:36

6 A. That's correct, my mother texted me Inspector
7 Sheridan's number, and, had I wanted to, I would have
8 contacted her, but she contacted me.

9 583 Q. Yes. But you had the number and you knew whose number
10 it was, isn't that so? 14:36

11 A. That's correct.

12 584 Q. And you got a text later that day from Inspector
13 Sheridan, and you phoned her back and spoke to her for
14 seven-and-a-half minutes?

15 A. I phoned her back, yes, after having three missed 14:36
16 calls, a voicemail and a text message.

17 585 Q. Well, there's no record of three.

18 A. Sorry, two, from Inspector Sheridan, one from Sergeant
19 Collins and a voicemail and a text message.

20 586 Q. Well, insofar as Inspector Sheridan is concerned, her 14:37
21 evidence was that she texted you and you phoned her
22 back that day, and the records show that when you
23 phoned her you chatted for seven-and-a-half minutes?

24 A. That's correct.

25 587 Q. All right. Now, the records show that you phoned her 14:37
26 back later that day and chatted again for
27 two-and-a-quarter minutes?

28 A. I was returning a missed call, and during that phone
29 call I think Inspector Sheridan said in her evidence

1 that it was to clarify something. But if my memory
2 serves me right, she didn't have any notes. I say that
3 that was when she stated the chief wants an exact time.
4 588 Q. Of which you have no note?
5 A. I don't have any note, no. 14:37
6 589 Q. You have no note of anything that you've alleged was
7 said to you by the Gardaí?
8 A. I am a hundred percent clear, because that was a huge
9 factor in me actually going into the Garda station,
10 when I heard the chief wants an exact time. 14:38
11 590 Q. My question is, you have no note, made no note, kept no
12 diary, wrote nothing down about what you say was said
13 to you at different times by Gardaí?
14 A. No.
15 CHAIRMAN: I am missing the date for that, Mr. Dockery, 14:38
16 and I just don't want to get the date wrong.
17 MR. DOCKERY: 3rd October, Chairman. I am putting to
18 her, to the witness that she returned -- she made two
19 phone calls to Inspector Sheridan that day, the first
20 for seven-and-a-half minutes. 14:38
21 CHAIRMAN: That's the Thursday, the day before the
22 wedding.
23 A. Yes.
24 MR. DOCKERY: Thursday, 3rd October, yes. And the
25 second for two-and-a-quarter minutes. 14:38
26 591 Q. Now, can I suggest to you that between both those
27 conversations of almost ten minutes, that you had an
28 opportunity to chat about quite a lot of things?
29 A. That's correct.

1 592 Q. On the 3rd October, isn't that so?
2 A. That's correct.

3 593 Q. Yes. And can I put it to you that what you chatted
4 about was some of your history with Mr. Harrison, some
5 of the main incidents which were troubling you, 14:39
6 including the surveillance under which you were put at
7 your sister's hen night?
8 A. I can't recall the exact conversation, but it more than
9 likely was history, yeah.

10 594 Q. Yeah. And there's a record of that, which you would 14:39
11 have seen this morning when Ms. Leader was putting the
12 record of your contacts with Inspector Sheridan to you,
13 there's a record of that. I don't want to open it up
14 again, but at page 1588. You will accept, I take it,
15 that on the second conversation of the 3rd -- that 14:39
16 after the second conversation on the 3rd October, you
17 then got a text from Inspector Sheridan asking you if
18 you would text the date you were in Westport and the
19 name of the hotel for the hen, isn't that right?
20 A. That's correct, yeah. 14:39

21 595 Q. So there's no doubt at all that you were discussing
22 those sort of matters with the inspector?

23 A. That's correct, yeah.

24 596 Q. Isn't that right?
25 A. Yeah. 14:40

26 597 Q. And given that you're accepting that, I take it you
27 will also accept her evidence that part of that
28 conversation was about the procedure that might be
29 involved in coming into the Garda station to talk, to

1 continue the conversation and to develop the chat and
2 perhaps to make a statement?

3 A. There was never any mention of a statement. It was
4 always for a chat.

5 598 Q. Yeah. To what end, surely, only to make a statement? 14:40

6 A. I never went in with the intention of making a
7 statement.

8 599 Q. At this stage you're in a relationship with Keith
9 Harrison for in or about two, two-and-a-half years,
10 he's a serving member of the guards, and are you 14:40
11 seriously telling this Tribunal that despite your
12 knowledge of the guards, your connection to the force
13 through Mr. Harrison, that you had no idea that this
14 chat was towards the end of, perhaps, if you wished to,
15 making a statement, is that your evidence? 14:40

16 A. With respect, there's a lot of things about this
17 situation that didn't follow protocol. I couldn't
18 understand why they were calling me to come in.

19 600 Q. There was nobody calling you. You had a text message
20 and you phoned Inspector Sheridan -- 14:41

21 A. Sorry?

22 601 Q. -- twice.

23 A. I will correct you on that. I had two missed calls, a
24 text message from Inspector Sheridan before I returned
25 her call. It wasn't that I picked up the phone and 14:41
26 decided to call her.

27 602 Q. The conversations that we have just been discussing
28 both emerged out of your returning calls to her. Now,
29 can we move on then to this point: You had the

1 presence of mind to tell Inspector Sheridan that if you
2 were to make a statement, you wouldn't be doing so
3 until after Paula's wedding, just as Paula had already
4 told her would be the case, isn't that so?

5 A. Sorry? 14:41

6 603 Q. You had the presence of mind, the composure, to say to
7 Inspector Sheridan that if you were to consider making
8 any statement, it wouldn't be until after the wedding?

9 A. When did I say that?

10 604 Q. You said that to her on the 3rd October. 14:42

11 A. On the phone?

12 605 Q. On the phone?

13 A. I have no recollection of that. I'm assuming the
14 inspector has notes on that.

15 606 Q. And am I right in saying then that you had another 14:42
16 phone call on the 5th October?

17 A. The morning after the wedding, yes.

18 607 Q. Yes. You rang Inspector Sheridan and she called you
19 back and that conversation lasted six minutes and 55
20 seconds. 14:42

21 A. That's correct.

22 608 Q. Yeah. So there was quite a bit of chat there, too?

23 A. It was in relation to the threat on the life of Garda
24 Harrison.

25 609 Q. So, in other words, you discussed the phone calls to 14:42
26 the wedding party, to the wedding hotel by Garda
27 Harrison in which he was saying that he needed to speak
28 to you because he been threatened, is that so?

29 A. Sorry, could you repeat the last part there?

1 610 Q. In other words, you're referring to a conversation with
2 Inspector Sheridan about phone calls to the hotel on
3 the night of the wedding by Mr. Harrison?
4 A. More than likely, yes, probably, yes.
5 611 Q. Which was a source of great upset to your mother and 14:43
6 sister when they were told by the hotel about these
7 calls?
8 A. I can't answer for them.
9 612 Q. And during that seven-minute conversation, I suggest to
10 you that arrangements, further discussion took place 14:43
11 about whether you'd come in, what the purpose of coming
12 in would be, whether you would make a statement, and
13 arrangements were made that you would come in on
14 Sunday, isn't that so? Isn't that so?
15 A. I can't recall that conversation, no. 14:43
16 613 Q. You've no recollection because you've no notes, isn't
17 that so? Can I just put to you, Ms. Simms, that the
18 context in which you went into the Garda station really
19 was triggered by what happened on the 28th September
20 2013, followed up by your leaving the house with your 14:44
21 children and going to your sister, isn't that so?
22 A. Yes.
23 614 Q. And it must have been pretty bad for you to do so
24 because your sister was not somebody to whom you were
25 close at that stage? 14:44
26 A. Not that it was pretty bad. I only have one sister and
27 I was torn between going to the wedding and causing
28 upset or staying and not going to the wedding.
29 615 Q. But didn't you say in your statement to the Tribunal,

1 which you made just last March, that your sister got
2 back in contact with you in May that year? That
3 implies you hadn't been in contact before May?

4 A. That's correct. She never approved of Garda Harrison.

5 616 Q. Didn't you say in that statement that your sister had 14:44
6 said nasty and unpleasant things to you about your
7 pregnancy prior to June of that year?

8 A. That's correct, yes.

9 617 Q. Yeah. Didn't you say that she had initially invited
10 Mr. Harrison to the wedding and then just a few weeks 14:45
11 beforehand changed her mind and told you he wasn't
12 invited?

13 A. That's correct.

14 618 Q. And didn't you say that was the source of enormous
15 tension between you and Mr. Harrison? 14:45

16 A. That's correct.

17 619 Q. Here you are running into the arms of your sister,
18 despite all of that, with your children; I'm saying to
19 you that, for that to happen, things were very bad?

20 A. Things were bad, yes. 14:45

21 620 Q. And they were worse, because what happened on the 28th
22 September was on another level to anything that had
23 gone before, isn't that so?

24 A. I wouldn't say on another level, no.

25 621 Q. Well, you said in your statement of the 6th October 14:45
26 that before the 28th September things had become so bad
27 that you had made your mind up, that you were ending
28 the relationship, but you just didn't know when?

29 A. When did I say that?

1 622 Q. In your statement of the 6th October.
2 A. I --

3 623 Q. "I say that things had got so bad during July and in
4 particular August and early September" that you had
5 decided to end the relationship, but you just didn't 14:46
6 know when you would do it?
7 A. I don't recall saying that. But I accept if you say
8 that to me.

9 624 Q. Yeah. I'm saying to you that you decided you were
10 going to do it when this incident happened on the 28th 14:46
11 September, which was a serious one that caused you to
12 take your children and pack your bags and go?
13 A. No.

14 625 Q. And I'm putting it to you that it was so serious
15 because of the threats that were made to you, to burn 14:46
16 you and to bury you and your sister?
17 A. No.

18 626 Q. And I'm asking you now whether, after the evidence that
19 has been put before you this morning, in particular the
20 history of your text messages with Keith Harrison about 14:46
21 those threats, are you still saying under oath here
22 today that he never threatened to burn you or bury you
23 and your sister? Are you still maintaining that this
24 afternoon?
25 A. He never threatened to burn me, ever. 14:47

26 627 Q. Right. Are you still saying that, despite the text
27 messages that you repeatedly sent to him on the 29th
28 and 30th September excoriating him for threatening to
29 burn you and bury you and your sister?

1 A. I'm still saying that, yes.

2 628 Q. So were you telling lies in the text messages to Keith
3 Harrison or are you telling lies now to the Tribunal?

4 A. I absolutely am not telling lies now. Keith Harrison
5 had hurt me with his numerous infidelities and I knew 14:47
6 these words would hurt him. I knew -- he never made a
7 threat to me.

8 629 Q. How did the Gardaí -- how did the Gardaí know that he
9 had said those words to you, "I'll bury you and your
10 sister, I'll burn you," if you never said them? 14:48

11 A. I'm assuming they had them from my mother's statement.

12 630 Q. I have a difficulty with your statement for this
13 reason, Ms. Simms: that it was put to Inspector
14 Sheridan and to -- in particular to Inspector Sheridan,
15 also to Sergeant McGowan, that there were two 14:48
16 inaccuracies in regard to the account of the threats in
17 that statement, two inaccuracies, do you follow me?

18 A. Yes.

19 631 Q. The first one was that, in fact, Keith Harrison had
20 only said he would bury Paula, not you, all right? 14:48

21 A. Yes.

22 632 Q. And the second one was that what he actually said was,
23 you will get burnt if your family don't back off, or
24 words to that effect, isn't that right?

25 A. That's correct. 14:49

26 633 Q. And you have told the Tribunal this morning about six
27 more inaccuracies relating to that incident, none of
28 which were ever put to Sergeant McGowan or Inspector
29 Sheridan, do you follow me?

1 A. Yes.

2 634 Q. And it's the first time I've read them anywhere or
3 heard of them, the first time was this morning when you
4 said them, do you follow me?

5 A. Yes. 14:49

6 635 Q. So we now have eight inaccuracies in regard to how the
7 guards took down your description of that incident
8 alone, isn't that right, according to your evidence,
9 eight inaccuracies?

10 A. I'm not sure, I didn't count them. 14:49

11 636 Q. Well, I have counted them, and six of them are new and
12 poured forth from your lips this morning for the first
13 time ever.

14 CHAIRMAN: Mr. Dockery, I'm sorry, I know sometimes one
15 gets carried away by one's own rhetoric, but really, I 14:50
16 don't want you to use expressions like that. They were
17 said this morning. They didn't pour forth from
18 anybody's lips, and that is just not right.

19 MR. DOCKERY: I accept that correction, Chairman.

20 637 Q. This morning, what you said, Ms. Simms, was that your 14:50
21 child was crying but only when you went back out to the
22 car, all right? Didn't you say that?

23 A. I think I may have, yeah.

24 638 Q. Yes. You said that your children weren't present when
25 the threat to bury Paula was uttered because you had 14:50
26 left with the children or the children had left when he
27 made a reference to taking Paula down a peg or two?

28 A. One of the children went out to the car and had come
29 back in.

1 639 Q. Yeah. In fact, you then said that you'd decided to
2 leave when he mentioned taking Paula down a peg or two?
3 A. That's correct.

4 640 Q. Does that mean then that you never heard him make any
5 threat to burn -- or to bury Paula or that you'd get 14:51
6 burnt?
7 A. Sorry, can you repeat that?

8 641 Q. If you left at the point when he said he would take
9 Paula down a peg or two --
10 A. No, sorry. 14:51

11 642 Q. Are you saying you never heard anything else?
12 A. No, sorry, what I meant was, the children went to the
13 car at that stage. I decided I was leaving. If I said
14 I left at that stage, I apologise.

15 643 Q. All right. You also said today for the first time that 14:51
16 you never said the words "after him having threatened
17 to burn me"?
18 A. That's correct.

19 644 Q. You never said -- sorry, you never had your arm grabbed
20 or your wrist grabbed, isn't that so? 14:51
21 A. That's correct.

22 645 Q. You never said he was not in control of himself and he
23 was crazy, isn't that so?
24 A. That's correct.

25 646 Q. And you might have said, "at that point I was thinking 14:51
26 will I get out of the house", but if you did it was
27 merely by nodding, you never actually said the words?
28 A. That's correct.

29 647 Q. I really have to suggest to you that none of that is

1 true, and if it were true it would be in your statement
2 to the Tribunal, it would have been in your affidavit
3 in the High Court two years ago and it would have been
4 put on your behalf by your counsel to Inspector
5 Sheridan and Sergeant McGowan? 14:52

6 A. No, that's not correct.

7 648 Q. And it wasn't. First of all, it didn't appear in those
8 documents and it wasn't put because you never gave
9 those instructions and you simply decided today to say
10 those things and they're not true and never happened. 14:52
11 You did say, that is your statement in regard to the
12 incident.

13 A. No, that's not correct. And my High Court affidavit
14 was a replying affidavit, where not everything was
15 mentioned. 14:52

16 649 Q. But you are saying, I think, today that you didn't --
17 you did make that statement, and you're not saying it
18 was made up, isn't that so, they were your words?

19 A. Can you repeat that?

20 650 Q. You did make the statement, and it's not made up, isn't 14:53
21 that right, apart from those inaccuracies?

22 A. Yes, I think that's correct.

23 651 Q. And other inaccuracies. And the difficulty I have,
24 Ms. Simms, is that in your affidavit of the 19th May
25 2015, at page 787 - if the Tribunal wishes it can put 14:53
26 up paragraph 8 on page 787 so you can see it,
27 Ms. Simms - you made an assertion that at no time in
28 your relationship with Keith Harrison did you feel
29 pressurised or harassed?

1 A. That's correct.

2 652 Q. Harassed?

3 A. Yes.

4 653 Q. Do you follow?

5 A. Yes. 14:53

6 654 Q. It's right in front of you. And you went on to just
7 refer to two expressions, which were not your words and
8 relate to a different incident entirely, do you see
9 that?

10 A. I do, yeah. 14:53

11 655 Q. So no mention of any words used in connection with the
12 threats of the 28th September that were not your words,
13 not a single reference?

14 A. That was just a sample. As I say, that was a replying
15 affidavit. 14:54

16 656 Q. All right. Could you not have said that was an example
17 of words that were not yours?

18 A. I suppose, perhaps I should have, yeah.

19 657 Q. It would be important, would it not?

20 A. Looking back now, yes, it would have. 14:54

21 658 Q. You're an educated, third-level graduate, a teacher,
22 articulate, you've agreed with me on all of that. If I
23 can then show you the statement you made to the
24 Tribunal on the 7th March 2017, page 47, paragraph 9.
25 I will read it to you anyway and you will see it in a 14:54
26 moment:

27

28 "Keith and I have had our ups and downs, but at no time
29 in our relationship have I been pressurised or harassed

1 or abused in any way by Keith."
2
3 Didn't you say that?
4 A. Yes.
5 659 Q. That was just last March? 14:55
6 A. Yes.
7 660 Q. So I'm putting it to you that what you were saying on
8 both of those occasions was that the statement, in
9 effect, was false, because the statement you made on
10 the 6th October is all about harassment from Keith and 14:55
11 abuse from Keith?
12 A. That's correct. There's words in that, like "harassed"
13 and "obsessive", they were questions put to me and, as
14 I said, out of sheer exhaustion I may have nodded in
15 agreement. 14:55
16 661 Q. No, but don't you give example after example of
17 occasions where you were the subject of abuse of one
18 form or other by Keith Harrison?
19 A. I never used the word 'abuse'.
20 662 Q. I will use a different word, 'harassment'? 14:55
21 A. I never used that word, either.
22 663 Q. Well, we will go through of them in a few minutes, just
23 very briefly.
24 A. Okay.
25 664 Q. And I will ask you if they are true, because the 14:55
26 statement prior to getting to the 28th September is
27 largely about verbal abuse, constant harassment and
28 texting and phone calls, the incident in the car after
29 'The Rock' pub when you said at the time, according to

1 the Gardaí, that he smashed -- he nearly smashed the
2 dashboard with his fist he was so angry at you getting
3 into a car with other people who had been in the pub,
4 all of that.

5 A. Okay.

14:56

6 665 Q. So, you see, I'm suggesting to you that in May 2015 you
7 swore an affidavit and in March this year you prepared
8 a statement for the Tribunal, in which you said he had
9 never harassed you in any way whatsoever, or
10 pressurised you, or given you any grief, in effect.
11 Therefore, the statement of the 6th October you were
12 saying was completely false, completely false, it was a
13 fabrication?

14:56

14 A. No, that wasn't what I meant.

15 666 Q. That is not what you meant, is it not?

14:56

16 A. No.

17 667 Q. Well, any reasonable person might think that's what you
18 were implying. So I'm putting to you, Ms. Simms, that,
19 until now, you were suggesting that the statement was
20 false. Well, first of all, can I suggest to you that
21 on the 11th January 2014 when you retracted the
22 statement you said it was all true. In 2015 and
23 earlier this year in an affidavit and a statement to
24 the Tribunal you're saying it's all false, and your
25 evidence to the Tribunal this week has been that it's
26 largely true but there are inaccuracies in it, and that
27 list of inaccuracies has been expanded on today. Do
28 you follow my question?

14:57

14:57

29 A. I do, yeah.

1 668 Q. Do you understand what I am putting to you?
2 A. I do.

3 669 Q. Now, what do you say to that?
4 A. I say the reason -- I've already outlined the reason
5 why I signed the statement of retraction, on the 11th 14:57
6 January.

7 670 Q. You've used words in the statement such as obsession,
8 controlling, and so on and so forth, and it was
9 specifically put to my clients that they were words
10 suggested to you by the Gardaí. 14:58

11 A. That's correct.

12 671 Q. But as an educated person, you know what the word
13 'obsession' means, you know what the word 'controlling'
14 means, they're not unduly sophisticated words, are
15 they? 14:58

16 A. No.

17 672 Q. Another word you used was 'suffocating'. It was never
18 suggested that that was said to you by the Gardaí.
19 That's your word, isn't it?

20 A. It may have been perhaps, yes. 14:58

21 673 Q. And doesn't it mean the same thing really as obsession
22 or controlling?

23 A. Not really. I would say obsessive is slightly stronger
24 than suffocating.

25 674 Q. But if somebody was obsessing over you and controlling 14:58
26 you, that would be suffocating, would it not?

27 A. I'm not sure what exactly you're trying to get --

28 675 Q. I'm saying that if you're the victim of someone's
29 obsessions or the victim of somebody controlling you,

1 that would feel very suffocating, don't you agree?

2 A. I'm saying -- and in the statement it says, I
3 particularly remember one of the questions I was asked:
4 'In your view, is this obsessive?' And as it's taken
5 down, "In my view it is obsessive", they are not my 14:59
6 words.

7 676 Q. Well, I am suggesting to you that, I'll quote it in a
8 few minutes, that during the statement you say his
9 treatment of you was suffocating, and nobody has said
10 anything other than that that is your word? 14:59

11 A. It may have been my word, yes.

12 677 Q. Yeah.

13 A. I accept that.

14 678 Q. The statement itself, just briefly to say this to you,
15 I'm putting to you that you had rehearsed the material 15:00
16 that would go into the statement in part on the
17 telephone with Inspector Sheridan on the 3rd October
18 and 5th October during your long chats?

19 A. Absolutely not.

20 679 Q. I am saying to you -- I am putting to you that you went 15:00
21 to the station by yourself, you didn't bring anybody to
22 support you or accompany you, isn't that so?

23 A. That's correct.

24 680 Q. You parked your car at the front of the station, your
25 black Audi? 15:00

26 A. That's correct.

27 681 Q. That you were driven to going there by the events of
28 the 28th September and everything that had led up to
29 that, forcing you to leave your home?

1 A. No.

2 682 Q. That even at the wedding you couldn't be left alone by
3 Keith Harrison, on as recently as the 4th October, just
4 two days before you went in, isn't that right? He was
5 phoning up the hotel, looking for you? 15:00

6 A. Yes.

7 683 Q. And I have to put it to you that nobody ever said to
8 you, the chief wants an exact time, in making the
9 arrangements for you to come in?

10 A. No, I'm a hundred percent clear in that, because that 15:01
11 was one of the reasons why I felt I had to go in.

12 684 Q. But when you went home afterwards or thought about the
13 statement over the following days you never wrote down
14 any note of that having been said anywhere in case you
15 might need it? 15:01

16 A. I'm a hundred percent certain in that.

17 685 Q. Now, the Chairman asked you today whether it was true
18 that you had ever remarked to Keith Harrison about the
19 chief, who I presume is the chief superintendent,
20 coming into the interview room to make -- first coming 15:01
21 into the interview room to make a remark about the fact
22 that no guard will ever treat a woman like that.

23 A. I never heard that before until yesterday.

24 686 Q. Can I draw your attention to page 1065 of the
25 materials, briefly. That is a statement that was made 15:01
26 by a Sergeant Paul Wallace to the Tribunal. On the
27 second page of that statement, at the bottom of the
28 page, there is a line that begins "Garda Harrison also
29 spoke", further down the page, I think. There we go:

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"Garda Harrison also spoke about his relationship with his partner Marisa Simms."

Now, Sergeant Wallace was sent out to see Mr. Harrison to check on his safety and his personal security arrangements after a report -- threats were received to his life, do you follow me? 15:02

A. Yes.

687 Q. And he called out to him on the 7th October 2013 and he says, he notes: 15:02

"Garda Harrison spoke about his relationship with his partner Marisa Simms."

And just skipping on another line or two: 15:03

"He told me she had been in Letterkenny Garda Station making a statement."

So, first of all, he knew the following day that you had been in and you had made that statement, isn't that right? 15:03

A. I can't, I can't remember exactly when.

688 Q. Well, he's telling Sergeant Wallace the next day that he knows you have been in and that you have made a statement. 15:03

A. Okay.

689 Q. All right. And he says that, while there, you had

1 phoned him about 21 times.

2 A. That's -- my phone records would show I never rang him

3 21 times.

4 690 Q. So you don't accept that?

5 A. I -- totally no. 15:03

6 691 Q. He said that during the course of one of your telephone

7 conversations you told him that the chief had come into

8 the room while the statement was being taken and made

9 that comment, no guard is to treat a woman like that,

10 I'll see to that? 15:03

11 A. I never said that.

12 692 Q. Of course, if you had said that to him, that would have

13 had the effect of maybe frightening him a bit and

14 worrying him and causing him some concern, isn't that

15 so? 15:04

16 A. I never said that.

17 693 Q. But just the previous day you had made a very damning

18 statement about him?

19 A. I can't talk for Garda Harrison. I never said that.

20 694 Q. No, but you said a lot of things about him the previous 15:04

21 day, 6th October, none of them were very good. So I

22 suggest to you that maybe you did say that to him in

23 the full knowledge that, as a serving member of the

24 guards, he would not want to hear that the chief

25 superintendent was involved in that taking of the 15:04

26 statement or had made a remark like that?

27 A. I never said that.

28 695 Q. And I've to suggest to you that not only was the chief

29 superintendent, not only did she never make any such

1 remark, she was not in the room and she was never
2 quoted to you in any mode or manner whatsoever?

3 A. She was not in the room, but she was quoted to me as
4 wanting an exact time and day.

5 696 Q. And what did you care what the chief, whoever you 15:04
6 understood the chief to be, what did you care what she
7 wanted?

8 A. I beg your pardon?

9 697 Q. What did you care about the chief? Did you know who
10 the chief was meant to be, who that was a reference to? 15:05

11 A. I assumed it was a chief superintendent, yes.

12 698 Q. And did you know the chief superintendent?

13 A. No.

14 699 Q. So what care did you have about what the chief wants?
15 What was it to you? 15:05

16 A. To me, it was another way of exerting pressure, if the
17 chief super wanted me in. Where were these people
18 going to show up again if I didn't go in?

19 700 Q. We will move on. I have to suggest to you that that is
20 a pure invention on your part -- 15:05

21 A. Absolutely not.

22 701 Q. -- or else it is a failure of recollection and you have
23 no record of it?

24 A. No, I am clear about that.

25 702 Q. Now, I just want to put this to you: that you were 15:05
26 there freely, you've described the chat that took
27 place, that would be normal. You've gone as far as to
28 say that Inspector Sheridan was friendly when she met
29 you at reception?

1 A. That's correct, yeah.

2 703 Q. That she was almost apologetic. She and her colleague
3 have said that they were very sympathetic to you and
4 you were there to be facilitated in every way to tell
5 your story, isn't that so? 15:06

6 A. I wouldn't agree fully with that, no.

7 704 Q. And you've told the Tribunal that you were quite
8 comfortable during the conversation stage, everything
9 was grand, you were happy to talk?

10 A. I was nervous. 15:06

11 705 Q. Yeah. But I think you've told us that you were put at
12 your ease?

13 A. They tried to put me at ease, yeah.

14 706 Q. I have to suggest to you that you knew exactly why you
15 were there, you knew that you could leave at any time, 15:06
16 that you didn't have to make a statement, that you
17 could stop making a statement at any time, and
18 ultimately you knew that you could retract the
19 statement, and that's what you eventually did. You
20 knew all that. You knew exactly what you were doing, 15:07
21 Ms. Simms?

22 A. No, I didn't.

23 707 Q. You weren't tricked, you were cajoled, you weren't
24 coerced?

25 A. That's not true. 15:07

26 708 Q. You were under no compulsion whatsoever, and you
27 described the entire history of your relationship in
28 vivid detail, isn't that so?

29 A. As I said earlier, there's details in that statement

1 that I would never divulge to anyone.

2 709 Q. You declined an offer to continue some other day?

3 A. I know.

4 710 Q. And you had the presence of mind towards the end of the
5 statement to show a video that was on your phone of an 15:07
6 incident when Keith Harrison obstructed your mother's
7 car on his driveway by folding his arms and standing at
8 the back of it or at the front?

9 A. That's correct, yeah.

10 711 Q. Yeah. So you were fully engaged and participating in 15:08
11 this exchange and dictating this statement, giving
12 those details. You also had the presence of mind, I
13 suggest to you, Ms. Simms, to decline to answer any of
14 the 13, 14 or 15 missed calls that came to you from
15 Mr. Harrison or to decline to reply to any of the eight 15:08
16 texts you received from him while you were there, isn't
17 that right?

18 A. That's correct.

19 712 Q. And to discuss those missed calls and texts with the
20 two Gardaí, isn't that right? 15:08

21 A. Well, my phone was on the desk, so they could see it
22 light up whenever it was ringing.

23 713 Q. But you were talking to them about who was ringing you.
24 You declined an offer of a lift home, even though it
25 took you an hour and you knew it would take you an hour 15:08
26 to get home, and you were apparently exhausted, isn't
27 that right?

28 A. Well, I needed my car for the next morning so that is
29 why I declined a lift.

1 714 Q. And you had the presence of mind when you got home,
2 because you were asked to, to oblige the Gardaí with
3 their request and text Goretta Sheridan:
4 "Hi, just home now. Thanks for everything."
5 Isn't that right? 15:09

6 A. That's correct.

7 715 Q. And you have given your explanation about that. Just
8 very briefly, as I come towards the conclusion, I
9 really do have to just go through the statement with
10 you and I have to ask a couple of questions, Ms. Simms, 15:09
11 if you bear with me. I'm going to work off page 72
12 forwards. I think you were working from a different
13 copy of it earlier today, but it doesn't matter. Can I
14 ask you, first of all, Ms. Simms, on page 74, or page 5
15 of the typed version -- sorry, page 72, or page 3 of 15:09
16 the typed version of the statement, you described an
17 incident at Tir Argus, Churchill in April 2011 when
18 Keith was at work and your former husband, Mr. Simms,
19 contacted you to say that he wanted to call by, you
20 couldn't -- you couldn't remember what for exactly, and 15:10
21 there was an incident at the house when Gardaí arrived.
22 You said: "He" -- that is Keith -- "must have thought
23 Andrew was going to do something to me. It was totally
24 blown out of proportion."
25
26 That's true, isn't it? 15:10

27 A. Yeah, I felt Keith couldn't get me on the phone as the
28 coverage is bad in Churchill, and yes, if I am honest,
29 it was, I think, I felt, blown a bit out of proportion.

1 716 Q. To gave rise to the discovery of the connection with
2 your brother, isn't that so?
3 A. That's correct, yeah.

4 717 Q. You decided then to remain in Milford after that. This
5 is what you go on to say. You say: 15:11
6
7 "Keith was annoyed. He constantly texted and phoned me
8 on my mobile phone."
9

10 And you ended up changing your number in September 15:11
11 2012, that is all true, isn't it?
12 A. Yeah.

13 718 Q. You say at page 73, at the top of the page:
14
15 "When I was in Milford and he was ringing me, if I 15:11
16 didn't answer right away he would keep ringing and
17 sending text messages, 'why are you not answering?' I
18 had children, I couldn't answer all the time. I would
19 say it was obsessive, looking back on it."
20 15:11

21 Are you saying that "obsessive" isn't your word?
22 A. I'm saying that was in response to a question, would I
23 say it was obsessive.

24 719 Q. And do you think you nodded yes to that?
25 A. I may have, yes. 15:11

26 720 Q. Yeah. And do you think then that the notetaker
27 shouldn't write down it was obsessive?
28 A. I'd say that words shouldn't be put in someone's mouth.

29 721 Q. But if it's suggested to you and you agree with it,

1 then it's not being put in your mouth?

2 A. I suppose after a long, lengthy chat.

3 722 Q. The next thing you said was:

4

5 "I didn't see it that way at the start, though. I 15:12

6 lived in Milford up until January 2012, then I moved

7 into Thornbury with Keith. I stayed for about ten

8 days. The kids were with Andrew at this stage. I felt

9 his behaviour was suffocating."

10

11 I put it to you earlier that is your word and I think 15:12

12 you have accepted that is your word?

13 A. Yes.

14 723 Q. And you go on in the next line to say that:

15

16 "If I had to ring Andrew about the children I'd have to

17 put the phone on loudspeaker and he would listen to my

18 calls. He was controlling."

19

20 So "controlling" isn't your word, is that it? 15:12

21 A. That's correct.

22 724 Q. But that is controlling, would you agree?

23 A. The phone was put on loudspeaker but just so Andrew

24 could speak to both children.

25 725 Q. Well, what you said was that he could listen to your 15:12

26 calls. I'm suggesting to you that if that is correct,

27 that is controlling behaviour, and I'm asking if you

28 agree?

29 A. I would agree, yeah.

1 726 Q. You go on to say a few lines down that he was texting
2 and ringing persistently, and you go on two lines after
3 that, halfway down the page, to say:
4
5 "There were days when you could get ten or more, or 15:13
6 God, there are too many to remember. He would say he
7 really loved me, but looking at it now he was extreme."
8
9 "Extreme" is your word, isn't it?
10 A. Yes. 15:13
11 727 Q. Can I ask you, the incident that occurred at a 21st
12 birthday party of Keith Harrison's brother when he
13 confronted you in the ladies' toilets, that's true, is
14 it?
15 A. Yes. 15:13
16 728 Q. Yeah. And he actually went into the ladies' toilets,
17 isn't that right?
18 A. I can't recall exactly, but -- yeah.
19 729 Q. You said you were in the cubicle?
20 A. Yeah. 15:13
21 730 Q. "And the next thing he was behind me." And you said,
22 "He was in a complete rage." That's true, isn't it?
23 A. I'm not sure if those are my words, "He was in a
24 complete rage". He was angry, yes.
25 731 Q. But it appears they were your words and you haven't 15:14
26 said otherwise to date. Can I ask you then about the
27 exam papers. That's on page 75. Did he ever threaten
28 to burn exam papers on you in June 2012?
29 A. When we came back from Athlone with the exam papers, it

1 was my intention to move in with Keith. For whatever
2 reason, I don't recall now, I didn't, and he was angry
3 about this and he had the exam papers.

4 732 Q. Did he say he would burn them?
5 A. I think I said, it was more or less come and live with 15:14
6 me or your papers will go up in smoke. He never
7 actually said, I'm going to burn them.

8 733 Q. All right. But he wasn't saying on that occasion that
9 you were going to be burnt by not moving in with him or
10 that your papers would be burnt, as a figure of speech, 15:14
11 or anything like that?
12 A. No.

13 734 Q. You're now saying he never said that at all?
14 A. I don't recall saying that.

15 735 Q. Right. Well, if you were exhausted of course you 15:14
16 mightn't remember saying it, isn't that so?
17 A. That's correct.

18 CHAIRMAN: Mr. Dockery, I'm sorry for intervening, but
19 we've heard a couple of versions of this thing about
20 the exam papers. For a start, I think actually they 15:15
21 were Junior Cert as opposed to Leaving Cert, isn't that
22 right?
23 A. Yes, that's correct.

24 CHAIRMAN: Irish language, I suppose?
25 A. Yes. 15:15
26 CHAIRMAN: And was there a threat to burn, you know,
27 the students' exam papers?
28 A. No. He was annoyed that I wasn't going to move in with
29 him. He wasn't going to give them back, and that is

1 when myself and my mother went over to get them.

2 CHAIRMAN: And did he say they would go up in smoke?

3 A. No.

4 CHAIRMAN: What did he say then?

5 A. I can't -- 15:15

6 CHAIRMAN: You have just said that he said they were

7 going to go up in smoke.

8 A. I think I inferred that, he said I wasn't going to get

9 them back. It was basically, come and live with me or

10 you won't get your papers. 15:15

11 CHAIRMAN: But you used the words 'go up in smoke'.

12 You've just used the words 'go up in smoke'.

13 A. Yeah, I may have. I genuinely don't remember what the

14 exact words were at the time.

15 CHAIRMAN: Were they in black plastic sacks or what? 15:15

16 A. No, they were in Hessian bags.

17 CHAIRMAN: Hessian bags. Were they thrown outside the

18 door?

19 A. He put them outside the door, not carefully. He kind

20 of flung them outside the door. 15:16

21 CHAIRMAN: Well, that's throwing them out the door.

22 Now, I have been given a different version of that.

23 And then your mother had a stick at the time, she'd had

24 her hip, or something, done?

25 A. Yeah, she asked him to put them into the boot and he 15:16

26 did.

27 CHAIRMAN: After how long?

28 A. Right away, once she asked him.

29 CHAIRMAN: Okay. Thank you.

1 736 Q. MR. DOCKERY: But he used the exam papers, which were
2 very important documents and very important to you, as
3 a bargaining chip, isn't that so?
4 A. Yes.

5 737 Q. Yeah. And you go on then to say that the constant 15:16
6 texting continued, this is on page 77, halfway down,
7 and again the word "obsessive" crops up here. Are you
8 saying on that occasion, for a second time, the guards
9 introduce that word there? Do you see it, page 77,
10 halfway down, "There was a large volume of texts". 15:16
11 Now, I don't see it on the screen.
12 A. Yeah.

13 738 Q. There it is.
14 A. "Very persistent and again bordering on obsessive, in
15 my view." 15:17
16 That was in response to a question: in your view was
17 this obsessive?
18 739 Q. That is the second time the word "obsessive" is
19 introduced.
20 A. Yes. 15:17

21 740 Q. The next line you have no complaint about, as far as I
22 know.
23
24 "They were so regular that I didn't even have time to
25 reply to one before the next would arrive." 15:17
26
27 You said that, didn't you?
28 A. Yes.

29 741 Q. Can I suggest to you that you would have to agree with

1 me in saying that that is obsessive behaviour on the
2 part of the texter?

3 A. I would say it was persistent.

4 742 Q. Yes. All right. Now, did you tell -- is it true that 15:17
5 you told the guards, further down that page then, that
6 you believed he was accessing your O2 mobile phone
7 account without your knowledge?

8 A. I believe I said that someone had been accessing my O2
9 account. I had no evidence that it was him.

10 743 Q. Well, sorry, you said at the bottom of that page, 77, 15:17
11 or page 8 of your statement:
12
13 "The only person that I can think of who may have
14 accessed my account was Keith as he had my password."

15 A. My password was the same for all my accounts. 15:18

16 744 Q. Yeah. Including your mobile phone account?

17 A. Yes.

18 745 Q. So you're (inaudible) over that, and you say you
19 challenged him at one point over it?

20 A. Yes. 15:18

21 746 Q. All right, that is true. Is it true, Ms. Simms, that
22 at one stage he got contact details of your friends
23 from your phone without your knowledge?

24 A. Yes.

25 747 Q. All right. Can I ask you, did you say on page 80 of 15:18
26 the materials:
27
28 "When Keith has drink on him his demeanour changes. He
29 would be downright vile and become aggressive towards

1 me verbally, never physically, and never in front of
2 the kids, except for last week"?

3 A. I don't recall saying that. But I would have said when
4 he had drink his demeanour changed.

5 748 Q. But can I suggest to you that it appears that you did, 15:19
6 you did say that, even if you don't recall saying it?

7 A. I can't say definitively whether I did or not.

8 749 Q. All right. Are you retracting it now? Are you
9 saying -- what is your position on it now? You have no
10 recollection of saying it, is that it? 15:19

11 A. I genuinely don't remember, like, this was so far
12 through this.

13 750 Q. Okay. We've heard evidence of whether or not you were
14 put out of the house, and I won't go back over all of
15 that. I suggest to you that the implication of what 15:19
16 you are saying on that is that Inspector Sheridan and
17 Sergeant McGowan fabricated that, made that up, put it
18 in, of their own volition, do you understand?

19 A. I'm not saying that.

20 751 Q. No, but that is the effect of what are you saying. Do 15:19
21 you appreciate that?

22 A. Yes.

23 752 Q. And you realise that is a very serious thing to say,
24 and as Mr. Hartnett, your counsel, put to my client so
25 I will put to you now, would you like to bite the 15:20
26 bullet and withdraw that and admit that you did tell
27 them that?

28 A. I have never been thrown out of the house.

29 753 Q. CHAIRMAN: well, again just to clarify, and I don't

1 mean to intervene.

2 A. Yes.

3 CHAIRMAN: I mean, thrown out of the house can mean one
4 of two things. It can be something like you'd see in a
5 Kung Fu movie where you are actually thrown out a door, 15:20
6 or through a door, you never said you were thrown
7 through a door but thrown out of the house, and the
8 other thing is you can be forced to leave, which is a
9 figure of speech saying he threw me out of the house.

10 A. Yes. 15:20

11 CHAIRMAN: Now, using the figure of speech, are you
12 saying that --

13 A. No.

14 CHAIRMAN: -- that you were coerced into leaving or
15 felt you had no option but to leave? 15:20

16 A. No. When Garda Harrison had, let's say, too much to
17 drink, he liked to try and justify his liaisons, shall
18 we say, and I just chose to leave and go to my
19 mother's.

20 CHAIRMAN: But you seem to have left in your pyjamas. 15:21

21 A. No. I think there was one time that I did leave,
22 because it was late, I was going to my mother's.

23 CHAIRMAN: And there was one time your mother described
24 where you were actually sitting in the car in your
25 pyjamas. 15:21

26 A. I was sitting in the car, just merely because where my
27 head was at the time, I just didn't want to engage in
28 any conversation.

29 754 Q. MR. DOCKERY: I take it it's true that in or about the

1 beginning of April 2013, after the incident where you
2 had to -- where you left the house, or were put out of
3 the house, whichever, and brought by Jim Quinn up to
4 your mother, I take it it is true that your uncle had
5 died around that time, your mother's brother, 15:22
6 Mr. Boyle?

7 A. That's correct.

8 755 Q. Yeah. And that you spent the following couple of days
9 then with your mother and you attended the funeral?

10 A. Yeah. 15:22

11 756 Q. All that surrounding detail around this incident of the
12 1st April is true then?

13 A. Yes.

14 757 Q. And the only thing you're quibbling is the use of the
15 expression that you were put out. That's the only 15:22
16 quibble you have, is it?

17 A. I have never been put out of the house.

18 758 Q. But everything else you said around that incident is
19 correct?

20 A. Yes. 15:22

21 759 Q. Yeah. Apart from the banging of the fist on the
22 dashboard, it was suggested that there was a throwing
23 of keys, and I think you have an issue about whether or
24 not a quilt was pulled from and your arm grabbed and
25 pulled out of bed. I think Mr. Hartnett suggested to 15:22
26 my clients that the duvet was simply pulled back?

27 A. That's correct.

28 760 Q. why? were you asleep?

29 A. I was in bed and Keith wanted to have a conversation.

1 761 Q. So he just came in and he just pulled back the duvet?
2 A. No, he was wanting to talk to me.
3 762 Q. Did he grab your arm?
4 A. No.
5 763 Q. Did he pull you out of the bed? 15:23
6 A. No.
7 764 Q. Who put that into the statement then if you never said
8 it?
9 A. I don't know.
10 CHAIRMAN: Did he shout at you? 15:23
11 A. He raised his voice, yes.
12 CHAIRMAN: So he comes into the bedroom, pulls off the
13 duvet and shouts at you?
14 A. Yes.
15 CHAIRMAN: But not pulled your arm? 15:23
16 A. He never pulled my arm.
17 765 Q. MR. DOCKERY: But you were under no illusions that you
18 had to get up and address whatever issue was on his
19 mind?
20 A. Yes. 15:23
21 766 Q. You went on then very quickly in the next page to say:
22
23 "Keith has also put me out of the house on two other
24 occasions."
25 15:23
26 That is a very specific statement. You're now resiling
27 from that, is that so? It never happened?
28 A. I've never been put out of the house.
29 767 Q. All right. You say on page 85 that in August 2013

1 room number, who you were with and what your schedule
2 was, of activities, isn't that right?

3 A. Yes, but I wasn't aware of that at the time.

4 771 Q. And you described that this totally freaked you out,
5 isn't that a perfectly reasonable reaction?

15:26

6 A. I may have said that, yes.

7 772 Q. It's all true?

8 A. Yes.

9 773 Q. And you go on to say then over the next page, that:

10

15:26

11 "No matter where I went or what I did he was
12 continuously harassing me by ringing and texting me
13 about where I was or who I was with."

14

15 And then a few lines later you describe an incident
16 with a strapless bra where he wanted to know what that
17 was all about and why it was in your boot, isn't that
18 so?

15:26

19 A. Yes.

20 774 Q. So it got to the point where you say:

15:26

21

22 "I'd made up my mind to finish the relationship but I
23 didn't know when to do it because I was concerned with
24 his erratic behaviour and I felt he had mental issues
25 and I was worried about how he would react in light of
26 his recent behaviour."

15:26

27

28 And then things came to a head on the 28th September,
29 when I have to put to you again that all the evidence

1 in the case, in this case, suggests that he threatened
2 to burn you and to bury you and your sister and that
3 this happened in front of your children, at least one
4 of whom got upset, isn't that right?

5 A. No. 15:27

6 775 Q. And that was followed by an incident where he wouldn't
7 let you leave the house and he hurt your arm?

8 A. No.

9 776 Q. Isn't that so?

10 A. No. 15:27

11 777 Q. And I repeat again what I put to you earlier on:
12 Despite everything you've had put to you this morning
13 about the independent evidence which supports that
14 version, in other words your text messages --

15 A. Yes. 15:27

16 778 Q. -- you're still insisting that this was never
17 threatened --

18 A. I was never threatened to be burnt.

19 779 Q. All right. Now, you signed three authorisations during
20 the interview to permit O2 to release details of access 15:27
21 to your on-line account, isn't that right?

22 A. Yes.

23 780 Q. The Tribunal has already seen those signed documents.
24 You came back two days later to deal with your mobile
25 phone, and Ms. Leader has taken you through that in 15:27
26 detail and you have given your account of that, isn't
27 that so?

28 A. Yes.

29 781 Q. You were in contact again with Inspector Sheridan on

1 the 7th and 8th October and it has been put to you that
2 those text discussions indicate friendliness between
3 you and Inspector Sheridan, isn't that right?

4 A. I wouldn't say friendliness. We were arranging for the
5 phone to be dropped off. 15:28

6 782 Q. Well, it has been put to you that you were web-browsing
7 on the 7th October and one interpretation of what you
8 were doing is that you were following through on the
9 complaint you had made for the purpose of instigating a
10 criminal investigation into Garda Harrison? 15:28

11 A. No.

12 783 Q. I have to formally put to you very quickly that you had
13 every opportunity to make a complaint, or to even refer
14 in passing on the telephone to George O'Doherty, that
15 that statement had been taken under pressure, but you 15:28
16 didn't do so?

17 A. I didn't do so because I was in hospital.

18 784 Q. I have to put to you, Ms. Simms, that you showed
19 remarkable composure in your dealings with
20 Mr. O'Doherty, despite the fact that you were taken by 15:29
21 surprise by his phone call on the 9th October. Do you
22 understand my question?

23 A. No.

24 785 Q. When he phoned you on the 9th October to disclose to
25 you that he was from GSOC and he had a copy of your 15:29
26 statement, this was something that you were surprised
27 at, isn't that right?

28 A. Yes.

29 786 Q. And you have used a very inflammatory word today, you

1 said that you were duped by my clients, because I think
2 you mean to say you didn't know that the statement
3 would go to GSOC?

4 A. There was never any mention of GSOC.

5 787 Q. You didn't know, you say, that there would be a 15:29
6 criminal investigation and that's why your statement
7 was taken?

8 A. I didn't know -- yes, that's correct.

9 788 Q. And are you saying that you were duped because you
10 didn't know there would be a HSE referral? 15:29

11 A. There was never any mention of HSE.

12 789 Q. You're quite wrong about that, I have to suggest?

13 A. No, I'm not.

14 790 Q. Not only are you wrong about it, but you would have
15 known it anyway from your own experience of being a 15:29
16 teacher with responsibility for young adults and
17 youths?

18 A. It was never discussed.

19 791 Q. It had to be discussed?

20 A. It wasn't discussed. 15:30

21 792 Q. Despite being duped in this manner, and realising it on
22 the 9th October, and being so surprised by
23 Mr. O'Doherty's phone call, you had the presence of
24 mind to say that you wanted to "think things over" and
25 talk to your mother before confirming anything to GSOC? 15:30

26 A. I don't remember saying that.

27 793 Q. Well, he took a contemporaneous, well almost
28 contemporaneous, note of it, he has it quoted in a memo
29 from two days later on the 11th October, all right?

1 A. I accept that. But I also thought that I told him that
2 I was in hospital, but he didn't have a record of that.
3 He thought maybe I was at the doctor's.
4 CHAIRMAN: I think what he said was that you said, I'm
5 waiting for the doctor now, which could mean a number 15:30
6 of things.
7 A. Yes, I accept that.
8 CHAIRMAN: That are you in a doctor's surgery or that
9 you are waiting for a hospital doctor.
10 A. Yes. 15:30
11 CHAIRMAN: Or it could mean any number of things, but
12 you could have specified a hospital. Did you specify,
13 I'm in a hospital?
14 A. I thought I did, but I could be corrected on that.
15 CHAIRMAN: You could be incorrect? 15:31
16 A. Yes.
17 CHAIRMAN: Do you think Mr. O'Doherty got things wrong?
18 A. No, I think he probably gave -- he gave an accurate
19 version, yeah.
20 794 Q. MR. DOCKERY: But for whatever reason, you are quite 15:31
21 calm about everything and you tell him in no uncertain
22 terms that you have to think things over before you
23 confirm anything?
24 A. I have no memory of saying that.
25 795 Q. And he asks you for a decision about whether you want 15:31
26 the GSOC investigation to go ahead as soon as possible,
27 do you remember that?
28 A. To the best of my recollection of this was, I told him
29 I was in hospital and he told me to contact him when I

1 got out.

2 796 Q. Yes.

3 A. Which is why I rang him back, I think it was 11th

4 October.

5 797 Q. Yeah. And you told us this morning that you didn't 15:31

6 want to have anything to do with GSOC, but you rang him

7 back two days later on the 11th October, do you

8 remember that?

9 A. Yeah, he asked me to call him back, because I couldn't

10 speak where I was. 15:32

11 798 Q. Yeah. But you did phone him back?

12 A. Yes.

13 799 Q. Isn't that right?

14 A. Yes.

15 800 Q. And you said you didn't want GSOC to investigate the 15:32

16 complaint?

17 A. That's correct.

18 801 Q. Now, his understanding, he has told the Tribunal, is

19 that it was GSOC you were talking about, that you

20 didn't want GSOC to investigate the complaint, do you 15:32

21 follow me?

22 A. Yes.

23 802 Q. Because that is a very specific type investigation,

24 isn't it?

25 A. Yes. 15:32

26 803 Q. And he asked you to confirm your decision in writing?

27 A. That's correct, yeah.

28 804 Q. So on the 9th October he says he needs to know, he

29 needs a decision as soon as possible?

1 A. Yes.

2 805 Q. And the on the 11th October he wants your decision in
3 writing?

4 A. Yes.

5 806 Q. And you were very composed on the 9th and you made him 15:32
6 wait until the 11th before you told him what your
7 decision was, all right?

8 A. Yeah.

9 807 Q. And you made him wait for another six days, and I'm not
10 criticising you for this at all, but you had the 15:32
11 presence of mind to take your time before you wrote to
12 him, because you didn't write to him until the 15th
13 October, which is six days after he contacted you on
14 the 9th?

15 A. I didn't have access to a laptop in hospital. 15:33

16 808 Q. Yes. So what I am suggesting to you, Ms. Simms, is
17 that the picture that you have painted of this
18 vulnerable person in a bad place, easily guided,
19 suggestible to all kinds of things you don't want to
20 say, that's not the person who is coming across at all 15:33
21 in your dealings with Mr. O'Doherty just a couple of
22 days later.

23 A. I don't accept that.

24 809 Q. Yeah. Given that we know that Garda Harrison knew you
25 had made the statement, all right, he might have had an 15:33
26 appreciation that it could be referred to GSOC. Can I
27 ask you, did he put you under any pressure to withdraw
28 the GSOC complaint or to tell GSOC you didn't want it
29 investigated by them?

1 A. No, my decision to withdraw was when George O'Doherty
2 told me there were serious things alleged in the
3 statement.

4 810 Q. And indeed there were, and Mr. Harrison would have
5 appreciated that. Do you know how he found out that 15:34
6 you had made the statement?

7 A. I can't remember. I don't know.

8 811 Q. It seems rather unbelievable that, once he knew, that
9 he didn't discuss it with you immediately?

10 A. I didn't say we didn't discuss it. 15:34

11 812 Q. So he did discuss it with you?

12 A. I don't remember discussing it, but I imagine we did.

13 813 Q. Can you tell the Tribunal what was discussed?

14 A. I can't remember.

15 814 Q. Can you tell the Tribunal what he said to you that you 15:34
16 could do about it?

17 A. I can't remember.

18 815 Q. On the 6th October you told the Gardaí that your
19 telephone call to the guards in the presence of Jim
20 Quinn on the 1st April had led to a Pulse entry and 15:34
21 that Garda Harrison was adamant that you would go to
22 the guards and retract that complaint or whatever had
23 you said to them that led to the Pulse entry?

24 A. That's correct, yeah.

25 816 Q. Yeah. So are you asking the Tribunal to believe now 15:35
26 that Garda Harrison made no similar suggestion or had
27 no discussion with you or put any pressure on you
28 whatsoever to retract this statement when he found out
29 about it on the 7th October?

1 A. No.

2 817 Q. Is that your evidence?

3 A. Yes.

4 818 Q. Right. All right.

5 CHAIRMAN: Mr. Dockery, can I just inquire, it has been 15:35
6 an hour now. Are you very nearly there?

7 MR. DOCKERY: I am finishing there.

8 CHAIRMAN: I am certain that other people are going to
9 be a great deal shorter in consequence of the
10 comprehensive way you have gone through the number of 15:35
11 points.

12 MR. DOCKERY: You'll understand, sir, if, on this one
13 occasion, I have taken a liberty.

14 CHAIRMAN: No, no, Mr. Dockery, you are fine. I am
15 just inquiring, that is all. I do want to try and 15:35
16 finish by four o'clock.

17 MR. DOCKERY: It is a reasonable inquiry, sir, and I
18 can tell you I am just about to finish now.

19 CHAIRMAN: Thank you very much. I'm not trying to
20 hurry you along, Mr. Dockery. 15:35

21 MR. DOCKERY: No, no, and I have no sense of that.
22 Thank you, Chairman.

23 819 Q. Just to conclude, Ms. Simms, can I say to you that
24 Sergeant McGowan never told you to think of the
25 children on the 6th October? 15:35

26 A. She absolutely did.

27 820 Q. I just need to put that to you. I also need to put to
28 you that Inspector Sheridan never told you that she had
29 a story for you about a local couple and social

1 services on the 11th January 2014?

2 A. She did.

3 821 Q. And I've to put it to you that she certainly never said
4 to you as you left the situation that day with regard
5 to Mr. Harrison, is he still on the websites? 15:36

6 A. She did.

7 822 Q. And that's the first time anybody has ever heard that,
8 I suggest. I would have thought at this stage, can I
9 put to you, that at this stage with all these unhelpful
10 and unpleasant remarks, designed to put pressure on 15:36
11 you, that you might have taken a note of any of that,
12 kept a diary, but you didn't, did you?

13 A. No.

14 823 Q. You see, you've talked today about the week-and-a-half
15 that you've had to endure here, but I've to put to you, 15:36
16 Ms. Simms, that your allegations have gained very wide
17 publicity over the last number of months, isn't that
18 right, years, even?

19 A. Could you repeat that?

20 824 Q. Your allegations about my clients, the Gardaí, have 15:37
21 gained very wide publicity?

22 A. If you think I want to be sitting here, you're very
23 much mistaken.

24 825 Q. I know that. But it's not all about you. A lot of it
25 is about you, but some of it is about my clients and 15:37
26 their reputations and what they have had to put up with
27 as a result of your allegations. They've had to put up
28 with very, very damaging publicity, both in Donegal and
29 nationally, their reputations have been left hanging

1 out there with a question-mark over them. And just
2 last year, 2016, you've made a fresh complaint -- or,
3 sorry, you've made a complaint to GSOC, three years
4 after talking to Mr. O'Doherty, which is now the
5 subject of a criminal investigation against them. Do
6 you follow me?

15:37

7 A. Yes.

8 MR. HARTY: Sorry, I wonder if I could just ask
9 Mr. Dockery to clarify that. I wasn't aware at any
10 stage that there is any evidence to suggest there is a
11 criminal investigation currently ongoing. I understand
12 there is a GSOC investigation rather than any criminal
13 investigation.

15:38

14 CHAIRMAN: Yes, I must say that thought went through my
15 mind, Mr. Harty. I know, under the Act, GSOC can refer
16 a matter to the Gardaí for further investigation of a
17 criminal kind, and secondly, I think they can also
18 refer papers to the Director of Public Prosecutions. I
19 think those are among their powers. But there is
20 certainly a GSOC investigation. I'm not sure you're
21 correct to say that that constitutes a criminal
22 investigation, Mr. Dockery. But I appreciate it is a
23 very serious matter.

15:38

15:38

24 MR. DOCKERY: The instructions I have, sir, are to the
25 effect that they are conducted as both a disciplinary
26 investigation and, if appropriate, they can lead to a
27 criminal investigation as well.

15:38

28 CHAIRMAN: Look, at the end of the day, you can make --

29 MR. DOCKERY: It's a very serious matter. I will leave

1 it at that for the moment.

2 CHAIRMAN: At the end of the day, you can make a
3 submission as to what the GSOC powers are. But you
4 appreciate how serious it is to make a complaint?

5 A. Yes. 15:39

6 CHAIRMAN: And also that it takes a long time.

7 A. Yes.

8 CHAIRMAN: And you are the person making the
9 accusation, you appreciate that?

10 A. Yes. 15:39

11 MR. DOCKERY: Section 98 investigation, sir, that's the
12 Garda Síochána Act 2005, I am instructed that's a
13 criminal matter, but it's a matter for submission.

14 826 Q. Finally, Ms. Simms, I need to just suggest to you that
15 your letter to the Minister for -- your solicitor's 15:39
16 letter to the Minister for Children that has been
17 referred to earlier today --

18 CHAIRMAN: Maybe just give us the date of that.

19 MR. DOCKERY: Yes.

20 CHAIRMAN: The letter to Minister Zappone. 15:39

21 MR. DOCKERY: That is dated 10th February 2017. It
22 appears at page 2298. And Mr. McDermott had a
23 difference reference for it earlier, but it also
24 appears at page 2298.

25 827 Q. Do you see by way of background there, Ms. Simms -- 15:40

26 A. Yes.

27 828 Q. -- do you see paragraph 1:
28
29 "On the 5th October 2013 Marisa Simms was invited to

1 attend Letterkenny Garda Station. After much pressure
2 was put on her and during an eight-hour interview she
3 was coerced into making a statement with a threat that
4 if she didn't there may be repercussions for her and
5 her children." 15:40
6
7 You're a teacher; you understand the meaning of the
8 word 'coercion', don't you?
9 A. Yes.
10 829 Q. You know that to coerce somebody means to force them, 15:40
11 isn't that right?
12 A. Or put them under pressure.
13 830 Q. Yeah, to force them, by whatever means.
14 A. Yes.
15 831 Q. To force somebody, the recipient of the force must be 15:40
16 unwilling, isn't that right?
17 A. Yes.
18 832 Q. That's clearly not the case. You were willing to talk
19 to them, you were willing to tell them about all these
20 things that happened, and you've told me this afternoon 15:41
21 that most of them that we have gone through are all
22 true, isn't that right?
23 A. I wouldn't agree fully.
24 833 Q. Pardon?
25 A. I wouldn't agree fully with that, no. 15:41
26 834 Q. Well, I went through all the incidents with you.
27 A. Yes.
28 835 Q. And apart from inaccuracies --
29 A. Yes.

1 836 Q. -- you confirm that they're all true?
2 A. Yes.

3 837 Q. So, as Mr. Hartnett might say, would you bite the
4 bullet and withdraw that allegation today, that you
5 were forced into making the statement? 15:41

6 A. No.

7 838 Q. You won't. You've said that it is your statement, your
8 counsel has said much of it is true. You've confirmed
9 that, to all intents and purposes, apart from what you
10 call inaccuracies, it's effectively all true, isn't 15:42
11 that right?

12 A. I never went to the Garda station to make a statement.
13 That is what I am referring to.

14 CHAIRMAN: I think what possibly Mr. Dockery is putting
15 to you is this: You have pride in your work as a 15:42
16 teacher, you feel you, you know, try to bring your
17 students along. I suppose a judge might have pride in
18 the fact that she doesn't go in thinking things, but
19 thinks things through and listens to all the evidence
20 and then comes to a decision, acts like a judge. 15:42

21 A. Yes.

22 CHAIRMAN: And he's saying, look, well the Gardaí have
23 their pride too, not just, you know, a collective pride
24 to the force --

25 A. Yes. 15:42

26 CHAIRMAN: -- but a pride that they actually really
27 investigate things, not twist things. So that is what
28 he is putting to you. And the fact that you are saying
29 that you were coerced is an accusation, and he's

1 wondering, look, do you want to maintain that
2 accusation, and, if you don't, do you want to withdraw
3 it? That is what he is actually saying. You
4 appreciate the point?

5 A. Okay, thank you.

15:42

6 839 Q. MR. DOCKERY: Do you want to withdraw it?

7 A. No.

8 840 Q. You see, I'm saying you weren't forced because you
9 weren't making a confession to your own detriment. You
10 were making a confession to the detriment of Garda
11 Harrison. You were telling about your private life to
12 the detriment of Mr. Harrison?

15:43

13 A. Why would I want to talk --

14 841 Q. Not to your detriment.

15 A. Why would I want to talk to anyone about my private
16 life? That is personal to me.

15:43

17 842 Q. Because you wanted something to be done about Garda
18 Harrison's harassment of you?

19 A. That is your words.

20 843 Q. And just as you had some sort of agenda to do him down
21 at that time, can I suggest to you that you seem to now
22 have some sort of agenda to promote his view that he's
23 a whistleblower?

15:43

24 A. Pardon?

25 844 Q. You had an agenda at that time which you executed very
26 fully --

15:43

27 CHAIRMAN: Mr. Dockery, let's suppose everything is
28 true or everything is untrue, I don't really feel I
29 need to go into motivations or into whistleblowing or

1 anything else like that, which seems to carry some kind
2 of a cache. No one has said this is due to
3 whistleblowing. It is a simple and clear contest as to
4 where the facts lies, and I would prefer to leave it as
5 a simple and clear contest as to where the facts lie -- 15:44
6 MR. DOCKERY: Very good.
7 CHAIRMAN: -- without bringing in anything else,
8 because, after all, one can do things, for instance, to
9 take a strange example, appear in an Irish rugby jersey
10 but nonetheless be not a very nice person, and one can 15:44
11 be a whistleblower and perhaps not necessarily be
12 completely truthful, one doesn't know, but I am trying
13 to find out the facts as opposed to engaging in any
14 labelling.
15 845 Q. MR. DOCKERY: Lastly, Ms. Simms, you've told the 15:44
16 Tribunal that this was not an ordeal, it was merely an
17 uncomfortable experience. If you had been coerced, it
18 would have been an ordeal. That's it. Thank you very
19 much.
20 CHAIRMAN: Do you still say it was an ordeal? 15:45
21 A. Perhaps 'an ordeal' wasn't the correct word to use.
22 CHAIRMAN: Have you got another word?
23 846 Q. MR. DOCKERY: Sorry, you've said it wasn't an ordeal,
24 but you have said it was uncomfortable, it was an
25 uncomfortable experience, that's the height of your 15:45
26 case.
27 A. I just can't think of another word at the minute,
28 sorry.
29 MR. DOCKERY: Thank you.

1 CHAIRMAN: Thank you very much, Mr. Dockery.

2

3 MS. SIMMS WAS CROSS-EXAMINED BY MR. Ó BRAONÁIN:

4

5 847 Q. MR. Ó BRAONÁIN: Sir, if I might on behalf of Chief 15:45
6 Superintendent McGinn, and I will try and keep it
7 brief.

8 CHAIRMAN: Yes, I am sure you will.

9 848 Q. MR. Ó BRAONÁIN: You've mentioned Chief Superintendent 15:45
10 McGinn where she's referred to as "the chief" --

11 A. Yes.

12 849 Q. -- in a number of places in your statement to the
13 Tribunal and I think in a couple of other places
14 throughout the paperwork that we have. I just want to
15 go through them with you in brief, because I suppose 15:45
16 some of to them are circumstances that I think you'll
17 agree Chief Superintendent McGinn was not present for?

18 A. Yes.

19 850 Q. So really it's a matter between yourself and others
20 whether they were said or not said? 15:46

21 A. Yes.

22 851 Q. So the first is that the chief wanted an exact time and
23 date for you to come in in relation to this matter. I
24 simply say that her instructions are that she made no
25 such direction to demand an exact time and date in 15:46
26 relation to you coming in.

27 CHAIRMAN: And you can disagree with that or agree with
28 it if you want. In other words, what Mr. Ó Braonáin,
29 who is appearing for Chief Superintendent McGinn, is

1 saying --

2 A. Yes.

3 CHAIRMAN: -- look, the chief superintendent was never
4 trying to set this up.

5 A. Yes. 15:46

6 CHAIRMAN: Or make an exact arrangement. She may well
7 have had an interest in having it investigated.

8 A. Yes.

9 CHAIRMAN: But that is a different matter, she wasn't
10 trying to have you coerced through the agency of 15:46
11 anybody else. So that is what Mr. Ó Braonáin is
12 saying.

13 A. I accept that, but I was only relaying what I was told.

14 852 Q. MR. Ó BRAONÁIN: AS I say, that's a matter between
15 yourself and others -- 15:47

16 A. Yes.

17 853 Q. -- that Chief Superintendent McGinn wasn't there for
18 that conversation.

19 A. Yes.

20 854 Q. Secondly, during the course of the interview you say 15:47
21 that it was said that we should get something down for
22 the chief. I suppose the same position applies from
23 Chief Superintendent McGinn's perspective, that she
24 wasn't demanding that something be got down on paper
25 for her? 15:47

26 A. Okay, I accept that.

27 855 Q. I think you said as well in your statement that it was
28 your understanding at all times that this statement was
29 only going to be for the chief's eyes?

1 A. That's correct.

2 856 Q. Can you tell me what you understood at the time was the
3 role of the chief superintendent of a division, or did
4 you understand what the role of a chief superintendent
5 in a division was? 15:47

6 A. I didn't really give it much thought, to be honest.

7 857 Q. I mean, you had been in a relationship with a guard for
8 some reasonable period of time at that stage. Would
9 you have understood that she was Garda Harrison's
10 employer? 15:47

11 A. Yes.

12 858 Q. That she is the most senior officer within the division
13 in which Garda Harrison is stationed?

14 A. Yes.

15 859 Q. I mean, knowing that, if the statement goes to the 15:48
16 chief with the contents that it has, what do you expect
17 the chief superintendent to do with that information?

18 A. I never really thought about it, to be honest.

19 860 Q. I mean, do you think it's unreasonable, if I can just 15:48
20 take you briefly to one -- something that you said
21 before we broke for lunch, this morning. You indicated
22 that you're upset about how it was that during the
23 course of these proceedings Garda Harrison was, in your
24 mind, being described as a monster?

25 A. Yes. 15:48

26 861 Q. I think you agreed that really that's something that
27 comes from what's described in your statement?

28 A. Mostly my statement, but other things that -- like, I
29 suppose gargled messages that have been relayed.

1 CHAIRMAN: No, sorry, the only thing that was ever said
2 in this Tribunal that has been bad about Garda Harrison
3 comes from your statement. I mean, I have been sitting
4 here listening to absolutely everything.

5 A. Yeah, but I suppose the one thing that I was referring 15:49
6 to was --

7 CHAIRMAN: I suppose the only other thing I can think
8 of at the present time is that he sought the transfer
9 to Donegal without going through the motions of saying,
10 look, I'm going to Donegal because I want to start, or 15:49
11 I have started, I don't know what the situation is, a
12 relationship with a young lady, and unfortunately her
13 brother - and I'm following the epithet I am not my
14 brother's keeper, by the way - has been involved in the
15 homicide of a garda who is going to be actually serving 15:49
16 in the place where I want to serve. I mean, that's the
17 only other thing.

18 A. Yes, I suppose maybe what I was referring to was the
19 evidence given by William Bogle and Kerry Bogle where
20 they were talking about Keith allegedly chasing me 15:49
21 around in a car.

22 CHAIRMAN: No, I didn't understand them to be actually
23 saying that. They were saying you'd left the house and
24 were on your way, but they thought, oh, it must be in a
25 car. 15:50

26 A. Okay.

27 CHAIRMAN: That's what I took out of it, as opposed to,
28 you were on foot or you were waiting for a lift. They
29 were just trying to figure that out and they had got a

1 garbled message. I didn't hear them to be saying
2 anything against you or against Keith Harrison beyond
3 the fact that they thought you had been thrown out of
4 the house.

5 A. Okay. 15:50

6 CHAIRMAN: Which is bad enough.

7 A. Okay.

8 862 Q. MR. Ó BRAONÁIN: I suppose without having to go
9 through, I'm certainly not going to go through the
10 detail, you have been through that enough, would you 15:50
11 agree with me if I was to suggest that anybody who
12 reads that statement -- and leaving aside for a moment
13 what you say about this part of it or that part of it
14 not being accurate, if you are the reader of the
15 statement would you not think it would be reasonable, 15:50
16 particularly in circumstances where if you were the
17 reader and the employer of the person that the
18 statement is about, that you would be concerned about
19 that person's employment?

20 A. I'm not sure -- 15:51

21 863 Q. That was probably very confusing on my part. Chief
22 Superintendent McGinn at that time was Garda Harrison's
23 employer?

24 A. Yes, I understand.

25 864 Q. He works for her -- 15:51

26 A. Yes.

27 865 Q. -- in a sense?

28 A. Mm-hmm.

29 866 Q. Chief Superintendent McGinn receives a statement which

1 describes somebody, and as I say, forget about --

2 A. Yes.

3 867 Q. -- differences between yourself and various other
4 people about the truth or not --

5 A. Yes. 15:51

6 868 Q. -- of this part or that part of the statement, she
7 reads the statement, she sees what is alleged against
8 Garda Harrison and taking it at face value is it not
9 reasonable for her to be concerned about the person
10 described in that statement, being around in public 15:51
11 with full Garda powers?

12 A. I accept that. Yes.

13 869 Q. I mean, on that basis is it not reasonable for her to
14 embark upon a criminal and a disciplinary investigation
15 of that person? 15:52

16 A. I'm not saying -- yeah.

17 870 Q. Sorry, I don't mean to take that tone in any kind of an
18 aggressive way.

19 A. Okay.

20 871 Q. I think even prior to you making that statement, some 15:52
21 reports had been received from your family members
22 making some fairly serious allegations against Garda
23 Harrison. And again leaving aside the truth or not of
24 that, if you're the chief superintendent of a division
25 and you hear that there's an allegation about a guard 15:52
26 of yours doing these things, is it not reasonable for
27 her to inquire into that?

28 A. I would say it is, yeah.

29 872 Q. Can I ask you just, because I think you've also made a

1 complaint in addition to the complaint against
2 Inspector Sheridan and Sergeant McGowan, Chief
3 Superintendent McGinn is also the subject of a
4 complaint to GSOC - and again, leaving aside whether
5 it's a criminal investigation or not - what are you 15:53
6 actually accusing Chief Superintendent McGinn of?

7 A. I'm not accusing her of anything.

8 CHAIRMAN: Well Mr. Ó Braonáin, you might be so kind as
9 to answer that question. What is the accusation
10 against Chief Superintendent McGinn in GSOC? 15:53

11 MR. Ó BRAONÁIN: I mean, there isn't really
12 something -- the last line of the statement which is at
13 page 2360 says:

14
15 "Part of my complaint is against Chief Superintendent 15:53
16 McGinn, Inspector Sheridan and Sergeant McGowan."
17

18 As a result of that, Chief Superintendent McGinn is the
19 subject of a GSOC investigation. Now whether there's
20 any substance to it or not and it would appear that 15:53
21 there is not, that is the state of play as it is.

22 CHAIRMAN: Yes. Do you understand that Chief
23 Superintendent McGinn is being investigated by GSOC in
24 consequence of your complaint?

25 A. I understand what you are saying, but I'm not sure what 15:54
26 the state of play is. If there is a GSOC investigation
27 it's other matters, not relating to this, if I can
28 discuss that here.

29 CHAIRMAN: What is Chief Superintendent McGinn supposed

1 to have done wrong?

2 A. I'm not -- it's other matters, I'm not sure if I should
3 discuss them here or --

4 CHAIRMAN: All right. That's fine. It's other
5 matters. It's other matters. But, there it is; you 15:54
6 are content that GSOC should be investigating Chief
7 Superintendent McGinn.

8 A. Yes.

9 873 Q. MR. Ó BRAONÁIN: But nothing to do with any of this?

10 A. No. 15:54

11 874 Q. Thanks.

12 A. Okay.

13

14 MS. SIMMS WAS CROSS-EXAMINED BY MR. McDERMOTT AS
15 FOLLOWS: 15:54

16 875 Q. MR. McDERMOTT: Chairman, could I clarify one matter on
17 behalf of Tusla? You'll recall, Ms. Simms, you were
18 asked about a line in your GSOC statement at page 2359,
19 where you said: "I know that Donna's superior had
20 weekly meetings with Brigid McGowan." 15:55

21 A. Yes.

22 876 Q. And you were asked how you knew that and you said Donna
23 McTeague told you that she had weekly meetings with
24 Sergeant McGowan?

25 A. Sorry, I think she made Bridgeen Smith had weekly 15:55
26 meetings, not Donna McTeague.

27 877 Q. I see.

28 A. Yes.

29 878 Q. We had opportunity to take instructions on that and her

1 recollection is different, she doesn't recall saying
2 that, and there aren't in fact weekly meetings?

3 A. Okay, I accept that. Okay.

4 879 Q. Thank you very much.

5 CHAIRMAN: Yes.

15:55

6

7 MS. SIMMS WAS CROSS-EXAMINED BY MR. O'HIGGINS AS

8 FOLLOWS:

9 880 Q. MR. O'HIGGINS: Ms. Simms, Mícheál O'Higgins, I act for
10 senior management and members of An Garda Síochána. I 15:56
11 am going to be brief.

12 A. Yes.

13 881 Q. Can I ask you to deal briefly with the March 2011
14 period? Am I correct in my understanding -- and it's a
15 matter touched on briefly by the Chairman a few minutes 15:56
16 ago, am I correct in my understanding that you
17 discussed with Keith Harrison that it would not be
18 advisable or a good idea to proceed with a transfer to
19 Buncrana?

20 A. I don't recall having that conversation with him. 15:56

21 882 Q. You don't recall that?

22 A. No.

23 883 Q. Well, did it come up between you and he, that it may
24 not be a tremendous idea?

25 A. Well, when he told me he wasn't moving to Buncrana I 15:56
26 thought it mightn't have been the best place for him to
27 be stationed, yes.

28 884 Q. Yes. But you see -- I hope this helps you with it.

29 A. Yes.

1 885 Q. Your statement is at page 40 of the materials.
2 A. Mm-hmm.
3 886 Q. And in it you say that, you refer to yourself and
4 Keith, deciding to want to give things a proper go.
5 And Keith agreed to seek a transfer to Donegal. And he 15:57
6 told you that he had got a transfer to Buncrana and you
7 say:
8
9 "I was worried for him taking the transfer, as my
10 brother had been involved in a traffic accident with a 15:57
11 Garda patrol car two years previously that resulted in
12 the death of a garda."
13
14 All right
15 A. Yes. 15:57
16 887 Q. Then you say:
17
18 "I feared that Keith would get a hard time if his
19 colleagues knew he was seeing me because of what had
20 happened. I suggested to Keith he should look for a 15:57
21 different station. But he told me he had difficulty in
22 getting this transfer and if he declined it he probably
23 would not get another one. So he decided to take the
24 transfer."
25 15:57
26 Now does that help you jog your memory; did you have
27 that conversation with Keith Harrison?
28 A. Yes, I think I may have, yeah.
29 888 Q. Right. Did you raise with him -- I appreciate your

1 statement won't have every detail of your
2 conversation --

3 A. Yes.

4 889 Q. -- so you might assist the chair, the Tribunal please. 15:58
5 Did you raise that it might be insensitive in some way
6 for Keith to press ahead in the light of feelings being
7 raw in Buncrana at this time?

8 A. I'm not sure I would say insensitive. I just felt it
9 wasn't the best place for him to be.

10 890 Q. Well, did it come up in your conversation that after 15:58
11 all there was a trial coming up shortly of your
12 brother? Did that come up?

13 A. No. We never discussed the trial.

14 891 Q. But did you know it was coming up?

15 A. Of course I did, yes. 15:58

16 892 Q. Yes.

17 A. Yes.

18 893 Q. And it was coming up reasonably proximate to the time
19 that you had this conversation with Keith in March
20 2011, isn't that right? 15:58

21 A. Yeah. I'm not sure in March if we knew the exact date
22 of the trial then. I can't recall.

23 894 Q. Well, if it assists you, my understanding of the time
24 line is that the transfer proceeded in March, 15th
25 March and the trial I understand was in July? 15:59

26 A. Yes.

27 CHAIRMAN: Yes, nobody has given me an exact date on
28 that Mr. O'Higgins, I was wondering about it.

29 MR. O'HIGGINS: 20th July.

1 CHAIRMAN: But it was July 2012 in any event.

2 MR. HARTY: 2011.

3 CHAIRMAN: Yes, you're right, it was 2011. 15th March

4 is Keith Harrison to Buncrana.

5 895 Q. MR. O'HIGGINS: Doesn't it follow from that, Ms. Simms, 15:59

6 that the fact that the trial was coming up would have

7 been uppermost in yours and Keith's mind, after all,

8 the accused was your brother, isn't that so?

9 A. I accept that. But what I'm saying is, in March I'm

10 not sure we knew the date was July. I can't remember 15:59

11 if that was said.

12 CHAIRMAN: Anyway, your fundamental line was you

13 thought it was a bad idea to go to Buncrana --

14 A. Yes.

15 CHAIRMAN: -- and serve with the people who had lost a 15:59

16 much-loved colleague in a homicide?

17 A. Yes.

18 896 Q. MR. O'HIGGINS: And you communicated that to Keith?

19 A. Yes.

20 897 Q. Moving forward then to May 2011 and the incident in 16:00

21 Churchill, were you aware that prior to the guards

22 arriving out and encountering Andrew Simms at the

23 house, that there had been a conversation between Keith

24 Harrison and An Garda Síochána, specifically Garda

25 Kearins, and he has given evidence about that, there 16:00

26 was a conversation where he brought them to the house

27 so they would know where to go?

28 A. I wasn't aware of that, no.

29 898 Q. You weren't aware of that?

1 A. No.

2 899 Q. Were you present for the evidence of Garda Kearins?

3 A. I was, yeah.

4 900 Q. Right. And do you recall that the thrust of his
5 evidence was to the effect that he was contacted by 16:00
6 your partner, Keith Harrison, and that he relayed that
7 there was trouble being had with Andrew Simms, and
8 indeed the point was taken of Sergeant Gillespie at
9 page 2219 of the materials; Keith claimed to Sergeant
10 Gillespie that Andrew had made a threat, had relayed a 16:01
11 threat to you that he, Andrew, was threatening to put a
12 bullet in Keith?

13 CHAIRMAN: Yes, I'm not sure -- and I would ask the
14 press to exercise discretion here. I mean, why bring
15 Andrew Simms' reputation into this? I can't see that 16:01
16 he has done anything wrong anywhere along the line --
17 MR. O'HIGGINS: May it please you.

18 CHAIRMAN: -- except be somewhat upset. And I think
19 the Gardaí investigated that and had a very different
20 view. 16:01

21 MR. O'HIGGINS: Yes.

22 CHAIRMAN: And they said, look, all that happened was
23 that there was row in consequence of the breakup of a
24 relationship, not any threats or bullets or anything
25 like that. 16:01

26 MR. O'HIGGINS: Indeed. I think, they went further,
27 Chairman, and indicated that when they arrived out at
28 the house Mr. Andrew Simms indicated that he had things
29 he wanted to give to the children.

1 CHAIRMAN: Yes. No, I know. And that's where I have
2 left it. And certainly he's not going to be mentioned
3 in any negative way in any report, Mr. O'Higgins. But
4 there is a point you want to make --
5 MR. O'HIGGINS: Yes. 16:02
6 CHAIRMAN: -- which is that the Gardaí certainly did
7 have a duty to investigate any such thing because
8 something was said.
9 MR. O'HIGGINS: Yes.
10 CHAIRMAN: And that is fair enough. 16:02
11 901 Q. MR. O'HIGGINS: Arising from that and complying with
12 the Chairman's steer there, were you aware that there
13 had been this prior contact between Keith Harrison and
14 An Garda Síochána even before the guards arrived out
15 the house in Churchill? 16:02
16 A. No.
17 CHAIRMAN: I thought in fact there was a visit or you
18 had to visit a social worker in consequence of that,
19 isn't that right, because of the anonymous letter?
20 A. I don't think it was connected to this. 16:02
21 CHAIRMAN: No, there was the anonymous letter.
22 A. Yes, that's correct.
23 CHAIRMAN: And you did see social workers then?
24 A. Yes.
25 CHAIRMAN: And they did call to your house? 16:02
26 A. No, we called to their office.
27 CHAIRMAN: Yourself and Mr. Simms called to their
28 office?
29 A. Yes.

1 CHAIRMAN: Yes. And you had a chat with them there --

2 A. Yes.

3 CHAIRMAN: -- just to reassure them?

4 A. Yes.

5 CHAIRMAN: And they were happy and behaved perfectly 16:03
6 properly?

7 A. Yes.

8 CHAIRMAN: Yes. Okay. Thanks.

9 902 Q. MR. O'HIGGINS: I want to move now to one reference of
10 the text, of which mention has already been made, and 16:03
11 I'm not going to go over them, save this detail: On
12 the 3rd October 2013 it is clear from the texts that
13 your mother gave the mobile number of Inspector Goretta
14 Sheridan to you?

15 A. Yes. 16:03

16 903 Q. And of course you accept that as the case, don't you?

17 A. I do, yes.

18 904 Q. In that text and it's there for all to see, in that
19 text there's a reference to --

20 CHAIRMAN: If you are referencing a page, maybe you 16:03
21 would be so kind as to -- we can put it on the screen,
22 it's better.

23 MR. O'HIGGINS: Certainly, Judge. It is page 1874.

24 CHAIRMAN: 1874.

25 905 Q. MR. O'HIGGINS: And so, this now is phone traffic 16:04
26 between you, Ms. Simms, and your mother, Rita, isn't
27 that right?

28 A. Yes.

29 906 Q. And do you see about five entries down there's one from

1 -- "new num", that means "new number for mum", is it?

2 A. Yes.

3 907 Q. To you, placed at 11:37:46 on the 3rd October 2013, do
4 you see that?

5 A. Yes. 16:04

6 908 Q. It says: "Hi, VAT inspector number is --" and it gives
7 the number "-- if want to contact her" and "x" for
8 inspector?

9 CHAIRMAN: That is nothing to do with VAT, I presume it
10 is "that". 16:04

11 909 Q. MR. O'HIGGINS: What I am asking you is: Doesn't the
12 usage of the wording "that inspector", doesn't that
13 indicate in some way that you and your mother have
14 discussed contacting "that inspector"?

15 A. No. I had never discussed it with my mother. 16:04

16 910 Q. Why is she using the word "that inspector"?

17 A. I think she may have been speaking to Paula something
18 about it. And she relayed that it was a lady. Other
19 than that, we had never discussed Inspector Sheridan.

20 911 Q. So in this text to you and not to Paula, the usage of 16:05
21 "Hi, that inspector's number" does not in any way
22 denote that you and your mother had had some
23 conversation about that inspector?

24 A. I had no conversation with my mother.

25 912 Q. Now, can I ask you to deal, please, with the situation 16:05
26 concerning your statement? And again I'm not going to
27 go through that, it's been gone over in considerable
28 detail. And you've acknowledged already, and it's
29 plain for all to see, that you signed your statement

1 and you initialed it in a number of places, isn't that
2 so?

3 A. That's correct, yes.

4 913 Q. And I am speaking now of the statement of the 6th
5 October 2013 -- 16:06

6 A. Yes.

7 914 Q. -- taken by Inspector Sheridan and Sergeant McGowan?

8 A. Yes.

9 915 Q. And it's acknowledged by you that two days later you
10 came in to hand over your mobile phone, isn't that 16:06
11 right?

12 A. Yes.

13 916 Q. Would you agree with me that your purpose in handing
14 over the telephone and the Garda purpose in obtaining
15 it from you, was for the appropriate step of checking 16:06
16 to see if the statement you had been given could be
17 corroborated in any way, wasn't that the purpose of
18 handing in the phone?

19 A. As I said, they asked for the phone and I handed it
20 over. 16:06

21 CHAIRMAN: You understand what corroboration means?

22 A. Yes.

23 CHAIRMAN: Obviously it's got a technical meaning in
24 law.

25 A. Yes. 16:06

26 CHAIRMAN: What it means in ordinary speech is
27 basically the same; that it's something else outside --

28 A. Additional.

29 CHAIRMAN: -- of what you are saying that supports a

1 fact that you're alleging.

2 A. Yes.

3 CHAIRMAN: Yes. And what's being put to you now is
4 that you were doing it for the purpose of corroborating
5 what you had said, including the bad stuff that is now 16:07
6 in dispute, namely the burning, the burying --

7 A. Yes.

8 CHAIRMAN: -- the children, whether it was in front of
9 them, whether it wasn't --

10 A. Yes. 16:07

11 CHAIRMAN: -- the grip on the wrist, the pulling out of
12 bed, that kind of thing.

13 A. Yeah.

14 CHAIRMAN: Yes.

15 917 Q. MR. O'HIGGINS: And indeed the telephone and what was 16:07
16 on the telephone would support and corroborate that
17 there was constant texting and constant telephoning and
18 generalised pressure of you by Keith Harrison at the
19 times covered on that phone, isn't that so?

20 A. There was a lot of calls and texts, yes. 16:07

21 918 Q. My question is: You would have been aware at the time,
22 wouldn't you, that in handing in the phone, that is
23 precisely the sort of detail that would have been on
24 the phone?

25 A. Yes. 16:07

26 919 Q. And indeed doesn't it flow from that, that it was a
27 natural step for the guards to take as part of an
28 investigation into the matters you had relayed in your
29 statement, isn't that right? It was a natural and

1 obvious step?

2 A. Yes.

3 920 Q. Mention has already been made of your conversation with
4 George O'Doherty, I think it was on the 9th October?

5 A. Yes. 16:08

6 921 Q. Some three days after the taking of the statement, is
7 that right?

8 A. Yes.

9 922 Q. And you were already asked by Mr. Dockery, it was
10 suggested to you that this was an opportunity, if you 16:08
11 were seeking an opportunity, to complain about being
12 duped and being misquoted and being pressured by An
13 Garda Síochána and you've already dealt with that, all
14 right?

15 A. Yeah. 16:08

16 923 Q. So I won't canvass that further. But in relation to
17 the George O'Doherty conversation can I ask you this:
18 Am I correct in my understanding that at least in one
19 of the conversations Keith Harrison was in the
20 background? 16:09

21 A. I think perhaps during the first phone call he been
22 visiting me in hospital, so he was there.

23 924 Q. Yes. Mention was also made of moving matters on at the
24 time in the timeline, of the February 2014 house visit
25 by the officials from Tusla? 16:09

26 A. Yes.

27 925 Q. Social workers from Tusla?

28 A. Yes.

29 926 Q. Again that's been well covered in relation to what

1 Donna McTeague says is inaccurate about what is in your
2 statement. I'm not going to go over that, Ms. Leader
3 has brought you over that in some detail. What I do
4 want you to deal with is this: You've now accepted,
5 haven't you, that you were incorrect in attributing to 16:10
6 Ms. McTeague that she was confused about her role and
7 that she apologised on a number of occasions, you have
8 accepted that was something that did not occur, isn't
9 that right?

10 A. Yes. 16:10

11 927 Q. Can you assist the Tribunal and explain the coincidence
12 that the very same characterisation and, it seems,
13 misquoting was done by Keith Harrison in his statements
14 in the Tribunal? He also claimed that she was
15 apologising, he also claimed that she did not seem to 16:10
16 know her role.

17 A. I can't speak for Keith Harrison. I can only speak for
18 myself.

19 928 Q. Did you discuss your statements in that regard?

20 A. No. 16:11

21 929 Q. That they tally in this way?

22 A. No.

23 930 Q. In circumstances where you no longer appear to be
24 advancing this position, yourself --

25 A. Sorry, just say that again, sorry. 16:11

26 CHAIRMAN: I think I have the point. What he is saying
27 is yourself and Keith Harrison said something in
28 relation to Donna McTeague which you now accept isn't
29 correct, so how can you both be making the same mistake

1 unless you coordinated your statements to that effect?
2 That is the question.

3 A. Well, I suppose we were both at the meeting with
4 Ms. McTeague, so maybe that is where it came from.

5 CHAIRMAN: You feel you both could have got
6 accidentally a false impression? 16:11

7 A. Yes.

8 931 Q. MR. O'HIGGINS: Could I ask you, please, just to look
9 at page 17 of the materials?

10 CHAIRMAN: I am going to have to ask you where we are
11 going now, because I have to go, for one thing, and 16:11
12 it's not fair to the stenographers who work so hard and
13 are so accurate to have very long sessions. I was
14 promised that we would finish within an hour and a
15 half. I'm sorry to be so down in relation to this, and 16:12
16 even still I think we need to know where we are going
17 now, Mr. O'Higgins.

18 MR. O'HIGGINS: I appreciate, Chairman --

19 CHAIRMAN: I appreciate that the questions, for
20 instance, put by Mr. Dockery, every single one of them 16:12
21 was necessary and to the point, but I am not sure that
22 people appreciate enough that I am actually sitting
23 here and listening to all of this stuff and I am
24 actually getting all of this stuff. I'm not saying
25 that people are insulting my intelligence or that they 16:12
26 don't trust me, not at all at all. And I appreciate as
27 well that it is a good thing to remind people of
28 things, but I just tend to wonder what is left out at
29 this point. And just with that in mind, you might

1 carry on, but maybe just tell me in terms of minutes,
2 as the late Judge Carroll used to say, how long you're
3 going to be.
4 MR. O'HIGGINS: I think I'm still within the estimate I
5 gave, Chairman, I am going to wrap up quickly. 16:12

6 932 Q. Can I ask you, Ms. Simms, it's been a long day for you
7 as well, just in terms of the reports that were made to
8 An Garda Síochána by your family members, and by other
9 parties - all right?

10 A. Right. 16:13

11 933 Q. I just want to briefly list those and I am going to ask
12 you a question on foot of that short list, all right?

13 A. Yeah.

14 934 Q. The incident in Churchill on the 23rd May 2011, that
15 was a situation, wasn't it, where Keith Harrison first 16:13
16 drew attention to himself to An Garda Síochána rather
17 than the guards going near him, isn't that so?

18 A. I'm not sure, I don't know all the --

19 935 Q. All right.

20 A. Yeah. 16:13

21 936 Q. The recording of the call from William Bogle on the 1st
22 April 2013, which has been played --

23 A. Yes.

24 937 Q. -- which was played out loud, that was on the 1st
25 April, isn't that right? 16:13

26 A. Yes.

27 938 Q. The complaint that was made by your mother, Rita, on
28 the 24th August and the reference to the third time in
29 three months that she had been telephoned and you being

1 in distress, you heard that evidence, did you?

2 A. Yes.

3 939 Q. You heard the evidence of Sergeant Durkin who was of
4 the view that he was under an obligation to notify this
5 report from your mother to his superiors, you heard 16:14
6 that?

7 A. Yes.

8 940 Q. You heard the evidence from Rita who indicated that she
9 was again trying to contact Sergeant Durkin on the 10th
10 September 2013, you heard that? 16:14

11 A. Yes.

12 941 Q. You heard the evidence again that Paula McDermott, your
13 sister, made a complaint about Keith Harrison that he
14 said he was going to burn you and child on the 28th
15 September 2013, this was relayed by Paula, and relayed 16:14
16 to the guards, you're aware of that, aren't you?

17 A. Yes.

18 942 Q. Right. You're of course aware of the statement that
19 was made on the 6th October?

20 A. Yes. 16:14

21 943 Q. Taking those matters into account --

22 A. Yeah.

23 944 Q. -- wouldn't you agree with me it is entirely reasonable
24 for the guards to notify the HSE and to take seriously
25 what you had told them in your statement, you accept 16:15
26 that, wouldn't you?

27 A. I suppose, if you were just reading all the information
28 not knowing the context around it, I would say it was
29 perhaps reasonable, yes.

1 945 Q. Yes. They had to take it seriously, didn't they?

2 A. Take what seriously?

3 946 Q. What you had told them.

4 A. I never said I was going -- I never said I was
5 threatened to be burned.

16:15

6 947 Q. Thank you.

7 CHAIRMAN: Did you have any questions, Mr. Harty?

8 MR. HARTY: I do have a number of questions and I will
9 be some time, and I am mindful that the witness has
10 been in the witness box for five hours.

16:15

11 CHAIRMAN: Yes. Sorry, what do you mean by "some
12 time"?

13 MR. HARTY: I would be certainly in excess of 20
14 minutes.

15 CHAIRMAN: Because you said you were going to be a
16 short time.

16:16

17 MR. HARTY: I said 20 minutes, I understood.

18 CHAIRMAN: Did you?

19 MR. HARTY: Yes.

20 CHAIRMAN: Fine.

16:16

21 MR. HARTY: I am happy to -- mindful of the fact --

22 CHAIRMAN: Mr. Hartnett, do you have any questions?

23 MR. HARTNETT: I am doubtful if I will have any
24 questions unless matters arise from Mr. Harty's
25 cross-examination.

16:16

26 CHAIRMAN: Yes. And just perhaps to add that I am
27 mindful that sometimes it can happen that a client
28 won't mention something, it's not necessarily counsel's
29 fault that something is not put, but let's not go into

1 that, because it's a privileged matter. All right, I
2 am afraid you're going to have to come back in the
3 morning, but it won't be long and I am going to impose
4 a time limit; it's half an hour, and that's it. And
5 you will be finished. Thank you.

16:16

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7 THE TRIBUNAL THEN ADJOURNED UNTIL THURSDAY, 28TH
8 OCTOBER 2017 AT 10:00AM

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