

TRIBUNAL OF INQUIRY INTO PROTECTED DISCLOSURES MADE UNDER  
THE PROTECTED DISCLOSURES ACT 2014 AND CERTAIN OTHER  
MATTERS FOLLOWING RESOLUTIONS PASSED BY DÁIL ÉIREANN AND  
SEANAD ÉIREANN ON 16 FEBRUARY 2017

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1921, ON 17 FEBRUARY 2017

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

HELD IN DUBLIN CASTLE  
ON THURSDAY, 28TH SEPTEMBER 2017 - DAY 27

27

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 THURSDAY, 28TH  
2 SEPTEMBER 2017:

3  
4 CHAIRMAN: Mr. Harty, if you need more time, you need  
5 more time, so you carry on. 10:08

6  
7 MS. MARISA SIMMS WAS CROSS-EXAMINED BY MR. HARTY:

8 1 Q. MR. HARTY: Ms. Simms, good morning.

9 A. Morning.

10 2 Q. Now, obviously your relationship with Garda Harrison 10:08  
11 was one which had an unusual start, isn't that correct?

12 A. That's correct, yeah.

13 3 Q. You started -- you were in a marriage with a man who I  
14 think everyone accepts is a man of the highest calibre,  
15 but from your point of view it wasn't a happy marriage, 10:09  
16 isn't that right?

17 A. That's right, yeah.

18 4 Q. And while Garda Harrison had made some cursory contact,  
19 you initiated, shall we say, closer contact with him by  
20 texting him in December of 2010, isn't that right? 10:09

21 A. That's right, yeah.

22 5 Q. And in your statement you say that once he had your  
23 number it was non-stop texts and calls. Can I ask you,  
24 was that all one-way traffic?

25 A. No, it was both ways. 10:09

26 6 Q. Both ways?

27 A. Yeah.

28 7 Q. So if an impression is given in your statement that,  
29 somehow, that was all just one way, and unwanted, was

1           that your view of it?

2       A.    No, that wasn't what I meant, it was both ways.

3    8   Q.    Both ways?

4       A.    Yeah.

5    9   Q.    I think it's safe to say that your family didn't           10:09  
6           understand?

7       A.    That's correct, yeah.

8    10  Q.    Your sister -- your mother certainly was distressed?

9       A.    Yes.

10  11  Q.    And your sister, Paula, I think was more than           10:10  
11           distressed, isn't that correct?

12       A.    That's correct, yeah.

13  12  Q.    My instructions are that your sister, Paula, has never  
14           actually spoken a civil word to Garda Keith Harrison?

15       A.    No, she has never had a conversation with him.           10:10

16  13  Q.    And she has refused to, isn't that right?

17       A.    That's correct, yeah.

18  14  Q.    And an example of that would be that she said some, and  
19           I am not going to go into the detail of it,  
20           particularly vile things when she learned that you were   10:10  
21           expecting a child with Keith Harrison?

22       A.    That's right, yeah.

23  15  Q.    The relationship itself when it started was turbulent;  
24           to a large extent you didn't know what the right thing  
25           to do was, isn't that right?           10:11

26       A.    That's right, yeah.

27  16  Q.    I think you romantically wanted to be with Keith  
28           Harrison but you also were under pressure from your  
29           family and knew that you had what was a stable marriage

1 with Andrew Simms?

2 A. That's right, yeah.

3 17 Q. And for the first year or so of your relationship, or  
4 more, you weren't living together, isn't that right?

5 A. That's right, yeah. 10:11

6 18 Q. You were romantically engaged with Keith Harrison but  
7 you were in fact still living with Andrew Simms, isn't  
8 that right?

9 A. Yeah.

10 19 Q. And as a result of which I think it's fair to say that 10:11  
11 neither of you felt that you had stability in the  
12 relationship?

13 A. That's right.

14 20 Q. And that, yet again, wasn't a one-way street, both of  
15 you had reason to feel that they didn't have stability 10:12  
16 in the relationship, isn't that right?

17 A. Yes.

18 21 Q. Now, coming to one brief incident which is the incident  
19 around the time of the June 2012, Keith Harrison --  
20 Garda Harrison's recollection was that at the time you 10:12  
21 had in fact decided that you were going to finally  
22 cement your relationship, isn't that right?

23 A. Yes.

24 22 Q. And that for whatever reason, and the pressures that 10:12  
25 you were under, you returned to your family home at the  
26 time and decided that you weren't going to move in with  
27 Keith Harrison at that stage, isn't that right?

28 A. That's right.

29 23 Q. And that is how that row arose in relation to the exam

1 papers?

2 A. That's right.

3 24 Q. And that is why you went and collected them?

4 A. That's correct.

5 25 Q. Now, there's various different talks about what was 10:13  
6 said that Keith Harrison he said he would do to the  
7 exam papers and it was put to you that he somehow put a  
8 gun to your head in relation to it and said restart the  
9 relationship or else I will destroy the exam papers,  
10 and I think that might be one way or the other that it 10:13  
11 was said, but you didn't restart the relationship at  
12 that stage, did you?

13 A. No.

14 26 Q. And he didn't destroy the exam papers, did he?

15 A. No. 10:13

16 27 Q. And in fact he helped your mother lift the exam papers  
17 into the boot of the car?

18 A. That's right, yeah.

19 28 Q. The situation is that whatever he said he would do to  
20 the exam papers, would it be fair to say did you 10:13  
21 believe he was going to do something to the exam  
22 papers?

23 A. No, no, I didn't.

24 29 Q. And in fact he didn't?

25 A. He didn't, no. 10:14

26 30 Q. And in fact, at that time I think your relationship  
27 broke down completely, isn't that right, for a number  
28 of months you were effectively not an item?

29 A. Yeah.



1 31 Q. But in any event, in September/October of that year you  
2 decided to give it another go, isn't that right, but  
3 you in fact moved into a house by yourself with the  
4 [children] at that stage?  
5 A. That's right, yeah. 10:14  
6 32 Q. And -- or sorry, I should say the children, sorry, at  
7 that stage. You didn't move in with Keith Harrison?  
8 A. No.  
9 33 Q. But to a certain extent you were making progress in  
10 that direction because you were no longer living with 10:14  
11 Andrew Simms?  
12 A. Yes, that's right.  
13 34 Q. The time coming up to the wedding was immensely  
14 stressful, would that be correct to say?  
15 A. Very stressful, yeah. 10:15  
16 35 Q. You and Keith had had very bad news --  
17 A. Yeah.  
18 36 Q. -- in June of that year. He had had a bad traffic  
19 accident a month before that again?  
20 A. Yes. 10:15  
21 37 Q. Keith was invited to the wedding, wasn't he,  
22 originally?  
23 A. Initially, yes, he was.  
24 38 Q. I think you in fact took photos of him to send to his  
25 mother of various different suits that he was buying, 10:15  
26 trying on to see which one to wear for the wedding,  
27 isn't that correct?  
28 A. That's right, yeah.  
29 39 Q. And that was in August, the start of August 2013?

1 A. That's correct.

2 40 Q. And by the time of the hen party, that invitation had  
3 been withdrawn?

4 A. That's right, yeah.

5 41 Q. And you were in a very difficult position? 10:16

6 A. Yes.

7 42 Q. Because you were your sister's bridesmaid?

8 A. Yes.

9 43 Q. But your sister had decided, for whatever reason, that  
10 she was going to invite your ex-husband and not your 10:16  
11 current partner?

12 A. That's right, yeah.

13 44 Q. I understand that relations between Andrew Simms and  
14 Garda Harrison are fine, that they both are perfectly  
15 capable of being civil with each other and everything 10:16  
16 else?

17 A. Yes, that's right.

18 45 Q. At that time also in relation to the loss of the baby,  
19 that had required hospitalisation, isn't that correct,  
20 in June? 10:16

21 A. That's right, yeah.

22 46 Q. And then the wedding then itself took place in October?

23 A. That's right, yeah.

24 47 Q. Now, firstly, can you just tell me, before I go into  
25 the details of what happened in September, the wedding 10:17  
26 itself, was it a stressful affair?

27 A. Was it stressful, yes, it was.

28 48 Q. And was that just in relation to Keith or was it in  
29 relation to relations between your mother and your

1 sister or everything else, or what?

2 A. There was a lot of factors, with the dynamics of some  
3 of the relationships, it was trying to keep the peace,  
4 I suppose.

5 49 Q. Yes. Now, there was definitely a disagreement between 10:17  
6 yourself and Keith on the 28th September?

7 A. Yes.

8 50 Q. And in the course of that disagreement, there were  
9 definitely some very unpleasant things said?

10 A. Yes. 10:17

11 51 Q. And I think Garda Harrison will say that in relation to  
12 that agreement, he said more of the unpleasant things?

13 A. Yes.

14 52 Q. And he accepts that he was the one who had gone too  
15 far. The reality is that you had had other rows in the 10:18  
16 past where you had said things, isn't that right?

17 A. Yes.

18 53 Q. And I suppose the question, and we won't get hung up on  
19 words as to what was said, when Garda Harrison said  
20 that he will bury Paula -- 10:18

21 A. Yes.

22 54 Q. -- what did you think he meant? And I am asking you to  
23 cast your mind back then, I am not asking you to  
24 interpret it now.

25 A. Yes. I suppose maybe at the time I thought he -- he 10:18  
26 might have meant there may be an opportunity again that  
27 something -- if we had a special occasion that she  
28 wouldn't be invited or he would get her, hurt her in  
29 the way she had hurt him I suppose.

1 55 Q. Perhaps we will just leave it like that; hurt her the  
2 way that she had hurt him.

3 A. I mean -

4 56 Q. No, no, that's --

5 A. -- not inviting him to the wedding, just to clarify. 10:19

6 57 Q. No, but she hasn't hurt him by killing him and burying  
7 him?

8 A. No.

9 58 Q. Do you think Garda Harrison wanted you to believe that  
10 he was going to kill and bury Paula? 10:19

11 A. Absolutely not.

12 59 Q. Now, let's leave out for the moment the question of,  
13 and let's assume your recollection after discussing the  
14 matter with people was that he had said I will burn you  
15 or you will get burnt. 10:19

16 A. Yes.

17 60 Q. Now, can you tell me did you feel that Garda Harrison  
18 was going to kill and burn you?

19 A. No, never.

20 61 Q. Did you feel that he wanted you to think he was going  
21 to kill and burn you? 10:20

22 A. Absolutely not.

23 62 Q. The reason why I am asking you these questions is  
24 because the questions have been put to you by the  
25 guards and have been put in this statement -- 10:20

26 A. Yes.

27 63 Q. -- saying that there was serious threats?

28 A. Yes.

29 64 Q. Now, the Non-Fatal Offences Against the Person Act says

1 in relation to a threat, that it's an offence if you  
2 make a threat wanting the other person to believe that  
3 you intend to carry it out. Nobody asked you a  
4 question like that in your interview on the 6th  
5 October? 10:20

6 A. No.

7 65 Q. Nobody bothered to find out whether or not Garda  
8 Harrison meant it?

9 A. No.

10 66 Q. And nobody bothered to ask whether you believed he 10:20  
11 meant it?

12 A. No, I wasn't asked that.

13 67 Q. Your relations with your neighbours on the cul-de-sac  
14 are very good, aren't they?

15 A. Yes, we would frequently go in and out for coffee. 10:21

16 68 Q. If there was a serious threat from Garda Harrison,  
17 would you need to load your kids into a car?

18 A. No.

19 69 Q. You could just go next door, isn't that right?

20 A. That's right, yeah. 10:21

21 70 Q. But Sergeant McGowan and Inspector Sheridan have  
22 retrospectively determined that these were threats to  
23 kill, but they never asked you what was meant by  
24 them --

25 A. No. 10:21

26 71 Q. -- isn't that right?

27 A. That's right.

28 72 Q. In relation to the harassment, I think there are such  
29 occasions whereby, and in particular after the row of

1 the 28th September, that you stopped contact some  
2 number of days afterwards and stopped replying to  
3 texts, isn't that right?

4 A. That's right, yeah.

5 73 Q. But up until then, the texts were entirely two-way 10:22  
6 traffic?

7 A. Yeah, two-way traffic, yes.

8 74 Q. And it would be fair to say from that brief window of  
9 texts that yours are the ones that are detailed and his  
10 are the ones that tend to be short? 10:22

11 A. Yes, that's right.

12 75 Q. And insofar as texts causing upset, you'd accept that  
13 the detailed ones would be more likely to upset than  
14 the ones, the short ones --

15 A. I accept that. 10:22

16 76 Q. -- that were sent?

17 A. Yeah.

18 77 Q. The situation with the aftermath of that row, you were  
19 happy to start in text contact with Garda Harrison  
20 after the row, isn't that correct? 10:22

21 A. Yes.

22 78 Q. When there's some talk of the texts and the constant  
23 calling on the day of the interview, you had been in  
24 phone contact with Garda Harrison the previous day,  
25 isn't that right? 10:23

26 A. That's right, yeah.

27 79 Q. And on the day of the interview?

28 A. Yes.

29 80 Q. And to a certain extent at that stage there was -- a

1 civility had broken out in your correspondence with  
2 him, in your talk with him, isn't that right?

3 A. Yes.

4 81 Q. And his recollection, and I have to put this to you,  
5 was that your last conversation on the morning of the 10:23  
6 6th October led him to believe that you would call or  
7 speak to him later that day?

8 A. Yes. I think that is the way it was left, yeah.

9 82 Q. And then he didn't hear from you, isn't that right?

10 A. That's right, yeah. 10:23

11 83 Q. Now, I don't want to put words in your mouth, I think  
12 that has been done enough for you, can you describe the  
13 nature of the contact between yourself and Keith  
14 Harrison over the course of your relationship in terms  
15 of phoning and texting? 10:24

16 A. We always would have frequent contacting. I suppose  
17 even now if he is at work we would text or call each  
18 other a lot.

19 84 Q. How many times a day?

20 A. I am not sure, maybe three to four phone calls. 10:24

21 85 Q. And texts?

22 A. Yes. I couldn't give a definite number but we would be  
23 in regular contact.

24 86 Q. Right. And I accept that some people might call that  
25 obsessive, but that's what works in your relationship, 10:24  
26 isn't it?

27 A. Yes.

28 87 Q. You have given your evidence about what took place on  
29 the 6th October and afterwards you put, did a number of

1 internet searches the following day?

2 A. Yes.

3 88 Q. Now, I think it is safe to say that, of the Internet  
4 searches that you carried out, in fact the vast  
5 majority of internet searches that you carried out that 10:25  
6 day were in relation to physical complaints that you  
7 were suffering from at the time?

8 A. Yes, I believe so, yeah.

9 89 Q. I think there were actually 31 searches in relation to  
10 intimate medical matters? 10:25

11 A. Yeah.

12 90 Q. How were you feeling on that day?

13 A. I was tired. I still hadn't properly recovered from  
14 the surgery in the summer, but -- I just wasn't feeling  
15 back to myself, I suppose. 10:26

16 91 Q. Can we perhaps put this into perspective. Two days  
17 later you were hospitalised for four days --

18 A. Yes.

19 92 Q. -- by reason of an infection --

20 A. Yes. 10:26

21 93 Q. -- which had been a consequence of the surgery that you  
22 had had the previous June?

23 A. That's right, yes.

24 94 Q. So if you don't me mind me saying so, I think you must  
25 be understating slightly if you had to be in hospital 10:26  
26 for four days?

27 A. Yeah, I may have been -- the whole day was kind of a  
28 blur to be honest, I wasn't just feeling myself.

29 95 Q. The other internet searches that you had done, which



1 have been put to you, the searches in -- or sorry, the  
2 searches that you did do in relation to harassment,  
3 there is a curious fact about them which wasn't made  
4 clear by anybody else, but in fact they are both about  
5 gardaí losing their jobs for harassment, and they are 10:27  
6 not about people being prosecuted for harassment. Do  
7 you remember that?

8 A. Vaguely, yeah.

9 96 Q. You see, what I have to suggest to you is that  
10 coincides with your recollection in relation to it, 10:27  
11 which is that Inspector Sheridan wanted these searches  
12 for the -- wanted this statement for the chief and the  
13 chief wanted the statement for the purposes of  
14 disciplining somebody. Does that ring a bell?

15 A. Sorry, could you just repeat the question? 10:28

16 97 Q. That Inspector Sheridan told you she needed this  
17 statement for the chief?

18 A. Yes, that's correct.

19 98 Q. And that your understanding was the chief wanted this  
20 or certainly on the 7th October, that your 10:28  
21 understanding was the chief might have been using this  
22 for the purpose of disciplining Garda Harrison?

23 A. It's possible, yeah.

24 99 Q. Do you know when that awareness arose in your mind?

25 A. When I received the phone call from GSOC, I suppose the 10:28  
26 cogs started turning in my head that it wasn't just for  
27 the chief's eyes.

28 100 Q. Oh, no, that comes later, but on the day after, your  
29 internet searches relate to disciplinary proceedings

1 brought against guards, not criminal proceedings at  
2 all.

3 A. Okay.

4 101 Q. Do you recall why you might have been --  
5 A. I can't say, I can't remember. 10:29

6 102 Q. But I would suggest to you that, amongst other things,  
7 it makes it clear that nobody had mentioned the  
8 criminal charges to you the night before?  
9 A. Oh, no, definitely nobody mentioned criminal charges.

10 103 Q. It was also put to you that there was -- you had 10:29  
11 searched safety orders?  
12 A. Yes.

13 104 Q. And it perhaps wasn't made clear to you, but you might  
14 have known at the time, a safety order is an order that  
15 you can get against somebody with whom you are 10:29  
16 currently living?  
17 A. Yes.

18 105 Q. Do you remember that from your searches?  
19 A. Yes.

20 106 Q. That it's not simply a watch and be set order, but it's 10:29  
21 also an order in respect of somebody with whom you are  
22 currently living?  
23 A. Yes.

24 107 Q. As a matter of, and without going into every single  
25 detail in relation to -- and I am grateful to the 10:30  
26 Tribunal for acknowledging that I can use time as  
27 necessary, but in relation to the row on the 28th,  
28 Garda Harrison -- and because it's said in your  
29 statement, Garda Harrison is adamant that he never

1 touched you on that night?

2 A. No, he didn't touch me.

3 108 Q. He is also adamant that insofar as there was a row, his  
4 recollection is identical to yours, that there was a  
5 row -- 10:30

6 A. Yes.

7 109 Q. -- that you were upset, he was upset, and one of your  
8 children came out of the car towards the end of the  
9 row?

10 A. That's correct, yeah. 10:31

11 110 Q. Now, when Bridgeen Smith from Tusla says that the  
12 reason for accepting the referral to Tusla was because  
13 the children had witnessed domestic violence and an  
14 assault?

15 A. That is not true. 10:31

16 111 Q. And in your statement, even on the night of the 6th,  
17 you never said that the children had witnessed an  
18 assault, isn't that correct?

19 A. Absolutely not, no.

20 112 Q. Now, Sergeant McGowan says she never said that, but 10:31  
21 that's what is in the notes, the Tusla notes, and that  
22 is simply not true, isn't that right?

23 A. That is not true.

24 113 Q. In the aftermath then, you went to hospital -- sorry,  
25 in relation to the 6th of October, I want to confirm 10:32  
26 again, what reference was there made to the HSE?

27 A. Absolutely none, no reference whatsoever.

28 114 Q. What reference was made to GSOC?

29 A. No reference to GSOC at all.

- 1 115 Q. what reference to criminal offences?  
2 A. No reference to criminal offences.
- 3 116 Q. The phone call with GSOC on 9th of October, it's been  
4 suggested to you that when you are in hospital,  
5 suffering from an infection which required 10:33  
6 hospitalisation for four days, that somehow you should  
7 have made a complaint to GSOC about Inspector Sheridan.  
8 A. That wasn't even on my mind at the time, I just was  
9 concentrating on getting better.
- 10 117 Q. And I should just clarify, now, Sergeant McGowan didn't 10:33  
11 take any notes at all, but you've been criticised for  
12 not taking notes by Sergeant McGowan's counsel.  
13 A. Yes.
- 14 118 Q. Are you in the habit of taking notes during the course  
15 of your personal life? 10:33  
16 A. No.
- 17 119 Q. And what Sergeant McGowan does in the course of her  
18 professional life is a matter for the Tribunal, but I  
19 take it you are not somebody who notes down during the  
20 course of the day what is said and done to you? 10:33  
21 A. No, I wouldn't have time.
- 22 120 Q. I take it as a teacher you would take notes if needs  
23 be?  
24 A. Yes.
- 25 121 Q. I take it as a teacher if you are required to note 10:34  
26 various things in relation to the progress of your  
27 students you do that?  
28 A. Absolutely, yeah.
- 29 122 Q. I take it in relation to course progression for your

1 students, you note that?

2 A. Yes.

3 123 Q. I take it that you -- do you have continuous  
4 assessment?

5 A. We do, yeah. 10:34

6 124 Q. And I take it you keep notes in relation to that?

7 A. You have to, yes.

8 125 Q. Because that is your job, isn't it?

9 A. Yes.

10 126 Q. And your job, when you are working, is to note the 10:34  
11 things that are going on, isn't that right?

12 A. Yes.

13 127 Q. And I take it do you that?

14 A. Yes, I do.

15 128 Q. I take it you also, if needs be in your job, need to 10:34  
16 refer to outside agencies, would you do that, too?

17 A. Absolutely, yes.

18 129 Q. And can you tell me what agencies you would have to  
19 deal with on occasion?

20 A. There would be a number of various agencies. Tusla, 10:35  
21 maybe speech and language therapists, local Gardaí, it  
22 depends on what issue comes up or -- various agencies,  
23 yeah.

24 130 Q. And in relation to those, I take it you would note  
25 those contacts? 10:35

26 A. Oh, absolutely, yes.

27 131 Q. And you refer them clearly?

28 A. And yes.

29 132 Q. And in relation to what you say to those agencies I

1 take it you keep clear notes of that?

2 A. Yes, absolutely.

3 133 Q. And in relation to what they say to you I take it you  
4 keep clear notes of that?

5 A. Yes. 10:35

6 134 Q. Do you engage with those agencies on the basis of a  
7 casual conversation?

8 A. No, absolutely not.

9 135 Q. Why not?

10 A. I suppose it wouldn't be professional. You need to 10:35  
11 keep a record of what is being said and what is being  
12 done.

13 136 Q. So when Sergeant McGowan doesn't keep a record of her  
14 conversations with Tusla, what do you say about that?

15 A. I would say it's a cause for concern. 10:36

16 137 Q. Because your experience when dealing with Tusla is that  
17 you would always keep records?

18 A. Yes.

19 138 Q. You were still in hospital when you phoned back George  
20 O'Doherty, isn't that right, on 11th October? 10:36

21 A. Yeah, I think I may have been, yeah.

22 139 Q. Now, after that, did you think it was the end of the  
23 matter once you had sent the email withdrawing the  
24 complaint?

25 A. Yes, I did. 10:36

26 140 Q. But you in fact went looking for a copy of your  
27 statement, isn't that right, or looking to withdraw  
28 your statement, I should say?

29 A. Yes.

1 141 Q. And your evidence is that somebody who was instantly  
2 contactable when trying to get the statement from you,  
3 suddenly became difficult to tie down?  
4 A. Yeah. The calls weren't as free-flowing as they were  
5 previously, yes. 10:37

6 142 Q. Yes. Now, when you went in to withdraw the statement,  
7 was there a discussion as to the form that statement  
8 should take?  
9 A. When you say form, you mean?

10 143 Q. Well, did Inspector Sheridan say to you, well, there's 10:37  
11 a variety of different ways? She gave her evidence  
12 herself that you could have gone into any Garda station  
13 and simply withdrawn the statement, you didn't need to  
14 do it with her.  
15 A. Yeah, I didn't realise that. I have never withdrew a 10:37  
16 statement or made a statement.

17 144 Q. Did she tell you that you could have gone into any  
18 Garda station?  
19 A. No.

20 145 Q. Did she tell that you simply could have written a very 10:37  
21 brief statement saying 'I wish to withdraw my  
22 statement'?  
23 A. No, I wasn't aware of that.

24 146 Q. In relation to the words in the statement, they weren't  
25 your words, isn't that correct? 10:38  
26 A. I wouldn't have a clue how to go about a statement of  
27 retraction. They weren't my words.

28 147 Q. And insofar as there is a statement of retraction, it  
29 was a statement of retraction in the words of Inspector

1 Sheridan, isn't that correct?

2 A. That's correct, yeah.

3 148 Q. Now, I should mention one thing before we move on from  
4 the statement and the taking of it; Garda Harrison will  
5 say that you spoke the day after the statement was 10:38  
6 taken on the phone.

7 A. Yes, I believe we did, yeah.

8 149 Q. And that he took from that, whatever you said to him,  
9 that Chief Superintendent McGinn had put her head into  
10 the interview room. 10:39

11 A. Yeah, I never said that, I don't recall saying that.

12 150 Q. Did you tell him or did anyone say to you that the  
13 chief has said that no guard is going to treat a woman  
14 like that?

15 A. No. 10:39

16 151 Q. But you do accept that he had come to that conclusion  
17 from a phone call that you had on the 7th October?

18 A. Yeah, he may have. I don't recall the conversation,  
19 but I definitely didn't say the chief was present at  
20 the meeting. 10:39

21 152 Q. It was a heated conversation on 7th October?

22 A. I can't recall the conversation so I can't --

23 153 Q. I think you mentioned safety orders.

24 A. Okay.

25 154 Q. And I think that you also mentioned that it would have 10:39  
26 some implications for his work.

27 A. As I said, I don't remember the conversation.

28 155 Q. And you were given -- asked a number of questions  
29 yesterday about the Tusla affair?



1 A. Yes.

2 156 Q. And the reference to Tusla. It is your view that in  
3 ordinary circumstances had that statement been taken  
4 for the purpose of a referral to Tusla and seen by  
5 Tusla, then a Tusla intervention would appear to make 10:40  
6 sense, isn't that correct?

7 A. Yes.

8 157 Q. But that is not what happened in this case?

9 A. No, it's not.

10 158 Q. And that is not what happened -- sorry, case is the 10:40  
11 wrong word; this isn't a case, it is a tribunal and we  
12 are investigating what happened. What we now know, and  
13 only since this module was formulated, is that there  
14 was a reference to Tusla, apparently made on the  
15 direction of Superintendent McGovern after a meeting 10:41  
16 between various senior people in the Donegal district  
17 on 8th October. We now know that that reference was  
18 rejected by Tusla?

19 A. That's correct. I think Gerry Hone wrote back to say  
20 unless they had any other information he wasn't 10:41  
21 taking --

22 159 Q. We now know that Sergeant McGowan disregarded a letter  
23 from her superior in relation to it, and that Sergeant  
24 McGowan, apparently some days after the rejection but  
25 before the rejection had been received, gave extra 10:41  
26 information to Tusla. We also now know that that extra  
27 information which was received by Tusla, somehow, does  
28 not reference things that were contained in the  
29 statement and in fact exaggerates it.

1 A. That's correct, yeah.

2 160 Q. We also now know that Tusla held off on speaking to you  
3 because you were in hospital --

4 A. Yes.

5 161 Q. -- even though we now know that you were out of 10:42  
6 hospital at that stage?

7 A. That's correct, yeah.

8 162 Q. We now know that despite the fact that you were out of  
9 hospital and despite the fact that there were regular  
10 patrols around your home at that stage, isn't that 10:42  
11 correct --

12 A. Yes, there were.

13 163 Q. -- because there were regular patrols ostensibly in  
14 relation to the death threats at that stage --

15 A. That's correct, yeah. 10:42

16 164 Q. -- and that the guards would have been well aware that  
17 you were back living in the family home with Garda  
18 Harrison, isn't that right?

19 A. That's correct. There was regular patrol cars that  
20 drove past slowly, yeah. 10:42

21 165 Q. We know that Sergeant McGowan had undertaken to tell  
22 Tusla when you were out of hospital and we know that  
23 she didn't do that?

24 A. That's right, yeah.

25 166 Q. We know that you made a statement of withdrawal? 10:43

26 A. Yes.

27 167 Q. We know that within days of that statement of  
28 withdrawal, Sergeant McGowan rang somebody in Tusla to  
29 tell them that you had withdrawn the statement?

1 A. That's right, yeah.

2 168 Q. There is no record of that call -- phone call either.

3 A. Yeah, I find that a bit puzzling, if I am honest, yeah.

4 169 Q. We know --

5 MS. LEADER: Sorry, sir, I am just wondering are these 10:43  
6 appropriate questions to put to this witness. They are  
7 not matters that are, in my respectful submission to  
8 the Tribunal, questions properly called questions.  
9 They are perhaps more appropriate for submission stage.

10 MR. MCDERMOTT: Chairman, if I could add to that; 10:44  
11 whilst Mr. Harty keeps saying "we now know", a number  
12 of things he has put from my client's point of view are  
13 completely false, and whilst he can certainly say Garda  
14 Harrison's thesis or allegation is to say "we now  
15 know", I don't know who he is incorporating in the 10:44  
16 "we". It certainly isn't my client and I don't know  
17 who else in the room Mr. Harty believes he is  
18 describing with the use of the word "we", other than  
19 his client.

20 MR. HARTY: Sorry, perhaps if I can reply to those. 10:44

21 MR. DOCKERY: Sir, I have a similar objection on behalf  
22 of Sergeant McGowan. We know that Sergeant McGowan --

23 CHAIRMAN: I am sorry, Mr. Dockery, I think I can hear  
24 you but I am not sure anybody else can.

25 MR. DOCKERY: No, I have an objection to Mr. Harty 10:44  
26 putting to the witness that we now know that Sergeant  
27 McGowan exaggerated what had occurred in her referral  
28 to Tusla, exaggerated what was in the statement of the  
29 6th October. She didn't. She passed on what was in

1 the statement of the 6th October. Mr. Harty should  
2 rephrase the question.

3 MR. HARTY: Sorry --

4 MR. DOCKERY: Mr. Harty's contention is that Sergeant  
5 McGowan exaggerated what in fact she was told, that is 10:45  
6 Ms. Simms' case, but she didn't exaggerate what was  
7 actually contained in the statement. And it's not  
8 correct to say that we now know there was any  
9 exaggeration.

10 MR. HARTY: If I can reply to those matters. Firstly, 10:45  
11 there was a significant amount of questions asked of  
12 this witness yesterday about her state of mind now  
13 following what she had heard, as to whether or not she  
14 had any suspicions. That was the line of questioning,  
15 the questions were put. What was not mentioned in 10:45  
16 those questions was an admission on day 25 that  
17 Sergeant McGowan called Donna McTeague to tell her that  
18 the statement of retraction had been put in, and at  
19 question 891, she was asked:

20  
21 "You are sure you notified the HSE of the retraction of  
22 the statement once you learned of it on 11th January  
23 2014?"

24  
25 And she said "yes". So that is something that we now 10:46  
26 know is contained in the evidence of Sergeant McGowan.  
27 We also know, and just so we are clear on that, that  
28 the Tusla witnesses in their statements suggest that  
29 the contact was not made by Sergeant McGowan but that

1 somebody within Tusla rang. But in relation to that,  
2 we know that the query from Tusla was whether or not  
3 the criminal investigation was still ongoing, which is  
4 slightly surprising because, isn't it the case that  
5 there is nothing in the paperwork to suggest that Tusla 10:46  
6 were aware of or involved in a criminal investigation?

7 A. That's right, yeah.

8 170 Q. So that is what we know in relation to it,

9 CHAIRMAN: All right. I am expected to make a ruling  
10 on this. I am not going to stop Mr. Harty vis-à-vis 10:47  
11 the phrase "we know", I am sorry, there's only one  
12 person who is entitled to know anything and that is the  
13 judge. He is perfectly entitled to use that phrase if  
14 he wishes. I know that is going to cause a storm of  
15 protest from other people, but, well, there it is. The 10:47  
16 second thing is this: I have mentioned it before, but  
17 we all know about the soft question, the soft question  
18 is 'weren't you deeply hurt when such-and-such  
19 happened?', the answer to that is yes. And every  
20 question - and it's been asked by a lot of other people 10:47  
21 apart from Mr. Harty - which is of a leading variety,  
22 and which is not capable of being answered yes or no  
23 but the answer is expected to be yes, may not be of as  
24 much use as perhaps a more open-ended question. I  
25 think I have made that point before, but I have no 10:47  
26 unhappiness with this, bearing in mind that I am the  
27 one who is going to make up my mind about all these  
28 things at the end of the day and nobody else. So  
29 whether we know or not, I am the only one who is going

1 to know.

2 MR. HARTY: Thanks.

3 171 Q. So what I am saying to you in relation to this is that,  
4 as far as you are concerned, you made a statement of  
5 withdrawal? 10:48

6 A. Yes.

7 172 Q. Sergeant McGowan has indicated that she contacted Tusla  
8 to inform them of that?

9 A. Yes, I wasn't aware of that at the time but I am now,  
10 yeah. 10:48

11 173 Q. And that following that statement of withdrawal, you  
12 received a visit from Tusla?

13 A. That's correct, yeah.

14 174 Q. You have always been very clear in relation to it, that  
15 you felt the people in Tusla were, in their engagement 10:48  
16 with you were exceptionally polite and exceptionally  
17 professional, isn't that correct?

18 A. That's correct, yeah.

19 175 Q. But in relation to the event on the 28th September,  
20 what took place, it has been suggested to you that on 10:49  
21 the basis of your statement, an intervention by Tusla  
22 was all right. I am asking you in relation to what  
23 took place in your home and had you witnessed something  
24 taking place in somebody else's home of the same  
25 nature; what is your view as to whether or not that 10:49  
26 would necessitate a reference to Tusla?

27 A. No, it wouldn't.

28 176 Q. You would not be of that view?

29 A. No.

1 177 Q. And at any stage in all of this do you feel that there  
2 has been a threat to your children's well-being as a  
3 result of your relationship with Garda Harrison?  
4 A. Absolutely not. No.

5 178 Q. I think you accept in relation to the recounts in your 10:50  
6 statement of rows and disagreements with Garda  
7 Harrison, that there were two sides to that story, to  
8 each of those stories?  
9 A. Yes.

10 179 Q. There were two people in the room, there must be two 10:50  
11 sides to the story?  
12 A. Yes.

13 180 Q. And I am not saying -- and I am not suggesting that you  
14 weren't the more -- shall we say, the lesser offender  
15 or the innocent party in relation to each of those 10:51  
16 incidents, but you accept that he would have a  
17 different version of events in relation to those?  
18 A. I accept that, yes.

19 CHAIRMAN: well, why don't we put that different  
20 version of events and says what she says. Because this 10:51  
21 is the most contested aspect, I think. What does Garda  
22 Harrison say actually happened on 28th of September?  
23 MR. HARTY: On the 28th September --  
24 CHAIRMAN: I mean, you can just go through it bit by  
25 bit, if you like, Mr. Harty, just to see is there going 10:51  
26 to be a yes.

27 181 Q. MR. HARTY: On 28th of September, the row took place in  
28 the hall.  
29 A. In the sitting room first I think, yeah.

1 182 Q. Right. Sitting room first. And he certainly had lost  
2 his temper, he was upset, isn't that correct?  
3 A. That's correct, yeah.

4 183 Q. And you certainly had not been drinking at all, you  
5 were not -- 10:52  
6 A. No.

7 184 Q. That he did say to you that you were being pushed  
8 around, that Paula and your family were abusing you and  
9 pushing you around?  
10 A. Yeah, he couldn't understand why I was going to the 10:52  
11 wedding after Paula saying the things about the loss of  
12 the baby and different things, he couldn't understand.

13 185 Q. And it is, I suppose the best way to put it, and  
14 without going into the detail as to what she had said,  
15 it was amongst the worst things you could say to 10:52  
16 somebody about the loss of a baby, isn't that correct?  
17 A. Yes, it was extremely hurtful.

18 CHAIRMAN: Was that brought up on this particular  
19 night?  
20 A. Yes. 10:52  
21 CHAIRMAN: And did he throw that at you, is that what  
22 you are saying?  
23 A. Yeah. He couldn't understand how I was going to the  
24 wedding after she had said what she had said.

25 CHAIRMAN: Okay. 10:53  
26 A. Yeah.

27 186 Q. MR. HARTY: I take it, put it this way, it's in the  
28 realm of things that if somebody cared about you they  
29 wouldn't say, ever?



1 A. Ever, yeah.

2 187 Q. And the row, he got crosser and crosser, isn't that  
3 right?

4 A. Yes.

5 188 Q. And you decided to extract yourself and the kids from 10:53  
6 the row?

7 A. Yeah, I felt it was the best just to leave him to it.

8 189 Q. Because the row was going to start the next day or the  
9 day after again, isn't that right, because you were  
10 still going to have to go to that wedding? 10:54

11 A. Yeah. And I mean, I suppose I felt torn. I only had  
12 one sister and I knew things weren't going to get  
13 better until after the wedding so I just left.

14 190 Q. And there was no way that Paula was going to change her  
15 mind and invite Keith to the wedding? 10:54

16 A. No. She definitely wasn't.

17 191 Q. And that was clear from the things she said about the  
18 baby, isn't that right?

19 A. Yeah. That's right, yeah.

20 192 Q. He accepts it was a furious row. He did say, I am 10:54  
21 going to bury Paula for what she has done?

22 A. Yes.

23 193 Q. But neither you -- you didn't believe that that meant  
24 an actual physical threat to Paula?

25 A. No, it's a turn of phrase that he would regularly use. 10:54

26 194 Q. He did say, you are the one who is going to get burnt  
27 out of all of this, isn't that right?

28 A. That's correct, yeah.

29 195 Q. That your family were using you or hurting you and your

1 relationship, isn't that right?

2 A. Yeah, I think he felt, like, my sister was, I suppose,  
3 using me until she got the wedding over and then I  
4 would be back to normal again.

5 196 Q. The row, you put the children -- the children out into 10:55  
6 the car?

7 A. That's correct, yeah.

8 197 Q. He ranted, wouldn't that be fair to say?

9 A. Yeah, he was talking about taking Paula down a peg or  
10 two and just, he was going off on a spiel, I suppose 10:55  
11 you could say.

12 198 Q. He did mention that somebody might suggest that you  
13 were a bad mother and that your children might be taken  
14 off you and custody of the children?

15 A. Yes, I think he did, yeah. 10:56

16 CHAIRMAN: So he told you, you were a bad mother?

17 A. He used words, I think it was like 'take a look at  
18 those children, you'll only see them at weekends'.

19 199 Q. MR. HARTY: Did you think he was going to do anything  
20 about that? 10:56

21 A. I didn't really know what he meant by it, to be honest.  
22 I just thought he was having -- I don't know.

23 200 Q. Would it suggest that he felt that both of you at the  
24 time were so bedraggled that the kids might go and live  
25 with Andrew? 10:56

26 A. I don't know what he meant by it, to be honest. He  
27 wasn't making sense.

28 201 Q. He never grabbed you?

29 A. No.

1 202 Q. And you accept that?  
2 A. I accept that, yeah.  
3 203 Q. And he never threatened you --  
4 A. No.  
5 204 Q. -- in a legal way certainly. he said these things 10:57  
6 about you getting burnt --  
7 A. Yes.  
8 205 Q. -- or burying Paula?  
9 A. Yes.  
10 206 Q. And he said you'll potentially lose custody of your 10:57  
11 children. I presume that's what is meant by you will  
12 only see those children at the weekend.  
13 A. Yes.  
14 207 Q. But they weren't threats, he didn't say he was going to  
15 do anything to you, did he? 10:57  
16 A. No, there was no threat.  
17 208 Q. And you left. You went to your sister Paula's?  
18 A. Yes.  
19 209 Q. You were upset at that time?  
20 A. I was, yes. 10:58  
21 210 Q. You reported what he had said?  
22 A. Yes.  
23 211 Q. I have to put it to you that you reported that he said  
24 to you, you will -- that he had said you will get  
25 burnt? 10:58  
26 A. Yes.  
27 212 Q. And I have to put it to you that on your version of  
28 events it must have been that Paula then dealt with  
29 that, and do you remember what she said?

1 A. She was trying to convince me that he meant it, like he  
2 was going to incinerate me. Because it suited her, I  
3 suppose.

4 213 Q. It did suit her?

5 A. Yeah. 10:58

6 214 Q. And you were angry with him at that time, isn't that  
7 right?

8 A. I was, yeah.

9 215 Q. Because there had been a lot of issues --

10 A. Yeah. 10:58

11 216 Q. -- between you. Including your suspicions about a  
12 potential infidelity, is that right?

13 A. Yes.

14 CHAIRMAN: Sorry, I don't mean to go into this but I  
15 mean it's put in a particular way. If your statement 10:59  
16 in that regard is correct it was a bit more than  
17 suspicions.

18 A. Yes, I had found messages on his phone.

19 CHAIRMAN: Yes, I don't want to go into that.

20 A. Yeah. 10:59

21 CHAIRMAN: But you said that in your statement to the  
22 Gardaí and I don't think you are drawing back from it.

23 A. No, I'm not, no.

24 CHAIRMAN: Yes. Well, I mean, you don't have to say  
25 yes to all of these questions. 10:59

26 A. Okay.

27 217 Q.

28 MR. HARTY: Sorry, by that, you had found evidence in  
29 relation to -- which gave you, led you to believe that

1           there was an actual infidelity. Garda Harrison's  
2           version at the time certainly, and I haven't gone into  
3           it with him, was that he told you that there was  
4           nothing in it, isn't that right, that nothing had  
5           happened? 10:59

6           A.    Yeah.

7   218   Q.    And that's where it was at the time?

8           A.    Yes.

9   219   Q.    In relation to earlier rows that you describe, and I  
10           don't know if the Tribunal wishes me to go into detail 11:00  
11           in relation to them, but they are described in the  
12           witness statement --

13           CHAIRMAN: I mean, it's not for me as to what you do,  
14           Mr. Harty.

15           MR. HARTY: No, I just don't want to have a situation 11:00  
16           whereby I am using too much time unnecessarily and at  
17           the same time I don't want my client to be criticised  
18           for --

19           CHAIRMAN: Mr. Harty, you can go on all morning as far  
20           as I am concerned. That is no problem. 11:00

21   220   Q.    MR. HARTY: well, then in relation to the suggestion  
22           that is contained in your statement, that Garda  
23           Harrison would only let you speak to the kids on  
24           speaker phone when you were still living with Andrew,  
25           his version of events in relation to that is that you 11:01  
26           always spoke to the kids on -- Andrew on speaker phone  
27           because that way you could speak to all of them at the  
28           same time?

29           A.    That's correct, yeah.

1 221 Q. And whilst it's presented in your statement that you  
2 felt it was suffocating at the time, you moved in with  
3 Keith Harrison?  
4 A. I did, yeah.

5 222 Q. The row which took place at his brother's 21st, it was 11:01  
6 a heightened row?  
7 A. Yes.

8 223 Q. The relationship had been going on for quite a long  
9 time at that stage, isn't that right?  
10 A. Yes. 11:01

11 224 Q. And Garda Harrison still didn't know where he stood  
12 really, isn't that right?  
13 A. Yes, that's right.

14 225 Q. And his frustration in relation to that came to a head  
15 on that evening, isn't that right? 11:02  
16 A. That's right. Plus he had been moved from Buncrana at  
17 that time, a month before.

18 226 Q. A month before?  
19 A. Yeah.

20 227 Q. So your relations as such had had an impact on his 11:02  
21 career --  
22 A. Yes.

23 228 Q. -- at that stage. He says he didn't grab you or he  
24 doesn't recalling grabbing you, do you --  
25 A. It's a long time ago now, I can't remember what exactly 11:02  
26 happened, to be honest.

27 229 Q. The time then in your statement where you had -- as I  
28 say, in the period around the exam paper time, he says  
29 he did take the hessian bag and throw it out the front

1 door when you came to the house.

2 A. Yes.

3 230 Q. And then when your mother said she wouldn't be able to  
4 lift it into the car --

5 A. He put them in the boot. 11:03

6 231 Q. -- he put them in the boot?

7 A. Yeah.

8 232 Q. And that was it?

9 A. That was it.

10 233 Q. That you had broken up around that time for a brief 11:03  
11 period, isn't that right?

12 A. Yes.

13 234 Q. I think you say at page 11 of your statement, that is  
14 at 351, "he could be downright vile and become  
15 aggressive towards me verbally". For a period. And 11:04  
16 that is, I think he knows that he could be when he had  
17 drink on him, and that's correct, isn't it?

18 A. Yeah, I don't recall saying that but, yeah.

19 235 Q. But you also said "never physically and never in front  
20 of the kids except last week". 11:04

21 A. He never was physical, ever.

22 236 Q. No, but it's in fact that the row was never in front of  
23 the kids last week?

24 A. Yes.

25 237 Q. You didn't place the comma in that sentence, I take it? 11:04

26 A. No.

27 238 Q. And that's the truth of the matter?

28 A. Yes.

29 239 Q. You had some horrible rows, but they were never in

1 front of the children, except on one occasion?

2 A. That's right.

3 240 Q. And apparently one row in front of children justifies a  
4 referral to Tusla, made as a decision between a chief  
5 superintendent, two superintendents, two inspectors and 11:05  
6 at least one other garda, that one row was enough to  
7 justify a referral to Tusla, isn't that correct?

8 A. Yes.

9 241 Q. Now, I think in relation to the row in August 2013, he  
10 does accept that he pulled the covers off the bed and I 11:06  
11 think you accept that he never manhandled you?

12 A. No.

13 CHAIRMAN: I thought you said he pulled the covers off  
14 the bed and shouted at you?

15 A. He did. 11:06

16 CHAIRMAN: You were asleep and he comes in, he shouts  
17 at you and he pulls the covers off the bed?

18 A. That is what happened, yes.

19 CHAIRMAN: Yes. What do you think about that?

20 A. I suppose it wasn't very nice. 11:06

21 CHAIRMAN: And you were asleep?

22 A. Yes.

23 242 Q. MR. HARTY: Can I ask you in relation to your  
24 relationship, were all the rows started by Keith, Garda  
25 Keith Harrison? 11:07

26 A. Probably not, no. I can't give you a specific example.

27 243 Q. Did you ever start a row?

28 A. I'm sure I did, yeah.

29 244 Q. Did you ever say things in the course of such a row



1           that you wish you hadn't said?

2           A.    Oh, absolutely, yes.

3 245 Q.    You are a couple who communicate a lot?

4           A.    Yes.

5 246 Q.    I take it that communication isn't always sunshine and 11:07  
6           flowers?

7           A.    No.

8 247 Q.    In relation to the events of the photographs for your  
9           sister's hen party, Garda Harrison was attempting to  
10          put together a box of photographs for use at the 11:08  
11          wedding --

12          A.    Yes.

13 248 Q.    -- by the wedding party?

14          A.    Yes.

15 249 Q.    And that's why he contacted the hotel, isn't that 11:08  
16          correct?

17          A.    Yes. I wasn't aware of it at the time, but I accept  
18          that is the situation, yeah.

19 250 Q.    Had he told you about putting together the photographs?

20          A.    No. 11:08

21 251 Q.    Right. The receptionist at the hotel, who was  
22          contacted by him, accepts that he was looking for  
23          photographs which had been publically available?

24          A.    Okay.

25 252 Q.    The matter didn't end, by the way, with the visit from 11:08  
26          Tusla, did it, because the following December you  
27          received a letter from superintendent Mary Murray,  
28          isn't that right?

29          A.    That's correct, yeah.

1 253 Q. Calling you -- calling upon you to make a statement in  
2 respect of a criminal investigation against Garda Keith  
3 Harrison in relation to his dealings with you and your  
4 relationship from its very beginning in 1998 to 2011,  
5 isn't that right?

11:09

6 A. That's correct, yeah.

7 CHAIRMAN: So we are talking here about December 2014?

8 MR. HARTY: December 2014.

9 CHAIRMAN: This letter hasn't been introduced --

10 MR. HARTY: Sergeant Murray -- I don't know if it's a  
11 letter -- Sergeant Murray has a statement before the --  
12 Superintendent Murray, I should say, has a statement  
13 before the Tribunal, which she accepts she wrote in  
14 relation to this.

11:09

15 CHAIRMAN: Okay. You want to ask a question about it  
16 anyway.

11:10

17 254 Q. MR. HARTY: And to the best of your knowledge, where  
18 did Superintendent Murray -- because we are told  
19 elsewhere that the criminal investigation had finished  
20 in July.

11:10

21 A. Yes.

22 255 Q. We are also told from the Tusla papers that the  
23 criminal investigation had finished in January. But in  
24 fact, Superintendent Murray -- the notes on the Tusla  
25 documents say that they were to go ahead because the  
26 criminal investigation was complete. Superintendent  
27 Murray was, in fact seeking to interview for the  
28 purpose of a criminal investigation in December 2014?

11:10

29 A. That's correct. She sent me a letter asking me to come

1 and make a statement of complaint against Garda  
2 Harrison.

3 256 Q. And that investigation was then the subject matter of  
4 the -- that investigation was then the subject matter  
5 of the High Court judicial review proceedings, isn't 11:11  
6 that right?

7 A. That's right, yeah.

8 257 Q. And in fact, that High Court judicial review  
9 proceedings didn't -- or perhaps you don't know, but  
10 didn't stop, because it couldn't stop a criminal 11:11  
11 investigation, it stopped the disciplinary  
12 investigation.

13 A. Yes.

14 258 Q. And you have been asked why you waited until 2016 --

15 A. Yes. 11:11

16 259 Q. -- to make a complaint to GSOC. A lot more things have  
17 happened in relation to your issues with the Gardaí in  
18 the intervening two years and it's not a matter for  
19 this Tribunal, but just simply --

20 A. Yes, that's correct, there are other issues. 11:12

21 260 Q. There are other issues?

22 A. Yeah.

23 261 Q. Do you want to be involved in a Tribunal?

24 A. Absolutely not.

25 262 Q. Do you want to be involved in GSOC? 11:12

26 A. No.

27 263 Q. Do you want to be involved or have your partner  
28 involved in High Court proceedings against An Garda  
29 Síochána?

1 A. Absolutely not, I want peace.

2 264 Q. But your partner was out of work for two years, isn't  
3 that correct?

4 A. That's correct, yeah.

5 265 Q. Your partner was out of work for two years in 11:12  
6 circumstances whereby the chief medical officer had  
7 indicated that it was work-related injuries --

8 A. Yes.

9 266 Q. -- whereby the independent expert made a similar  
10 referral and your partner was not being paid in 11:12  
11 relation to that, isn't that correct?

12 A. That's correct, yeah.

13 267 Q. Sorry, three years he was out of work. And you have  
14 other complaints, I don't want to go into them.

15 A. Yes. 11:13

16 268 Q. But you knew a long time ago that when you ventilated  
17 these matters some very unpleasant private matters  
18 would be brought out?

19 A. Yes.

20 269 Q. All sorts of details? 11:13

21 A. Yes.

22 270 Q. In relation to your first marriage?

23 A. Yes.

24 271 Q. In relation to your -- the saddest I think event in  
25 your life, which is the loss of your little baby? 11:13

26 A. Yes.

27 272 Q. In relation to infidelities?

28 A. Yeah.

29 273 Q. Because it was all in this statement and you knew all

1 along?

2 A. Yes.

3 274 Q. So why are you here today?

4 A. As I said, because we want peace and we want to be left  
5 alone. Get on with our lives without any intervention, 11:13  
6 without worrying if I take my children to the doctor,  
7 are they going to think that I hurt them. Because my  
8 children have Pulse IDs and they don't deserve to have  
9 a Pulse ID and that is why I am here.

10 CHAIRMAN: Well, you know, no one has ever said you are 11:14  
11 a bad mother. You appreciate that?

12 A. Yeah.

13 CHAIRMAN: One exception.

14 275 Q. MR. HARTY: Sorry, when somebody gets Tusla involved in  
15 your life because your relationship is apparently 11:14  
16 damaging your children, what are they saying about you  
17 as a mother when they do that?

18 A. I can't tell you the effect that it's had. You only  
19 realise when you go to do things and you think I have  
20 become really overprotective, worrying constantly. 11:15  
21 It's not just about a 15-minute visit from a social  
22 worker, it's about the knock-on effect that it's had on  
23 me as a mother.

24 276 Q. Garda Keith Harrison, you are still -- you are very  
25 happily together with him now? 11:15

26 A. We are, yeah.

27 277 Q. But I would put it to you, and I don't know what you  
28 are going to answer in relation to this, but even when  
29 there were difficulties in your relationship, I have to

1 put to you that he has always been supportive of you in  
2 relation to the rearing of your two daughters from your  
3 first marriage?

4 A. That's correct. He has a very good relationship with  
5 them, he just treats them like his own. 11:16

6 278 Q. And he maintains good relationships with their father?

7 A. Yes.

8 279 Q. And even at the height of this?

9 A. Yes.

10 280 Q. You don't make any complaint in that statement to 11:16  
11 suggest that he undermines you as a mother?

12 A. No.

13 281 Q. You don't make any complaint in that statement that he  
14 somehow is damaging to them, even when things were bad  
15 between you? 11:16

16 A. No, he never did.

17 282 Q. And most of these rows happened when the children were  
18 elsewhere, isn't that right?

19 A. That's correct, yeah.

20 283 Q. You are both more than capable of bottling it up in the 11:16  
21 presence of the children, isn't that right?

22 A. Yes, we are busy during the week anyway.

23 284 Q. Do you at this stage know why Tusla visited your family  
24 home in February? Do you have an explanation that you  
25 are satisfied with as to why Tusla visited your home in 11:17  
26 February 2013 -- '14?

27 A. I suppose the bit that is puzzling is, and as the  
28 Tribunal has gone on the more information I suppose  
29 that I am getting, when Gerry Hone wrote in October

1 saying there was -- he couldn't see any cause for their  
2 intervention, but if they had more information to relay  
3 it to him, and there doesn't appear to be any paperwork  
4 for them coming -- the visit in February.

5 285 Q. And in relation to that row -- 11:18

6 CHAIRMAN: Sorry, I thought that -- I am sorry, it's  
7 only a matter of a date, but 7th of February surely was  
8 the meeting between Keith Harrison and Marisa Simms  
9 with Ms. McTeague, no?

10 MR. HARTY: 7th February, yes. 11:18

11 CHAIRMAN: Yes. Well, that was a meeting in an office,  
12 no?

13 MR. HARTY: Yes.

14 CHAIRMAN: Yes.

15 MR. HARTY: And then there was the home visit 11:18  
16 afterwards.

17 CHAIRMAN: The home visit then was 14th October 2014,  
18 no?

19 MR. HARTY: No.

20 CHAIRMAN: I must have got the date wrong. I am glad 11:18  
21 you corrected it.

22 MR. HARTY: The home visit was the 19th February.

23 CHAIRMAN: All right. So it was five days later.

24 MR. HARTY: After a conversation on the 14th.

25 CHAIRMAN: Yes. 11:18

26 MR. HARTY: Thank you very much.

27

28

29

1 MS. SIMMS WAS THEN CROSS-EXAMINED BY MR. HARTNETT:

2 286 Q. MR. HARTNETT: I think my friend has probably dealt  
3 with it, but to be certain I wish to ask certain  
4 questions about the inter-reaction with Tesla. And  
5 it's accepted and a matter of common case that on 14th 11:19  
6 of January you withdrew your statement, and  
7 subsequently on 2nd of February 2014 you received a  
8 letter from Tesla?

9 A. Correct, yeah.

10 287 Q. And I think you were cross-examined about this 11:19  
11 yesterday, or examined about this, and I think you said  
12 that you assumed that it had something to do with the  
13 withdrawal of the statement?

14 A. That's correct, yeah.

15 288 Q. Now, you didn't have any evidence of that time but it 11:19  
16 was a connection that you made, is that correct?

17 A. That's correct, yeah.

18 289 Q. I see. You did have that meeting, as was requested in  
19 the letter, isn't that correct?

20 A. Yes. 11:19

21 290 Q. Now, you met Donna McTeague and you have no complaint  
22 to make in relation to her, she was charming and  
23 courteous to you?

24 A. She was, yeah.

25 291 Q. And you have no complaint, as you have said, about the 11:19  
26 manner in which she carried out her work. She  
27 explained -- did she explain what she was at and what  
28 she was required to investigate?

29 A. She did, yeah, during the meeting, she explained her



1           role.

2 292 Q.    And what did she say? Did she say as to why she was  
3           there and her attitude to being there?

4           A.    The house visit?

5 293 Q.    No, when you met her in the office. 11:20

6           A.    Yeah, she was a little puzzled as to why for a row, but  
7           I suppose she was just doing --

8 294 Q.    You will have to speak up, I am finding it difficult to  
9           hear you.

10          A.    I think she was a little puzzled but I can't recall her 11:20  
11          exact words.

12 295 Q.    Puzzled as to what?

13          A.    As to why she was meeting with us.

14 296 Q.    And did she indicate as to whether that was because the  
15          incident had occurred four months previously? 11:20

16          A.    Yeah, I think that may have been what she meant.

17 297 Q.    You had a conversation with your partner with her, and  
18          you explained that it was a row?

19          A.    Yes, that's correct.

20 298 Q.    What was your understanding when that meeting ended? 11:21

21          A.    My understanding was that she had to speak to her  
22          superior but she indicated that she may not see us  
23          again.

24 299 Q.    I see. Can you remember her exact words? I mean, I am  
25          suggesting that you can't, it's a long time ago. 11:21

26          A.    I can't remember exactly, if I'm honest.

27 300 Q.    I see. Now, did you have a further communication with  
28          Donna McTeague?

29          A.    Yes, she called me a short while later, a few days,

1 maybe.

2 301 Q. I think in your original statement you were of the view  
3 that it was that evening?

4 A. No, I am mistaken, I think it was a few days later.

5 302 Q. Yes. And what did she say to you? 11:22

6 A. She said that she had to do a house visit and I think I  
7 suggested that she come the next day, but she couldn't  
8 come the next day.

9 303 Q. I see. And she did, and she interviewed the family  
10 together, I think? 11:22

11 A. That's correct, yeah.

12 304 Q. What did she say to you on her arrival?

13 A. I think she just said that she was going to speak with  
14 the children and with myself and Keith together and  
15 then after she did that, she spoke with me in the 11:22  
16 kitchen.

17 305 Q. In your statement you use the expression "she  
18 apologised to me on her arrival", what do you mean by  
19 that?

20 A. I felt that she -- after the end of the meeting in the 11:22  
21 office, she had indicated that she may not see us  
22 again, so I was assuming that the apology was that she  
23 was there.

24 306 Q. Did she say she was sorry in any way?

25 A. I can't recall if she used the word 'sorry'. 11:23

26 307 Q. Yes. At any stage did she ask about the statement you  
27 had made to the Gardaí?

28 A. No.

29 308 Q. At either the first or the second meeting?

1 A. No, she never asked about a statement.

2 309 Q. I see. Did she say anything to you about having to go  
3 through this process?

4 A. Yeah, before she left I think it was something along  
5 the lines of, I am sorry that she had to be there, or 11:23  
6 something along those lines. My understanding was, she  
7 couldn't really understand why she was there.

8 310 Q. Well, just in fairness to her, you say that was your  
9 understanding.

10 A. Yes. 11:24

11 311 Q. Can you remember her exact words?

12 A. I was -- I was quite stressed. I can't remember her  
13 exact words, to be honest.

14 312 Q. I see. Now, you have already said that you have no  
15 issue in relation to the way you were treated by Donna 11:24  
16 McTeague and --

17 A. That's correct, I have no issue with her.

18 313 Q. Yes. And you have already indicated that you did make  
19 certain assumptions --

20 A. Yes. 11:24

21 314 Q. -- at the time. And they were only assumptions. Is  
22 there something that concerns you still?

23 A. I suppose just I am concerned that there is no  
24 paperwork from the time that Gerry Hone said he needed  
25 additional information, then we have since heard from 11:25  
26 Sergeant McGowan that they said they never saw the  
27 statement. So I suppose if there's no notes, I am a  
28 bit puzzled.

29 315 Q. I see. How long were you in hospital, as a matter of

1 interest?

2 A. On that occasion, I have been in and out a few times, I  
3 think it was four or five days.

4 316 Q. Four or five days?

5 A. Yeah. 11:25

6 317 Q. And no longer?

7 A. No longer.

8 MR. HARTNETT: Thank you.

9 MR. McDERMOTT: Chairman, a couple of matters arise out  
10 of today's evidence if I may. 11:25

11 CHAIRMAN: Yes. Well, I know you will do it quickly,  
12 Mr. McDermott.

13

14 MS. SIMMS WAS CROSS-EXAMINED BY MR. McDERMOTT:

15 318 Q. MR. McDERMOTT: Ms. Simms, you were present in the room 11:25  
16 when your mother, Rita McDermott, indicated that she  
17 understood why Tusla had got involved. She said they  
18 would have been wrong not to check the family, she said  
19 they had reason to and they were following protocol.  
20 Do you remember her saying that? 11:25

21 A. I do, yeah.

22 319 Q. And you will recall that, yesterday, your evidence was  
23 that you had no complaint about Tusla becoming involved  
24 and you understood why they were there?

25 A. Yeah. Can I just clarify, that was I think near the 11:26  
26 end of yesterday, what I meant was I had no issue with  
27 Donna McTeague, not --

28 320 Q. I see. Well, the Chairman will obviously determine  
29 what you said.

1 A. Yes.

2 321 Q. But in any event, this morning, you have arrived at the  
3 Tribunal and for the first time indicated that you  
4 don't understand why Tusla were involved, the first  
5 time in your evidence? 11:26

6 A. No, what I meant was, if they had received the  
7 referral, and they had received the referral, I have no  
8 issue with Ms. McTeague. What is puzzling me is the  
9 lack of paperwork from after Gerry Hone asking for  
10 additional information, that is what is puzzling me. 11:26

11 322 Q. So your evidence is based on an analysis of documents?

12 A. Yes.

13 323 Q. And as a teacher who has to deal with children, do you  
14 understand why domestic violence in the presence of  
15 children is one of the reasons why Tusla may become 11:27  
16 involved in paying a visit to a family?

17 A. Of course I do, but there's no domestic violence.

18 324 Q. And can you explain to the Tribunal your understanding  
19 why it is that domestic violence in the presence of  
20 children is a reason why Tusla may have to pay a visit 11:27  
21 to a family?

22 A. Sorry, could you repeat that question?

23 325 Q. Yes. Why is domestic violence in the presence of  
24 children a reason why Tusla may come to visit a family?  
25 why is that viewed as a problem? 11:27

26 A. Well, number one, I think I have said there was no  
27 domestic violence. And number two, if Tusla were  
28 involved, it was for the protection of the children.

29 326 Q. Do you understand why domestic violence in the presence

1 of children is a reason why Tusla may become involved  
2 in a family?

3 A. I understand, but, as I have said, there was no  
4 domestic violence.

5 327 Q. And can I just ask you this: There has been a debate 11:28  
6 about the word "burnt" and the word "buried" and their  
7 metaphorical meanings.

8 A. Yes.

9 328 Q. And obviously adults understand metaphorical meanings.  
10 A. Yes. 11:28

11 329 Q. And adults understand that sometimes a word may be used  
12 in circumstances where it is sought to convey something  
13 different to what the word normally means.

14 A. Yes.

15 330 Q. Can I ask you to consider that issue from the point of 11:29  
16 view of young children?

17 A. Yes.

18 331 Q. Are they always in a position to understand that  
19 something may be a metaphorical discussion as opposed  
20 to a literal discussion? 11:29

21 A. No.

22 332 Q. And, for example, if one of your pupils came to you in  
23 class and said 'Last night my mother had to take me  
24 from the home in my pyjamas at night-time' and that was  
25 in circumstances where it had been said by someone 11:29  
26 engaged in a rant that 'I am going to bury Paula for  
27 what she has done, that you were the one who is going  
28 to get burnt, that you are a bad mother and children  
29 may be taken off you, take a look at the children, you

1 will only see them at weekends', and that if you became  
2 aware that that child's eyes had filled up with tears  
3 and they had been upset, would you consider making a  
4 referral to Tusla if a child recounted that series of  
5 events to you? 11:30

6 A. Sorry, there's some of the things there that I would  
7 dispute. I understand where you are going with this.

8 333 Q. You understand the list I gave you is not your account  
9 of what happened, it is apparently Garda Harrison's  
10 account of what happened. So I am just listing the 11:30  
11 things that Mr. Harty identified today. If a child in  
12 your class recounted that event to you, would you  
13 consider making a referral to Tusla?

14 A. The children were not present for all of that  
15 conversation. 11:30

16 CHAIRMAN: As I understand the up-to-date position in  
17 relation to what happened on the 28th September; once  
18 Garda Harrison said, in relation to Paula McDermott, I  
19 am going to take her down a peg or two, the children  
20 were then brought out to the car and the children were 11:30  
21 already in the car when he then started out in earnest  
22 about Paula and the burning, they were not crying in  
23 front of him, but in the car and there was tears in  
24 their eyes in consequence of their mother crying in the  
25 car and there was a conversation about why are you 11:31  
26 crying, I have something in my eye. Now, I may have  
27 got that wrong, but am I correct --

28 A. No, that's correct.

29 CHAIRMAN: -- more or less in that? So nothing to do

1 with burning or to do with burying was said in the  
2 presence of the children.

3 A. No, absolutely not.

4 CHAIRMAN: That is what you said yesterday.

5 A. Yes. 11:31

6 CHAIRMAN: And I took that down. Now, what  
7 Mr. McDermott is putting to you in a sense in a  
8 hypothetical way: If a child came to you and said that  
9 there was a dreadful row last night, my daddy  
10 threatened to burn my mummy and to bury her and to bury 11:31  
11 her sister as well and I am really upset, would you  
12 consider referring a Tusla referral? Just take it as a  
13 hypothetical question and answer it, nothing to do with  
14 you.

15 A. As a hypothetical question I suppose you would have to 11:32  
16 ask further questions, yes.

17 334 Q. MR. MCDERMOTT: You would ask the questions or Tusla  
18 would ask the questions? whose duty is it to  
19 investigate?

20 A. Children have very vivid imaginations, you would have 11:32  
21 to ask more questions before you would automatically  
22 refer it to Tusla.

23 335 Q. I see. And that would be to make sure that you  
24 children weren't inventing this and making it up?

25 A. Yes, exactly. 11:32

26 336 Q. And I think this morning when the phrase was put to you  
27 that it was -- by Mr. Harty that, what had been said  
28 was 'you are a bad mother and the children may be taken  
29 off, take a look at your children, you will only see



1           them at weekends,' you were asked are they threats, and  
2           I think you said the answer is no?  
3           A.    I didn't take them as a threat.  
4 337 Q.    I see. Thank you.  
5           MR. HARTY: There is one question I should have asked   11:32  
6           and just from the point of completeness.  
7  
8           MS. SIMMS WAS FURTHER CROSS-EXAMINED BY MR. HARTY:  
9 338 Q.    MR. HARTY: Ms. Simms, when you sent the text the day  
10           after, after the row, referencing the burn and the   11:33  
11           bury, Garda Harrison attempted to contact you in  
12           relation to that, isn't that correct?  
13           A.    Yeah, I think he tried to call me right away, straight  
14           after.  
15 339 Q.    And he tried to clarify?   11:33  
16           A.    Yes.  
17           CHAIRMAN: Sorry, Mr. Hartly --  
18 340 Q.    MR. HARTY: Did you speak at that stage --  
19           CHAIRMAN: -- how can you possibly ask that question?  
20           I mean, how can anybody possibly ask a question like   11:33  
21           that; did you not get a phone call? Yes. Was he  
22           therefore trying to clarify that burn didn't mean burn  
23           in the literal sense? The answer to which is supposed  
24           to be yes. How am I expected to take these telepathic  
25           communications on board in relation to evidence?   11:33  
26           MR. HARTY: Sorry, sorry.  
27 341 Q.    You didn't speak, sorry. That was my mistake, sir,  
28           sorry.  
29           MS. LEADER: I have no questions, Ms. Simms.

1 MS. SIMMS WAS QUESTIONED BY THE TRIBUNAL.

- 2 342 Q. CHAIRMAN: I have two things. The first thing is - it  
3 may be I am getting a bit fixated about it, I don't  
4 know, but: This whole thing about Chief Superintendent  
5 McGinn coming into the room. Now, I suppose if she is 11:34  
6 going to come into a room she wouldn't just put her  
7 head around the door, as had been put to you, but I  
8 suppose she would be capable of actually going into a  
9 room in her own Garda station of which she is in  
10 charge. You are saying she didn't come into the room? 11:34
- 11 A. I never saw Chief Superintendent McGinn during the  
12 time.
- 13 343 Q. CHAIRMAN: Yes. Well, if she had come into the room  
14 you certainly would have seen her, wouldn't you?
- 15 A. Yes. 11:34
- 16 344 Q. CHAIRMAN: Okay. And in all probability she wasn't  
17 there because it was late at night, she might have been  
18 doing something else or she might have been working,  
19 but why would she be there at 11:00 or thereabouts?
- 20 A. Yes. 11:34
- 21 345 Q. CHAIRMAN: And then it's this thing of what she is  
22 supposed to have said. Now, I wasn't clear until this  
23 morning as to whether you had contacted Keith Harrison  
24 on 7th, in other words the day after the statement --
- 25 A. Yeah. 11:35
- 26 346 Q. CHAIRMAN: In other words, he had phoned you up or you  
27 had phoned him up. In other words, that there was a  
28 conversation.
- 29 A. Yes.

1 347 Q. CHAIRMAN: Phone records will possibly disclose that or  
2 possibly not, but it could be that you were using a  
3 different phone at that stage because you were going to  
4 give in your phone the next day. So I don't know  
5 whether there's any phone records to support that 11:35  
6 because it could be one of your kids' phones that was  
7 used in relation to that?

8 A. Yes.

9 348 Q. CHAIRMAN: You think you did speak to him the next day?  
10 A. Yes. 11:35

11 349 Q. CHAIRMAN: And do you think you told him off?  
12 A. Told him off?

13 350 Q. CHAIRMAN: Yes; I have been to the Garda station, A --  
14 telling somebody off means you give out to them.

15 A. Yeah. 11:35

16 351 Q. CHAIRMAN: In other words, you tell off a child in  
17 class because they are not paying attention, let's say,  
18 or whatever. So do you think in that conversation you  
19 told him off by saying, I have made a statement about  
20 you to Inspector Sheridan? Do you think you said that? 11:35

21 A. I honestly can't remember that conversation. That is  
22 being honest.

23 352 Q. CHAIRMAN: Because it's hard to know how he apparently  
24 knew when the sergeant visited him the next day unless  
25 you said it? 11:36

26 A. Yeah, I must have, but I don't recall the conversation.

27 353 Q. CHAIRMAN: And then secondly, did you say to him, I am  
28 going to court to seek a protection order?

29 A. I think I may have used safety order, the word safety

1 order, yeah.

2 354 Q. CHAIRMAN: Yes. Well, there are various forms of order  
3 now?

4 A. Yes.

5 355 Q. CHAIRMAN: It used to be just barring order or nothing, 11:36  
6 but there's safety order, protection order --

7 A. Yeah.

8 356 Q. CHAIRMAN: -- stopping people watching and besetting a  
9 house, which just means stay away from where the person  
10 is living. 11:36

11 A. Yes.

12 357 Q. CHAIRMAN: And I think you have to actually make such  
13 an application in the District Court by way I think of  
14 a barring order and it goes down, but I may be wrong, I  
15 am not up to date on that. So, do you think you 11:36  
16 mentioned the safety order?

17 A. I may have, yeah.

18 358 Q. CHAIRMAN: Or some kind of an order of that kind?

19 A. I may have, I genuinely don't remember that.

20 359 Q. CHAIRMAN: Appreciating that lawyers will draw these 11:36  
21 subtle distinctions between various forms of order and  
22 most people might call them a barring order or  
23 something like that.

24 A. Yeah.

25 360 Q. CHAIRMAN: You think he did. And then, where does he 11:37  
26 get this thing that he tells the sergeant who calls out  
27 to see how he is in relation to the death threat about  
28 Chief Superintendent McGinn? It's very vivid; walked  
29 into the room and said - just hang on - no garda in my

1 division is going to treat a woman at home like that.  
2 A. The only thing that I can think of there that there may  
3 have -- I may have said it was in the chief  
4 superintendent's office, unless -- but I definitely  
5 didn't say that the chief super called in or popped her 11:37  
6 head in or anything along those lines.  
7 361 Q. CHAIRMAN: well, he apparently thought you did.  
8 A. Maybe that is a question for -- I don't know.  
9 362 Q. CHAIRMAN: Yes. And then the last thing I wanted to  
10 ask you about was this, and it is Superintendent 11:37  
11 English. Now in your statement you mention the whole  
12 thing about Garda Harrison going to Buncrana. Again,  
13 you are not your brother's keeper but the manslaughter  
14 of the late Garda McLoughlin, a young man, you know,  
15 full of promise, obviously well loved by his family and 11:38  
16 the fact that, well, they were disturbed by the  
17 relationship, colleagues in Buncrana. I think you  
18 understood that?  
19 A. I understood that, yeah.  
20 363 Q. CHAIRMAN: Yes. And I think you understood that he 11:38  
21 couldn't stay in that station?  
22 A. It would have been very difficult, yeah.  
23 364 Q. CHAIRMAN: well, from a number of angles it would have  
24 been very difficult.  
25 A. Yes. 11:38  
26 365 Q. CHAIRMAN: Including the fact the trial was coming up.  
27 If things went wrong the family might find this out,  
28 might blame the Gardaí. We have a culture of blame  
29 now --

1 A. Yes.

2 366 Q. CHAIRMAN: -- in this country. And there can be very  
3 good reason to blame people. And then you said in your  
4 statement that he had met Superintendent English, isn't  
5 that right? 11:38

6 A. Yeah.

7 367 Q. CHAIRMAN: And that Superintendent English was trying  
8 to keep him in Donegal county?

9 A. Yes.

10 368 Q. CHAIRMAN: Did he say that to you? 11:38

11 A. I remember a phone call, Superintendent English was  
12 calling Keith, I think he may have been liaising with  
13 chief -- sorry, his name escapes me.

14 369 Q. CHAIRMAN: Sheridan?

15 A. Sheridan, and that he was doing his best, I think, that 11:39  
16 is along the lines of the phone call.

17 370 Q. CHAIRMAN: So you got the impression that the higher  
18 ups in the Gardaí were trying to do their best to  
19 ensure he could stay in Donegal?

20 A. That Superintendent English certainly was, that was the 11:39  
21 gist of the conversation.

22 371 Q. CHAIRMAN: Yes. The reason I ask you that question is,  
23 you will appreciate in Keith Harrison's statement he  
24 makes a complaint of a litany of bullying, including  
25 senior officers, whereas the impression you got from 11:39  
26 him in that conversation was, that they were doing  
27 their best to keep him in Donegal and keep his career  
28 going up there?

29 A. I think what he was saying was that -- as I said, this

1 was only secondhand, that I was receiving this  
2 information -- that chief Superintendent Sheridan may  
3 have wanted him to go to Sligo but Superintendent  
4 English said he was trying his best to keep him in  
5 Donegal.

11:40

6 372 Q. CHAIRMAN: which would seem to be a kindness?

7 A. Yes.

8 373 Q. CHAIRMAN: And that is how it was presented to you by  
9 him?

10 A. That is how -- that is what I understood.

11:40

11 CHAIRMAN: Thank you.

12 MR. HARTY: Just in relation to those questions about  
13 the phone call and the records in relation to the phone  
14 calls between Ms. Simms and Mr. Harrison are on page  
15 1849 and they will show, in relation to the questions  
16 asked, there are approximately 34 minutes of a phone  
17 conversation which took place on that day, on 7th of  
18 October.

11:40

19 CHAIRMAN: On the 7th October. It is a long  
20 conversation.

11:40

21 MR. HARTY: There were three calls in succession.

22 CHAIRMAN: I see. Thank you.

23

24 THE WITNESS THEN WITHDREW

25

11:40

26 MR. MARRINAN: The next witness, sir, is Keith  
27 Harrison, please.

28

29

1 GARDA KEITH HARRISON, HAVING BEEN SWORN, WAS DIRECTLY  
2 EXAMINED BY MR. MARRINAN:

3 374 Q. MR. MARRINAN: The statement of evidence to the  
4 Tribunal is at page 12. Now, Garda Harrison, will you  
5 just give a brief outline of your career in An Garda 11:41  
6 Síochána, please?

7 A. Of course. I joined, I commenced in Templemore,  
8 Chairman, on April 2000 where I started my training in  
9 phase one. I successfully completed my training and  
10 was attested in June 2001 and posted to Malahide Garda 11:41  
11 Station, Judge, in Dublin. Judge, I remained in  
12 Malahide working on the regular units, which would be  
13 normal policing units, Chairman, whereby I continued  
14 there until June 2003, where I was transferred to  
15 Athlone Garda Station. Chairman, I remained in Athlone 11:42  
16 Garda Station on the regular units doing normal  
17 day-to-day policing duties until the 1st January 2008,  
18 where I successfully applied and was accepted into a  
19 new traffic corps that was being set up in Athlone but  
20 based out of Moate Garda Station. I remained there 11:42  
21 from January 2008 until my transfer to Buncrana in  
22 March 2011. I worked on the regular policing unit in  
23 Buncrana for a period between March 2011 until June --  
24 2nd of June 2011. Judge -- Chairman, I remained in  
25 Donegal Town from June 2011 until my transfer 11:43  
26 officially this year in April 2017 to Milford, where I  
27 currently work on the regular unit. There was a period  
28 of illness for 35 months, Chairman, between May 2014  
29 until April 2017.



1 375 Q. Now, I think during the course of your career in An  
2 Garda Síochána you were nominated for bravery awards,  
3 is that right, just tell us about that?  
4 A. That's correct, Chairman. I suppose I am grateful for  
5 it, but I was able on two occasions to save two 11:43  
6 individuals from drowning in the River Shannon in  
7 Athlone and on one occasion, Judge, successfully  
8 rendered life-saving resuscitation to one of the  
9 individuals that, thankfully, had a positive outcome.  
10 376 Q. And on each occasion, did you put your own life at 11:44  
11 risk?  
12 A. Looking now, yes, I did.  
13 377 Q. And were you awarded the Scott Medal? I know you say  
14 you were nominated.  
15 A. I was nominated for the Scott Medal and I got what is 11:44  
16 called, I think it is, a second class award which isn't  
17 a medal, it's a certificate I think that is attached to  
18 your file. But based on the two life-saving efforts, I  
19 was invited then to receive a further award in Áras an  
20 Uachtaráin in February 2007 with the then President, 11:44  
21 Mary McAleese.  
22 378 Q. And you provided a statement to the Tribunal that  
23 stretches to nearly 40 pages, and you appreciate that  
24 we are only concerned with term of reference N at the  
25 moment? 11:45  
26 A. Chairman, I do appreciate it's a lengthy statement that  
27 covers a large number of matters, yes.  
28 379 Q. So I am trying to -- going to isolate your evidence to  
29 what appear on the face of it to be the relevant issues

1 as they arise, and I suppose the first that arises is  
2 your transfer from Athlone to Donegal, isn't that  
3 right? I think that you had made an application in  
4 2010 to transfer away from Athlone, isn't that right?

5 A. Judge, there were -- there was a situation where I had 11:45  
6 raised serious concerns of criminal conduct by a  
7 particular member in the Athlone district. Some seven  
8 months later, where nothing was done about that, Judge,  
9 or Chairman, I arrested the same member --

10 380 Q. Well, Garda Harrison, I don't want to cut you short but 11:46  
11 I am going to cut you short because what we are dealing  
12 with now starts on your transfer to --

13 A. I am going to move very quickly to that and to explain  
14 why --

15 381 Q. Well, why you sought a transfer to Donegal -- 11:46  
16 CHAIRMAN: Can I just intervene, excuse me,  
17 Mr. Marrinan, Garda Harrison, just this, there is a  
18 system which we follow in this country and it's this:  
19 You accuse somebody of something, the person is  
20 entitled to speak in relation to it. They accuse you 11:46  
21 of something, you are entitled to speak in relation to  
22 it. I am supposed to hear both sides, I am supposed to  
23 be impartial. That is my job. That is the system.  
24 Also, you know, when you hear both sides of a story  
25 sometimes there can be a very different interpretation. 11:46  
26 You put one interpretation, for instance, on a  
27 discipline matter, it may be that other people are  
28 putting a very, very different interpretation on that.  
29 I don't know, but what I am saying is, I am not

1 concerned about that, I am not going to do that. It  
2 may be that there was trouble in Athlone, it's what  
3 happened in Donegal that is relevant to me.

4 A. Understood.

5 382 Q. MR. MARRINAN: If we could just have page 1307 on the 11:47  
6 screen. This was a letter written by you, I think it  
7 was to your superintendent concerning your transfer, do  
8 you see that, it's dated 3/2/2011?

9 A. That's correct.

10 383 Q. It say: "In relation to the above I wish to amend my 11:47  
11 choice of divisions preference from Galway, Roscommon,  
12 Sligo, Limerick, Laois, Offaly to a preference of  
13 Donegal division. This is due to personal reasons and  
14 a transfer to the Donegal division would be greatly  
15 appreciated." 11:47

16  
17 And then you go on to deal with other matters and a  
18 discussion with another garda.

19  
20 If we could have page 1308 on the screen, please. This 11:48  
21 is a letter from your superintendent at the time, to  
22 the chief superintendent in westmeath.

23  
24 "Further to previous correspondence in respect of the  
25 above, Garda Harrison has now amended the list of 11:48  
26 divisions he wishes to seek to transfer to. Garda  
27 Harrison is now applying for a swap transfer to Donegal  
28 division."  
29

1 And then it names a garda there.

2

3 "-- at Dungloe station is seeking transfer to this  
4 division.

5

11:48

6 Garda Harrison has spoken to me about his reasons for  
7 seeking this transfer and although he is unwilling to  
8 commit same to writing, I am satisfied that same are  
9 genuine and of a personal family nature with welfare  
10 implications. Application is recommended."

11:48

11

12 Do you see that?

13 A. Yes.

14 384 Q. And in fact the reason why you amended your application  
15 to transfer was because that you had met up with Marisa 11:49  
16 Simms, isn't that right?

17 A. That's correct.

18 385 Q. And we are aware of the fact that you had known her  
19 previously from your university days?

20 A. That's correct.

11:49

21 386 Q. And your relationship at that time and there is no need  
22 to go into that. You were applying obviously to be  
23 moved to the Donegal division. Had you discussed that  
24 with Marisa Simms before you made that application?

25 A. We actually discussed it together, and also with my  
26 father.

11:49

27 387 Q. And I think that she had reservations about it, isn't  
28 that right?

29 A. She had no reservations about me transferring -- the

1 reservations didn't occur until I actually found out I  
2 was being transferred to Buncrana.

3 388 Q. Well, did you have any reservations yourself about  
4 going to Donegal?

5 A. No, Judge -- or Chairman, I was eager to leave Athlone, 11:50  
6 without getting into anything. It wasn't a nice place  
7 to work at that time and I attempted many different  
8 modes of exit or routes of exit that were -- doors were  
9 completely being shut in my face.

10 389 Q. You, of course, were aware of the fact at that time 11:50  
11 that Marisa Simms' brother, Martin McDermott, was  
12 charged with a homicide --

13 A. That's correct.

14 390 Q. -- of a young garda, is that right?

15 A. That's correct. 11:50

16 391 Q. In a relatively small community in Donegal --

17 A. That's correct.

18 392 Q. -- a fairly close-knit division, isn't that right?

19 A. Yeah, that's correct, yeah, that's fair.

20 393 Q. And you were applying to go there in circumstances 11:51  
21 where potentially this could cause some problems with  
22 your colleagues, isn't that right?

23 A. I think, Chairman, there was a degree of naivety and  
24 perhaps a lack of understanding of the hurt that was in  
25 the division at that time over that tragic death. 11:51  
26 Judge, being in a division further down the country,  
27 though it's not a big distance and it does affect every  
28 member, I suppose I didn't appreciate fully the rawness  
29 that was there.

1 394 Q. Well, it was a matter that you were, perhaps even  
2 applying to go to Donegal, that you hesitated, did you?  
3 Did you think twice about it?

4 A. I had a long think about it. Myself and Marisa did  
5 discuss it at length and there were -- we did talk 11:52  
6 about, briefly about perhaps Marisa moving but she  
7 didn't want to do that because she didn't want to take  
8 the children away from their father, Judge. And she  
9 had a permanent position, Judge. I was in permanent  
10 work, and the easiest solution was for me to move. 11:52

11 395 Q. But in any event, did you perhaps have a word with a  
12 senior officer as to whether or not this might be an  
13 appropriate transfer because you had those  
14 reservations?

15 A. Chairman, at that particular time because of other 11:52  
16 issues there was no senior officer I could speak to.

17 396 Q. Well, the easiest thing I suppose would have been to  
18 come clean in relation to this and notify your  
19 superiors that there was potentially this conflict and  
20 problem that could arise? 11:53

21 A. Chairman, when I sought a transfer myself and Marisa  
22 were in the early stages of a relationship, I couldn't  
23 foretell that that was going to last, I couldn't  
24 foretell that -- I didn't know that I was going to be  
25 posted to Bunrana. So, I knew I had to get out of 11:53  
26 Athlone, I knew I needed to move, and I put in a  
27 transfer. I didn't expect to get it as quick as it  
28 came around. I certainly didn't anticipate that I was  
29 going to get Bunrana. But when it came, it was in

1           some ways like a double-edged sword, it solved one  
2           problem but created another.

3 397 Q.   well, just in relation to, can we have page 2371 up on  
4           the screen. This is a discussion that you had with  
5           GSOC and Mr. O'Brien. And we see there on page 2371, 11:54  
6           have you got it?

7           A.   Yes.

8 398 Q.   "He stated --" this is you "-- that he had some  
9           reservations about serving in Donegal. He said that  
10          his new partner was the sister of a person who had been 11:54  
11          involved in a fatal road traffic collision." It was a  
12          wee bit more than that, isn't that right?

13          A.   Chairman, when I had decided to apply for a transfer to  
14          Donegal, there wasn't any senior member I could  
15          actually sit down to and thrash it through. Whom I did 11:54  
16          speak to about it was my dad, quite frankly, quite  
17          openly, and he would give an honest opinion. And of  
18          course, Chairman, moving into a division or attempting  
19          to move into a division with the situation that was  
20          there potentially could cause problems. But I felt 11:54  
21          that I am my own person and I have no connection and I  
22          have never had any connection whatsoever with Martin  
23          McDermott. I knew at that time Marisa had very little  
24          interaction with Martin McDermott. Both of us were of  
25          the same view of what had occurred was appalling. And 11:55  
26          we never have hidden that and we have never had any  
27          other position than that. But I suppose I naively  
28          thought that people would get to know us as the people  
29          we are, people would see us as the couple we are, and

1 perhaps people would see past what had happened and  
2 accept us for us.

3 399 Q. What I was asking you about was, and I will go on to  
4 continue reading, I asked you was, "-- was the sister  
5 of a person who had been involved in a fatal road 11:55  
6 traffic collision.", and I just said to you it was a  
7 wee bit more than that, isn't that right?

8 A. No, I had concerns going up there.

9 400 Q. No, no, the description of this as being a road traffic  
10 collision, it was a little bit more serious than 11:56  
11 that --

12 A. Oh, absolutely.

13 401 Q. -- isn't that right?

14 A. Absolutely, yes, of course.

15 402 Q. You see, variously you have described this as an 11:56  
16 accident, as a road traffic collision?

17 A. That is not correct. That is not my statement.

18 403 Q. Well, this is an account of your conversation.

19 A. It's an account, but they are not words I would have  
20 used. 11:56

21 404 Q. Anyway, in any event, a fatal road traffic collision  
22 where a Donegal Garda member lost their life.  
23

24 "He decided, however, that this was a private matter  
25 and should not affect his career. He chose not to tell 11:56  
26 anyone in his new district anything about his new  
27 partner or her brother."  
28

29 All right. So that was a decision that you made, that



1           you were going to withhold that information. That was  
2           a conscious decision --

3           A.    That's correct.

4   405   Q.    -- having applied your mind it?

5           A.    That's correct.

11:57

6   406   Q.    In circumstances where -- in hindsight now looking at  
7           this, do you regret that?

8           A.    Chairman, I left a division where there were certain  
9           issues that did follow me to Buncrana and in any normal  
10          circumstance if that hadn't been there, I think I would  
11          have been more able to address the issue when I arrived  
12          at Buncrana. But I was mindful of the fact that the  
13          difficulties I had of getting out of the Westmeath  
14          division. And to be fair, Chairman, when I got to  
15          Buncrana I was warmly received and it was like what had  
16          happened in the Westmeath division was a distant  
17          memory. And both Inspector Kelly and Superintendent  
18          English, both welcomed me in and both said that what  
19          happened in Athlone was a matter for Athlone. So,  
20          having gone through a period of time in Westmeath that  
21          there was no quality of work --

11:57

11:58

22          CHAIRMAN: Can I just stop you, please? Because again,  
23          we are going into things -- you know, I am bound by the  
24          law.

25          A.    Yes.

11:58

26          CHAIRMAN: I actually am bound by the law. I have to  
27          do what the law tells me to do. And the law is telling  
28          me that I have jurisdiction to make an inquiry in  
29          relation to what happened in Donegal. Now, I

1 appreciate you may be saying to Mr. Marrinan look, my  
2 head wasn't great, but if that is the thing, just say  
3 well my head wasn't great at the time. If it is the  
4 thing that, for instance, you feel you didn't make a  
5 mistake, that is different. But what really 11:58  
6 Mr. Marrinan is asking you is: Look, did you make a  
7 mistake? And part of the mistake seems to be  
8 minimising this manslaughter, which is homicide, of a  
9 young garda, into some kind of a traffic accident. So  
10 Mr. Marrinan is actually asking you, look, did you make 11:58  
11 a mistake. So that is what we are focusing on.  
12 Forgive my intervention but that is what we are  
13 focusing on.

14 A. Firstly, I take nothing or would in any way try to  
15 diminish or minimise what happened to Garda Gary 11:59  
16 McLoughlin. That's -- and I don't -- I can't make it  
17 any less than that, I am not taking from it in any way.  
18 It was not an accident, quite clearly. It was a  
19 collision that resulted in a death. Not an accident.  
20 In relation to telling superiors in Buncrana at the 11:59  
21 time, it would have -- in hindsight now, it would have  
22 been the correct thing to do.

23 407 Q. MR. MARRINAN: well, that being so, can I take it that  
24 the answer to the question that I asked you, which was  
25 do you regret now not having alerted your superiors at 11:59  
26 the time to the conflict that existed --

27 A. Yes.

28 408 Q. -- you do regret it?

29 A. Yes.

1 409 Q. All right. And it wasn't really appropriate, sure it  
2 wasn't, that you would serve in Buncrana in  
3 circumstances where it was the very station where Garda  
4 McLoughlin had served?

5 A. All I can say in relation to that is, that when I came 12:00  
6 up there, I was just Garda Keith Harrison, I integrated  
7 and I worked well up to the point of where it became  
8 known. I didn't fully appreciate -- and that is my  
9 fault, I did not appreciate the hurt that was there.  
10 But I really wanted a chance to stay there and work 12:00  
11 there.

12 410 Q. Garda Harrison, it wasn't appropriate that you would  
13 serve in Buncrana at that time, sure it wasn't?

14 A. Judge -- or Chairman, I am my own person, I didn't have  
15 any hand, act or part in that. I wouldn't have done 12:01  
16 anything to upset or -- any investigation.

17 411 Q. No, and I am not suggesting for one moment that you  
18 would. But there would be a perception from outside An  
19 Garda Síochána, perhaps, from the family of Garda  
20 McLoughlin, from members of the public who might hear, 12:01  
21 should something go wrong with the trial, that the  
22 boyfriend of the accused's sister had access to the  
23 Garda station and to files, there are all sorts of  
24 files that could arise, isn't that right?

25 A. Yes. 12:01

26 412 Q. So what I suggested to you was that it wasn't  
27 appropriate that you could serve in Buncrana at that  
28 time?

29 A. I didn't have any other choice.

1 413 Q. Well, you didn't think that you had another choice at  
2 the time?

3 A. No.

4 414 Q. But leaving aside the fact that you felt under pressure  
5 for a whole variety of reasons that there is no need to 12:02  
6 go into, do you accept now that it wasn't appropriate  
7 that you would serve in Buncrana in the circumstances  
8 in which you found yourself there?

9 A. It wasn't ideal.

10 415 Q. It wasn't appropriate. Not ideal, wasn't appropriate 12:02  
11 full stop.

12 A. Chairman, I can only say that for my part, I shouldn't  
13 have been precluded or inhibited from working anywhere  
14 whereby the actions of someone else is not my  
15 responsibility. 12:02

16 416 Q. Well, I am not suggesting for one moment it is your  
17 responsibility, do you understand? I am not suggesting  
18 that you have done anything wrong in relation to  
19 this --

20 A. Exactly. 12:02

21 417 Q. -- other than perhaps concealing the fact that this  
22 relationship existed. And I think you accept yourself,  
23 do you not, that that was improper?

24 A. Had there been another avenue or had -- just for  
25 example, had I not got Buncrana, had I got Letterkenny, 12:03  
26 had I got any station in the Donegal division, I don't  
27 believe there would have been an issue over the  
28 relationship. I accept because of where I found  
29 myself, there was an issue, and I accept that --

1 418 Q. what I am really trying to do is, Garda Harrison, get  
2 as much common ground as we can so that we can perhaps  
3 remove matters from the consideration of the Tribunal.  
4 And it appears to me that you are accepting that, in  
5 the first instance, because you regret not having told 12:03  
6 your superiors of the relationship, that you accept  
7 responsibility ultimately for the difficulties that  
8 arose?  
9 A. I was the only one with the information.

10 419 Q. Yeah. And secondly, that it wasn't appropriate that 12:04  
11 you would serve there, and I think that you do accept  
12 that it wasn't appropriate that would you serve there  
13 in the circumstances that then prevailed?  
14 A. In the circumstances at the time, having heard the  
15 potential scenarios you have put forward, no. 12:04

16 420 Q. Yes. So, you are moved from there?  
17 A. That's correct.

18 421 Q. And if I could then just really summarise the issues,  
19 without opening in any sort of detail statements that  
20 appear to me certainly, unless you wish to make some 12:04  
21 issue in relation to them, to be irrelevant. But we  
22 know from Garda Peter Kearins, I think it is, of the  
23 circumstances in which it was discovered that you had a  
24 relationship with Marisa Simms. There is no issue  
25 arising in relation to that, sure there is not? 12:05  
26 A. In relation to which?

27 422 Q. Garda Peter Kearins and his dealings with you and being  
28 called out to the house?  
29 A. No.

1 423 Q. No. There is no issue in relation to any aspect of it.  
2 This was the circumstance in which it was discovered  
3 that you had a relationship with Marisa Simms. And  
4 Sergeant Devlin has told us how it was that you gave a  
5 small little speech to the station party about the fact 12:05  
6 that you were in a relationship, that you didn't  
7 believe that it should interfere. He says he is not  
8 sure whether you said it to the group or whether you  
9 said it to him personally, that that decision to tell  
10 them became more difficult the longer you were there, 12:05  
11 is that right, and that is because you had built up a  
12 good relationship with the other members who were there  
13 and it was all a very difficult situation, is that  
14 right?

15 A. Yes, Chairman. 12:06

16 424 Q. So Superintendent English then arranges to meet you,  
17 isn't that right?

18 A. This bit, I've -- Superintendent English and I had a  
19 good relationship when I arrived in Buncrana. In fact,  
20 it was the subject of some ribbing, so it was. For 12:06  
21 example, on one occasion Superintendent English came  
22 into the public office and there is a small kitchenette  
23 and he invited me over to the kitchen to have a coffee  
24 and that would be a subject of kind of jibes, that you  
25 were the new pet, you know. But yeah, Superintendent 12:06  
26 English rang me on the phone, he didn't say why but he  
27 said he wanted to meet me was I available and we agreed  
28 to meet in the Mount Errigal Hotel.

29 425 Q. So I know that there may be a difference of emphasis

1 between what you say what happened and what he said  
2 happened at the meeting, but in effect he was telling  
3 you that you couldn't -- you couldn't serve in Buncrana  
4 and you would have to be moved, isn't that right?

5 A. I sat down and he -- I was offered a cup of coffee and 12:07  
6 we had a chat. I thought that perhaps I was going to  
7 be offered something because I had been working well  
8 there, and he didn't beat around the bush, he came --  
9 not in any negative way but he just put it out, he  
10 said, Keith, we know -- he said, Keith, we know. And I 12:07  
11 asked him what do you mean we know, and he said we know  
12 about your connection to Martin McDermott and it has  
13 caused issues for me in the station, or words to that  
14 effect.

15 426 Q. Well, I am not going to go into the detail, unless you 12:07  
16 wish to go into the detail of this conversation to any  
17 great extent.

18 A. During that meeting he indicated that certain members  
19 had come to him, that there were certain members that  
20 did not want to work with me any more, that there was a 12:08  
21 lot of upset in the station and he also indicated that  
22 the chief was not happy about it and wished to see me.

23 427 Q. Well, that is all entirely correct, is it? I mean,  
24 there is no issue in relation to this. There is an  
25 emphasis on perhaps the tone of the conversation, but 12:08  
26 the thrust of the conversation is, look --

27 A. To be perfectly fair, Superintendent English I think  
28 was disappointed and I accept that.

29 428 Q. Yeah. And so, is there an issue between the two of you

1 really at the end of the day?

2 A. Me and superintendent, no.

3 429 Q. And you have read his statement, is there any real  
4 issue that exists between the two of you?

5 A. Judge, I have no issue with how -- Chairman, I have no 12:08  
6 issue how I was spoken to or dealt with by  
7 Superintendent English.

8 430 Q. And you were anxious that you would -- you should stay  
9 in Donegal, obviously?

10 A. To be honest, I was anxious that I could remain in 12:09  
11 Buncrana because of the rapport I had built up. He  
12 emphasised that given -- and obviously I didn't know at  
13 the time, but he emphasised that given the upset that  
14 he didn't think it was appropriate and he didn't think  
15 it was possible, that he had to consider me and he had 12:09  
16 to consider the others.

17 431 Q. And you see that decision that he was making or  
18 certainly the indication that he was giving at the time  
19 as being entirely reasonable, isn't that right?

20 A. He was reasonable with me. 12:09

21 432 Q. Yes. So you then are called in to see the chief  
22 superintendent, is that right?

23 A. That's correct.

24 433 Q. And again, there is an issue in relation to the tone of  
25 the conversation, namely whether or not he was hostile, 12:09  
26 whether he was angry, he denies that. You say that he  
27 was angry, is that right?

28 A. Yeah.

29 434 Q. But at the end of the day, as a result of that



1 conversation, it was clear that he was going to move  
2 you out of Buncrana, isn't that right?

3 A. Chairman, the tone between the meeting with  
4 Superintendent English and the tone between the meeting  
5 with retired chief superintendent Jim Sheridan were -- 12:10  
6 there was quite a difference, Chairman. Superintendent  
7 English's meeting was measured, it was courteous, I  
8 wasn't -- I have no issue with it. Chief  
9 superintendent meeting -- Chief Superintendent  
10 Sheridan's meeting was hostile. To this day there are 12:10  
11 words used that I -- that are vividly with me that are  
12 denied, but they were used.

13 435 Q. Well, at the end of the day, you pleaded your case?  
14 A. I did.

15 436 Q. We have seen the notes. Again, I don't intend to open 12:10  
16 all this and use up the time of the Tribunal if there  
17 isn't really an issue here, at the end of the day. But  
18 in the notes of that, we see set out your background  
19 circumstances, Marisa, how many children she has, for  
20 example, where she is teaching, we needn't go into all 12:11  
21 that, all those matters are put on the table and  
22 listened to by the chief superintendent and also by  
23 Superintendent English, isn't that right?

24 A. That's correct.

25 437 Q. And he was doing his very best to accommodate you if at 12:11  
26 all possible in the Donegal division?

27 A. That is not what was said at the meeting.

28 438 Q. Well --  
29 A. That is what resulted, but that is not what was said at

1 the meeting.

2 439 Q. Well, you make reference to the fact that, I think it's  
3 some issue about going to Sligo and such matter. That  
4 is not what happened at the end of the day, isn't that  
5 right, you weren't moved out -- 12:11

6 A. I was kept in the division, yes.

7 440 Q. Pardon?

8 A. I was kept in the division.

9 441 Q. So you were accommodated by the chief superintendent  
10 within the division? 12:12

11 A. I think perhaps, and maybe Superintendent English can  
12 correct, but I think Superintendent English had an  
13 influence in keeping me in the division.

14 442 Q. Well, Superintendent English had an influence, perhaps  
15 he persuaded the chief superintendent -- 12:12

16 A. I left that meeting --

17 443 Q. But regardless, you were accommodated in Donegal, isn't  
18 that right?

19 A. I left that meeting not knowing where I was going,  
20 whether it was going to be in the division, out of the 12:12  
21 division, where. So it wasn't until later that evening  
22 with a phone call with Superintendent English that I  
23 was told that I was going down to Donegal Town, that it  
24 was -- more or less, it was the best that he could do  
25 and that things would be less raw, and they are words 12:12  
26 he said, that it would be less raw down there and he  
27 said in time it would be okay.

28 444 Q. So you have -- you have left Athlone, you have gone to  
29 Buncrana. You have been welcomed by the superintendent

1           there, is that right?

2           A.    That's correct.

3 445 Q.    I think that he advised you that you were going to have  
4           a fresh start and he hoped that you'd apply yourself to  
5           your work? 12:13

6           A.    That's correct.

7 446 Q.    Your colleagues treated you well when you arrived?

8           A.    I got on very well with them.

9 447 Q.    And you got on very well with them and you were a good  
10          colleague to work with, isn't that right? 12:13

11          A.    I hope so, yeah.

12 448 Q.    And everybody was happy with that situation.  Athlone  
13          was behind you, isn't that so?

14          A.    That's right.

15 449 Q.    And through no fault of anybody else but your own, at 12:13  
16          the end of the day, it emerges that, in fact, you have  
17          this relationship with somebody who's charged with  
18          murder -- with manslaughter, with the sister, and that  
19          puts an end to Buncrana?

20          A.    That's correct. 12:13

21 450 Q.    Then there is an accommodation for you to move you to  
22          Donegal, is that right?

23          A.    I wouldn't call it an accommodation.  I think it was --  
24          that was the only option.

25 451 Q.    Well, it was -- Chief Superintendent Sheridan says 12:14  
26          there were other options available to him in other  
27          Garda stations that would have been further away.  He  
28          said having considered your background, having  
29          considered where you lived, having considered Marisa

1 Simms' occupation and where she worked and the  
2 children, and all the rest, that he thought that  
3 Donegal was the best and the easiest option for you?  
4 A. I disagree with that. There were many other Garda  
5 stations, you are correct, further away, but also a lot 12:14  
6 nearer.  
7 452 Q. Well, but that is an issue. But do you feel that you  
8 were being punished in some way for not having revealed  
9 to the chief superintendent when you arrived in  
10 Donegal -- 12:14  
11 A. I felt that I was given no input or no say in the  
12 matter. It was a case of, there you go, you are gone.  
13 453 Q. How can that be so? He sat down with you. We have the  
14 notes of the interview that he had with you. He has  
15 details in relation to your family and your personal 12:15  
16 details that are noted down, they are discussed with  
17 you?  
18 A. That's correct.  
19 454 Q. They are put into the equation?  
20 A. That's correct. There were notes taken during the 12:15  
21 meeting, but there was never any consultation or there  
22 was never, in relation to, if we send you to this  
23 particular station, I am not saying that -- I am just  
24 saying there was no consultation with me as to going to  
25 a particular station, how that would affect or how that 12:15  
26 would benefit. That is all I am saying.  
27 455 Q. Superintendent English says that you were happy to be  
28 going to Donegal Town?  
29 A. I was happy to be kept in the division.

1 456 Q. Were you happy to be going to Donegal Town?  
2 A. I wasn't happy to be leaving Buncrana, if I am  
3 completely honest. I had built up really good  
4 friendships.  
5 457 Q. Accepting that you had to move from Buncrana, were you 12:16  
6 then happy to be going to Donegal Town?  
7 A. I was disappointed leaving.  
8 458 Q. You were disappointed to be moving from Buncrana?  
9 A. I was, yeah.  
10 459 Q. But accepting that that was the situation, and I think 12:16  
11 you do now accept that --  
12 A. That was the situation.  
13 460 Q. -- that there was no other alternative, sure there  
14 wasn't?  
15 A. There was no question of staying in Buncrana. 12:16  
16 461 Q. Yes.  
17 A. Yes.  
18 462 Q. All right. So were you then, in those circumstances,  
19 as the next best, happy to be going to Donegal Town?  
20 A. I remember getting the phone call from Kevin English 12:16  
21 and I was relieved to be left in the division.  
22 463 Q. That is not the question I asked you. I asked you the  
23 question, were you happy to be going to Donegal Town?  
24 A. I was happy to be going to Donegal Town because I was  
25 staying in the division. 12:16  
26 464 Q. Thank you. So, in any event, you arrive in Donegal  
27 Town. What date was it that you arrived there?  
28 A. 2nd June 2011.  
29 465 Q. And you commenced your duties in Donegal Town. Now, I

1           suppose the next issue that arose -- and the Chairman  
2           has already indicated that he is not concerned about  
3           road traffic matters or you not having any certificate  
4           or appropriate certificate of insurance on your  
5           windscreen, do you understand? I am not going to ask     12:17  
6           you or go into that aspect of it. It doesn't seem to  
7           be relevant. You were performing your duties properly  
8           in Donegal Town, isn't that so?

9           A.     That's correct.

10   466   Q.     And there is absolutely no complaint or no complaint     12:17  
11           has been levelled against you by anybody at this  
12           Tribunal that you weren't conducting your duties in a  
13           professional way, do you appreciate that?

14           A.     I do.

15   467   Q.     So I think then subsequently you were involved in a     12:18  
16           road traffic accident in Letterkenny, is that right?

17           A.     That's correct, yes.

18   468   Q.     And you were injured. When was that?

19           A.     That was -- it was in May of 2013.

20   469   Q.     So we have moved forward about two years, and during     12:18  
21           that two years there may be some issues that you have  
22           in terms of what you perceive to be bullying or being  
23           isolated in some way in Donegal, but that is not  
24           something that we are examining at the present time, do  
25           you understand?     12:18

26           A.     Okay.

27   470   Q.     And nobody has come forward to the Tribunal to say that  
28           during those -- that two-year period, they had any  
29           difficulties with you.

1 A. Okay.

2 471 Q. Right. One of the issues that you had is that, shortly  
3 afterwards, you applied to the chief superintendent for  
4 a transfer?

5 A. That's right. 12:19

6 472 Q. Isn't that right? And you have some issue and concerns  
7 in relation to how that was dealt with?

8 A. That's correct.

9 473 Q. What are your concerns in that regard?

10 A. My concerns in that regard are that I wasn't happy 12:19  
11 where I was. I was looking for any way of a different  
12 place to work and I asked and I was -- I think the  
13 conversation, it was with Brian Twohig, the welfare  
14 officer, and I think the offer was that I couldn't  
15 serve -- I wanted to get to a busy station, and I was 12:19  
16 told I couldn't serve in Letterkenny because Marisa's  
17 family resided within the district. And there was -- I  
18 am nearly certain there was an offer of, if I wanted to  
19 go, I think maybe Bunbeg was mentioned, but I think  
20 that was further away. 12:20

21 474 Q. Yes, but have you any issues with your superior  
22 officers and saying that they were acting  
23 inappropriately in any way at this time?

24 A. The meeting that you are talking about happened in  
25 September 2011. 12:20

26 475 Q. Yes.

27 A. Yes. I wasn't happy that I was precluded from working  
28 in a busy station for the reason of my relationship.

29 476 Q. Is that the sole concern that you have?

1 A. How do you mean?

2 477 Q. Is that the sole concern that you have in relation to  
3 how this matter was dealt with?

4 A. I don't understand what you are asking me.

5 478 Q. All right. I will just -- if you could just please go 12:21  
6 to page 2440, this letter that has come in from  
7 superintendent -- or statement from Superintendent  
8 Coen. And if you go to page 2441, you see here:  
9

10 "On 4th July 2011 I met with Garda Harrison of 12:21  
11 Ballyshannon in my office by arrangement. I had a full  
12 discussion with Garda Harrison regarding the  
13 circumstances of his transfer, his domestic  
14 circumstances and the policing requirements and  
15 standards whilst being stationed at Donegal Town. 12:21  
16 Garda Harrison was positive in his attitude to being  
17 allocated to Donegal Town Garda Station."  
18

19 Is that correct?

20 A. Chairman, I have to point out I haven't seen this 12:21  
21 statement.

22 479 Q. It's been circulated.

23 MR. HARTY: Sorry, sir, it was circulated this morning.  
24 There is no criticism in relation to that, but just in  
25 terms of when the witness has said he has never seen 12:22  
26 it.

27 MR. MARRINAN: Well, would you like a hard copy if you  
28 don't like reading from the screen?

29 480 Q. Is there any issue in relation to --



1 CHAIRMAN: Sorry, I beg your pardon, Mr. Marrinan.  
2 There was an objection. But the reality is, the  
3 question, it seems to me, that is being asked is a  
4 question of a fact, not a question of a piece of paper.  
5 So I think Mr. Marrinan was properly asking is what is 12:22  
6 asserted by Superintendent Coen a fact or not? That is  
7 all, and there is nothing wrong with that.  
8 MR. HARTY: Sorry, sir, I will make it clear, there was  
9 no criticism. It's just where the witness says he  
10 hadn't seen it, to clarify that. 12:22  
11 CHAIRMAN: Well, he is being asked about a fact. I  
12 mean far, far, far too much of any work done by a judge  
13 nowadays is in relation to pieces of paper. The fact  
14 is being asked about and it should be answered.  
15 A. Chairman, in that meeting, I do recall the meeting, I 12:22  
16 suppose I was trying to deal with a difficult situation  
17 and to put, I suppose, a positive gloss on it and  
18 trying to get on with work.  
19 481 Q. MR. MARRINAN: Well, so Superintendent Coen seems to  
20 have been encouraging that. There doesn't appear to be 12:23  
21 an issue between the two of you, is that right?  
22 A. No.  
23 482 Q. No.  
24  
25 "Garda Harrison continued to serve at Donegal Town 12:23  
26 Garda Station and he performed his assigned duties in a  
27 competent and professional manner."  
28  
29 I presume you have no issue in relation to that

1 statement by Superintendent Coen?

2 A. No.

3 483 Q. "Garda Harrison did not come to my attention during  
4 this time. He did not make me aware of any issues that  
5 affected him and I received no complaints from any of  
6 his colleagues at Donegal Town Garda Station." 12:23

7

8 All right?

9 A. Chairman, the issues I was feeling and how I felt, I  
10 would have kept to myself. I didn't trust anyone else, 12:23  
11 because of other things that I am not getting into,  
12 that I could go to anyone and express it. Particularly  
13 the issues in Donegal and others that preceded it, I  
14 didn't feel I could turn to anybody.

15 484 Q. All right. But when the superintendent says that he 12:24  
16 didn't receive any complaints from you or from any of  
17 your colleagues about you, that's correct?

18 A. That would be correct.

19 485 Q. Yes. Then at page 2442:

20

21 "On 6th October 2011 an application was received from  
22 Garda Harrison for a swap transfer from Donegal Town to  
23 Letterkenny Garda Station. On 13th October 2011 I  
24 forwarded this application to the divisional officer  
25 Letterkenny for her consideration. In this 12:24  
26 correspondence, I outlined my view that the proposed  
27 transfer was not appropriate for consideration at that  
28 time. Garda Harrison had transferred to Donegal Town  
29 from Buncrana in June 2011" --

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That is some six months beforehand - less, five months.

-- "having only transferred to Buncrana in March 2011 from another division after issues had arisen in Buncrana regarding Garda Harrison's connection to Martin McDermott. Chief Superintendent Sheridan had made his decision in June for the reasons he had stated to me at that time and had decided that Donegal Town was the appropriate station for Garda Harrison to serve in. I could not see how circumstances had changed in that period and nothing that had occurred or presented in the intervening period that led me to disagree with Chief Superintendent Sheridan's original decision that Donegal Town was the appropriate station for Garda Harrison."

12:25

12:25

12:25

Do you see that?

A. I do, yes.

486 Q. That is his reasoning at the time. Nothing had arisen, only four or five months had elapsed, you were getting on well with your colleagues as far as he was concerned, they were getting on well with you, and there didn't seem to be any reason at all as to why he should transfer you.

12:25

12:26

A. That may be what he thought, but if you look at it, I applied -- I met with the chief and the welfare officer in September and I was looking for swaps or other ways out at that time.

1 487 Q. He goes on to say:

2

3

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9

"I also thought that the application was premature as it would have meant Garda Harrison would have been serving in a fourth station within a seven- to eight-month period. Ultimately, the decision was a matter for Chief Superintendent McGinn."

12:26

It then goes on to say:

10

11

12

13

14

15

16

"No issues arose regarding Garda Keith Harrison in respect of his service and attachment to Donegal Town Garda Station from his allocation there on 2nd June 2011 until I transferred from Ballyshannon to my current station on 22nd of February 2012."

12:26

12:27

17

Do you see that?

18

A. Yes.

19

488 Q. He then goes on to deal in that statement with, in a confidential manner, getting your address in relation to some anonymous letter that had been sent in.

12:27

22

A. Chairman, this part, I can't explain. Myself and Superintendent Coen at the time, there was open dialect, there was no reason not to speak to him. And to go to somebody else to ask where I was living is very strange. He could have picked up the phone, he could have called me in. I would have been in Ballyshannon Garda Station frequently bringing post into the super's office or other files or even dealing

12:27

23

24

25

26

27

28

29

1 with prisoners. It's strange that somebody was tasked  
2 confidentially to find out where I was living, when a  
3 simple question could have been put to me.

4 489 Q. Well, just, Garda Harrison, if I could just summarise 12:28  
5 what appears to be your position up until the summer of  
6 2013. It appears that you went to Buncrana and left  
7 Athlone behind you and were given a fresh start, all  
8 right?

9 A. That's correct.

10 490 Q. Whether that is a fresh start from the disciplinary 12:28  
11 matters that arose in Athlone or other matters that  
12 arose in complaints that you have, is really  
13 irrelevant. You were given a fresh start, right, isn't  
14 that so?

15 A. Yeah, I was given a fresh start. 12:28

16 491 Q. Nobody held anything against you from what had happened  
17 in Athlone?

18 A. Not in Buncrana.

19 492 Q. No. So -- but then this serious issue arose in  
20 relation to your relationship with Marisa Simms, and I 12:29  
21 suppose probably a disappointment from the chief  
22 superintendent that you hadn't revealed this, and you  
23 seem to acknowledge that it would have been preferable  
24 had you revealed it at the time that you were being  
25 transferred to Buncrana, isn't that right? 12:29

26 A. I would have liked to have been able to.

27 493 Q. You were then accommodated with a post in Donegal Town,  
28 and you then go about your duties there, and as far as  
29 your superiors are concerned, and certainly

1 Superintendent Coen, you were performing your duties  
2 properly and there are no complaints coming from  
3 Donegal Town in relation to you or from you in relation  
4 to your colleagues, isn't that right?  
5 A. Yes. 12:29  
6 494 Q. And there matters stood until 2013 when you are  
7 involved in a road traffic accident?  
8 A. Yes.  
9 495 Q. And you then go off duty?  
10 A. That's correct, yes. 12:30  
11 496 Q. Sick?  
12 A. That's right.  
13 497 Q. And then we have to come to deal with your relationship  
14 during the summer of 2013, your relationship with  
15 Marisa Simms, your partner. 12:30  
16 A. That's correct.  
17 498 Q. But in terms of your history from the time that you  
18 arrive to Donegal Town up until the summer of 2013 when  
19 you are off sick arising from your road traffic  
20 accident in Letterkenny, can we take it that what I 12:30  
21 have brought you through there now, in fact gets rid of  
22 a lot of the issues that --  
23 A. Chairman, and I will -- I won't pull back from this. I  
24 was deeply unhappy having been moved from Bunrana, and  
25 that continued, and it festered for quite a while. 12:30  
26 CHAIRMAN: Okay. Will we leave it there.  
27  
28 THE HEARING ADJOURNED FOR LUNCH  
29

1                   THE HEARING RESUMED, AS FOLLOWS, AFTER LUNCH:

2  
3 499 Q. MR. MARRINAN: After you got back with Marisa Simms in  
4 October of 2013, did you deal with issues in your  
5 relationship?

13:35

6 A. In relation to?

7 500 Q. Well, it seems to anybody reading Marisa Simms'  
8 statement that your relationship in the summer of 2013  
9 couldn't be described as normal. Would you not agree  
10 with that?

13:36

11 A. Chairman, can I just point out at this stage, that in  
12 relation to the statement, that while I knew Marisa had  
13 been in Letterkenny Garda Station on the 7th October, I  
14 learned of it on the 7th October 2013, but the first  
15 time I got to read that statement was in December 2014,  
16 and to this very day, Chairman, nobody has put one word  
17 of that statement to me. Nobody has asked what's  
18 correct, what's accurate, or my version.

13:36

19 501 Q. Well, Marisa Simms has confirmed that the vast majority  
20 of her statement is correct, and she hasn't really been  
21 challenged in relation to the essential details, the  
22 nature of your relationship 2013. I mean, how are you  
23 going to categorise this relationship that you had with  
24 her?

13:36

25 A. Judge, do you want from the beginning? Or just --

13:37

26 502 Q. No, I don't want to go into the history of it because I  
27 don't really want to have to open her statement and go  
28 through it line-by-line, and I'm trying to avoid that,  
29 you understand?

1 A. Yes.

2 503 Q. I am trying to avoid it because I don't want to bring  
3 hardship on her, or indeed you, by talking about  
4 personal matters --

5 A. Chairman -- 13:37

6 504 Q. -- that she deals with in her statement.

7 A. Chairman, this statement has been gone through for the  
8 last almost two weeks in great detail, and it has  
9 brought hardship, but I'm happy to address any issue.

10 505 Q. Well, whether you call them indiscretions, infidelities 13:37  
11 or just plain cheating, were you engaged in that on at  
12 least three separate occasions during the summer of  
13 2013?

14 A. I had contact with two other people during that summer,  
15 yes. And previous to that, in 2012, October, I was 13:38  
16 involved with another person, yes.

17 506 Q. All right. So you were cheating, let's call it what it  
18 is, you were cheating on Marisa during this period of  
19 time?

20 A. Yes. 13:38

21 507 Q. You were lying to her, you were deceiving her, isn't  
22 that right?

23 A. I didn't act appropriately, Chairman.

24 508 Q. No, but you were lying to her and deceiving her.

25 A. Yes. 13:38

26 509 Q. You were pretending that she was the only person in  
27 your life, when she wasn't?

28 A. Yes.

29 510 Q. And that takes some form of guile on your part to try



1 and cover your tracks in relation to attempting to  
2 ensure that she doesn't find out, isn't that right?

3 A. She did find out.

4 511 Q. And she found out on more than one occasion, and on  
5 more than one occasion she confronted with your 13:39  
6 indiscretions, infidelities or your cheating, isn't  
7 that right?

8 A. That's correct, yes.

9 512 Q. And on each occasion you promised her that there was  
10 nothing in it and you persuaded her to continue on in 13:39  
11 the relationship, isn't that right?

12 A. I was sure there was nothing in it, yes. And I would  
13 have definitely sought to continue the relationship,  
14 but I didn't persuade or make anybody do anything they  
15 didn't want to do. 13:39

16 513 Q. And one of those relationships that you were having was  
17 in fact at a time when Marisa Simms was in hospital  
18 having lost your child, isn't that right?

19 A. I was in phone contact with somebody at that time,  
20 that's correct. 13:40

21 514 Q. When Marisa Simms was in hospital having your child,  
22 you were attempting to make some sort of romantic  
23 liaison with another woman, isn't that right?

24 A. We lost a child at that time, and I was in contact with  
25 somebody else. 13:40

26 515 Q. Is the answer to my question 'yes'?

27 A. I have given you the answer to the question.

28 516 Q. And continuously, according to Marisa's statement, she  
29 finds out about your indiscretions and in fact has

1 contact with the girls that you had been in contact  
2 with, isn't that right?

3 A. Yes.

4 517 Q. You were breaking Marisa Simms' heart?

5 A. I can see that, yes, I did. 13:41

6 518 Q. This was a form of emotional abuse, was it not?

7 A. This was part of our private life, so it was. This was  
8 actions that I'm not proud of, that I wish I hadn't  
9 done, but I did them, and I am sorry for that.

10 519 Q. Was it emotional abuse? 13:41

11 A. It was never intended as emotional abuse. I didn't  
12 think --

13 520 Q. Every time you did it and every time you were caught  
14 out, it caused her emotional angst and hardship?

15 A. Naturally. 13:41

16 521 Q. And you continued to do it, isn't that right?

17 A. There were two people that I was in phone contact with.

18 522 Q. And you did it in circumstances and after you had lost  
19 a child, isn't that right?

20 A. At that time, and I'm not justifying anything, and I'm 13:42  
21 not trying to lessen anything, I was under extreme  
22 pressure from work. I had -- as you point out, we had  
23 lost a baby. And there were issues surrounding members  
24 of Marisa's family.

25 523 Q. Garda Harrison, you're not the victim here, sure you're 13:42  
26 not?

27 A. I'm not -- no, no, no, I'm not trying -- I'm putting  
28 context on what you are asking me.

29 524 Q. Is Marisa Simms the victim?

1 A. Marisa should never have been treated like that by me.

2 525 Q. Is Marisa Simms the victim in those circumstances?

3 A. Marisa Simms should never have been treated like that

4 by me.

5 526 Q. Your behaviour during that time was erratic, was it 13:43

6 not?

7 A. At that time, I wasn't the person I was previous to

8 that and I am not the person now that I was then.

9 527 Q. Is your behaviour on occasions utterly bizarre?

10 A. I would say my behaviour wasn't what it should have 13:43

11 been and --

12 528 Q. And would you agree with me, looking back on it, that

13 it was utterly bizarre?

14 A. It wasn't the way I would normally act, no.

15 529 Q. But are you deeply ashamed as a human being as to how 13:43

16 you treated your partner?

17 A. I am ashamed that I hurt Marisa, yes.

18 530 Q. Are you seeking in any way to justify the hurt and

19 emotional distress that you caused to your partner?

20 A. No. 13:44

21 531 Q. There really is no excuse for it whatsoever, sure there

22 isn't?

23 A. I behaved at that time in a way that I shouldn't have,

24 and, as I said, I am sorry for that.

25 532 Q. You were off sick, away from work? 13:44

26 A. That's correct.

27 533 Q. And you were drinking very heavily, is that right?

28 A. I would have been taking more than what would be my

29 normal or what I would be used to, that's --

1 534 Q. And if I can come back to the question that I  
2 originally asked you that prompted me to go down that  
3 route that I've just gone down, in order to try and  
4 encapsulate your -- a description of your relationship.  
5 In October, after Marisa had gone to the Garda station 13:44  
6 and made a very lengthy statement to Inspector Sheridan  
7 and Sergeant McGowan, did you address the issues that  
8 had existed in 2013?

9 A. Chairman, I knew myself that I was out of order and I  
10 knew I needed to do something. I didn't want to hurt 13:45  
11 Marisa. There was behaviours there that wouldn't be  
12 normal for me and I knew I had to find out and address  
13 them.

14 535 Q. Yeah. And did the two of you sit down and work it out?

15 A. I don't think we actually sat down and had a 13:45  
16 conversation about it. I think I knew myself that  
17 there was something going on in me that just wasn't  
18 right, Chairman.

19 536 Q. All right. Okay. And, you know, this business,  
20 because we have a description of her hen night and the 13:45  
21 fact that you were contacting the westport hotel, this  
22 version that you've come up with is a load of nonsense,  
23 isn't it, about getting an album together for somebody  
24 that you had -- who hated you very deeply, Paula, that  
25 is a load of codology, isn't it? 13:46

26 A. It's not, actually. If you want me to explain it?

27 537 Q. Well, if you must.

28 A. Well, do you want me to?

29 538 Q. Yes, do.

1 A. Chairman, at that time I was still going to the  
2 wedding. I think it was late August, as was earlier  
3 said --

4 539 Q. Sorry, sorry, just before you go on, it was put to  
5 Marisa Simms on your behalf this morning that it was -- 13:46  
6 had been decided in August that you were not going to  
7 the wedding?

8 A. No, it was later than that. It was put to Marisa Simms  
9 that in August I was still going to the wedding.

10 540 Q. No. It was specifically put that in August you were 13:46  
11 not going to the wedding, which is in accordance with  
12 what is set out in her statement.

13 A. Judge, or Chairman --

14 541 Q. Well, go on then.

15 A. -- it wasn't until after the hen party that I was told 13:47  
16 that I was no longer welcome.

17 542 Q. Well, you see, that is not what Marisa Simms has said,  
18 it wasn't what was put to her and it's not what is set  
19 out in her statement, and we'll go through this aspect  
20 of her statement briefly. Could I have page 86 on the 13:47  
21 screen, please? This is her description. I assume  
22 that you accept that Inspector Sheridan or  
23 Sergeant McGowan couldn't have known anything about  
24 your private life, is that right?

25 A. Yes. 13:47

26 543 Q. So this is Marisa speaking, do you understand? This is  
27 your partner speaking to them, describing the events of  
28 your relationship.

29 A. Well, to be fair, I don't know what anybody knew about

1 my private life. There was a lot of interest in it in  
2 2012 when there was nothing and no reason for it.

3 544 Q. She says:  
4  
5 "I went to Westport for my sister Paula's hen party. 13:48  
6 We were staying for two nights in the Westport Plaza on  
7 the 30th and 31st August. I had told Keith I was going  
8 for one night and he wasn't happy about me going as  
9 Paula had not invited him to the wedding."  
10 13:48  
11 You see that?

12 A. I wasn't happy about it because of the way we had been  
13 treated.

14 545 Q. So you weren't happy?  
15 A. At that time I was still going to the wedding. 13:48  
16 546 Q. Sorry?  
17 A. At that time -- no, sorry, actually -- yeah, at that  
18 time, I was still going to the wedding.

19 547 Q. Well, she says you weren't. She says the reason you  
20 were upset about going to the hen party was for that 13:48  
21 very reason, because you hadn't been invited to the  
22 wedding.

23 A. It was a combination of things, in relation to Paula  
24 and her behaviour towards me and Marisa.

25 548 Q. Well, anyway, you weren't happy with her going. 13:49  
26  
27 "I left after work on Friday and drove to Westport.  
28 The rest of the girls had arrived that morning. I was  
29 sharing a room with Paula and Emer. When I arrived,

1 the girls had already eaten and we went to a pub for a  
2 few drinks. We got back to the hotel at about 1:00am  
3 and we went to our rooms. The next morning we went to  
4 Westport House for tag laser and then went for lunch to  
5 the hotel. From the time I left Donegal, Keith  
6 continuously texted me and called me." 13:49

7  
8 Is that right?

9 A. We would have been in contact. I do recall Marisa  
10 ringing me -- 13:49

11 549 Q. No, no, no, this is your partner saying that you  
12 weren't happy with her going.

13 A. You've just asked me a question.

14 550 Q. And that you continuously texted her and called her.  
15 Is that right? 13:49

16 A. We had contact, yes.

17 551 Q. "He didn't want me on the hen party and kept saying,  
18 texting, I can't believe you have left me after  
19 everything your sister has said about Keith and the  
20 pregnancy. To me, it was if he was trying to stop me 13:50  
21 from going or having a nice weekend away. Because  
22 Keith wasn't invited to the wedding --" here we go  
23 again "-- he did not want me to go and was continuously  
24 trying to convince me not to go. It was non-stop and  
25 was a major issue for him. He was totally obsessed by 13:50  
26 it."

27  
28 Is that a proper portrayal of your feeling towards  
29 Marisa going to the hen party at that time?

1 A. No, it's clearly said there, there was issues  
2 surrounding comments about a pregnancy. There was  
3 other things that were said and done previous to that,  
4 that I had issue with. You asked me about contact.  
5 Marisa rang me when she got there and she was upset 13:50  
6 because everybody else had left and she felt left out,  
7 and I told her if she wanted to come home, to come  
8 home, and she said no, she will stick it out.

9 552 Q. I will continue on:  
10 13:51

11 "It got so bad one night that I went to Derry. I had  
12 to get a shrug for my daughter for the wedding, but he  
13 had been on to me so much in the house I just went that  
14 night to get away from him. While at the hen weekend  
15 he never stopped texting, phoning and giving out about 13:51  
16 the fact that I was there. I had loads of missed  
17 calls, it went into double figures, and my mailbox had  
18 reached maximum capacity on my phone a couple of times  
19 during the weekend because he had left so many  
20 messages. I felt totally harassed at this point and I 13:51  
21 felt I couldn't do anything unless I had okayed it with  
22 him, just, for example, we had booked the tag laser,  
23 but I didn't tell him about it."

24

25 I mean, is this a description of your relationship at 13:51  
26 that time, of you being obsessed with your partner,  
27 continuously contacting her? Is that a proper  
28 description?

29 A. No.



1 553 Q. It's not?  
2 A. No.  
3 554 Q. Well, then, would you answer me this question: What is  
4 Marisa doing portraying that to total strangers?  
5 A. I don't know. 13:52  
6 555 Q. Well, do you think it's that she's exaggerated herself  
7 in order to get back at you in some way?  
8 A. I think we've already heard that some of that statement  
9 or words in that statement were never Marisa's.  
10 556 Q. We have a suggestion -- 13:52  
11 A. So to ask me --  
12 557 Q. Sorry?  
13 A. To ask me if that is correct.  
14 558 Q. No, sorry, Garda Harrison, we don't. We have a  
15 suggestion that some words are incorrect, but the 13:52  
16 meaning that they portray is still there. So we're not  
17 going to get lost in a quarrel about a word or two or  
18 three or even four or five, when the meaning is clear.  
19 I have read this out to you. The meaning is very  
20 clear, it is descriptive of somebody who is engaged in 13:53  
21 continuous harassment. And I am asking you why it is  
22 that Marisa, if it's not true, has said it?  
23 A. I can tell you from my side, it was not like that. I  
24 never harassed, I never sent a message or a phone call  
25 that was ever taken issue with up to that point, never. 13:53  
26 We would have been in regular contact.  
27 559 Q. I'll go on with the statement.  
28  
29 "He asked me what I was doing and I told him I was

1 eating lunch. We had gone for lunch after the tag  
2 laser."

3  
4 Further down:

5  
6 "He then got very aggressive with me on the phone and  
7 told me he knew I had been to the tag laser." 13:53

8  
9 I mean, did this happen?

10 A. No. I don't -- I'd no idea what they were doing until 13:54  
11 she came back. I knew they were going for a meal and I  
12 knew there was something else planned for the next day.

13 560 Q. "He then started asking me what else I was hiding and  
14 he was totally obsessed with the idea that I wasn't  
15 being straight with him. I had simply forgotten about 13:54  
16 the tag laser, but he had checked the profiles of one  
17 of the girls on Facebook who was on the hen weekend and  
18 saw a picture of us that she had put up on Facebook."

19  
20 Did that happen? 13:54

21 A. I don't -- I don't recall -- I don't remember that, and  
22 that's being truthful.

23 561 Q. "During the course of one of the phone calls, Keith  
24 asked me who was staying in the room, and whatever  
25 reply I made he told me I was wrong because he knew the 13:54  
26 room number. I think it might have been --"

27  
28 And then she gives the room numbers.

29

1 "He told me he had checked with reception and knew who  
2 was staying in the room and that dinner for Saturday  
3 evening was booked for 8:30pm."  
4  
5 You had been in contact with the hotel. 13:55  
6 A. No, no, not at that point, that is incorrect.  
7 562 Q. No, but you had been in contact with the hotel?  
8 A. No, I hadn't.  
9 563 Q. Sorry?  
10 A. No, I hadn't. 13:55  
11 564 Q. I thought that you had accepted that you had phoned the  
12 hotel?  
13 A. After it, yes. It's clearly laid out in the statement  
14 of --  
15 565 Q. Will you please tell me, Garda Harrison, because you 13:55  
16 know Marisa, obviously, you're very close to her, and I  
17 don't -- I'm not going to -- I mean, it's none of our  
18 business what your relationship is like now. You seem  
19 to be very close together, you have a young child  
20 together. And, since this, you've been very supportive 13:55  
21 of each other, isn't that right?  
22 A. All the time.  
23 566 Q. And the relationship is very good. So obviously the  
24 place that you were in in 2013, you've left that place,  
25 I'm presuming that? 13:56  
26 A. Yes.  
27 567 Q. Yes? And you have left that behind, and I'm sure with  
28 a number of regrets, isn't that right?  
29 A. Yes.

1 568 Q. Regrets that you had hurt her?  
2 A. Yes.

3 569 Q. Regrets that you had either attempted to or had  
4 relationships with other girls at the time; I'm sure  
5 you regret that now, is that right? 13:56  
6 A. Yes.

7 570 Q. And you regret that you were drinking so heavily at the  
8 time, which was certainly a contributing factor, I have  
9 no doubt?  
10 A. Yes. 13:56

11 571 Q. So there are a lot of ill-judged events in 2013, as far  
12 as you were concerned?  
13 A. Yes.

14 572 Q. Things that you had done that you wouldn't ever want to  
15 repeat doing? 13:56  
16 A. Yes.

17 573 Q. She's saying that you were obsessive, that you were  
18 harassing her through some form of jealousy that you  
19 had at the time, watching her. Is that the truth of  
20 the situation? 13:57  
21 A. No, and I think Marisa has been very clear in that in  
22 her evidence to the Tribunal.

23 574 Q. Well, she has been very clear that she accepted what  
24 she had said to the Gardaí in her statement and she has  
25 accepted -- 13:57  
26 A. I think she has also said that I was never obsessive, I  
27 was never --

28 575 Q. Well, look, what I am reading out to you here, how do  
29 you describe that behaviour?

1 A. That is not what happened.

2 576 Q. Hmm?

3 A. That didn't happen.

4 577 Q. No, but how would you describe the behaviour?

5 A. If it were true? 13:57

6 578 Q. Yeah.

7 A. If that were true, it'd be obsessive. It'd be -- yeah.

8 579 Q. Would you be worried if you read it?

9 A. Would I be worried?

10 580 Q. About the person that you were reading about? 13:57

11 A. You may wonder what's going on, yeah.

12 581 Q. No, but would you be worried?

13 A. About which?

14 582 Q. Well, this incident, the westport hotel and the  
15 continuing contacts? 13:58

16 A. That particular incident simply didn't happen.

17 583 Q. No, and I'm looking at the entirety of it now, but  
18 reading Marisa Simms' statement, would you think that  
19 the person might be slightly unhinged at the time, do  
20 you know what I mean by that? 13:58

21 A. I do know what you mean, yes.

22 584 Q. Would you think that that would be a fair assessment,  
23 having read it?

24 A. If it were true --

25 585 Q. Yes. 13:58

26 A. -- I would have concerns.

27 586 Q. Yeah. Would you accept that?

28 A. I'd have concerns, yes.

29 587 Q. That the person might actually, potentially, be

1 dangerous?

2 A. No. If you're referring to me, no.

3 588 Q. Sorry?

4 A. If you are referring that I was dangerous?

5 589 Q. No, I am saying that if you are reading this and you 13:58  
6 are reading what -- this person that Marisa is  
7 describing in her statement, that it's potentially  
8 somebody who could be quite dangerous?

9 A. I am not dangerous.

10 590 Q. No, I'm not suggesting that you are. 13:58

11 A. Well, that statement is about me and you're suggesting  
12 that I'm dangerous. I am not.

13 591 Q. Well, if you're looking at it, how would you describe  
14 the person that Marisa is describing? And bear in  
15 mind, this is Marisa's description, it's not anybody 13:59  
16 else's description. It's Marisa's description.

17 A. It's Marisa's description.

18 592 Q. How would you describe the person that she is --

19 A. That is disputed.

20 593 Q. No, I'm sorry, Garda Harrison, you just can't hide 13:59  
21 behind that.

22 A. I'm not hiding behind that.

23 594 Q. You know --

24 A. Bear in mind, it was I that sought to be here, nobody  
25 else, because I was not happy with the way things were 13:59  
26 dealt with and the way things were left fester.

27 595 Q. Well, that may well be true, but you understand --

28 A. And I am sat here willingly and willingly had very  
29 private things that I knew was going to be embarrassing

1 for me, that I knew was going to hurt me and, do you  
2 know what, embarrassing to members of my family, I knew  
3 that. But I also knew that there were wrongs done that  
4 needed to be put right. That statement was taken over  
5 an eight-and-a-half-hour period and it is suggested 13:59  
6 that that is normal practice. It's not.

7 596 Q. Well, look, you know, Garda Harrison, we're not dealing  
8 with best standards here, I'm not talking about that.

9 A. But we should be.

10 597 Q. Well, no, I beg your pardon, I'm not. I'm talking 14:00  
11 about a description by your partner in her own words  
12 for the most part.

13 A. But I'm saying --

14 598 Q. Of who she says is you. Now, I am asking you to  
15 describe the person that she is describing. You say 14:00  
16 it's not you, but how would you describe the person  
17 that she is describing?

18 A. That's a question Marisa will answer or could have  
19 answered. What I'm telling you is, that does not refer  
20 to me. 14:00

21 599 Q. So, in any event, you still maintain, as I understand  
22 it, that you rang the hotel looking for photographs,  
23 and what Ms. Simms says in her statement is entirely  
24 wrong, is that it?

25 A. I rang the hotel. I was still, as far as I knew and 14:01  
26 was concerned, going to the wedding. There were  
27 various photographs of Marisa and her sister in our  
28 house at various stages in their life, so there were.  
29 I had intended a novelty box, or whatever, to put it

1 together, whereby there would be certain photographs  
2 showing different stages of their life together, where  
3 there would be pages left afterwards, where I thought  
4 that the relationship would improve and they could put  
5 more. It was a gesture. It was no more than that. 14:01  
6 It's clear from the statement taken from the lady in  
7 the hotel that I did ring, I did ask her if they had  
8 any photographs that they could furnish me with. And  
9 it was after I found out that I wasn't going to the  
10 wedding that I didn't bother follow it up. 14:02

11 600 Q. Well, according to Ms. Moran, you phoned and said that  
12 you were either a groomsman or a best man for the  
13 wedding?

14 A. No. I said --

15 601 Q. Had you been elevated to that status? 14:02

16 A. No, no, no. What I said was that I was attending a  
17 wedding and my partner was the bridesmaid and I was  
18 looking for these.

19 602 Q. Well, in any event, that's what you maintain. And can  
20 you give me any reasonable explanation as to why Marisa 14:02  
21 has decided to describe these events entirely different  
22 from the description that you have given?

23 A. I can only tell you what I did.

24 603 Q. I mean, it is a legitimate line of inquiry, because, I  
25 mean, I don't know, do you think that Marisa perhaps 14:02  
26 went into the Garda station at a time when your  
27 relationship was at an all-time low? I think you would  
28 agree it was at an all-time low?

29 A. Yes, absolutely, yes.



1 604 Q. I mean, and if I can just refer to this, this wasn't  
2 about you not being invited to a wedding. It may have  
3 been a factor, but --

4 A. This was about an argument on the 28th September.

5 605 Q. Sorry, the build-up to this was what we have already 14:03  
6 gone through, and I'm not going to go through it again:  
7 your indiscretions, infidelities, cheating, your  
8 drinking and your general behaviour. Now, I think you  
9 have accepted that, isn't that right?

10 A. Marisa rang me before she went into the station. I 14:03  
11 obviously didn't know she was going to the station.  
12 But we had made arrangements that we were going to meet  
13 up later that evening. I didn't know. And I think  
14 Marisa has stated that she went in for a chat. She  
15 didn't know. 14:03

16 606 Q. If you just have page 19 up on the screen. If we could  
17 scroll down towards -- this is Marisa Simms' statement.  
18 She says:  
19

20 "As I have said earlier, I had made up my mind to 14:04  
21 finish the relationship, but I didn't know when to do  
22 it as I was concerned with Keith's erratic behaviour  
23 and I felt mentally he had issues and I was worried  
24 about how he would react."

25 MR. HARTY: Sorry, sir, I want to interject. I think 14:04  
26 the page was page 19 of the statement.

27 MR. MARRINAN: Sorry, it's page 88, I beg your pardon.  
28 I'm looking at page 19 of the statement, page 88.

29 607 Q. would you like me just to read that again?

1  
2  
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29

"As I have said earlier, I had made up my mind to finish the relationship but I didn't know when to do it as I was concerned with Keith's erratic behaviour and I felt that mentally he had issues and I was worried about how he would react in light of his recent behaviour."

14:05

A. In relation to any plans Marisa may have had to leave, I certainly wasn't aware of them, they weren't a matter that was discussed. Outside of the incidents that we speak of, our family life was very normal in every way. And that thing in relation to leaving wouldn't have fitted in to the way things were at the time normally outside of the rows.

14:05

608 Q. Well, I'm very sorry, Garda Harrison, but what is described in this rather lengthy statement, which predominantly is over a period of three to four months of events, could never be described, on anybody's description, as normal?

14:05

A. These events, no.

14:06

609 Q. Because they're continuous, they run from week to week in the September through August?

A. They didn't run from week to week. There were issues during the period of April to October.

610 Q. But in any event, Marisa Simms is telling the Gardaí here that she had decided to finish the relationship prior to the 28th September and she didn't know how to go about doing it. I mean, in the context of what had happened between you and she, it wouldn't come as any

14:06

1 great surprise to you that that was in her mind, sure  
2 it wouldn't?

3 A. I wasn't aware of it, but no.

4 611 Q. It wouldn't now come --

5 A. No. 14:06

6 612 Q. -- as any surprise to you?

7 A. No.

8 613 Q. So Marisa goes into hospital for four or five days  
9 after she had been in the Garda station on the 6th  
10 October? 14:07

11 A. That's correct.

12 614 Q. Is that right?

13 A. Yeah.

14 615 Q. And then she gets out. Are you there to support her at  
15 that time? 14:07

16 A. Yes.

17 616 Q. Do you move in together?

18 A. We never moved out.

19 617 Q. You never moved out. So she's now no longer with Paula  
20 or her mother, as the case may be. I think the case is 14:07  
21 that she went to Paula's for the duration of the  
22 wedding?

23 A. That's correct.

24 618 Q. And then went to her mother's, that was the plan, is  
25 that right? 14:07

26 A. Yes.

27 619 Q. So she is now back with you?

28 A. When she got out of hospital, yes.

29 620 Q. Yes. And you're aware of the fact that she has made a

1 statement?

2 A. That's correct.

3 621 Q. Did you ask her about that?

4 A. Marisa rang me on the 7th and she said -- she had told 14:08

5 me that she had been in the Garda station and they had

6 taken notes of her about everything. Now, Judge -- or

7 Chairman, the thing in relation to Chief Superintendent

8 McGinn, and I know that Marisa did not say that Chief

9 Superintendent McGinn stuck her head in, what she

10 actually said was that it was Inspector Goretta 14:08

11 Sheridan that relayed to her that the chief wasn't

12 happy about it and she wouldn't let any of her guards

13 treat a woman in that manner, so it was. And then she

14 said that she had been told that she should go to her

15 solicitor and try -- or see about getting, she says, a 14:08

16 safety order, and she asked me what that meant, and at

17 that point I told her that whatever she had done in the

18 station it wasn't notes, that it was a statement.

19 622 Q. You're really jumping the gun, in a way. I think that

20 you're talking about a conversation that you had -- 14:08

21 A. No, you asked me when did I --

22 623 Q. Sorry, will you just let me finish. You're talking

23 about a conversation that you had with Sergeant Wallace

24 on the 7th?

25 A. No, I'm talking about a conversation I had with Marisa. 14:09

26 She rang me on the 7th.

27 624 Q. And a record of a conversation that you had with

28 Sergeant Wallace, which is set out in the papers, and

29 this is what you are referring to, and the reference

1           therein --

2           A.    No, I am referencing a conversation I had with Marisa  
 3           the day after when she rang me, on the 7th. Marisa  
 4           rang me, we had a lengthy conversation.

5 625   Q.    I am not asking you about that. I will be asking you  
 6           about that. 14:09

7           A.    Okay.

8 626   Q.    And I will be asking you about your conversation with  
 9           Sergeant Wallace --

10          A.    Yes, okay. 14:09

11 627   Q.    -- as recorded. And I'm not asking you about that. I  
 12          have asked you about, that Marisa has gone into  
 13          hospital?

14          A.    Yes.

15 628   Q.    She has been released from hospital? 14:09

16          A.    Correct.

17 629   Q.    She has gone back in and now you're living together?

18          A.    That's correct.

19 630   Q.    And I asked you did you discuss the statement that she  
 20          had made in the Garda station? 14:09

21          A.    I would have asked her, absolutely, what happened or  
 22          what was said.

23 631   Q.    I'm not asking you what you would have done, because  
 24          one might have expected that. I'm asking you what you  
 25          actually did. 14:10

26          A.    Yeah, we discussed the statement, yeah.

27 632   Q.    You did discuss the statement. Right. Okay. Can you  
 28          tell us what discussion you had about the statement?

29          A.    I asked her why -- I can't recall the exact words, but

1 I definitely would have asked why she went in, what was  
2 said, and she couldn't remember what was in the  
3 statement, she couldn't remember what the content of it  
4 was.

5 633 Q. Well, let's start with the first obvious question that 14:10  
6 you would have asked your partner, why did she go into  
7 the Garda station?

8 A. Yes, I would have.

9 634 Q. And what did she say?

10 A. She said that she had been invited for a chat, that 14:10  
11 they had rang her persistently to come in, that Paula  
12 was pushing her and that her mother had been talking to  
13 the guards and that --

14 635 Q. A chat about what?

15 A. I'm just going through, you've asked me. And that she 14:10  
16 said that the night before the wedding, Inspector  
17 Goretta Sheridan said that she would have sent out two  
18 lads from Gweedore to the house, I don't know whether  
19 it was to speak to her or take her in for a chat, I  
20 don't know, but she was worried, and she agreed to meet 14:11  
21 with Inspector Sheridan in Letterkenny for a chat.

22 636 Q. So Marisa told you that she was going in to Letterkenny  
23 to have a chat about two lads from Gweedore?

24 A. No, no, no.

25 637 Q. Sorry, I'm reading that wrong. Who were at the door of 14:11  
26 your house, is that right?

27 A. No, no.

28 638 Q. Tell us again. I can't read this.

29 A. What I said is, in conversation Marisa told me that the

1 night prior to the wedding Inspector Goretta Sheridan  
2 had told her that she could send out two lads to  
3 Gweedore. Now, I'm not sure if it was to talk to her  
4 or to take her to Letterkenny, but Marisa said that she  
5 didn't want the guards and there was -- but that 14:11  
6 Inspector Sheridan was quite persistent, and that she  
7 agreed to meet with her on the 6th to stop the phone  
8 calls.

9 639 Q. Will you tell us what she was going into the Garda  
10 station to talk about? 14:12

11 A. She told me that she was asked to come in about a  
12 chart, that her mother had been in contact with the  
13 guards and they wanted to talk to her about it.

14 640 Q. Her mother --

15 A. Rita. 14:12

16 641 Q. -- had been in contact with the guards about what?

17 A. About the argument on the 28th.

18 642 Q. All right. So the argument on the 28th was now in  
19 focus, is that right?

20 A. That's right, yeah. 14:12

21 643 Q. And did you ask Marisa what she had told the guards  
22 about that?

23 A. I definitely would have asked what was said, yes.

24 644 Q. And what did she say to you?

25 A. She couldn't remember. 14:12

26 645 Q. Did she tell you that she had been in the Garda station  
27 for eight hours?

28 A. She told me she had been in there for a long while,  
29 yeah. She probably did say eight -- more, even.

1 646 Q. Sorry?  
2 A. She probably did, yeah.  
3 647 Q. And did she say that most of that time was occupied  
4 with giving the Gardaí a statement about your  
5 relationship? 14:12  
6 A. She said that they had a detailed conversation about me  
7 and Marisa and that at some point after or during that  
8 conversation it was decided to take notes.  
9 648 Q. And did you say, what in God's name are you talking  
10 about our relationship for? 14:13  
11 A. No. I was curious about the length of time she was  
12 there and I would have asked what was said and  
13 that's --  
14 649 Q. I mean, that would have been the normal reaction for  
15 somebody to -- 14:13  
16 A. Yeah.  
17 650 Q. What in heaven's name have you said to them? Did you  
18 say that to her?  
19 A. Maybe not in those words, but I definitely would have  
20 asked what was said, yes. 14:13  
21 651 Q. Were you angry that she was discussing your private  
22 life?  
23 A. Angry, yeah, I would have been.  
24 652 Q. And just tell us about that. I mean, how did the  
25 conversation develop? 14:13  
26 A. I couldn't understand how the argument that happened on  
27 the 28th September could lead to an eight-and-a-half  
28 hour conversation or note-taking exercise in  
29 Letterkenny Garda Station.



1 653 Q. You see, you never asked for a copy of the statement or  
2 Marisa never asked for a copy of the statement, isn't  
3 that right?

4 A. I knew what happened on the 28th September, so whatever  
5 Marisa would have told them didn't cause me concern 14:14  
6 because I did nothing wrong.

7 654 Q. Well, sorry, Marisa told you that she has been in the  
8 Garda station, you think she might have told you for  
9 eight hours?

10 A. Yes. 14:14

11 655 Q. She told you that a large portion of that was occupied  
12 in making a statement --

13 A. Yes.

14 656 Q. -- about your relationship?

15 A. Yes. 14:14

16 657 Q. And neither you nor Marisa asked for a copy of the  
17 statement to have a look and to see what she's actually  
18 said to the Gardaí?

19 A. Chairman, the Gardaí had that statement. I wasn't  
20 worried about the content of the statement at that time 14:14  
21 because I knew I hadn't done anything wrong. Whatever  
22 the Gardaí wanted to do with the statement after that,  
23 would have been dealt with in due course, but they did  
24 nothing.

25 658 Q. But you knew that Marisa had thought that you had 14:14  
26 threatened her, isn't that right?

27 A. Yes.

28 659 Q. And did you say to her, 'I hope you didn't say that to  
29 the guards because it's wrong'?

1 A. Chairman, I knew what I had done or I hadn't done and I  
2 was confident I had done nothing wrong. If there was  
3 anything to the contrary or anything that needed to be  
4 put to me, that could have been put to me, but it  
5 wasn't. At the time, after Marisa came out of 14:15  
6 hospital, I wasn't going to create any more hassle or  
7 any more stress for her, so I didn't push the matter.  
8 She said she couldn't remember, that's fine.

9 660 Q. Right. I am going to come back to that in due course.  
10 There are some matters that I just have to go through 14:15  
11 with you, Garda Harrison. We've heard a description of  
12 the events on the 30th March of 2013 into the 1st  
13 April, when you -- it seems to be disputed as between  
14 what Marisa has said in terms of her being put out of  
15 the house and what James Quinn has said. You have a 14:16  
16 different version of events, isn't that right?

17 A. I never --

18 661 Q. To what Marisa has said?

19 A. I have never put or directed or told Marisa to leave  
20 her home. 14:16

21 662 Q. But in any event, we know that, at the heel of the  
22 hunt, Marisa left in the early hours of the morning,  
23 isn't that right?

24 A. Yes, that's right.

25 663 Q. And that you had called James Quinn, who was attending 14:16  
26 to some young fellow who was causing trouble in  
27 Letterkenny town, isn't that right?

28 A. I rang Jim, yes.

29 664 Q. And you subsequently had found out that there was an

1 all-points bulletin in the Bogle family, they were out  
2 looking for Marisa?

3 A. I didn't know that.

4 665 Q. You didn't know that?

5 A. No. 14:17

6 666 Q. But you found out subsequently, isn't that right?

7 A. That's right.

8 667 Q. And your account is at variance, and you have been  
9 asked already a few questions about this by the  
10 Chairman, in terms of the actual details of what 14:17  
11 happened, namely that -- was Marisa asleep in the bed?

12 A. Are you asking me about the 1st of --

13 668 Q. Yeah.

14 A. There had been -- there had been an argument. Marisa  
15 went up to bed. A while later, I went up. I tried to, 14:17  
16 probably wrongly, continue the conversation. I did  
17 pull back the duvet, yes.

18 669 Q. Were you shouting at her?

19 A. I would say, yeah, my voice was raised, yes.

20 670 Q. You were shouting at her. Right. So you pulled back 14:17  
21 the duvet and you were shouting at her?

22 A. Yes.

23 671 Q. This was effectively a command for her to get up, is  
24 that right?

25 A. No. 14:18

26 672 Q. Why else would you pull back the duvet?

27 A. I wanted to address the earlier issues, wrongly.

28 673 Q. No, but, Garda Harrison, why would you be shouting at  
29 somebody and pull back the duvet unless implied in that

1 was a command to get up?

2 A. I don't think initially I shouted. I think that I  
3 pulled back the duvet and Marisa didn't want to talk,  
4 and I think that then I raised my voice.

5 674 Q. Yes. But in any event, I'm going to move on from that, 14:18  
6 all right. At the end of the day, anyway, Marisa  
7 doesn't stay the night. And then on the 28th August  
8 2013 you know that Rita McDermott phoned Sergeant  
9 Durkin in Donegal Garda Station?

10 A. On the 28th August? 14:19

11 675 Q. 24th August. Is it the 28th?

12 A. I didn't know at the time Rita had rang the Garda  
13 station. The first I became aware of Rita ringing  
14 Donegal Garda Station was, I was in the station and I  
15 was talking to Sergeant Tony Cornyn up in the 14:19  
16 sergeant's office and Sergeant Cornyn said -- he asked  
17 me was I going to a wedding, and I said no, I'm not,  
18 and he says that -- he says herself's mother was on to  
19 us here, I'm not sure if he referenced David Durkin,  
20 but he definitely said herself was on here saying that 14:19  
21 you were going to the wedding, and I said I wasn't  
22 going to the wedding. I said I had time taken off work  
23 and I was going home.

24 CHAIRMAN: Yes, 24th August --

25 MR. MARRINAN: It's 24th August. 14:19

26 CHAIRMAN: -- Rita McDermott goes to the Garda  
27 station -- sorry, rings Donegal Garda Station, Donegal  
28 Town.

29 A. And I wasn't -- just, I wasn't made aware of Rita

1 McDermott ringing the Garda station at any point until,  
2 I think it was the very end of September, maybe the  
3 first day in October, where Tony Cornyn addressed the  
4 issue with me, and that was the first time anyone spoke  
5 to me about the wedding.

14:20

6 676 Q. Okay. Can we just have page 667 up on the screen,  
7 please. This is the report from Sergeant David Durkin.  
8 "Rita McDermott -- " I will just read halfway down  
9 " -- informed Sergeant Durkin that on the previous  
10 Tuesday night/Wednesday morning 21st August 2013 at  
11 approximately 3am she received a call from her  
12 daughter, who was in a distressed state. She indicated  
13 that Keith Harrison had thrown Marisa out of their  
14 shared accommodation in Churchill and she had to leave  
15 Raphoe and collect her daughter who, on her arrival in  
16 Churchill, was standing outside the house in her  
17 pyjamas."

14:20

14:20

18  
19 Do you recall that incident on the 21st August?

20 A. I don't, no.

14:21

21 677 Q. Well, is it perhaps you were so drunk that you don't  
22 recall?

23 A. No. I do recall Rita coming on occasion, I don't know  
24 what date, but I do recall there was an occasion.

25 678 Q. "It was reported the children were not in the house at  
26 the time as they were staying with their father  
27 overnight. Rita McDermott further indicated that it  
28 was the third serious incident in the past three months  
29 of a similar nature of which was reported to Gardaí in

14:21

1 Letterkenny by a family member (not Marisa)."

2 A. There would have been one other time Marisa left the  
3 house prior to that, and that would have been April.

4 679 Q. "Rita McDermott made other allegations relating to  
5 infidelity." 14:21

6

7 It seems that Marisa had confided in her mother what  
8 you had been up to in the summer of 2013. Do you  
9 recall that incident of Marisa being put out of the  
10 house? 14:22

11 A. Marisa was never put out of the house.

12 680 Q. If we just go on then to the 24th September of 2013.  
13 Again if we could have it up on the screen, it's page  
14 672.

15

16 "11:30am on this date, 24th September 2013, Rita  
17 McDermott again contacted Sergeant Durkin at Donegal  
18 Town regarding the behaviour of Garda Keith Harrison of  
19 Donegal Town while off duty. Rita McDermott once again  
20 emphasised the trouble her family are having with Keith 14:23  
21 Harrison. It was reported to Sergeant Durkin that  
22 Mr. Harrison has been asked to leave the house he is  
23 cohabiting with Marisa McDermott Simms, by her.

24 Mr. Harrison has not left. Rita McDermott indicated  
25 that on Mr. Harrison's return to work on Tuesday, 2nd 14:23  
26 October 2013, it is the intention of her daughter,  
27 assisted by her, to remove Keith Harrison's belongings  
28 when he has left for work, to get him to leave the  
29 accommodation. This process may cause some sort of an

1 incident if it proceeds and may become an issue for  
2 Gardaí at Milford. The address is --"

3  
4 And it says Woodbury House, all right? She then goes  
5 on to say: 14:23

6  
7 "Her daughter is getting married on the 4th October  
8 2013. The reception is taking place in An Chúirt in  
9 Bunbeg. Rita McDermott has stated that her daughter,  
10 Paula, has received correspondence from Keith Harrison 14:24  
11 indicating that he is going to cause some sort of  
12 disturbance at the reception as he is not invited to  
13 the wedding."

14  
15 Is there any truth in that? 14:24

16 A. No, I never sent any message -- correspondence to  
17 Paula. I think when I found out that I wasn't going to  
18 the wedding, I did send her a text message outlining  
19 how difficult she was making things for us. But I  
20 definitely never outlined that I was ever going to 14:24  
21 cause any disturbance at any wedding.

22 681 Q. I mean, ultimately you did ring up the hotel on the day  
23 of the wedding, isn't that right?

24 A. That's correct, yes.

25 682 Q. About threats that had been made in relation to -- 14:24

26 A. Actually, the day of the wedding, myself and Marisa had  
27 been in contact. She rang me at one stage and conveyed  
28 that she had wished that I was there, that she was in  
29 at a wedding where everyone else was with their partner

1 and she was at a wedding where she wasn't.

2 CHAIRMAN: So you seem to be telling me by the time of  
3 the wedding there was a reconciliation and before she  
4 actually went into the Garda station?

5 A. We spoke about the death threats, Judge, and she said 14:25  
6 that she was lonely, that she was there without her  
7 partner, and she did put it to me as to, you know,  
8 why --

9 CHAIRMAN: All right. That is fine.

10 A. Yeah. 14:25

11 683 Q. MR. MARRINAN: If we could have page 634. This, again,  
12 is Sergeant Durkin, who says that:

13

14 "At 3:00pm on the 1st October 2013 I telephoned Rita  
15 McDermott back, having obtained the correct phone 14:25  
16 number from Sergeant Cornyn. During the course of one  
17 of my conversations with Rita McDermott, she told me  
18 that Garda Harrison had made contact with the hotel in  
19 Westport seeking CCTV footage. This was the hotel  
20 where Paula McDermott held her hen weekend, which 14:26  
21 Marisa Simms attended. Rita McDermott led me to  
22 believe that the request was made by Garda Harrison as  
23 a member of An Garda Síochána."

24

25 And that certainly wasn't so, isn't that right? 14:26

26 A. No, that's not correct.

27 684 Q. And you say that you weren't trying to get CCTV  
28 footage?

29 A. I never looked for CCTV, no, never.



1 685 Q. And what you say in that regard is that you were trying  
2 to get photographs for the wedding?

3 A. I asked if the nightclub had a photographer that went  
4 around, it does, and if they had any --

5 686 Q. Just give me one minute now. If we could have page 14:26  
6 1099 on the screen, please. This is a report from  
7 Garda Brendan Mahon, dated 30th September:

8  
9 "Report on the 30th September at around 2 o'clock,  
10 Letterkenny Garda Station. Paula McDermott reported to 14:27  
11 Garda Brendan Mahon that her sister was verbally  
12 threatened by her boyfriend.

13 Incident: Ms. McDermott stated that she was not  
14 present when the incident occurred, but her sister had  
15 told her about it. Ms. McDermott had stated that her 14:28  
16 sister's name is Marisa Simms and that she lives in  
17 Churchill with her children. On Saturday evening 28th  
18 January --" that should be September " -- 2013,  
19 Ms. Simms' boyfriend, Keith Harrison, was at the house  
20 in Churchill and shouted and threatened her by saying 14:28  
21 that he was going to burn her and her child and bury  
22 her. Paula McDermott appeared visibly upset by the  
23 incident and had a genuine concern for her sister,  
24 Ms. Simms. Is now staying with Ms. McDermott."

25  
26 You see there, that sets out the threat, doesn't it? 14:28

27 A. I never threatened Marisa or the children. I wouldn't.

28 687 Q. But you will appreciate, Garda Harrison, that here's an  
29 instance where the words that are used and attributed

1 to you are set out by Paula McDermott, in circumstances  
2 where she says they were relayed to her by Marisa?  
3 A. She says?  
4 688 Q. Yes.  
5 A. We haven't seen or heard from Paula. 14:29  
6 689 Q. She says that they were relayed to her by Marisa Simms?  
7 A. Paula would have had an ulterior motive, and that is  
8 clear. I mean, we still don't speak. She definitely  
9 still doesn't like me, and that's fine, I can live with  
10 that. But I'll give you a previous, another occasion. 14:29  
11 I have never met -- I think the last time I had a  
12 proper conversation with Paula McDermott would have  
13 been around 1998. Since moving up to Donegal in April  
14 2011, Paula McDermott turned up at our house in Tir  
15 Argus, unannounced, and barged into the kitchen. She 14:30  
16 asked me to have a bit of respect and manners and to  
17 leave her to speak with her sister, which I did, and I  
18 went into a sitting room off the kitchen. I could hear  
19 the voices raised, but I couldn't make out what was  
20 being said. She stuck her head in the door and said 14:30  
21 some not so nice stuff to me, and left. I didn't break  
22 breath to her. But during that conversation, she had  
23 told Marisa that if she didn't break up with me she had  
24 intended to go to the superintendent in Buncrana and  
25 make them aware of who I was seeing. That's the only 14:30  
26 time I have met Paula McDermott. I have never broke  
27 breath to her, I have never said a bad word to her.  
28 690 Q. Could I have page 1083. This is an interview with the  
29 Tribunal investigators by Paula McDermott.

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"All I can tell you is of an incident that happened on 28th September 2013. My sister visited me here at home with her two children. She was here a few hours. She had arrived with a wedding present for me. I was getting married six days later, 4th October 2013. She left and went back to the house she was renting in Churchill with Keith Harrison. She stayed around 4:00pm or 5:00pm and left a few hours later. At around 10:00pm or 11:00pm I got a phone call from her and she was really distressed on the phone. She asked could she come back here to me and stay here with the children. Whenever she arrived back she put the children to bed and I asked her what happened. She said that Keith had been drinking most of the day and they got into an argument whenever she arrived home."

Is that right? Had you been drinking during the course of the day?

A. I hadn't been -- I was drinking when Marisa came in but I hadn't been drinking most of the day.

691 Q. "He said he was going to burn the house down with her and the children in it. Then on Sunday 29th September I spoke to her and advised her to report Keith to the Gardaí. She was still staying with me and she decided she would stay with me until after the wedding."

Now, she then goes on to say that she went in and relayed that, which I've already read out, in

1 Letterkenny Garda Station. Are you saying that this is  
2 a complete concoction on her part?

3 A. I'm saying is, that Paula used a certain situation for  
4 her own advantage.

5 692 Q. Okay. 14:32

6 CHAIRMAN: Well, she has been blamed for a lot, but she  
7 is not here. Is she really that bad?

8 A. Judge, I don't know the woman. I have never met her.

9 CHAIRMAN: She is accused of a lot.

10 693 Q. MR. MARRINAN: If we could just come to the telephone 14:32  
11 calls between yourself and Marisa, right?

12 A. Yes.

13 694 Q. And there's a lot in there of a personal nature and I'm  
14 not going to go through them, but I'm just going to  
15 refer you to page 1827. We see there at the bottom, 14:33  
16 third line from the bottom:

17

18 "Keith/Marisa 20:04: Curry chip please."

19

20 Do you see that? 14:33

21 A. Yes.

22 695 Q. This is a detail here that is referred to in Marisa's  
23 statement to the Gardaí, and it would appear that it is  
24 something that is correct. But in any event, the  
25 following day at nearly 7 o'clock in the morning, 14:34  
26 Marisa texts you:

27

28 "Disproportionate really. So which part of all you  
29 said should I have taken then? Let me see. You said

1           you would burn me and you would bury me and Paula."

2           A.    What are you asking me?

3 696 Q.    I'm asking for your comment. I mean, this is Marisa

4           speaking --

5           A.    I never -- 14:34

6 697 Q.    This is Marisa speaking to you.

7           A.    Mm-hmm.

8 698 Q.    Isn't that right?

9           A.    Yes.

10 699 Q.    And Marisa is alleging that, the evening before, that 14:34

11           you said you wouldn't burn her and you would bury her

12           and Paula?

13           A.    That's incorrect.

14 700 Q.    Sorry?

15           A.    That's incorrect. 14:35

16 701 Q.    Would you just point out your reply to her that says

17           it's incorrect?

18           A.    Chairman, if you get a message like that, a text

19           message isn't good enough to deal with it. I did try

20           and ring Marisa I think at every time a message like 14:35

21           that came through, to see what was going on.

22 702 Q.    All right. We'll just go through it then.

23

24           "You said you would burn me and you would bury me and

25           Paula. You would not be on our own 'cause I was no 14:35

26           catch anyway -- You would not be on your own, I was no

27           catch anyway."

28

29           Did you say that to her?

1 A. No. I said not nice things but I don't recall saying  
2 that.

3 703 Q. This is her saying this. It's not me, it's not  
4 Inspector Goretta Sheridan or anybody else. This is  
5 what she is saying to you. That you said, after you 14:36  
6 had said that you were going to burn her and Paula, "no  
7 catch anyway, with my list of faults". Did you say  
8 that to her?

9 A. I didn't say "list of faults", but the next bit I did  
10 say. 14:36

11 704 Q. "Including my gouger brother". Did you say that?

12 A. Yes.

13 705 Q. Pardon?

14 A. Yes.

15 706 Q. You did. "A father who has disowned me". Did you say 14:36  
16 that to her?

17 A. Yes.

18 707 Q. "You would destroy me". Did you say that?

19 A. No.

20 708 Q. Sorry? 14:36

21 A. No.

22 709 Q. "Get the kids taken from me"?

23 A. I didn't say that. What I actually said was, on the  
24 evening she left I asked her not to go, I asked her not  
25 to let this come between us, and I said if you keep 14:36  
26 running around -- and it wasn't that she'd only see,  
27 that we'd only end up seeing the kids at the weekend.

28 710 Q. "Go to the newspapers". Did you say that?

29 A. I have no idea what that is about because I wouldn't

1           have said that.

2 711 Q.    Sorry, there's nothing humorous about this.

3           A.    I'm not laughing.  But I wouldn't have said that.

4 712 Q.    These are threats that you're making against Marisa,  
5           that she is recounting back to you. 14:37

6

7           "Go to the newspapers.  Told that one of the children,  
8           mother has no home and can't provide for the child."  
9           Did you say that to her?

10          A.    I never said anything like that in front of the 14:37  
11          children.

12 713 Q.    "You have crossed the line once too often of late with  
13          your constant cheating and lying, but last night was  
14          the tipping point for me.  Goodbye."

15 14:37

16          All right?

17          A.    Yes.

18 714 Q.    And then your response to all that is a text message at  
19          9:01:  "On your way to mum's"?

20          A.    "On way to your mum's". 14:38

21 715 Q.    "On way to your mum's"?

22          A.    Yes.

23 716 Q.    That's a reference to her, is it?

24          A.    To Rita.

25 717 Q.    Pardon? 14:38

26          A.    To Rita.

27 718 Q.    Is it that you're on your way to her mum's?

28          A.    I was going to call to Rita to see what was going on,  
29          yeah.

1 719 Q. Right. Okay. So there's no -- you don't actually deny  
2 the threat to burn her and bury her and Paula?  
3 A. I vehemently deny that.  
4 720 Q. Pardon?  
5 A. I do deny that. 14:38  
6 721 Q. I know, but you didn't as a result of this conversation  
7 by way of text?  
8 A. What I told you is, a message like that doesn't -- a  
9 text doesn't go far enough.  
10 722 Q. No, but you could have phoned her. 14:39  
11 A. I did phone her, 9:13 and again at 9:17.  
12 723 Q. And where's that conversation? There's no conversation  
13 there. She doesn't answer you?  
14 A. Yeah.  
15 724 Q. Yeah. But as far as you were concerned, this was 14:39  
16 really quite serious because Marisa had got the wrong  
17 end of the stick, isn't that right?  
18 A. We already had an argument the night before. Why  
19 engage in something that I knew clearly wasn't the  
20 case, any further? I tried to ring to address the 14:39  
21 matter. I think I spoke to her later on in the day, or  
22 the next day maybe, but --  
23 725 Q. Okay. So anyway, there's no more communication. At  
24 9:27 you send her a couple of kisses. And at 10:02:  
25 "Marisa?" And then 11:08: "why are you doing this to 14:39  
26 me?"  
27 A. Yeah. That was in relation to the messages.  
28 726 Q. Pardon?  
29 A. That would have been in relation to the previous



1 message.

2 727 Q. No, it's in relation to the fact she won't take your  
3 calls, surely?

4 A. No, I think I sent the message and I know --

5 728 Q. what did you mean, "why are you doing this to me?" 14:40

6 A. why would you send a message like that and just leave  
7 me the way I was. That and the fact that I was on my  
8 own.

9 729 Q. She said "goodbye" in the previous message?

10 A. Yes. 14:40

11 730 Q. Right. That's how she signed off?

12 A. Yes.

13 731 Q. "why are you doing this to me?"

14

15 And then at 11:14: "I love you and the children, 14:40  
16 always know that."

17 A. Yeah.

18 732 Q. And then she replies to that at 11:39: "You're so full  
19 of sh\*t you make me sick. Love - you don't know the  
20 meaning of the word. You have threatened me for the 14:40  
21 last time."

22

23 Then you respond to that at 11:44: "what?"

24

25 At 11:45: "we over?" 14:41

26

27 And then 11:50: "You are finishing with me?"

28

29 Then 12:24: "How many times have you flipped out at me

1 and the children in the last week or so and shouted at  
2 us? seriously."  
3  
4 So you're now on the offensive with her, is that right?  
5 A. No, no, no, no, no, no. When I sent the "What?" it was 14:41  
6 in relation to the previous message, what was she on  
7 about. Then I asked, are "we over?" I asked, "Are you  
8 finishing with me?" I wanted to know what was going  
9 on. I clearly didn't know what was going on. And in  
10 reference to her flipping out, the last line -- or in 14:41  
11 the last week, I saw as no different than -- I won't  
12 say no different, but --  
13 733 Q. Okay. I will just go through the -- if we can just go  
14 over the page at 1829. You phone her again at 15:35,  
15 she doesn't answer. 14:42  
16 At 15:36: "Marisa, are you coming home please?"  
17  
18 She doesn't respond. 15:38, you phone her, she doesn't  
19 answer.  
20 14:42  
21 And then 15:48: "Can you please tell me what is going  
22 on. It's torture being left like this. Please,  
23 Marisa, are you done with us?"  
24 A. Yes.  
25 734 Q. She doesn't answer. At 18:57: "I love you, Marisa, I 14:42  
26 always will."  
27 And then kisses.  
28  
29 23:45: "Miss you x x x night."

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She doesn't answer.

A. Mm-hmm.

735 Q. Then eight minutes past midnight, I think -- no, it's not. Sorry. No, it would be.

14:42

A. It would be.

736 Q. Eight minutes past midnight you phone her and there's no response. So the following morning at 7:36:

"Do you even care how I am, if I am okay? I'm the last thing on your mind. You are putting me through hell. Haven't slept. Keep thinking you'll be home. How sad am I."

Looking back on it now, and looking at those text messages, is that kind of a reflection of the place you were in at that time?

A. Looking at those --

737 Q. Because of the drink and because of everything that was going on, that you were a little bit self-indulgent and you were more preoccupied with yourself than perhaps your partner?

A. Looking at the messages in that time, obviously there had been a falling out, obviously I was looking to see what was going on. I didn't know, so I didn't. I knew Marisa was angry with me.

738 Q. All right.

A. Yeah.

739 Q. At 7:41: "Thought as much. Do you realise how much

1 this is hurting? You wouldn't care if I wasn't  
2 around."

3  
4 And then at 7:54 she responds: "Rent is paid."

5 14:44

6 And then at 8:07: "Can you please let me know you are  
7 okay. Miss you so much. Please Marisa."

8  
9 Then she responds at 8:24: "Nothing to talk about.

10 Keith, you threatened to burn me, bury me and Paula, 14:44

11 get my kids taken from me. What type of person would  
12 do that? I am done completely."

13

14 And you respond to that, which is the third repetition  
15 of the fact that you had threatened her, at 8:35:

14:45

16

17 "Please Marisa, I am heartbroken. I love you."

18

19 And then from 8:35 until 5 o'clock in the afternoon,

20 you go on about the fact that "It's torture. Are you 14:45

21 coming home today? Did you do a test? I really miss

22 you. At least let me know if you are coming home."

23 Isn't that right?

24 A. They're the messages, yeah.

25 740 Q. And then if we go over the page at page 1830, at 17:17. 14:45

26 Now, this is at 17:17, after had you told her that you

27 love her and that you miss her and "you just ignore

28 me":

29

1 "Are you for real? I have no idea how you are feeling,  
2 Keith. You threatened to burn me."

3  
4 I mean, this is the third time -- the fourth time she  
5 has referred to a threat as being a matter that was in 14:46  
6 her mind at the time, and it's the third time that she  
7 has referred to it as a threat to burn her, isn't that  
8 right?

9 A. Yeah, that's right, yeah.

10 741 Q. And none of it has gone corrected by you? 14:46

11 A. None of it could be corrected over text messages.

12 742 Q. "A threat you seem to be blatantly ignoring."

13 Do you see there?

14

15 "I am not exposing the children to that. What kind of 14:46  
16 person would want to come between myself and the  
17 children? Just crazy, the things you said to me. You  
18 think because you tell me you love me I will come  
19 running, after all, I am no catch anyway, your parting  
20 words to me. You horrible person, leave me alone, we 14:47  
21 are done."

22

23 And then your response to that, 8:15:

24

25 "Marisa, please, I didn't start the other night, you 14:47  
26 did. I really miss you. You must know what we have is  
27 rare and special. This bloody wedding has come between  
28 us as I said it would. I do love you and I care a lot  
29 for you and the children and you know that."

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And why isn't there included there a reference to the threats?

A. I wasn't engaging in something that I knew simply didn't happen.

14:47

743 Q. Yeah, but why didn't you say that to her? why didn't you say --

A. If you --

744 Q. Just answer this simple question. Because she has referred to it herself, that you -- blatantly ignoring that she is saying, that you threatened me?

14:47

A. Because --

745 Q. And she is saying a number of threats here, but one of them is a threat to burn, and you're blatantly ignoring it, and it's obviously annoying her?

14:48

A. Because it simply didn't happen.

746 Q. Yeah, but why not say that? why not say 'That didn't happen? You took it the wrong way, I meant that your sister -- you would get burnt by your family'?

A. There was no --

14:48

747 Q. Or whatever it is you are now saying?

A. There was no point in engaging in that there that was going to make what was a bad situation, where we weren't speaking, on good terms, worse. If you look at the messages I sent where you are putting that I threatened violence towards Marisa and the children, if you look at all those messages, there's not one message I ever sent to her that was abusive, to her that was any ways threatening. I inquired about her, yeah, so I

14:48

1 did, but I never threatened anybody.

2 748 Q. There are those that say that an apology is a good  
3 starting point.

4 A. In relation to?

5 749 Q. The matters that she is putting to you, and I'm talking 14:49  
6 about generally.

7 A. In relation to the threats?

8 750 Q. If you are trying to make things better, an apology is  
9 a good starting point, is it not?

10 A. In relation to the threats and burning, they did not 14:49  
11 happen.

12 751 Q. Anyway, then at 18:18:  
13

14 "You did start it the other night, Keith. I brought  
15 you curry chips and you scowled at me, not to think 14:49  
16 that a bag of chips would make up for me being late."  
17

18 And 18:21: "Marisa, I was joking and you flipped and  
19 said, right, children, we are leaving, I am not  
20 listening to this and well you know, again running 14:49  
21 away."  
22

23 And then she returns to the issue at 18:23:  
24

25 "You can't even apologise. You complete ass. I will 14:49  
26 never forgive you, your cruel comments."  
27

28 And your response to that is at 18:26:  
29

1 "Keep calling me names. You totally overreacted, I  
2 mean, completely, and you said plenty too."

3  
4 Right. So there we have the messages back and forth  
5 between the two of you. 14:50

6 A. That's right.

7 752 Q. I mean, I think you will appreciate this, you are an  
8 intelligent man, that this is what Marisa -- what the  
9 guards say that Marisa put in her statement, right?  
10 They're almost verbatim the words, they are almost 14:50  
11 verbatim the words that were used by Paula when she was  
12 recounting what had been said to her by Marisa, okay?  
13 And here we have Marisa speaking to you, and she's  
14 using those words on at least three occasions?

15 A. In relation -- there was -- just, there was never any 14:50  
16 threats made to anybody. In relation to the  
17 similarities between Paula, Marisa, or the guards, or  
18 her mother, at that time they were all in contact,  
19 either with each other or around each other, either  
20 with Marisa's knowledge or without Marisa's knowledge. 14:51  
21 I did not make any threats.

22 753 Q. If I could just then turn to page 183 -- 1382, please.  
23 Just give me a moment. Okay. You have that up on the  
24 screen there in front of you?

25 A. Yes. 14:52

26 754 Q. This is a report dated 8th October 2013 by Sergeant  
27 Paul Wallace, who is the divisional crime prevention  
28 officer, okay?

29 A. Yes.



1 755 Q. And he met you by appointment at your home on the 7th  
2 October 2013 at six o'clock, do you remember that?  
3 A. That's right, yeah.  
4 756 Q. "Garda Harrison was alone in the house at the time and  
5 appeared quite agitated and nervous. He informed me 14:53  
6 that he had been in telephone contact with his partner,  
7 Ms. Melissa Simms, and she had just informed him that  
8 she had been at court in Letterkenny earlier seeking a  
9 safety order against him."  
10  
11 Is that something that happened? 14:53  
12 A. There was a phone call with Marisa earlier in the day  
13 and, as I said earlier, she informed me that she had  
14 been into the Garda station in relation to a chat that  
15 was requested and that notes had been taken and that 14:54  
16 she had received advice in relation to the safety order  
17 and inquired as to what that was. In respect of  
18 wanting me out of the house, when I knew that she had  
19 been in the station, I knew it wasn't notes. So, for  
20 me, I didn't know if I could stay in the house if that 14:54  
21 had been done.  
22 757 Q. Sorry, this is the report from Sergeant Wallace. I  
23 will read it again.  
24 A. I know. I've heard it the first time.  
25 758 Q. Did you say this to Sergeant Wallace, what I just read 14:54  
26 out to you?  
27 A. There's parts of it I said.  
28 759 Q. No, I'm not talking about parts of it, I'm talking  
29 about the sentence that he is attributing to you. I

1 will read it again, all right.

2

3 "He had been in telephone contact with his partner and  
4 she had just informed him that she had been at court in  
5 Letterkenny earlier seeking a safety order against 14:55  
6 him."  
7

8 Now, I will ask you again, did you say that?

9 A. My recollection is that I said to him that she was on  
10 about having to go to court. That is my recollection. 14:55

11 760 Q. "She wanted him out of the house."  
12 Did you say that?

13 A. No. I had a conversation about him that maybe I should  
14 move out of the house.

15 761 Q. "And she had made a statement to the guards two days 14:55  
16 ago about his treatment of her."  
17 A. Yes, I said that.

18 762 Q. Pardon?  
19 A. I said that.

20 763 Q. So, I mean, Sergeant Wallace has sent in a report in 14:55  
21 relation to this conversation. There are a number of  
22 details there, and just so that we are clear in  
23 relation to this because Sergeant Wallace is going to  
24 be called --

25 A. Mm-hmm. 14:56

26 764 Q. -- you're denying that you said that Marisa had been in  
27 Letterkenny in a courthouse seeking a safety order  
28 against him, you deny you said that?  
29 A. No, no, and it's a small detail. My recollection is

1           that I told him she had been speaking to me about  
2           getting a safety order.

3   765   Q.    No, but this is --

4           A.    That's my recollection. I can't --

5   766   Q.    Okay. So you're denying that you told Sergeant Wallace 14:56  
6           that Marisa had said that she had been in a court in  
7           Letterkenny earlier seeking a safety order against you?

8           A.    What I am saying is that my recollection is that we  
9           discussed it, that she said about a safety order.

10   767   Q.    You're denying that you told Sergeant Wallace that she 14:56  
11           wanted you out of the house?

12           A.    I'm not denying anything of what -- Sergeant Wallace  
13           will give his own evidence. I'm telling you what I  
14           recollect.

15   768   Q.    Well, I am telling you what his evidence is going to 14:57  
16           be?

17           A.    What his evidence -- that's his report. What I am  
18           telling you is my recollection. If Sergeant Wallace  
19           says that, fair enough, but my recollection of it is  
20           that I spoke to him in relation to moving out, yes. 14:57

21   769   Q.    Then if you go down to the last paragraph:  
22  
23           "He feels the origin of the alleged complaint to the  
24           Gardaí by Ms. Simms is based on a comment he made to  
25           her in the course of a verbal disagreement when he 14:57  
26           stated --" and there's a quotation mark here " -- 'you  
27           will get burnt there', using it as a figure of speech  
28           which Ms. Simms, he alleges, took up the wrong way."  
29           A.    I said that. We had that conversation. Because I

1           couldn't understand how a statement could have been  
2           made on foot of what actually happened, so I did. And  
3           I definitely had that conversation with him, yeah.

4   770   Q.    So, at this time, you were aware of the fact from  
5           Marisa that she had been in the Garda station and had   14:58  
6           made a statement, isn't that right?

7           A.    I think what I said to sergeant -- I spoke about that  
8           comment there and I told him that I couldn't understand  
9           what was going on, that, on one hand, the statement had  
10          been made, and she was talking about a safety order in   14:58  
11          the other, and I think it was a different phone, that  
12          there was -- I can't remember, messages -- between  
13          messages and phone calls from Marisa, I think there  
14          might have been, I can't remember, but there was a  
15          significant amount of messages and phone calls from   14:58  
16          Marisa to my phone. I think maybe 19 or 20.

17   771   Q.    would you come back to the question that I asked you  
18           and would you mind answering it?

19          A.    What was the question?

20   772   Q.    You had had a discussion with Marisa?           14:58

21          A.    Yes.

22   773   Q.    She had told you that she had made a statement in the  
23           Garda station?

24          A.    No, she had told me she had been in for a chat and they  
25           took notes. I -- from that, I took it that it was a   14:59  
26           statement.

27   774   Q.    CHAIRMAN: Sorry, I beg your pardon, Mr. Marrinan, for  
28           interrupting. In all your time in the Gardaí have  
29           people just come into a Garda station and had a chat

1 with Gardaí making notes? Is that what you do?  
2 A. If somebody wants to come in to report something and  
3 they don't want to take it further, you will take notes  
4 of the conversation you had, should they come back  
5 again.

14:59

6 CHAIRMAN: You appreciate practically every document  
7 that comes up here, somebody seems to be saying that's  
8 wrong, but not just wrong, it's wrong in some tiny  
9 respect in relation to the use of a particular word in  
10 a particular way, carrying a particular meaning,  
11 leading into a particular direction, and this is yet  
12 another one. So are you saying that Sergeant Wallace  
13 just couldn't take down competently what you said to  
14 him?

14:59

15 A. I'm certainly not saying that.

14:59

16 CHAIRMAN: That's fine. Thank you.

17 775 Q. MR. MARRINAN: You know, whether or not Marisa was  
18 going to make a statement or a complaint was in your  
19 mind at the time before the 6th October, wasn't it?

20 A. Before it?

15:00

21 776 Q. Yes.

22 A. No.

23 777 Q. Can we have page 728 up on the screen, please. This is  
24 a report of Sergeant Collins. This is a conversation  
25 with Paula McDermott. This is the third paragraph  
26 down:

15:00

27

28 "During the conversation it was also established that  
29 Marisa Simms called to the house at Churchill earlier

1 today, where she met with Keith Harrison. She went  
2 there to collect clothes. He asked her if she reported  
3 the alleged threats and she said no. He said he asked  
4 her that because he saw patrol cars up around the  
5 house, driving slowly. He was crying and begging her 15:01  
6 not to report it."

7 A. What date was that report, sorry?

8 778 Q. Sorry?

9 A. What date was that report?

10 779 Q. This is on the 1st October. 15:01

11 A. I remember Marisa coming back to the house, yeah, but I  
12 never asked was she making any statement. I learned --  
13 the only time I learned of her being in the Garda  
14 station was when she told me.

15 780 Q. So if we go back to this conversation that you had with 15:01  
16 Sergeant Wallace. 1382. Thank you, Mr. Kavanagh.

17  
18 "He feels the origin of the alleged complaint to the  
19 Gardaí by Ms. Simms --"

20 15:01

21 That's not the chat, it's a complaint. As far as you  
22 were concerned at that time, you were aware of the fact  
23 that Marisa Simms, or you thought that Marisa Simms had  
24 actually made a complaint against you, isn't that  
25 right? 15:02

26 A. That's right.

27 781 Q. " -- is based on a comment he made to her in the house  
28 of a verbal disagreement when he stated you will get  
29 burnt there, using a figure of speech."

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So you knew that there had been a complaint and you knew the nature of the complaint that was being made.

A. I knew what had happened the evening before, and given the text messages, that was the only --

15:02

782 Q. You knew that it related to the threat that Marisa was saying that you had uttered to her, which you now deny?

A. There was never a threat.

783 Q. But you knew it was related to the threat to burn, isn't that right?

15:02

A. It may have come up in the conversation between me and Marisa, where she said she had been in the station, I don't -- I cannot remember. But there was never, ever a threat.

784 Q. No, sorry, I think that you're missing the point.

15:03

A. No, I'm not missing the point.

785 Q. Here we have, on the 7th October, you in conversation with Sergeant Wallace?

A. Mm-hmm.

786 Q. Right?

15:03

A. Mm-hmm.

787 Q. And you're telling him that you think that the origin of the complaint that is now against you?

A. Mm-hmm.

788 Q. By Marisa?

15:03

A. Mm-hmm.

789 Q. Is that she misinterpreted the threat that had been made to her?

A. Yes. There was four messages sent to me, saying that I

1 had said that.

2 790 Q. But why did you think that they had translated into a  
3 complaint?

4 A. Because they could be nothing else.

5 791 Q. This seems an astonishing leap that you made. I mean, 15:03  
6 we know that Marisa made a statement in which she made  
7 a large number of allegations, which you're now  
8 denying, against you --

9 A. Mm-hmm.

10 792 Q. -- in terms of emotional abuse, some of which you now 15:03  
11 accept. But why did you hone in on this one aspect?

12 A. Because the messages from Marisa previously honed in on  
13 burning, burying, I can't remember the other one,  
14 burning and burying, so they were, and she had been  
15 into the Garda station. 15:04

16 793 Q. So you made that leap?

17 A. No, that conversation with Sergeant Wallace, just, it  
18 was a long -- I think he might have been there for an  
19 hour-and-a-half, so it wouldn't be just the one thing;  
20 there was other things spoken about. 15:04

21 794 Q. "Using it as a figure of speech which Ms. Simms, he  
22 alleges, took up the wrong way. She asked him when he  
23 was working next and he said Friday 11th October at  
24 5:00pm. He then alleged that Ms. Simms said 'I don't  
25 think you will be working'." 15:04  
26 In quotation marks.

27 A. I think that might have been a text message I showed  
28 him.

29 795 Q. Then it goes on to say:



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"Garda Harrison had 21 contacts with Ms. Simms during the day, commencing at approximately 9:20am and continuing to just before 1:00, before I met him. There was no contact with or by Ms. Simms while I was there. He received just one call from Jim Quinn."

15:05

If we could just have page 169 up on the screen, please. These are the notes that were made by --

MR. MCGUINNESS: 1069.

15:06

MR. MARRINAN: -- by Sergeant Wallace. It has "Keith Harrison", it has the date, it has the time of 6:40pm, refers to the fact that you have 13 years service, and then the type of house. It says "safety order in court", do you see that?

15:06

A. Yeah.

796 Q. But you say no, that this was some reference that you made to a safety order and what had been said to her. "Statement two days ago. Chief came in."

Do you see that?

15:07

A. Yeah.

797 Q. Now, I am going to come back to that in a minute. And then it's written:

"How do you retract statement HSE?"

15:07

And then if we could move down two lines:

"Threatened to burn her. Left last Saturday, 28th.

1 wedding 4th October."  
2  
3 And then: "Badly burnt".  
4  
5 All right? 15:07  
6 A. Mm-hmm.  
7 798 Q. You're now saying that you had an expectation that what  
8 you had said to Marisa on the 28th October would work  
9 its way into the statement of complaint?  
10 A. I didn't have -- I know what happened on the evening 15:08  
11 before, I know what was said, from the text messages  
12 and a conversation with Marisa. That's where that came  
13 from.  
14 799 Q. If we could just go to page 1068, which is the  
15 statement of Sergeant Wallace. If we could just go 15:08  
16 down to the bottom of the page:  
17  
18 "Garda Harrison also spoke about his relationship with  
19 his partner, Marisa Simms. He told me that she had  
20 taken out a safety order against him." 15:08  
21  
22 Okay, that is fairly clear.  
23 A. Mm-hmm.  
24 800 Q. You deny that?  
25 A. I have no recollection of telling him that. Look at, I 15:08  
26 would stand corrected, if I am wrong, I am wrong. But  
27 my recollection is that I spoke to him, that Marisa had  
28 spoken to me about it.  
29 801 Q. "He told me that she had been in Letterkenny Garda

1 Station making a statement and while there had rung him  
2 21 times."

3 A. No, I showed him the mobile phone to show him that it  
4 all didn't make sense, that while this was going on,  
5 she was -- we were in regular contact. There was 21, I 15:09  
6 think -- I don't think it was 21 times rung, I think  
7 between text messages and phone calls from Marisa I  
8 would have shown him and there was -- if he says 21,  
9 well then there must have been 21.

10 802 Q. "He said that during the course of one of the telephone 15:09  
11 conversations she told him that the chief had come into  
12 the room while the statement was being taken and  
13 commented on 'no guard is to treat women like that,  
14 I'll see to that'."  
15  
16 He recorded that in his notes. 15:09

17 A. Yes. Marisa definitely told me that she was told by  
18 the chief that no guard was going to treat a woman like  
19 that. Maybe I thought the chief was present or the  
20 chief came in, but that -- I definitely said that. 15:10

21 803 Q. "He mentioned that she had asked when he was scheduled  
22 to work again, to which he replied Friday. He told me  
23 that she had said, I think you're going to be  
24 arrested."  
25  
26 Did she say that? 15:10

27 A. I think that was a text message.

28 804 Q. Sorry?

29 A. I think that was on a text message.

1 CHAIRMAN: I'm sorry for interrupting you,  
2 Mr. Murrinan. I'm sorry, it's just kind of hard to  
3 follow, because before lunch I was told that Marisa  
4 had, in the course of a phone call to you on the 7th  
5 October, the day after the statement, said that 15:10  
6 Inspector Sheridan had reported Chief Superintendent  
7 McGinn's general attitude. Well, now you're telling me  
8 that, in fact, she told you that Chief Superintendent  
9 McGinn had walked into the room and said, 'no guard is  
10 going to treat a woman like that in my division'. 15:11  
11 A. No, sorry, Chairman, through the conversation I had  
12 with Marisa at that time, I assumed that the chief had  
13 come in. I now know she didn't, that it was a comment  
14 passed to Marisa.  
15 CHAIRMAN: Well, I would like to get a definitive kind 15:11  
16 of version of this as evidence. Maybe just tell me  
17 what actually are you saying about this.  
18 A. Chairman, I wasn't there. When Marisa told me that, I  
19 took it that the chief had come in. It wasn't clear to  
20 me. 15:11  
21 805 Q. MR. MARRINAN: So it's clear from this conversation  
22 that had you with Sergeant Wallace, you're recounting  
23 your conversation with Marisa Simms, you're aware of  
24 the fact that she has made a complaint, isn't that so?  
25 A. Yes. 15:12  
26 806 Q. And you're telling him about it. There's no allegation  
27 at that time of any impropriety in the taking of the  
28 statement, isn't that right?  
29 A. I had very little detail.

1 807 Q. Sorry?

2 A. I had very little detail of what went on.

3 808 Q. And Marisa certainly hadn't complained to you at that  
4 point in time about how the statement had been taken,  
5 isn't that right? 15:12

6 A. No. That's true, yes.

7 809 Q. Yeah. And one might have expected her, if she was  
8 making a complaint, that she would have made it to you?

9 A. We weren't on good terms at that time.

10 810 Q. Right. So, in any event, subsequent to that and you 15:12  
11 had your conversation with Marisa, did she then make a  
12 complaint to you about the circumstances of the taking  
13 of the statement?

14 A. Do you know, I think when she came out of hospital we  
15 were just more -- more concerned at getting things back 15:12  
16 to normal, back to a good place, rather than anything  
17 else.

18 811 Q. Is the answer to my question no?

19 A. What's your question, sorry?

20 812 Q. My question was: Did Marisa make any complaint to you 15:13  
21 about the circumstances in which the statement had been  
22 taken?

23 A. We didn't speak of it, because it was a contentious  
24 issue and we just didn't want any more hassle.

25 813 Q. So the answer to my question is no? 15:13

26 A. Not at that time, no.

27 814 Q. When was the first time that she made a complaint to  
28 you about the contents or the way, the manner in which  
29 the statement had been taken?

1 A. It was sometime after that. I can't recall the exact  
2 date, but it was sometime before she went in, in  
3 January, I think possibly around November, Judge. I  
4 can't say for definite.

5 815 Q. Around November. Did you make a complaint on her 15:13  
6 behalf or cause her to make a complaint to anybody  
7 about that?

8 A. I wouldn't tell Marisa to make a complaint. That's --  
9 if she wants to do it, she will do it. Personally --

10 816 Q. Garda Harrison, you're an experienced guard, you're 15:14  
11 experienced in court work as well, isn't that right,  
12 going to court and giving evidence?

13 A. Yes.

14 817 Q. Investigation of serious crime?

15 A. Yes. 15:14

16 818 Q. You often hear circumstances where accused persons who  
17 have made statements to the Gardaí attempt to withdraw  
18 the statement or claim some impropriety on the part of  
19 Gardaí, isn't that right?

20 A. Yes. 15:14

21 819 Q. And you know that one of the most important factors,  
22 the question that will be asked is, well did you make a  
23 complaint at the time or are you just doing so now in  
24 order to try and extricate yourself from an  
25 embarrassing situation? You know that that's 15:14  
26 important, don't you?

27 A. I can only speak for myself. This is an embarrassing  
28 situation, where I have to speak about this.

29 820 Q. Well, we're in a situation where Marisa made no

1 complaint whatsoever to anybody about her treatment at  
2 the hands of Inspector Sheridan and Sergeant McGowan,  
3 isn't that right?

4 A. Marisa and I were in a different situation then. I do  
5 know she had a lot of frustration over trying to meet 15:15  
6 with Inspector Sheridan. That would have been said to  
7 me. Certainly in relation to the statement, as the  
8 weeks went on, she would have discussed it with me, the  
9 length of time, what was said, but she had very little  
10 recollection of what was in it. 15:15

11 821 Q. And it being of concern to you in your conversation  
12 with Sergeant Wallace that this complaint, which you  
13 assumed was a reference to the threat that had been  
14 made on the 28th September, that had been taken up the  
15 wrong way by Marisa, which you had discerned from 15:15  
16 reading her text messages, that you didn't then seek  
17 out the statement or ask -- or tell Marisa to seek out  
18 the statement to see what she had actually said in  
19 relation to this, is that what you are telling us?

20 A. I was satisfied, at that time, that I had done nothing 15:16  
21 wrong, and that whatever was in that statement, that I  
22 could meet, and I wasn't afraid of it.

23 822 Q. And you mentioned it to Marisa?

24 A. Mentioned?

25 823 Q. This issue. 15:16

26 A. Which issue?

27 824 Q. Saying to Marisa, look, you know, I think you went into  
28 the Garda station to make a complaint against me  
29 because of what I said on the 28th, and you know you

1           took it up wrong. Did you say that to her?

2           A. We would have spoken about her going into the station.

3           She could offer me very little detail of it. I didn't

4           push the matter. As I said, because of what happened

5           on the 28th September, I wasn't concerned that I had 15:16

6           done anything wrong or was answerable for having done

7           anything wrong. Yes, I did say things, Judge, I

8           shouldn't have said, and I apologise for that, but I

9           certainly didn't threaten anybody.

10       825 Q. Okay. So, in any event, nothing is done. And can we 15:17

11           just go through this so that we are very clear about

12           it. As of the 7th October your state of mind is that

13           Marisa has made a complaint against you to your

14           superiors, is that right?

15           A. Yes. 15:17

16       826 Q. You know that she has been in a Garda station for

17           upwards of eight hours?

18           A. That's correct.

19       827 Q. You believe that it relates to a complaint that was

20           made -- or a conversation you had with her on the 28th 15:17

21           September, which she misinterpreted?

22           A. I didn't know what was in that statement, but I was

23           making -- between the messages that were sent to me and

24           the conversation -- and what happened on the 28th

25           September, drew my own conclusion that that part of it 15:17

26           was potentially part of what was there, but I didn't

27           know anything else.

28       828 Q. I didn't ask you -- I asked you did you believe that it

29           related to that conversation on the 28th September,



1           that she had misinterpreted?

2           A.    I believe it was because of the row on the 28th  
3           September, yes.

4   829   Q.    Yes.  And it related to that particular issue of her  
5           misinterpreting a threat to burn her and bury her and       15:18  
6           Paula, that that had been misinterpreted by her, that's  
7           your evidence, is it?

8           A.    No.  My belief is that whatever was in it referred to  
9           the argument on the 28th September, that's it.

10   830   Q.    And related to the burning?                                       15:18  
11           A.    Whatever happened on the 28th September.

12   831   Q.    No, look, Garda Harrison, I have been through this with  
13           you before, I'm just trying to summarise this, because  
14           you've accepted what Sergeant Wallace said and his  
15           report --   15:19  
16           A.    Mm-hmm.

17   832   Q.    -- relates to this issue and your concern that she had  
18           misinterpreted, and he puts you in quotation marks in  
19           relation to it.

20           A.    Yes.   15:19  
21   833   Q.    So you believed that it related to that, that's what  
22           you told Sergeant Wallace?

23           A.    Partly that and -- that was all part of the incident on  
24           the 28th September.

25   834   Q.    So anyway, that is your state of mind as of the 7th       15:19  
26           October.  Marisa is released from hospital.  This  
27           matter isn't discussed any further between the two of  
28           you in any significant way?

29           A.    No.

1 835 Q. Is that right?  
2 A. That's right.  
3 836 Q. And that's the end of the matter, as far as you're  
4 concerned. You don't make any inquiries as to whether,  
5 in fact, Marisa has said this, either of her, is that 15:19  
6 right?  
7 A. Chairman, that statement was made on the 6th October.  
8 I was happy to address any issue in that statement,  
9 were it ever to be put to me. At no time was that  
10 issue ever put to me by anybody until there was an 15:19  
11 attempt on the 1st -- where I received a registered  
12 letter from Superintendent Murray on the 1st December  
13 2014, where I was informed, by way of letter, that the  
14 matters from the previous 15 months, that the Gardaí  
15 had a statement of, and we now know a comprehensive 15:20  
16 statement, that they could have acted at any time, and  
17 for whatever reason chose not to.  
18 837 Q. You didn't raise the issue with Marisa at the time,  
19 isn't that right, this is your evidence?  
20 A. No, not -- no. 15:20  
21 838 Q. And you didn't raise the issue by seeking to a get a  
22 copy of any statement from the Gardaí, isn't that  
23 right?  
24 A. Marisa sought to get a copy of the statement after I  
25 received the letter from Superintendent Mary Murray in 15:20  
26 December 2014.  
27 839 Q. December 2014?  
28 A. '14.  
29 840 Q. Now, if we could just have page 28, which is your

1 statement, if we could move on to your dealings with  
2 Tusla. You say there:

3  
4 "However, true to Inspector Sheridan's word, we  
5 received a letter from Tusla on the 2nd February 2014 15:21  
6 inviting us to a meeting about the children on the 6th  
7 February 2014."

8  
9 Is that right?

10 A. Yes, that's correct. 15:21

11 841 Q. And you go on to say:

12  
13 "The next four days were hell for both of us, wondering  
14 what Tusla wanted. Neither of us could sleep or eat.  
15 We both were extremely distraught." 15:21

16 A. That's right.

17 842 Q. "We attended this meeting and met with a social worker,  
18 Donna McTeague. She went on to explain she had been  
19 asked to meet us over the row in September 2013."

20 A. That's right. 15:21

21 843 Q. You then go on to say:

22  
23 "But she was confused as to what she was to do as she  
24 explained she deals with children in immediate danger  
25 and this meeting was taking place over four months 15:21  
26 later."

27  
28 You had the statement that has been provided to you  
29 from Donna McTeague?

1 A. Yes.

2 844 Q. You understand that she denies that entirely?

3 A. I saw that, yeah.

4 845 Q. Pardon?

5 A. I saw that, yeah. 15:22

6 846 Q. "We explained to her what had happened and that it was  
7 a normal row, that as a couple it was out of character  
8 for us. She accepted this and told us she wouldn't be  
9 taking things any further and she would report back to  
10 her team leader but at that point was happy that we 15:22  
11 wouldn't have any more communications or meetings with  
12 her."  
13

14 You're aware of the fact that she completely denies  
15 that as well? 15:22

16 A. When we arrived for the meeting with Donna McTeague,  
17 she -- there was comments or a comment passed in  
18 relation to the incident having been, I think at that  
19 stage, four-and-a-half months old. There was a  
20 comment -- or a conversation, in that she deals with 15:22  
21 children in immediate danger. There was a comment in  
22 relation to, I think at that time, that the information  
23 they had was that it was a verbal disagreement. And we  
24 discussed about it, I admitted my role and it was my  
25 fault, and I told her that, and that it was out of 15:23  
26 character and that it was something that would never  
27 normally happen in the run of things, and she accepted  
28 it. She actually passed the comment, you know, she  
29 says, I know -- something along the lines of, I know

1 that you don't plan your rows, but try not do it in  
2 front of the children, and I accept that.

3 847 Q. You then go on to say:

4

5 "Marisa and I left the meeting dumbfounded and hurt 15:23  
6 that anyone would ever suggest we are bad to the  
7 children."

8

9 I understand from the statement from Ms. McTeague that,  
10 in actual fact, that you accepted at the time that you 15:24  
11 were responsible?

12 A. Yes.

13 848 Q. "To this day, it has had a profound effect on us as  
14 parents where we are constantly questioning our ability  
15 to be parents. We constantly worry that we are being 15:24  
16 watched by my colleagues, who at any stage could again  
17 make scurrilous accusations that could put us and our  
18 children at risk."

19

20 During this period of time that you were -- your 15:25  
21 difficult period of time with Marisa, at a time that  
22 perhaps you were being a bit obsessive --

23 A. Between April and October?

24 849 Q. Pardon?

25 A. Between April and October, is that what you are talking 15:25  
26 about?

27 850 Q. Of 2013.

28 A. Okay.

29 851 Q. In 2012, we know that you had been checking her details

1 on Pulse.

2 A. Yes.

3 852 Q. Isn't that right?

4 A. That's correct.

5 853 Q. And you were called in by the chief superintendent in 15:25  
6 relation to the matter?

7 A. I was called in by the chief superintendent in relation  
8 to the incident with my car.

9 854 Q. No, he says otherwise, and I will just get the  
10 reference to it now. If I could have page 1293 up on 15:25  
11 the screen, please. This is part of a report of the  
12 chief superintendent, "Accessing of Pulse, Garda Keith  
13 Harrison" on the previous page. But this is what Chief  
14 Superintendent Sheridan [sic] had to say in relation to  
15 that: 15:26  
16

17 "On 24th April 2012 I met with Garda Harrison at  
18 Letterkenny Garda Station in relation to this matter.  
19 He was not in a position to give any logical  
20 explanation for all the checks he had carried out on 15:26  
21 Ms. Simms on Pulse. While there was no formal  
22 complaint from Ms. Simms, I made it clear to him that  
23 it was totally unacceptable that he was conducting all  
24 of these checks on Pulse for no apparent reason. I  
25 advised him that I had issued clear instructions in 15:26  
26 regard to the accessing of Pulse and that I expected  
27 him to comply with them. He gave me a firm undertaking  
28 that he would do so and that he would not carry out any  
29 further checks on Ms. Simms."

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Do you see that there?  
A. When I met for the second time with Chief Superintendent Sheridan, we spoke only about my car, he wasn't happy about it, and I accept that. He had a report, I think, from Sergeant Cornyn, he had photocopies of insurance certs or an insurance cert and the tax disc that was out of date. He questioned me about it. I explained the situation to him, what had happened, and he questioned me as to was the car now in order and I said it was. I asked him what was going to happen and he said that it wasn't for him to say, that the matter would be dealt with in whatever way it was going to be dealt with. And he made a complaint that I was basically to keep my nose clean and I left the office. I was never spoken to about it. The form -- or the directive that came, I have a vague recollection of the directive that came subsequently, but I don't know --

15:27

15:27

15:27

MR. O'HIGGINS: Sir, I don't believe this was put to Chief Superintendent Sheridan during cross-examination.  
MR. MARRINAN: No, what was actually put was that, when he give his evidence, all that was put was that you had no recollection of this conversation but you weren't saying it didn't happen.

15:28

15:28

A. I have no recollection of ever having any conversation in relation to that. I do clearly recall in relation to the car, yes.

855 Q. Well, I am not asking about the car. I'm asking you,

1 on the 24th April 2012 when the chief superintendent  
2 met you at Letterkenny Garda Station in relation to the  
3 specific issue that was then being dealt with, was your  
4 accessing Pulse?

5 A. No, the specific issue was the car. There was nothing 15:28  
6 else discussed.

7 856 Q. And he says that he asked you for a logical explanation  
8 for your accessing and doing checks on Ms. Simms?

9 A. We spoke about the car, that was it.

10 CHAIRMAN: I'm sorry for interrupting, Mr. Marrinan, 15:29  
11 but I'm in a state of almost complete confusion. Why  
12 would the superintendent put down a report to say that  
13 he spoke to you in relation to Pulse? And you had been  
14 accessing Pulse.

15 A. Yes, I had. I'm saying but I didn't -- I did not have 15:29  
16 a conversation. I only had a conversation about the  
17 car.

18 CHAIRMAN: And if he knew that you were accessing Pulse  
19 and there was no reason put into the box --

20 A. Mm-hmm. 15:29

21 CHAIRMAN: -- for the garda who accesses Pulse to say,  
22 I'm accessing Pulse in relation to the following  
23 inquiry or for the following reason, he'd have a very  
24 good reason to talk to you, apart from the fact that  
25 this was a young lady you were living with. 15:29

26 A. Yes, I can only say --

27 CHAIRMAN: So are you saying he's making it up?

28 A. I'm saying that he only spoke to me about the car.

29 CHAIRMAN: Well, why has he got this report here? I



1 mean --

2 A. I can only tell you, I know I was only spoken to about  
3 the car.

4 CHAIRMAN: Were you ever spoken to about Pulse and  
5 checking up on Marisa Simms? 15:29

6 A. No.

7 CHAIRMAN: Never?

8 A. Not that -- I can't remember. I don't -- I know at  
9 that point there was nothing, only the car.

10 CHAIRMAN: So are you telling me that the Garda find 15:30  
11 out that people are misusing the Pulse system and they  
12 just leave it completely unremarked?

13 A. No, there was -- I do remember a directive coming down,  
14 I think to everybody, in relation to it, but that's --

15 CHAIRMAN: No, forget about directives to everybody. 15:30  
16 Directives to everybody come, I presume, about twice a  
17 week. It's nothing to do with this. He found out that  
18 you were looking at Pulse, you weren't putting in the  
19 correct reasoning. You'll remember two weeks ago I  
20 likened this to the Revenue Commissioners, who are just 15:30  
21 across the hall, by the way, and how they can't, for  
22 instance, look at anyone's tax records in this room  
23 without having a specific reason, and they have to  
24 leave a record of why they are doing it.

25 A. Yes. 15:30

26 CHAIRMAN: Now, you did that.

27 A. Yes.

28 CHAIRMAN: You didn't put in the reason.

29 A. No.

1 CHAIRMAN: And furthermore, you were checking on your  
2 girlfriend.

3 A. I wasn't checking on her.

4 CHAIRMAN: What were you checking?

5 A. I was checking to see who else was checking on us. I 15:30  
6 would have checked myself as well.

7 CHAIRMAN: And you are saying that the chief  
8 superintendent never spoke to you about that?

9 A. Not at that time.

10 CHAIRMAN: But he just spoke about a car disc, an 15:31  
11 inaccurate car disc claiming you had insurance on your  
12 car, which wasn't, in fact, insurance for your car.

13 A. Yeah, I was told in Donegal Town by, I think, Sergeant  
14 Cornyn that the chief wanted to see me and I went to  
15 see him. 15:31

16 857 Q. MR. MARRINAN: You were checking to see who was  
17 checking on Ms. Simms?

18 A. On both of us. I would have checked myself as well.

19 858 Q. Well, she is an independent person, she had her own  
20 car, isn't that right? 15:31

21 A. Yes.

22 859 Q. Yeah. You used your car, she used hers.

23 A. Yes.

24 860 Q. She wasn't living with you during this period of time?

25 A. No, but people were aware we were seeing each other. 15:31

26 861 Q. You weren't living together, I asked you, you weren't?

27 A. No.

28 862 Q. Who is checking on you?

29 A. I've learned recently that there is the ability to do

1            what is called a confidential cover, or a confidential  
2            check, which is a check on Pulse that leaves no  
3            electronic trace.

4 863 Q.    well, look, Garda Harrison, sorry, before you give away  
5            some State secret in relation to this -- 15:32

6            A.    There's no State secret. It's in the --

7 864 Q.    we're dealing with your state of mind in 2012, all  
8            right?

9            A.    2012 is the time, yeah.

10 865 Q.    Okay. In April 2012, and in the years preceding that, 15:32  
11            when you were accessing Pulse and checking on Marisa  
12            Simms. Now, what I asked you was a fairly benign  
13            question in relation to it: was this a reflection at  
14            the time of your obsessive nature?

15            A.    I wasn't -- 15:32

16 866 Q.    In other words, it was something that you were doing  
17            that you shouldn't have been doing, which the chief  
18            seems to have taken the view of, there was no  
19            disciplinary matter, it wasn't blown out of proportion,  
20            you were checking on your girlfriend and you shouldn't 15:33  
21            have been doing that?

22            A.    I wasn't checking on her for the purpose of checking on  
23            her. From when people became aware of our  
24            relationship, I was worried that people -- look at,  
25            that people were watching us. 15:33

26 867 Q.    who are the people?

27            A.    Colleagues.

28 868 Q.    colleagues. who were the colleagues?

29            A.    Senior colleagues.

1 869 Q. who were the senior colleagues?  
2 A. I don't know specifically, but it was in my mind.  
3 870 Q. Pardon?  
4 A. No one specific.  
5 871 Q. You know, this morning I moved through it as quickly as 15:33  
6 I possibly could and gave a potted history of your  
7 career in Donegal, and we went through it, and I think  
8 we established that you arrived in Donegal, that you  
9 were more than happy in Buncrana, that you were  
10 welcomed by senior management in Donegal, you were 15:33  
11 welcomed by your colleagues who worked with you, you  
12 got on very well, they thought highly of you, there was  
13 this hiccup, nobody brought any disciplinary  
14 proceedings against you in relation to it, you were  
15 accommodated in Donegal, you went down to Donegal, you 15:34  
16 might have preferred to have been in Letterkenny, but  
17 you don't always get what you want, but you were in  
18 Donegal and you were accommodated within the division.  
19 I brought you through the statement of evidence of  
20 Superintendent Coen, who welcomed you down to Donegal, 15:34  
21 had a meeting with you, said he never heard any  
22 complaints from you in relation to your colleagues or  
23 any complaints from your colleagues in relation to you.  
24 So who are these people who are checking on you?  
25 A. Firstly, the atmosphere in Donegal Town was completely 15:34  
26 different than the atmosphere in Buncrana, so it was.  
27 I had suspicions that people were -- had an interest in  
28 my relationship with Marisa. I had it. And to be  
29 honest, in the papers we've got from the Tribunal, that

1 seems to be the case. There was a series -- there was  
2 a series of people asking me, I remember at the time,  
3 in relation to where I was living, where the directions  
4 to it was, the rent we were paying. Judge, it did  
5 strike me as -- or spark me, why are they asking all 15:35  
6 these questions? We now know that there was people  
7 looking under discreet -- discreetly for my address,  
8 for my living arrangements, for my relationship status  
9 with Marisa, and I was right.

10 872 Q. Well, I wonder whether there's some paranoia here? 15:35  
11 A. There's no paranoia. We can clearly see from reports  
12 from Superintendent McGovern, a discreet confidential  
13 report from Superintendent Coen through David Durkin  
14 that he had made inquiries discreetly as to where I  
15 was, there's detail of the direction of it, where it 15:35  
16 is. How is that paranoid?

17 873 Q. All right. Who are the senior managers of the Donegal  
18 division that you're making allegations against?  
19 A. There's no one person. I'm telling you that  
20 collectively, and it's clear to see that, from 15:36  
21 different divisions, different superintendents had  
22 sought information.

23 874 Q. Well, you know --  
24 A. The simplest thing is, if it was only a simple matter  
25 of where is this fella living, they could have asked 15:36  
26 me.

27 875 Q. Well, I understand that you --  
28 CHAIRMAN: Sorry, I beg your pardon, Mr. Marrinan.  
29 Obviously this came up two-and-a-half weeks ago. But I

1 actually thought you were obliged to register your  
2 address. I mean, I had said at that time my boss is  
3 entitled to know where I am living, and indeed there is  
4 a document saying exactly where I am living, which she  
5 had - he, now, had. Are you not obliged to actually 15:36  
6 tell them where you are living?

7 A. I understand.

8 CHAIRMAN: And if you move address, are you not obliged  
9 to tell them that?

10 A. My understanding of the Code, there's no obligation to 15:36  
11 provide an address, unless on your leave sheet where  
12 you are going on annual leave for a period of time  
13 where you must, during that period, let management know  
14 where you are.

15 CHAIRMAN: Well, it's -- 15:36

16 A. Not for your --

17 CHAIRMAN: Look, you may be right, Garda Harrison. It  
18 seems very surprising to me, because you could be  
19 living, for example, in Sceichín na Rince and serving  
20 in Gweedore, which would be ludicrous, and no 15:37  
21 management system would accept that.

22 A. I accept that, but -- and I am welcome to be corrected,  
23 but my understanding is there is no obligation to  
24 provided an address.

25 CHAIRMAN: That is your obligation. I just would have 15:37  
26 thought that in a force that is supposed to be  
27 functional, people would actually know where people,  
28 under a quasi-military discipline, are actually living  
29 so that they can be got in the event of an emergency,

1 so that in the event that they are under any kind of  
2 difficulty, people will know how to protect them, so  
3 that they can be called upon in the event that their  
4 services are needed. I am just very surprised to hear  
5 that, if it is so.

15:37

6 A. I would have had no problem giving that information if  
7 it was sought off me.

8 MR. HARTY: Sorry, sir, I, in fact, asked counsel for  
9 the Garda Commissioner on a number of occasions to  
10 clarify that. It appears there is no provision in the  
11 Garda Code in that regard.

15:37

12 MR. O'HIGGINS: Well, actually I am just going to cut  
13 across Mr. Harty, Chairman. I am going to get the  
14 exact material for you. It should have been provided  
15 before this. I wonder might I provide that in the  
16 morning. I just wanted to be certain and clear so the  
17 Tribunal has it straight.

15:38

18 CHAIRMAN: Yes, but this is a bit different. What  
19 Mr. Marrinan has asked is, look, all this checking up,  
20 all this feeling that people are against you, it seems,  
21 is there an issue as to whether it is paranoia?

15:38

22 A. No.

23 CHAIRMAN: No, just hang on a minute.

24 A. I'm sorry.

25 CHAIRMAN: No, just hang on a minute. And then the  
26 question as to where you are living, as to why people  
27 are making inquiries, the only point being made was:  
28 surely they're entitled to know where you are living.  
29 So, that's all. I think we should probably move on

15:38

1 from that, because it's not actually helpful.

2 876 Q. MR. MARRINAN: Yes. So if we just go back to your  
3 statement at page 28. What provoked that was, you  
4 said:  
5  
6 "We constantly worry that we are being watched by my  
7 colleagues, who at any stage could again make  
8 scurrilous accusations."  
9  
10 what is the scurrilous accusation that you're referring 15:38  
11 to that was made by a colleague?

12 A. Quite clearly in Marisa's statement there is an  
13 accusation that I threatened Marisa, that I absolutely  
14 deny in the strongest way, as does Marisa. It never  
15 happened. 15:39

16 877 Q. No, it's Marisa's accusation against you --

17 A. No.

18 878 Q. -- recorded by your colleagues.

19 A. No, it's a matter contested by Marisa, who was there.  
20 She said she never said it, and I know for a fact I 15:39  
21 never said it.

22 879 Q. But she said it in the text messages to you, for  
23 heaven's sake.

24 A. The text message isn't a statement.

25 880 Q. Are you serious about this? 15:39

26 A. You've put this to Marisa already. I can only answer  
27 for me. I did not threaten, and this was an allegation  
28 this was put to me some 15 months after the alleged  
29 incident happened.



1 881 Q. I mean, if we come down to it, I suppose, if your  
2 version of events is right in relation to 28th  
3 September and you never said that you would threaten to  
4 burn her or bury her and Paula, if that is right, the  
5 guards didn't make this up, right. They weren't there 15:40  
6 on the 28th September, they have no knowledge of it,  
7 isn't that right?

8 A. No.

9 882 Q. No. They hadn't access to the text messages at that  
10 stage, is that right? 15:40

11 A. No.

12 883 Q. So they don't know what communications there were  
13 between the two of you?

14 A. Yes.

15 884 Q. All right. So whoever is responsible for this being on 15:40  
16 the page is Marisa?

17 A. Yes.

18 885 Q. So either she has made an error in communicating this  
19 to the Gardaí or alternatively she may have done it  
20 deliberately, isn't that right? 15:40

21 A. I wasn't there when the statement was made. I cannot  
22 comment for the content of that statement.

23 886 Q. Surely you've discussed it with her and said to her,  
24 look, you know is there a possibility, and a realistic  
25 possibility here, that you went in to the Garda station 15:41  
26 at a time when things were very bad between the two of  
27 us and you caught me out trying to, trying to cheat or  
28 cheating, I don't know, whichever is irrelevant really,  
29 but that she's getting her own back at you?

1 A. Marisa said she did not say those words and I believe  
2 her.

3 887 Q. And she has gone in to the Garda station and she has  
4 given a whole history of your relationship, most of  
5 which you say is exaggerated, all right? 15:41

6 A. I wouldn't say exaggerated. I behaved appallingly to  
7 Marisa.

8 888 Q. Yeah. But you have said on a number of occasions in  
9 relation to aspects of it, that it is exaggerated?

10 A. I have never said it was exaggerated. I say it's not 15:42  
11 accurate.

12 889 Q. And --

13 CHAIRMAN: well, it certainly wasn't underplayed, put  
14 it that way.

15 A. No. 15:42

16 CHAIRMAN: well, then it is exaggerated.

17 A. Yeah, okay.

18 CHAIRMAN: Yes. well again, I don't know why we are  
19 having quibbles over particular words. Let's just  
20 stick with the ordinary meaning of it. 15:42

21 890 Q. MR. MARRINAN: So I mean the bottom line here, if I can  
22 put it that way, is that perhaps this never happened or  
23 it happened as you say it happened, and Marisa has  
24 given a completely distorted account of your  
25 relationship with her in 2013 to your superiors to 15:42  
26 cause you as much embarrassment as possible. Did that  
27 enter into your mind at all?

28 A. What I find is amazing to this, is that the Gardaí had  
29 made an arrangement to meet Marisa in relation to an

1 alleged incident that happened on the 28th September  
2 and after -- it took 34 pages to get to the reason that  
3 she was in the Garda station.

4 891 Q. But isn't there 34 pages of Marisa talking about you  
5 and the way that you treated her?

15:43

6 A. I can't --

7 892 Q. About obsession, about harassment. It's not the guards  
8 talking, it's Marisa.

9 A. I wasn't there when that statement was taken, I can't  
10 say who said what, but Marisa has issue over a lot of  
11 it.

15:43

12 CHAIRMAN: Well, it's just, I'm sorry, to intervene  
13 again Mr. Marrinan, it's just for the sake of clarity  
14 in my own mind. Forgive me for interrupting the  
15 dialogue, Garda Harrison. But, Mr. Marrinan asked you  
16 a very important question there and it was this: Look,  
17 do you think it's conceivable that Marisa Simms went in  
18 to the Garda station and made an exaggerated complaint  
19 about you, including the events of the 28th, in order  
20 to put you in your place so that you wouldn't misbehave  
21 ever again? Now, that's what he is asking you, but  
22 specifically in terms of your own knowledge he's  
23 asking, did you ever discuss that, in other words did  
24 you and Marisa ever discuss, look, did you go too far  
25 in your statement and blame me for a whole load of  
26 stuff in order to ensure that I would be like a muzzled  
27 dog, so to speak, or a dog put on a leash. I'm not  
28 saying that in any insulting way, I'm just trying to  
29 give you an analogy that will bring it across best.

15:43

15:44

15:44

1 A. Chairman, I didn't see that statement until December  
2 2014. That was my first time to see --

3 CHAIRMAN: Even after December 2014, did you have  
4 anything of that kind of conversation?

5 A. I did ask Marisa what was this all about. And she said 15:44  
6 she couldn't remember saying much of it, Chairman.  
7 That was the conversation. I didn't push the matter  
8 because there was other things there.

9 CHAIRMAN: But sometimes it can be hard. I mean, we're  
10 talking about university graduates here, both you and 15:44  
11 her.

12 A. Yeah.

13 CHAIRMAN: We're talking about things that people are  
14 supposed to have said. You know, this thing of I don't  
15 remember, I can understand people perhaps not 15:45  
16 remembering, but is that the height of conversation?  
17 Because Mr. Marrinan was asking you, you know, was it  
18 the case that she perhaps said to you, yes, I did give  
19 a very exaggerated statement about your conduct in  
20 order to ensure that you were going to behave yourself 15:45  
21 from now on? I'm not saying she did, I'm just --

22 A. No.

23 CHAIRMAN: That is the question that is being asked of  
24 you, if you wouldn't mind addressing that. Don't worry  
25 about when, it could have been yesterday, it could have 15:45  
26 been December 2014. At any time did you have that  
27 conversation?

28 A. No, I didn't.

29 CHAIRMAN: All right. That's fine.

1 A. I asked about the content of the statement and she  
2 couldn't remember.

3 CHAIRMAN: Right.

4 893 Q. MR. MARRINAN: And did she ever during the course of  
5 conversations that you had with her, ever say to you 15:45  
6 that she had put the reference to a threat to burn and  
7 bury herself and Paula in her text messages just simply  
8 to hurt you, is that anything that ever entered into  
9 your conversations?

10 A. I think there was conversations about it and it was, I 15:46  
11 think, to make me worry.

12 894 Q. And why hasn't that made it into a statement that you  
13 made to the Tribunal?

14 A. I can't say. I didn't put it in.

15 895 Q. But sure, it's the whole point -- 15:46

16 A. You've asked me if there was, there probably was, I  
17 don't remember every detail.

18 896 Q. No, but this is the most important detail. Isn't it?  
19 A. What is?

20 897 Q. I have been asking you about the text messages that she 15:46  
21 sent to you --

22 A. Mm-hmm.

23 898 Q. -- you saying that she got it wrong --

24 A. Yeah.

25 899 Q. -- you didn't answer her, we have been through all of 15:46  
26 that.

27 A. Yes.

28 900 Q. You never once said to me or suggested to me, in actual  
29 fact she was getting at me and trying to hurt me and

1 she has told me since that that was her reason for  
2 putting --

3 A. It was around the time -- that was the gist of it. I  
4 can't remember the exact words.

5 901 Q. I am talking about since. 15:47

6 A. Oh, since? No. We did not speak. There was no  
7 contact between Garda Síochána and me until December  
8 2014 since that statement was made and we didn't, we  
9 just didn't bring it up. Things were going well, leave  
10 it. 15:47

11 902 Q. I'm talking about since, as of yesterday, or the day  
12 before, or last week, or last month when the Tribunal  
13 was coming up, or when you were sitting down and you  
14 were doing your statement for the Tribunal?

15 A. No, I did, yes, I did ask her when I saw on the 15:47  
16 Tribunal booklet, what was she thinking when she sent  
17 the message, she couldn't give me any reason.

18 903 Q. She told the Tribunal yesterday that her explanation  
19 for doing it was that she wanted to hurt you?

20 A. Yes. 15:48

21 904 Q. Is that the first time you heard that, then, yesterday?

22 A. No, initially she couldn't tell me why she did it, what  
23 was going on in her head. Not yesterday, I think we  
24 had a conversation in relation to it after she moved  
25 home. I would have said to her -- or not even, at 15:48  
26 different stages when I would have spoken to her while  
27 she was in Paula's, what was she on about, these  
28 messages. One occasion I do remember she broke down on  
29 the phone, she told me that I had hurt her very badly

1 and that something along the -- I can't, I'm  
2 paraphrasing, but something along the lines of, it's  
3 not very nice, is it, when you feel that.

4 905 Q. I just asked you about this a few minutes ago and had  
5 you no recollection at all. 15:48

6 A. No.

7 906 Q. Sorry, let me finish. I pointed out that she gave  
8 evidence yesterday in relation to this, and all of a  
9 sudden your recollection is jolted?

10 A. No. No. I did say earlier that I would have conversed 15:48  
11 with her on the phone over them, that I didn't reply  
12 via a text, because it wasn't a text to answer with a  
13 text, it needed conversation.

14 CHAIRMAN: Mr. Marrinan, I'm sorry for interrupting,  
15 again I am sorry Garda Harrison for interrupting. I 15:49  
16 tried to stay silent. But, am I safe now in writing  
17 down that you believe that Marisa Simms sent those  
18 messages after the statement of the 6th October 2013 in  
19 order to hurt you?

20 A. Yes. 15:49

21 CHAIRMAN: And am I safe in also writing down that she  
22 sent them in a deliberately false form accusing you of  
23 threatening to burn her and kill her --

24 A. That's what I believe.

25 CHAIRMAN: -- bury her -- 15:49

26 A. That's what I believe, yes.

27 CHAIRMAN: -- that these were lies that she was  
28 attributing to you in order to hurt you? I actually  
29 need an answer to that.

1 A. I believe, yes.

2 CHAIRMAN: That she was lying in relation to those  
3 texts and deliberately in effect accusing you of what  
4 are criminal offences?

5 A. The texts were sent to hurt me, yes. Or to make me 15:49  
6 worry.

7 CHAIRMAN: I think you have to answer my question.

8 A. Right.

9 CHAIRMAN: Are you saying that I am now safe in writing  
10 down firstly, that you believe that the text messages 15:50  
11 sent on the 7th October, etcetera, after the alleged  
12 statement of the 6th October in Letterkenny Garda  
13 Station, were sent by Marisa Simms to you in order to  
14 hurt you? Is the answer yes.

15 A. The text messages sent prior to the statement being 15:50  
16 made.

17 CHAIRMAN: Look, I think we all know what we are  
18 talking about. Garda Harrison, we all know what we are  
19 talking about. We all know what Mr. Marrinan has been  
20 talking about. It's the messages after she comes out 15:50  
21 of the Garda station, where you're texting her and  
22 saying, you know, I love you, I'm all alone, kiss,  
23 kiss, and then she replies in a very deliberate  
24 fashion, repeating, as Mr. Marrinan said, the  
25 allegations almost verbatim that she had made to the 15:51  
26 Gardaí which are now contested.

27 A. Chairman --

28 CHAIRMAN: Just question number one, that is what we  
29 are talking about: Do you understand that?



1 A. Chairman --

2 CHAIRMAN: Sorry, do you understand that?

3 A. Yes, but I think --

4 CHAIRMAN: Then stop, please. Because I have to have  
5 some certainty. Question number two: Do you believe 15:51  
6 that she sent those text messages in order to hurt you?

7 A. Chairman, can I just say one thing? Is that I believe  
8 those messages were sent prior to her making the  
9 statement, in relation to the burn and bury.

10 MR. MARRINAN: No, that is right. 15:51

11 CHAIRMAN: All right, that is fine. That is right.

12 MR. MARRINAN: That is correct, they were sent prior to  
13 going into --

14 CHAIRMAN: Yes, don't worry about it. No, that's fine.  
15 So, in the statement she repeats those verbatim, do you 15:51  
16 say that they were sent deliberately in order to hurt  
17 you?

18 A. At that time to cause me worry and hurt.

19 CHAIRMAN: Yes. And do you say that they are  
20 deliberately exaggerated, deceitful in making 15:51  
21 allegations against you that weren't true in order to  
22 hurt you?

23 A. Yes.

24 CHAIRMAN: And do you say, therefore, notwithstanding  
25 that that she did not repeat those to the Gardaí on the 15:52  
26 6th October when she went in to make the statement and  
27 repeated in effect the substance and indeed sometimes  
28 the exact words of those text messages leading up to  
29 the entry into the Garda station on the 6th October?

1 A. I can't say what was said at the time of the making of  
2 the statement. In regards the first two things, I have  
3 addressed it. In relation to what's in the statement,  
4 I wasn't there.  
5 CHAIRMAN: So what am I safe in writing down? 15:52  
6 A. I've answered the first two questions.  
7 CHAIRMAN: Just tell me in a narrative, if you don't  
8 mind.  
9 A. In relation to the messages that were sent prior to  
10 making the statement: were they sent to cause worry 15:52  
11 and hurt? Yes. Was the content of them correct? No.  
12 And the third thing you're asking me, if I am right, is  
13 that you're asking me, these appear in the statement  
14 later, and is that correct, what's in the -- it's not.  
15 CHAIRMAN: well -- 15:53  
16 A. I never threatened anybody.  
17 CHAIRMAN: Yes. No, I think I can be the judge of  
18 that. There is a correspondence between what is said  
19 in the text and then what appears in the statement a  
20 couple of days later. You're saying she sent them to 15:53  
21 hurt you, they were deceitful?  
22 A. They weren't -- they didn't happen.  
23 CHAIRMAN: No, they were deceitful?  
24 A. Yeah.  
25 CHAIRMAN: She's making things up against you? 15:53  
26 A. Yeah. In the text messages.  
27 CHAIRMAN: Yes. No, I understand.  
28 A. Which is something that was spoke of, yes.  
29 CHAIRMAN: Thank you, because that clarifies matters.

1 907 Q. MR. MARRINAN: You see the problem is that this is  
2 introduced into evidence during the course of Marisa  
3 Simms' examination yesterday when she's being asked  
4 about these text messages and to explain them. And  
5 it's introduced into the Tribunal, which has been in 15:53  
6 existence for seven months, and it seems to go to the  
7 very kernel of the issue that the Tribunal is  
8 considering here, and it's introduced into evidence by  
9 her for the first time yesterday. And now when your  
10 memory is jogged in relation to this, during the course 15:54  
11 of this examination, you have a memory of it, that's  
12 introduced into the Tribunal at this stage. Have you  
13 an explanation for that?

14 A. For?

15 908 Q. For either you or she alerting the Tribunal that she 15:54  
16 had this animosity towards you at the time that caused  
17 her to make a false allegation against you that's set  
18 out in a text message in order to cause you harm?

19 A. When I received the booklets or the correspondence or  
20 the papers in relation to the text messages I did 15:54  
21 inquire what it was about, she couldn't remember  
22 sending them, she had no recollection of sending them.

23 909 Q. So when you got the text messages and examined them you  
24 confronted her with them and at that time she had no  
25 recollection of the text messages, is that what you are 15:55  
26 saying?

27 A. And I had no recollection of receiving them.

28 910 Q. And so, it wasn't until she gave evidence yesterday  
29 when she said that she did it in order to hurt you, and

1 she did it deliberately, that that is the first time  
2 that she decides to introduce that into the hearings  
3 and also it jogs a memory that is buried deep in your  
4 memory, that all of a sudden is surfacing, is that what  
5 you are saying?

15:55

6 A. Judge -- or Chairman, I can only say that -- I have  
7 addressed the issue with it. I can't say why or what  
8 Marisa was thinking at the time. All I can say is what  
9 was in the messages is not true.

10 911 Q. Well, you see, an inference that could reasonably be  
11 drawn from that statement from Marisa Simms that she  
12 deliberately made a false accusation against you to  
13 hurt you, could equally apply to making a false  
14 accusation against you in the Garda station on the 6th  
15 October, to hurt you?

15:55

16 A. I can't answer that. I didn't make the statement.

17 912 Q. Okay, thank you. So, in any event, we will just move  
18 on back to your statement with Tusla. I got distracted  
19 there from it. At page 28, three quarters of the way  
20 down:

15:56

21  
22 "We went home and later that day Donna McTeague rang  
23 Marisa and apologised and said she had to do a home  
24 visit. Marisa asked her to come that day as she  
25 couldn't bear with it hanging over us. Ms. McTeague  
26 couldn't do it that day but visited the following day.  
27 Ms. McTeague, the next day, came into our home,  
28 apologising, stating she didn't have any choice in the  
29 matter, that her team leader had been in contact with

15:57

1 the guards and, as a result, had to do the visit.  
2 Spent around 10 or 15 minutes in our home and spoke  
3 with children. Before leaving again, apologising but  
4 guaranteeing this was the end of it. Marisa and I had  
5 no issue with the conduct of Ms. McTeague but the 15:57  
6 invasion of our home, our private lives and our  
7 children's life has left an indelible scar on us as a  
8 family."

9  
10 You're not supported by Marisa in relation to this 15:57  
11 allegation, which is absolutely denied by Ms. McTeague,  
12 that she had been in contact with her team leader who  
13 had been in contact with the guards. You realise that?

14 A. My recollection is that the phone call to Marisa and  
15 when Marisa came to me after the phone call, it was 15:58  
16 that she had to come out and do a house call because  
17 her team leader, her team leader directed her, and I do  
18 recall some mention of there had been the contact with  
19 the guards.

20 913 Q. But you're not supported in that regard by Marisa, who 15:58  
21 says that this didn't happen?

22 A. Well, that's my recollection. I might be mistaken.

23 914 Q. Sorry?

24 A. I might be mistaken.

25 915 Q. You might be mistaken? 15:58

26 A. Yes.

27 916 Q. So if Ms. McTeague is saying no, this didn't happen,  
28 and Bridgeen Smith is saying that this didn't happen  
29 and that she had no social contact whatsoever with

1 Garda McGowan, and I will come to that in a minute, but  
2 if they are all saying that and Marisa is agreeing that  
3 nothing was said to her about contact with the Gardaí,  
4 you're saying that you could possibly be mistaken?

5 A. I do --

15:59

6 917 Q. Is that correct?

7 A. I do recall the phone call. I do recall Marisa coming  
8 in and saying she had to come out, that the team leader  
9 had directed her out. I have a recollection, I  
10 might -- look at, I might be wrong in that, but I do --  
11 at the time of making the statement, that was my  
12 recollection. I made my statement on my own.

15:59

13 918 Q. But this is absolutely the core of what we are dealing  
14 with, whether or not the Gardaí brought improper  
15 pressure to bear on Tusla to investigate your private  
16 family life.

16:00

17 A. There were telephone conversations between An Garda  
18 Síochána and the HSE or Tusla, so there was. We know  
19 that simply because from the 16th October 2013 where  
20 Gerry Hone said that there were no child welfare  
21 issues, there is absolutely no correspondence written  
22 by, that is outlined, that should be there, in the  
23 Child First. There is a prescribed form with every  
24 contact that should be filled up, and that's missing.  
25 So the only other way is that there was telephone  
26 conversations, that there was improper conversations  
27 between members of An Garda Síochána and members in  
28 Tusla that led to this home visit, or to the -- sorry,  
29 the initial meeting in the HSE offices.

16:00

16:00

1 CHAIRMAN: I mean, it's getting pretty late,  
2 Mr. Marrinan. Possibly that might be a good time to  
3 break --  
4 MR. MARRINAN: Yes.  
5 CHAIRMAN: -- in just a minute. But on what basis are 16:01  
6 you actually asking the Tribunal to believe that there  
7 was pressure brought to bear by the Gardaí on Tusla to  
8 make an inquiry in relation to the welfare of  
9 Ms. Simms' children?  
10 A. Chairman -- 16:01  
11 CHAIRMAN: On what basis?  
12 A. Chairman, there is a complete lack of correspondence  
13 that you would expect there.  
14 CHAIRMAN: Just hang on a minute.  
15 A. We know -- 16:01  
16 CHAIRMAN: I have actually heard that and you have said  
17 it before. So you are actually asking the Tribunal to  
18 believe that something happened to make a finding of  
19 fact because there is no evidence --  
20 A. No. 16:01  
21 CHAIRMAN: -- as opposed to there being evidence.  
22 A. There is evidence.  
23 CHAIRMAN: What is the evidence?  
24 A. There is evidence that Sergeant McGowan rang the HSE  
25 and told them not to come and visit us, and then there 16:01  
26 was a contact that's disputed whether the HSE did it or  
27 Sergeant McGowan did it, but at that point they were  
28 told to go on ahead after many months later.  
29 CHAIRMAN: And where is the evidence for that?

1 A. The evidence is there in the phone contacts between  
2 Sergeant McGowan and the Tusla officials.

3 CHAIRMAN: Are you still ascribing that to something to  
4 do with higher-up Gardaí in Garda Headquarters?

5 A. Judge, there were a number of meetings that we know 16:02  
6 locally, with local management, that went on, that we  
7 have no notes of.

8 CHAIRMAN: It's been a long day, and we will take it up  
9 tomorrow, the usual time. Thanks.

10 16:02

11 THE TRIBUNAL THEN ADJOURNED UNTIL FRIDAY, 29TH  
12 SEPTEMBER 2017, AT 10:00AM.

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