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Friday, October 10, 2008

Omagh bombing appeal opens



Colm Murphy claims delay in bringing the proceedings has prejudiced his right to a fair trial

AN APPEAL by building contractor Colm Murphy aimed at stopping his retrial on a conspiracy charge connected with the Real IRA bombing in Omagh has opened at the Supreme Court.

A native of Co Armagh with an address at Jordan's Corner, Ravensdale, Co Louth, Mr Murphy (54) is appealing against a High Court decision of last October by Mr Justice Iarfhlaith O'Neill refusing his application to prevent his retrial before the non-jury Special Criminal Court.

He has argued that his prosecution should not be allowed to go ahead on grounds including delay in bringing the proceedings, which he says, has prejudiced his right to a fair and speedy trial.

The appeal is being heard by a five-judge Supreme Court, presided over by the Chief Justice Mr John Murray, who is sitting with Mr Justice Hugh Geoghegan, Mr Justice Adrian Hardiman, Mr Justice Nial Fennelly and Mr Justice Joseph Finnegan.

Opening the appeal, Michael O'Higgins SC, for Mr Murphy, said the High Court had erred in finding that the delays in the case did not breach his client's rights.

He said there were a number of delays, including an unjustifiable three-year delay resulting from the DPP's decision to prefer perjury charges against two gardai who gave evidence at Mr Murphy's first trial in 2001.

A further delay occurred between Mr Murphy being charged in 1999 and not being tried until 2001/2002.

This delay occurred despite the fact that the nuts and bolts of the case against Mr Murphy were ready at a relatively early stage, he said. Mr O'Higgins also argued that the High Court had wrongly concluded that Mr Murphy's memory problem was such that he could not have a fair

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trial.

Mr O'Higgins will resume his submissions when the appeal hearing resumes on a date yet to be fixed.

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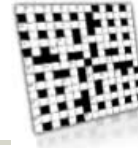
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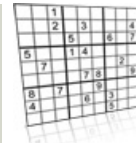
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