

THE HIGH COURT

[2001 No. 634 J. R.]

JUDICIAL REVIEW

BETWEEN

ANNE MORRIS AND JOHN MORRIS

APPLICANTS

AND

BRIAN FARRELL

RESPONDENT

Judgment of Mr. Justice Aindrias Ó Caoimh delivered the 12th day of March, 2004.

By order of this court (O'Donovan J.) made on 24th September, 2001, the applicants were given leave to apply by way of an application for judicial review for the relief of:-

1. An order of *Certiorari* of the decision of the respondent made on 27th June, 2001, that the respondent as coroner was not legally in a position to release statements (or copies thereof) which were taken pursuant to a garda investigation into the fatal shooting of John Morris and which were in his possession.
2. An order of *Certiorari* of the verdict and/or order in the inquest into the death of John Morris made on 28th day of June, 2001, at Dublin City Coroner's Court.

The grounds upon which the applicant was given leave are as follows:-

1. That the respondent erred in law and exceeded his jurisdiction in ruling that he could not legally permit the release to the applicants and their legal representatives of the statements or copies thereof, which were taken pursuant to a garda investigation into the fatal shooting of Mr. John Morris, which were in his possession.

2. That the respondent's above order was in breach of natural justice and fair procedures.

3. That the respondent exceeded his jurisdiction by not giving sufficient or any regard to the position of the Attorney General and Commissioner of An Garda Síochána, as indicated by counsel appearing on their behalf, that they would have no difficulty in such documentation being made available to the legal representatives of the applicants.