

EXTORTION CALLS

We now move on to consider paragraph (a) of the terms of reference which logically would seem to us to fit into the narrative at this point.

Paragraph (a) requires you, Sir, to enquire urgently into:

The making of extortion and hoax telephone calls to the home of Michael and Charlotte Peoples on the 9th of November, 1996 and the subsequent Garda investigation into that complaint.

In your explanation of the terms of reference delivered on the 15th of July, 2002, Sir, this is what you said:

Michael and Charlotte Peoples complain that they received a number of anonymous extortion or hoax telephone calls to their home on the 9th November, 1996. In these calls, they complain, that the caller demanded a money payment and made certain threats if such payment were not to be forthcoming. The Tribunal in the course of its inquiry will

- (i) Enquire into and in so far as is possible, establish the basic facts relating to these alleged phone calls;**
- (ii) Attempt to establish the origin of such telephone calls;**
- (iii) Enquire into the identity of the person or persons making the alleged calls and to the telephone lines used in that regard;**
- (iv) Attempt to establish the motive for the making of such calls;**
- (v) Enquire into the manner in which the complaint made by Mr. and Mrs. Peoples about these calls was dealt with by An Garda Síochána;**
- (vi) Enquire into an application made on the 18th December, 1996 under Section 13(2)(2a), and 2(b) of the Interception of Postal Packets and Telecommunications (Regulations) Act, 1993, seeking information as to such calls and the handling of same within An Garda Síochána and in Eircom Plc (or Telecom Eireann Plc as it then was);**
- (vii) Enquire into the part which may have been played by any informer in the making, or arranging for the making, of these telephone calls;**
- (viii) Enquire into the connection, which there may be between the making of these calls and any other matter referred to in the Terms of Reference.**

Michael and Charlotte Peoples are a married couple who resided at the relevant time in Raphoe. We understand that Charlotte Peoples is a first cousin of Róisín McConnell, and that their respective families were, at all relevant times, on friendly terms. Róisín McConnell is, of course, married to Mark McConnell. The two couples are friendly with each other and we have already outlined what they have had to say about their interaction on the night of the death of the late

Richard Barron. In addition to that, Mark and Róisín McConnell say that they called to the house of the Peoples on the morning of the 14th of October, 1996 and had breakfast there. This matter concerns the telephone calls which were made to their home in Raphoe on the 9th of November, 1996. On the 2nd of October, 1997 Charlotte Peoples made a statement to Detective Sergeant John Henry about the matter and it is worth quoting this:

On the 9th of November, 1996 I was at home here with Michael when the phone rang. Michael was upstairs. Shortly after 8.00 p.m. the phone rang, I answered it. It was a male caller and he said is Michael there, I said ye hold on a minute I'll get him for you. I called Michael down from upstairs. I handed the phone to Michael and I sat down to watch the TV. I could hear Michael saying who is this, who is this. I then heard Michael saying to the person on the phone "you seen me killing Richie Barrons". I got up and went to the phone. I think Michael hung up the phone saying something back to the caller. This was the second time the phone had rang, the first time the phone had rung, the caller who was a male asked was this Peoples and then hung up. During the second call I took the phone from Michael. I asked the caller "why are you doing this to us" and said "I am going to call the Guards", he said "call in all the Guards you want". At this stage Michael took the phone off me again. I was very upset, I was crying. Michael said to the caller you are upsetting my wife, stop this carry on. I wasn't on the phone again. After the second telephone call my husband Michael called the Garda Station, he spoke to Garda Pat Flynn. I spoke to Garda Pat Flynn also on the phone, he said he would call but not to worry. A few minutes later the phone rang, it was the same caller. I knew from Michael that the caller had demanded money off him. I had the door open waiting on the front street for the Gardaí to come. The Gardaí called, it was Pat Flynn, he came between the third and fourth call. He told us to play along. We asked him could he not go down and wait or let a Guard go down and wait. He said it would be a waste of time as times before it didn't work, nobody showed up. He was more or less saying it was a waste of time. After Pat Flynn left there was another call again from the same caller alleging that Michael was involved in the murder of Richie Barron. This was setting up a place to hand over the money. The place was the White Cross. I was very upset. It was now about 8.30 p.m. There was no other call from this caller until 10.05 p.m. This time my husband told the caller that he could not raise the £1,000, but could get £500, they agreed to meet at the White Cross pub. A short time later Michael left, I'd say it was about 10.45 p.m. to 10.50 p.m. to go to the White Cross. He was on his own. I rang Letterkenny Garda Station and told them that my husband had gone to the White Cross. I had been told by Garda Flynn to ring if there was anything. About a half hour later Michael returned and told me that nobody had shown up. This was the last call I received from that caller. Garda Collins came down the following day and took a statement from my husband.

When arrested by the Gardaí on the 4th of December, 1996 Charlotte Peoples also gave an account of the telephone call from which a little bit of additional detail emerges. She indicated that when she answered the phone the person asked to speak to her husband Michael, but that she did not recognise his voice. Immediately when the allegation was made that Michael Peoples had killed Richie Barron, which she learned because her husband exclaimed, in surprise, something to the effect of "I killed Richie Barrons", her husband immediately asked the caller to call the Gardaí and to tell them all that he knew. The caller apparently said that he could not, giving the excuse that he was in a robbery that night and that he had left his prints there and that they were an addition all over, which they understood to mean that his fingerprints were well known to the Gardaí. During the second of the conversations Michael Peoples told the caller "you're only a gobshite". It would be hard to dispute this assessment. The caller wanted money. During the last phone call, Charlotte Peoples records that the caller gave an apparent description of himself. We understand that she was listening beside her husband to the phone call going on and it is again worth quoting that account:

He was looking for £2,000. At first I think the first call was for £6,000. The second call was looking for £2,000...[Michael said to him] I could not gather up that kind of money, I will give you £500. The caller said I am not a hard man to bargain with. In the first phone call, Michael asked this man how he would know him. This man said he would be wearing a black leather jacket and a white Levis T-shirt and brown cords. Michael said to him "have you a phone number, I will ring you back". He gave a phone number. My mother later rang that number, it was McConnells number at the White Cross. My mother did not say why she was ringing. She just said hello is that Duffy's and somebody answered McConnells...he made arrangements to meet Michael at the White Cross pub at 11.00 p.m. on that night. He told Michael to walk in and that he would walk out after him or something like that...I rang Raffoe Garda Station and was put through to Letterkenny Garda Station...we wanted to know why he picked on us. That is why we called the Guards in. We wanted to keep on the right side of the law. Whoever done this to us even if he is a next door neighbour, I want to see him taken up for this...[my husband] wanted to know who he was. We were playing along with him as advised by the Gardaí. I rang Letterkenny Garda Station to tell the Gardaí that my husband had gone to the White Cross Bar.

It would appear that the number which the caller gave to the Peoples was given mischievously as will later emerge when we consider the analysis of the telephone records obtained, after a considerable delay, from Telecom Éireann. On the day after the phone calls occurred, Garda Philip Collins called to the home of Michael and Charlotte Peoples and took a statement from Michael Peoples. His statement does not materially differ from that later given by his wife. Charlotte Peoples on the 18th of October, 1996, and Michael Peoples on the 19th of October, 1996, had previously given statements as to what they

knew about the Sunday night/Monday morning, the 13th and 14th of October, 1996, when Richie Barron had been killed. This is what Michael Peoples told Garda Collins about the phone calls:

At approximately 8.05 p.m. on Saturday, the 9th of November, 1996 my wife Charlotte called me downstairs to the phone, that I was wanted on the phone. I took the phone and a male voice asked me are you Michael Peoples. I said that's right. He said "remember the carry on that you were at on Saturday night". I said "what carry on". He said "you know that carry on". I said I don't know what you're talking about. He said "you killed Richie Barron, I seen ya" - "I seen you and your wife outside the Parting Glass at twenty past one". He said "you drive a bread van and you're the only one in Raphoe who carries a baton in their van". I thought it was a wind-up. He said "I seen ya, ya go running down the field, I seen ya hitting Richie Barron with the baton and running down the field". I said you're only talking shite. He said "you're going to Mountjoy, you'd better get your hole ready". He said I want money, I'm going to the Guards. I told him to fuck off and hung up the phone. At one stage during the conversation Charlotte got the phone and asked the caller why he was doing this to us. About a half an hour later I answered the phone again. It was the same man on the phone. He asked me "are you going to take me serious". I said "why don't you go to the Guards". He said I was in a robbery that night and I left my fingerprints all over the place, that's why I can't go the Guards. We had a conversation for about three or four minutes and he demanded £2,000 and to take me serious. I offered him £1,000. He said to meet him at the pub at the Whitecross with the money. He said he would be wearing a black leather jacket, white Levis T-shirt and brown corduroys. I said I would meet him. He said to meet him at 11.00 o'clock. At about 10.25 p.m. that same evening the phone rang again. In the meantime I got a small tape-recorder from a friend in Letterkenny. It was the same man again, I taped this conversation. I think he said have you got the money or are we going to meet. I said "aye no problem". He asked me have you got the money. I said I'll give you £500, I cannot raise more than that. He said "I am not a hard man to bargain with you know". I said £500 cash is all I have and agreed to meet him at the 11.00 o'clock at the Whitecross. I said "there'll be no trouble", I'm not sure what he asked me. He said to be on my own, I said I'm coming on my own and right then and hung up. This conversation lasted less than a minute. Just before 11 o'clock myself and my father-in-law left the house in Charlotte's car and went to the Whitecross pub. I went into the pub and stayed a minute or so, but seen nobody fitting the description of the man. I went outside and waited a few minutes, three or four boys came out of the pub while I was there, but I didn't know any of them...we came back home then. We had three calls in all that evening. My wife Charlotte answered the phone at 8.00 p.m., but nobody answered when she lifted the phone. It was the same person on the phone the three times and he had a local accent. We

have never had phone calls like this before. Our phone number is (074) 45901. Our phone number is in the phone book. We have had this number for the past six or seven months. I am a subscriber of Telecom Eireann and I have no objection to my phone being monitored by them to trace the calls if necessary.

As Michael Peoples indicated, the last telephone call was tape-recorded. Unfortunately, only a portion of it came out and the recording appears to have begun in the middle of the phone call. It is fair to say that it is precisely in conformity with the account of Michael Peoples and adds nothing to that account. Logically, one should now proceed to the Garda response. When questioned by the Gardaí following her arrest on the 4th December, 1996 Charlotte Peoples indicated that Garda Pat Flynn had come out to them and told them to "keep cool if we got another call and play him along". She is also supposed to have told the Gardaí that Garda Pat Flynn had told her that "four others got calls as well". Here is Detective Garda Patrick Flynn's account of the matter which he gave on the 19th of September, 1997:

I remember Saturday, November 9th, 1996. At 8.20 p.m. on that date I was in Raphoe Garda Station on duty. I was alone there at that time. I was involved there in an investigation into the suspicious death of Richard Barron. I answered a phone call made to the station at that time. It was from a Michael Peoples, St. Eunan's Terrace, Raphoe. He stated that he had received two telephone calls to his home accusing him of murdering Richard Barron and telling him to bring money to the "White Cross" public house. Both calls had been received that day. He stated that his wife was very upset and afraid. I immediately left the station and went to Peoples' home at St. Eunan's Terrace. There I met Michael Peoples and his wife Charlotte. Also there were Charlotte's parents, Charles and Dolly Eaton. I spent some time there calming down Charlotte Peoples and assuring her that this type of crank caller was not unusual. Charlotte Peoples was in a visibly distressed state. Michael Peoples was in a very angry and somewhat aggressive mood about these calls and I spent some time calming him down. I explained that with his permission he could have his telephone line monitored in an effort to trace this caller. Mr. Peoples appeared to be satisfied with this course of action and calmed down considerably. I suggested that a member of the Gardaí would call tomorrow to take statements when everybody would be less agitated and more calm. I did not think it a suitable time there and then to take statements. Charlotte then stated she would like Garda Phil Collins to deal with the case. On returning to the station I relayed the details of the incident to Garda Collins and he undertook to call to the Peoples' home the next morning.

It is as well to turn now to the phone records available in relation to this matter. Michael and Charlotte Peoples live, as we know, at St. Eunan's Terrace in Raphoe. Their phone number is 074 45901. Patrick Doherty lives at Doorable, Manorcunningham in County Donegal, together with his family which includes

William Doherty, and is a subscriber on the line 074 57310. Garda John O'Dowd lives at Oaklands in Letterkenny and is a subscriber on the line 074 25858. This is what the phone records disclose:

On the 9th of November, 1996 the Doherty phone rang the Peoples' phone at the following times and for the following durations:

At 20.08.07 for 4 seconds.

At 20.09.48 for 2 minutes, 59 seconds.

At 20.14.42 for 1 minute, 50 seconds.

At 20.23.24 for 3 minutes, 36 seconds.

In addition to that the O'Dowd phone line was in contact with the Peoples' phone line on the relevant date:

At 22.06.48 for 35 seconds.

In addition to that it may be worth noting that the Doherty phone line and the O'Dowd phone line were in contact with each other at various other times around this period.

On the previous day, November 8th, 1996:

At 17.58.55 the Doherty phone line contacted the O'Dowd phone line for 2 minutes, 50 seconds.

On the following day, the 10th of November, 1996 the O'Dowd phone line contacted the Doherty phone line:

At 00.15.32 for 7 seconds.

And the Doherty phone line contacted the O'Dowd phone line:

At 21.54.38 for 10 minutes, 3 seconds.

The phone records in relation to the Doherty line indicate that the four telephone calls after 8.00 o'clock in the evening at 20.08.07, at 20.09.48, at 20.14.42 and at 20.23.24 were consecutive to each other.

Sir, I will refer in due course to statements made by persons claiming to identify the voice on the last tape recordings. This was done in the context of a broader Garda investigation when Garda Philip Collins had, on the 10th of November, 1996, taken possession of the tape from Michael Peoples. The impetus for this broader investigation centred around events concerned with the informants and the Barron case. The "Crimeline" programme of the 11th of November, 1996 made no mention of the extortion/hoax calls to the home of Michael and Charlotte Peoples. Two days later, on the 13th of November, 1996, a conference was held in Letterkenny Garda Station. The contents of the notes appear to indicate that this was one of a series of conferences held in the context of the investigation into the death of the Late Mr. Barron. Some of these

references are difficult to explain. The 9th of November was a Saturday. As we have heard, the maximum amount that either Michael or Charlotte Peoples can remember being demanded of him was £6,000. Phone calls came after 8.00 o'clock and after 10.00 o'clock in the evening. The notes appear to be a mixture of references to these phone calls and to other events. For example "Wednesday night...12.30 phone calls - McBrearty...came down car park...72 hours...£10,000...2.30 a.m...local accent - mobile...Derek Connolly...baton in van...total calls equals 3 - Michael Peoples...statement...calls - Quinns. McBreartys. Peoples' house...Mary...searches - to be left till nearer arrests..."(this does not constitute an entire transcript). Sergeant Martin Moylan, who made up these notes, save for the last entry, gave a statement to the Carty investigation team on the 21st of June, 2000. He says as follows:

To explain the entries, I say that there was a discussion about telephone calls at 12.30 a.m. Wednesday night demanding money from the Peoples and that they had 72 hours to pay up £10,000 and that McBrearty had come down the car park. At 2.30 a.m. another call local accent, Derek Connolly, baton in van. I do not remember the context of this note. That Michael Peoples received three calls and that a statement was required from him. there was a discussion about the people in Quinn's pub and their statements were to be taken out and compared against each other. The reference to banklink - Michael Peoples probably means to check if he withdrew money after leaving Quinn's pub on the night of the killing. The reference to job call to Quinn's, McBreartys and Peoples house means that an application was to be made to trace calls and the reference to Mick Leahy or Christy Power probably means to telephone them to see if they could be got quickly. The reference to searches - to be left till near arrests is self-explanatory. I can recall that an application was subsequently typed out requesting calls from various numbers as per attached sheet...I recall there was an enormous delay in trying to get lists of calls despite several calls and reminders. Eventually some lists came in 1997 about April or May, but a report arrived from Garda Headquarters that there was no record for calls to or from People's house. We could not understand this and thought that it was very strange as D Sergeant-Henry was in possession of a list of some 300 calls supplied by William Dohertys father to D Sergeant Henry, from Doherty's phone showing calls to Peoples house. I recall D Superintendent Shelly then sending off this list of calls pointing out that they were calls made to Peoples phone. The lists of calls then eventually arrived...

At the present time, it is a mystery to us as to how anyone in An Garda Síochána in Donegal could have imagined that there were telephone calls at 12.30 a.m. on a Wednesday night or how there could have been a reference to £10,000 or how there could have been a reference to 72 hours to pay some kind of a ransom demand. The reference to three calls is more understandable as the statements from the Peoples tended to be quite confused, in the context of the pressure they were being put under, as to the number of calls received and

their precise timing. This is understandable, but the mistranslation of the then-existing statement of Michael Peoples is, at this time, unfathomable.

It is logical now to attempt to deal with the attempts made by Gardaí in the Donegal division to trace the phone calls made to the Peoples' home. Sir, we believe that you can take judicial notice of notorious facts and this must include basic information as to the way the telephone system operates. Here, we are dealing with land lines which are altogether a much less complex situation than is the case with mobile phones. When one telephone attempts to call another telephone nothing will be recorded until such time as the called party lifts the receiver and thus establishes a connection between the two lines. For billing purposes the time at which that call is made, the duration of the call and the cost of the call, which in itself is dependent on whether it is made at a weekend or in the evening or during peak business hours, is then recorded. The fact that telephone A makes a connection with telephone B is, of course, evidence of that. There can be circumstances, perhaps, where an inference might be made through the use of the telephone that a particular person spoke to another person. It may also be that where someone is giving evidence of having had a conversation at a particular time by telephone that their telephone records may offer some support to their testimony. With this in mind on the 21st November, 1996 Detective Superintendent John McGinley made an application to the Crime and Security Section of An Garda Síochána to trace the calls on certain telephone lines. Eight telephone lines were in question, of which only one of these related to the Peoples. In addition, as regards the Peoples, application was made in respect of the billing records for two nights, that is to say from midnight on the 14th of October, the night on which Mr. Barron died, and from 8.00 p.m. to 11.00 p.m. on the 9th of November, 1996, the night of the extortion/hoax phone calls. This application was processed through Chief Superintendent Denis FitzPatrick on the 5th of December, 1996 and was ultimately signed in Garda Headquarters by Chief Superintendent Michael Diffley, to indicate his approval, and passed on to Telecom Eireann in accordance with the relevant legislation on the 18th of December, 1996. In the meantime, as we will be aware, some other things had happened and, at the risk of repetition, Sir, I remind you of them. On the 29th of November, 1996 Noel McBride had been arrested in the context of the larceny of a TV aerial from Raphoe Technical School. On the 1st/2nd of December, 1996 information came to Garda John O'Dowd, through William Doherty, that Noel McBride had supposedly received money from Mr. McBrearty senior in order to keep quiet. On the 4th of December the bulk of the arrests took place with Frank McBrearty senior being arrested on the following day. These, of course, were mainly predicated on the statement from Mr. McBride. Literally nothing, it would appear, as regards the Garda investigation of the calls to the home of Michael and Charlotte Peoples, happened for the next nine months. One has no idea as to whether anything would have happened, but for the fact that Mr. Frank McBrearty senior, in February of 1997, engaged Mr. William Flynn to privately investigate the death of Mr. Barron. On the 27th of May, 1997 a complaint was received by Detective Sergeant John Henry from Patrick Doherty, the subscriber to telephone line 074 57310, and the father of William Doherty. This is how Patrick Doherty, in a statement taken on the 3rd of July, 1997 by Detective Sergeant John Henry describes the matter:

I am a subscriber of this telephone number (074) 57310. It is a coinbox phone. It is in the hall inside the front door and beside the sittingroom door. I do not know Michael Peoples, St. Eunan's Terrace, Raphoe. I do not know his wife, Charlotte. She was Charlotte Ayton [correct spelling Eaton] whose mother was Quinn. I do not know their telephone number. I did not ring Michael or Charlotte Peoples on the 9th of November, 1996 nor any other time. The reason I now know Charlotte Peoples is by me visiting Vincent Temple for a long number of years. Vincent Temple's wife Bernie is an aunt of Charlottes. I do not know of any other person having rang from my telephone to the Peoples on the 9th of November, 1996. About two or three months ago a Mr. Billy Flynn, a private investigator began to ring and write to me. Any letters he wrote I gave them to the Gardaí. He made allegations to me that I made various phone calls to different people including some to Michael Peoples. He gave me dates but I am not quite sure what they were. As a result of these allegations my wife Mary sought an itemised bill from Telecom Eireann listing all calls made from my telephone over a period from the time of Richie Barron's death to the present day. The itemised bill arrived dating back to the 23rd of October, 1996. They were unable to go back to the 14th of October, 1996, the date of Richie Barron's death. When I received this itemised billing we checked the telephone book for Michael Peoples telephone number. I discovered it was on my itemised bill for the 9th of November, 1996 when four telephone calls were made from my phone to the Peoples between 20.08 and 20.23 hours on the 9th November, their telephone number is 45901. I marked that number on the bill and on Monday night the 16th of June, 1997 about 10.00 p.m. myself and my wife Mary brought the entire printout into Letterkenny Garda Station where I handed them over to Detective Sergeant S Henry. Nobody else uses the phone other than maybe somebody that would be broken down or so.

Thus the complaint in relation to the accusation was made on the 27th of May and the actual itemised bill was handed over on the 16th of June, 1997.

Again, matters moved on more swiftly than the response that one is entitled to expect to the official application made from Garda Headquarters to Telecom Eireann. On the 10th of July, 1997 the Office of the Assistant Commissioner of An Garda Síochána, with responsibility for crime and security, got a letter from Mr. William Flynn. The context appears to have been that Mr. Flynn sought from Chief Superintendent Noel O'Sullivan a copy of the recording made by Michael Peoples of the last telephone call on the night of the 9th of November. Mr. Flynn then says:

I have furnished Mr. Peoples with the enclosed phone records of Mr. Patrick Doherty and Garda John O'Dowd to refer to Detective Henry. I have not given him the originals to protect my source, but I

assure you I have same in my possession and that the copies are accurate.

The schedule of enclosed calls which is referable to John O'Dowd at telephone number 074 25858 is not referable, on the face of it, to any source. It runs from the 11th of October, 1996 through to the 18th of November, 1996 and is only a partial record. In it, however, for the first time, as regards information to the Gardaí, is a reference on the 9th of November, 1996 to a call having been made at 22.06.48, lasting 35 seconds, to telephone number 45901, the phone line of Michael Peoples. This is an identical record, in terms of its information, but not its format to the ones ultimately received from Telecom Eireann in respect of Garda John O'Dowd, their subscriber at this number, of Oaklands, Letterkenny, County Donegal. It would appear that it was as a result of this that Detective Sergeant Henry renewed his application for phone records. In this context, the next day on the 11th of July, 1997, he attached a written permission from Michael Peoples to have his billing records provided, which permission he had obtained on the previous day.

Again, at the risk of repetition, it seems appropriate, Sir, to remind the Tribunal that on September 16th, 1997 Noel McBride admitted that he had misled the Gardaí. He claimed that the lies that he told had been inspired by instructions given to him about ten days after the death of Mr. Barron by William Doherty. As a result of the foregoing, on the 20th of September, 1997, William Doherty was arrested in connection with the extortion phone calls to the home of Michael and Charlotte Peoples and was taken to Millford Garda Station. He denied involvement in the extortion calls. He said that he did not make the extortion calls, that he was not attempting to "help the investigation" into the death of Mr. Barron, that he was not short of money, but was in possession of £2,000 to £3,000, but that he would not deny, as he put it, the "black and white" of the printout of the telephone calls from the Doherty house. He further said he did not know anything about a call made from John O'Dowd's home to the Peoples on the 9th of November, 1996. He said he was not in John O'Dowd's home at this time. He said he had nothing to do with approximately one hundred calls made from his house to John O'Dowd's house, an allegation put to him by members of An Garda Síochána apparently on the basis of billing records then in their possession. When played a tape of the last call to Michael Peoples he said: "it's like two dogs fighting". He said that it was not his voice demanding money on the tape. Later on, he briefly agreed that he was in John O'Dowd's house on the night with Noel McBride, but had not told this to the Gardaí in order "to protect Noel McBride". When asked the question "why did you ring John O'Dowd and the Garda Station in Raphoe after the calls to Peoples on 9/11/96?". He said "I didn't ring anybody". He then declared "I was never in John O'Dowd's house". He said that if a phone call was made from his house to John O'Dowd's house that he did not know who had telephoned him. He said that he had not made the calls to Michael and Charlotte Peoples. He then made a reference to his deceased godfather, the late Richie Barron: "I will swear on Richie Barron's grave. I am telling the truth that I never made calls to Michael Peoples or to John O'Dowd, or that I made a call from Garda John O'Dowd's house to Peoples on the 9/11/96". On a number of questions he exercised his right to silence. He indicated that he was friendly with Noel McBride, but the

impression comes through that he often responded to Noel McBride because he was telephoned by him. He explicitly indicated that the voice on the tape demanding money was not him and that as he had done nothing wrong he would have no problem.

This, however, was not William Doherty's last word on the subject of the phone calls of the 9th of November, 1996. Here, perhaps, it is best to take things a little bit out of chronological sequence for the sake of clarity. On the 10th of June, 1999 Garda John O'Dowd, Noel McBride and William Doherty were arrested. William Doherty said that there was a man called Thomas Doherty from Raphoe who was an informer for John O'Dowd. We understand that Thomas Doherty is now deceased. He said that John O'Dowd was also:

...in collusion with my sister Olivia and Thomas Doherty. O'Dowd could have made the calls from my house that night to draw Peoples out. Thomas Doherty, O'Dowd's informer was alive at the time of the phone calls to Michael Peoples and it must have been the way that the phone calls came out. I...didn't make them calls to Michael Peoples. If I made the calls I would tell you now off the record that I did it to draw Peoples out...do you think I would make phone calls to Peoples from my own phone. I am not that...stupid. I am dealing with the Guards from when I was sixteen years old, thats ten years. I am not that stupid to know it couldn't be traced...if I wanted to set McBreartys up I would have done it myself. If I was making the phone calls to Peoples and O'Dowd why would I hand the phone list to the Guards. If I was going to make a phone call to Michael Peoples I would have gone to a public box...

Finally, William Doherty again referred to the matter on the 3rd of March, 2000 when speaking to Detective Garda Richard Caplice and Sergeant Bell at Carrickmacross, in the context of the Carty investigation. He had come to the station voluntarily and had indicated in the statement that he knew he was free to leave at any one time. This is what he said:

On the 9th of November at around 7.00 p.m. Noel McBride landed to my house in Daniel Bonner's taxi. He said he was to meet John O'Dowd and he had a few phone calls to make. I said what time had he to meet him and he said he had to phone him. He made a number of phone calls from our phone 57310, I do not know who he rang. I don't know what he said. I didn't know he was making extortion phone calls. I am not taking the rap for that. At around 9.00 I took him and Noel McBride to John O'Dowd's house where he was to meet John O'Dowd. When we arrived at John O'Dowd's house McBride had a conversation with John O'Dowd. McBride said he was getting the money, but he had to ring him back. This was in the house, Noel McBride, John O'Dowd and myself present. John O'Dowd said ring him from there. They told me they were trying to flush out Michael Peoples and he was meeting them with money at the White Cross pub to keep them from going to the Guards. John O'Dowd stood by Noel McBride while he made the

phone call and I said to him yous are mad using your own phone. O'Dowd got into a panic. He was for taking McBride down to the White Cross to see if there was any activity. I said if Peoples has nothing to do with it the Guards will be all over the place. He was nervous and he rang Phil Collins to see if anything was reported, he said he could trust Collins. Collins told him that there was a report from Charlie Ayton. He told me that Collins would fix him up in the book to cover him being in the station and not at the house when the call was made. All this took place in John O'Dowd's house. I only discovered about three weeks later that McBride had made the calls from my house to Peoples, he John O'Dowd said there was an investigation into it and some of the calls were made from my house, he said sit there and say nothing and not to say McBride made calls on the phone which is a pay phone. He said say nothing when you are lifted they can't prove anything. When I was arrested for this I first denied making the calls and on the second occasion in Manorhamilton I admitted that Noel McBride made them. I am not taking the rap for this part of it. I am not that stupid, if I was making these calls I would use a public phone...

It may be by reason of those contradictions that during the later interviews with Noel McBride that he does not appear to have been pressed in relation to this allegation made against him by William Doherty. In an earlier interview dated the 10th of June, 1999, Noel McBride had said that he was present when William Doherty had made a threatening call to Frank McBrearty. He said that he had never taken part in any such telephone call and that he never knew, and had never heard of, Michael Peoples and his wife and had never made a phone call to them, nor was he ever asked to make a phone call to them, either asking for money, or at all. Since serious allegations were ultimately made by William Doherty against Garda John O'Dowd and against his colleague Garda Philip Collins we must turn immediately to their account of the relevant events. The earliest statement made by Garda John O'Dowd in relation to this matter appears to be that dated the 21st of January, 1998. He had earlier on the 14th of January, 1998 handed to Detective Inspector John McGinley a copy of his home phone records covering the relevant period. The relevant portion reads:

On the 24th of June, 1997 Michael Peoples called to Raphoe Garda Station and handed me a document, a copy of which is attached. This document was written by a Mr. William Flynn and addressed to a Ms. Helen Cullen at the Office of the DPP. In it there were allegations that my phone was used to phone Michael Peoples on the 9/11/97. I wish to state I did not make any telephone calls from my home to Mr. Peoples and neither am I aware who did this. From memory I cannot recall this date specifically and I was not aware till then i.e. when Michael Peoples handed me the document that my phone could have been possibly used like this. I have checked station records of the 9/11/96 and note that I was in Raphoe until 10.30 p.m. that evening. I wish to state nobody other than myself has a key to my house. Shortly after being threatened by Frank McBrearty senior on the 28/10/96 that he would get me sorted out I

noted interference on my phone line. There was also clicking noises, but nothing ever said. I reported this matter to communications centre at the time as I believed my phone was being interfered with. In April, 1997 I cancelled my account with Telecom Eireann due to persistent calling by Mr. William Flynn and this despite several requests not to be calling me at home. I reported some of these calls to communications centre at the time. I lost faith in the confidentiality of my phone line and contacted a solicitor with a view to establishing who had access to my telephone accounts and also to establish whether or not it is possible to gain illegal access to my telephone line from outside my house. Since then my girlfriend's parents have received numerous silent phone calls in the middle of the night...I have on numerous occasions since I received the document from Michael Peoples offered myself for interview to sort this matter out as I feel I am being unfairly left in Limbo and have to suffer derogatory remarks from persons who are presently under investigation in relation to the murder of Richard Barron. I find this whole situation very disturbing.

Garda O'Dowd made later statements in May of 1998. This may have been, in part, due to the fact that Detective Inspector McGinley and Detective Sergeant Henry had questioned him about the phone calls on the 9th of April, 1998. He indicated that he would be replying to their questions in the form of a statement. His statement of the 12th of May, 1998 reads, in part:

In my statement I am replying to an interview I had with Detective Inspector John McGinley and Detective Sergeant S Henry on the 9/4/98 where they informed me they were performing a criminal investigation into extortion phone calls made to Michael Peoples on the 9/11/96 which is contrary to section 17 of the Criminal Justice (Public Order) Act, 1994. I will now address this issue. It is alleged my phone was used to make such a call at 22.06.48 on the 9.11.96. I wish to refer to my previous statement of the 21.1.98. I did not know until the 24th of June, 1997 that my phone line was used in such a fashion. I did not make this phone call which is acknowledged by Michael Peoples in the document he handed to me on the 24th of June and I don't know who made it. I cannot recall this date it is so long ago and I can only rely on station records which indicate I terminated duty at Raphoe on that date at 10.30 p.m. and therefore could not have been in my house until 10.50 p.m. at the earliest. Station records state I commenced duty in Raphoe on that date at 2.00 p.m. At that time my telephone account was forwarded directly to my credit union and paid by them every two months. Telecom Eireann did not send me a list of calls made on my phone line as it was not their policy so I was never aware what calls were made on my phone line and I did not notice any increase in the amount of payment on my phone bill. Consequently I never considered the necessity to query my account as I didn't envisage that there could be problems. It is almost a year

and a half since this incident took place. I made every effort to assist the Gardaí who were investigating this incident. I approached Detective Inspector McGinley in August, 1997 to have this matter sorted out. He showed me a printout of phone calls made from my telephone number. I offered to have the matter sorted out there and then but was informed he couldn't do this as the printout shown to me was provided to him by Billy Flynn and had been illegally obtained by Billy Flynn. I didn't give anyone permission to have access to my telephone accounts. I spoke with Detective Inspector John McGinley on the 3.11.97 and again asked him to do something to get this matter sorted out as it was causing me distress. He informed me he was waiting for my printout to come through official channels and that it was a slow procedure. I again spoke with Detective Inspector McGinley on the 5.11.97 and the 9.11.97 to review developments and requested an interview on each occasion. In the meantime I contacted Telecom Eireann and requested a printout of calls made from my phone covering the relevant period and presented these to D Inspector McGinley on the 14.1.98 in an effort to get things sorted out and requested an interview. Eventually on the 21.1.98 I presented a statement to D Inspector John McGinley explaining my situation as I had no indication of any impending interview to sort this matter out...

In the aftermath of this statement, investigations continued into the phone calls to the Peoples. On the 3rd of June, 1998 Detective Sergeant J S Henry sent a report for approval to Detective Superintendent Lennon, prior to same being sent to the Director of Public Prosecutions Office. In it he notes that Michael and Charlotte Peoples had said to him that it was not Garda John O'Dowd's voice which they heard on the phone "as he has a much deeper voice". Detective Sergeant Henry refers to his belief in "an elaborate conspiracy which was going on between William Doherty and Noel McBride" and his firm belief that Garda John O'Dowd was totally unaware of this. On receiving the investigation file Superintendent Lennon raised a number of queries with the Detective Superintendent in Letterkenny. He also complained to the Chief Superintendent in Letterkenny of the response of the Gardaí to the complaints of the Peoples on the 9th of November, 1996. On the 18th of June, 1998 Chief Superintendent FitzPatrick required that the matter should be concluded within ten days. On the 29th of July, 1998 the final file was submitted to the Chief Superintendent in Letterkenny by Superintendent Lennon. He gives a number of reasons why the prosecution should not be initiated. This is what he says:

I can from my professional knowledge indicate that criminal proceedings are unsubstantiated in the case based on the following professional reasons:

- 1. Absence of admissions verbal or written.**
- 2. Mr. and Mrs. Peoples indicate local accent which is unidentifiable either by them or on tape-recording of one of the said telephone calls to their home.**

3. That in order to prove constructive possession, one must prove actual possession of the telephone from which the call was made and in this I refer to the case judgement in "The Minister for Posts and Telegraphs -v- Campbell". This judgement gives a way out in the absence of other material evidence.
4. By way of section 99(2) of the Telecommunications Act, it is possible to argue that a call can be made from any telephone apparatus without possession or control of the line or telephone.

On the 30th of November, 1998 Superintendent Lennon then forwarded the file for the scrutiny and directions of the Director of Public Prosecutions to the State Solicitor of County Donegal. An additional reason for not prosecuting is added to those already adumbrated which is: "that records at Raphoe Station indicate that Garda O'Dowd was working at Raphoe Station on the 9th of November, 1996 and was recorded off duty by Garda Collins at 10.30 p.m. on that date".

It was after the submission of this file, on the 10th of June, 1999, that Garda John O'Dowd was arrested by Inspector Hugh Coll under section 4(3) of the Criminal Law Act, 1997 for an offence under section 17 of the Criminal Justice (Public Order) Act, 1994. To the information available to us up to that point, Garda O'Dowd had something additional. That information is perhaps best taken by condensing the question and answer session which he had at 8.30 p.m. at Manorhamilton Garda Station, on the date of his arrest, with Sergeant Jim Fox and Sergeant Kevin English, he says:

I made no...call, I have done nothing wrong...I accept it was [made from my house] its on the record. Tommie Doherty is the most likely person who could have made the call - but he is dead now...he gave me information. He organised that I could stop the Friel fellow from Lifford and a Kee girl, St. Johnston at William Street, Raphoe. This was in the early part of the investigation October/November 1996. Tommie Doherty was often in my house. I rang him regularly, he rang me. It was always work related. I never had a pint with him. I was often in his house. He was a good source...Frank McBrearty sacked Tommie Doherty years ago as a bouncer - Tommie wouldn't make a statement about something...it is possible when Tommie Doherty was in my house that I could have left him alone. I trusted him...he had no doubts that the 'bucks at the corner' i.e. the McBrearty's were involved. Often I met Tommie by appointment at the "Tops" - farm relief centre near Raphoe...I don't know [would Tommie Doherty have an opportunity to make the call on the 9/11/96]...no call was made in my presence of a menacing nature demanding money...I only heard about the call in June, 1997. A fellow called Billy Flynn was ringing me up the whole time...[as to Noel McBride from Figart] I have already supplied the relevant info in statement form. I have told you I don't know [did he ring Michael Peoples from my phone in my house on 9/11/96].

When asked later about Tommie Doherty, and was he related to William Doherty, Garda John O'Dowd gave the cryptic answer "we are delving into matters dealing with the security of the State". A similar cryptic answer had been given to Inspector Coll and Detective Sergeant Kyne on the 27th of May, 1999 when Garda O'Dowd was asked as to whether he had an association with William Doherty and Noel McBride.

Sir, you will note that Garda John O'Dowd relied heavily on the stated fact that on the 9th of November, 1996 his tour of duty from 2.00 p.m. to 10.00 p.m. in fact terminated about half an hour late at 10.30 p.m. You will also note what William Doherty had said in relation to the alleged activities at Garda John O'Dowd's house which is supposed to relate to the event shortly after 10.00 p.m. on the 9th of November, 1996. It is therefore appropriate to turn to the statement made, in that regard, by the other Garda on duty on that shift with Garda John O'Dowd, namely Garda Philip Collins. The first account of this matter is a memo of interview recorded by Superintendent J S O'Connor and Inspector Coll on the 26th of March, 1999. The relevant part reads:

Garda Collins said he signed himself and Garda John O'Dowd off duty in the Station Diary at Raffoe Station at 10.30 p.m. on the 9th November, 1996. He is almost certain Garda O'Dowd was not present in the Station at 10.30 p.m. when he signed both of them off duty. Garda O'Dowd would have told him earlier in the day to take him off duty at 10.30 p.m. Garda Collins said D Garda Flynn came back to the station from Peoples house and told him about the anonymous telephone calls they had received. D Garda Flynn told him that Peoples wanted him (Collins) to deal with the case. He was sure Garda O'Dowd was not present in the station when he was speaking to D Garda Flynn. If Garda O'Dowd had been present he would have arranged with him to go to Peoples the next day. Garda Collins said he did not answer the telephone in Raphoe Station at 10.48 p.m. on the night of the 9th November, 1996. He was paired with Garda O'Dowd in the murder investigation, but couldn't remember working with Garda O'Dowd that day, 9th November, 1999. Garda Collins said he definitely signed off at 10.30 p.m. that night. He signed Garda O'Dowd off too...

In a statement of the 16th of June, 1999, taken by Detective Sergeant Ken Barker and Inspector Hugh Coll, Garda Collins had this to say:

On the 9th of November, 1996 I was on duty at Raphoe. I commenced duty at 2.00 p.m. I was involved in the investigation into the death of Richard Barron in Raphoe in October, 1996. That evening between 9.00 p.m. and 10.00 p.m. I was in Raphoe Garda Station. Some time between those times D Garda Pat Flynn arrived at the station and he informed me that Michael and Charlotte Peoples had reported to him that they had received threatening telephone calls and that they required a local member to call with them in relation to this. I called Peoples home on the telephone and after they explained the circumstances to me, I arranged to call with

them the following day. The only member that I can be certain was in the station that night was D Garda Flynn...

The rest of the statement goes on to talk about Mr. William Flynn and meeting with him.

A further statement was made by Garda Collins on the 23rd of June, 1999 to Detective Sergeant Kyne and Detective Superintendent Tadhg Foley. It reads:

Further to my statement of the 16/6/1999 I wish to add the following. On the 9th of November, 1996 at Raphoe Garda Station I reported off duty at 10.30 p.m. I also took Garda John O'Dowd off duty at 10.30 p.m. I do not recall Garda O'Dowd asking me to take him off duty. The reason for the second entry in the diary at 10.30 p.m. being tipexed over is because I inadvertently took myself off duty twice.

The next statement was taken on the 21st of September, 1999 after caution. Garda Philip Collins is recorded by Detective Sergeant George Kyne and Inspector Hugh Coll as stating the following:

Inspector Coll has shown me a copy of the Station Diary for Raphoe Garda Station for the 9th of November, 1996 and also a copy of my form A85 for the cycle ending the 1st of December, 1996. Inspector Coll has drawn my attention to the two entries in this copy of the Station Diary where I have recorded both myself and Garda John O'Dowd reporting off duty at 10.30 p.m. My attention has been drawn in particular to the figure 3 in both entries. I have been informed by Inspector Coll that the original Station Diary has been sent to documents section and that it is their evidence that the zero in the time has been changed to the figure 3 in both these entries. I confirm that I made the two original entries for both myself and Garda John O'Dowd at 10.00 p.m. I am now basing this on what I have been told and shown by Inspector Coll. It is the first time that I noticed this. From what I have been shown now I see that the entry has been altered, but I do not know anything about the alterations. I can definitely say that I did not change these two entries to 10.30 p.m. and I do not know who changed them or what reason they had for changing them. In relation to the entry recording the name Garda John O'Dowd and where I have referred in my previous statement to the entry being tipexed, the name O'Dowd from a glance does not look like my writing. I have acknowledged on the rear of the copy of the Station Diary that I have been shown this document. In relation to the entry of the 9th of November, 1996 in the copy of my form A85 for roster period ending the 1st of December, 1996 Inspector Coll has drawn my attention to the entry for this date in the period of extra duty column, this states that my period of extra duty was from 10.00 p.m. to 10.30 p.m. I have examined this copy form A85 and from my observations for the date, the 9th of November, 1996 and from the rest of the figures I

would have to state that the entry for 9/11/1996 from 10.00 p.m. to 10.30 p.m. was not entered by me. I have acknowledged on the rear of the copy of the form A85 that I have been shown this document. These documents were completed three years ago and my memory of making specific entries at that time is very vague.

A further short statement was made to Inspector Hugh Coll and Detective Sergeant Ken Barker on 22nd June, 2000. It is as follows:

On today's day, the 22nd of June, 2000 I have been shown the Station Diary for Raphoe Garda Station for the 9th of November, 1996 by Detective Superintendent T Foley. I have looked at the entries which show both myself and D Garda O'Dowd being taken off duty at 10.30 p.m. I can see that the time was altered from 10.00 p.m. to 10.30 p.m. in both entries. I did not make these alterations as I had no reason to. D Superintendent T Foley has read over the following extract from the statement of William Doherty of Doorable, Manorcunningham made on the 3rd of March, 2000 as follows, "O'Dowd got into a panic, he was for taking McBride down to the White Cross to see if there was any activity. I said if Peoples has nothing to do with it the Guards will be all over the place. He was nervous and he rang Phil Collins to see if anything was reported and he said he could trust Collins. Collins told him there was a report from Charlie Ayton. He told me that Collins would fix him up in the book to cover him being in the station and not at the house when the call was made". This is total lies. The only report that I got about this call was from D Garda Pat Flynn.

Reference was made in the foregoing interviews to a document analysis. On the 20th of September, 1999 the relevant Station Diary, a form A85 in the name of John O'Dowd, and form A85 in the name of Philip Collins were given to Detective Garda Ray Jackman of the document section of the Garda Technical Bureau. He also examined some other documents. He says, in relation to the Station Diary:

I examined the questioned entries on exhibit A1 using a stereo microscope and found evidence to show they had been altered. The original entries in my opinions were both 10.00 p.m. These entries have been altered to now read 10.30 p.m. I then examined the questioned entries on line 6 of exhibits A2 and A3. I found no evidence to show that these entries have been altered.

The latter reference is the overtime forms. Something now needs to be said in relation to the delay in receiving an official response to the request of Chief Superintendent Michael Diffley forwarded to Telecom Eireann on the 18th of December, 1996. At the risk of repetition, it is as well to try and consolidate what happened subsequently. On the 16th of June, 1997 Mr. Patrick Doherty had handed over a printout of his calls covering the 9th of November, 1996. He and his wife denied having made the calls to the Peoples home that appeared on that bill. On the 10th of July, 1997 the letter from William Flynn alleging that an

extortion phone call was made to the Peoples on the 9th of November, 1996 from the home of Garda John O'Dowd was received at Garda Headquarters. On the 11th of July, 1997 Detective Sergeant Henry renewed an application for phone records attaching the written permission of Michael Peoples. On the 2nd of October, 1997 a letter was received by the investigating team from Crime and Security Branch indicating they were experiencing very long delays in having requests for phone records processed by Telecom Éireann. Later the same month a report was received from Telecom Éireann indicating that no calls had been made to the Peoples home on the date in question. How did this happen? Since this was known to be nonsense it was queried. On the 6th of November, 1997 an acknowledgement was received from Telecom Eireann at Garda Headquarters that the previous report, in relation to no phone calls to the Peoples on the 9th of November, 1996 had been incorrect. The next report contained a record of the phone calls from the Doherty's home, but strangely enough no record from the phone of Garda John O'Dowd at 22.06 p.m. on the 9th of November, 1996. On the 14th of January, 1998 Garda John O'Dowd handed to Detective Inspector McGinley a copy of his home phone records showing the relevant call. He then, as we have seen, made a number of statements denying making the extortion call and ultimately indicating that it may have been made by Tommie Doherty in his absence, or without his knowledge. On the 25th of June, 1999 a renewed application was made to Telecom Éireann for a printout of all the calls received by Michael Peoples on the 9th of November, 1996. On the 24th of March, 2000 Eircom produced phone records for Michael Peoples' phone on the 9th of November, 1996 containing a record of four calls received from the phone of subscriber Patrick Doherty and one from the phone of subscriber Garda John O'Dowd. The detail of this has already been referred to. On the 5th of July, 2000 an application was made by the Gardaí to Eircom requesting a statement from an Eircom engineer as to whether the phone of Garda John O'Dowd had been interfered with, as he had alleged.

On the 12th of June, 2000 the tape-recording made by Michael Peoples of the last call at 10.00 p.m. on the 9th of November, 1996 was reported on by Mr. J.P. French, a forensic consultant based in York in the British Island. The report states:

I have carried out a preliminary examination of the recording, both by listening and by computer, and it is clear from this that the voice at the distant end of the telephone line...is too poorly recorded for forensic speaker identification tests. It is only just possible to hear some of what he is saying and no meaningful instrumental readings can be carried out.

Two members of An Garda Síochána purported to make an identification of the voice on this tape of the last phone call. Sir, we indicated, in relation to the investigation arising from the finding of an apparent explosive at the mast at Ardara, County Donegal in November, 1996 what the law is in relation to voice identification. It suffices to say at this point that voice identification belongs to a category of evidence in respect of which a judge should, in our view, warn a jury as to the infirmities attaching to same. Mistakes can be made by persons having an acquaintance with the person apparently speaking and a good opportunity to

listen to their voice on the occasion in question. It can therefore be dangerous to rely on same in the absence of some corroboration. Reliance beyond reasonable doubt can be made by a jury at a criminal trial, bearing in mind that warning. Sergeant Gabriel Bell, in a statement of the 1st of June, 2000 says of this recording:

On the 23rd of May, 2000 I removed from the property room at the incident room, Letterkenny, a sealed envelope containing a dictaphone tape marked 'threatening phone calls tape Michael Peoples'. I played this tape on a dictaphone with a set of head phones. The tape was of poor quality and I listened to this tape a number of times. I heard two voices on this tape, one of these voices belongs to William Doherty, Doorable, Manorcunningham, County Donegal. I am familiar with William Doherty's voice and I have spoken to him face to face on a number of occasions in the past three months. I can hear William Doherty speak to Michael Peoples who recorded this conversation on the 9/11/96 at his home at St. Eunan's Terrace, Raphoe...

Similarly, Detective Garda Richard Caplice made a statement of identification. In this he says:

On the 23rd of May, 2000 I received a tape from Sergeant G Bell. This was a micro-cassette M60 Sony make. I listened to this tape on a Sony dictaphone with the aid of an earphone headset. The tape-recording was poor in quality with background interference. I listened to the tape on a number of occasions and I identified one of the voices on the tape as that of William Doherty of Doorable, Manorcunningham, County Donegal. Over the past six months while engaged in an ongoing investigation in County Donegal I have become very familiar with this person having spoken to him on a one to one basis for up to sixty hours...

We draw to your attention, Sir, the fact that William Doherty has, in the quotations we have already set out, explicitly denied taking any part in the relevant phone call, or phone calls and indicating that the party speaking was Noel McBride. We also recall to your attention, Sir, the explicit denial of Noel McBride in that regard, and the account given by Detective Garda John O'Dowd which, if accepted, exonerates him.

There are a number of matters arising from the foregoing narrative which we feel this enquiry might usefully focus on without, in any way, derogating from the explanation which you have given, Sir, as to the Terms of Reference.

1. If there was any relationship between Garda John O'Dowd, William Doherty and Noel McBride, it may well be elucidated by these events. They cannot be seen in isolation from what needs to be considered concerning the investigation into the death of Richard Barron and how that death came to be seen as an investigation into murder.

2. If it be the case that an alteration to the Station Diary at Raphoe occurred, and if, Sir, you are able to attribute responsibility in that regard, we suggest that you do not lose sight of the possibility that for every apparent happening it may be possible to engage in means to conceal its occurrence. On the issue of the Station Diary, apart from the denials which we have adumbrated in relation to same, you should also look to the availability of opportunity and motive in respect of other persons, should that emerge in the course of the enquiry.
3. On the face of it, the series of telephone calls to the home of Michael and Charlotte Peoples operated as a deeply disturbing experience for them. Whoever made the calls was clearly maliciously motivated. It may be that what was involved was nothing more than nasty malice: the anonymous terrorising of innocent people in the apparent exercise of a sense of black fun. On the other hand, Sir, it would appear that the investigation into these phone calls was much delayed so that it appears that a private detective could do better, in that regard, than the resources of the Donegal Garda Division. The allegation by the Peoples that they had received such phone calls may have been mixed into the series of suspicions in relation to the question of the manner of the death of the Late Richard Barron and who was responsible for it.
4. Fundamentally, Sir, you will have to try to find out who made these phone calls and for what purpose. Since Michael and Charlotte Peoples were in fact arrested on the 4th of December, 1996, less than a month after receiving the phone calls, on suspicion of accessory after the fact to murder, this series of phone calls cannot be left in isolation, but must be considered in the context of the overall murder investigation.
5. The efficiency of the Garda response to the Peoples on the 9th of November, 1996 is in question. The efficiency of the follow up investigation is also in question. The making of these phone calls was a serious matter and the response not only of rank and file Gardaí, but of senior officers, needs to be considered. If there was inefficiency, we suggest, Sir, that you should bear in mind that a lack of determination in relation to an investigation, and follow through in relation to its elements, may be explicable not only on the basis of carelessness, but might also involve a wilful blindness to look at any other facts whereby previously existing suspicions might be undermined. In that regard, the apparent conference held to discuss the issue of the extortion phone calls comes into sharp focus especially if it emerges that there was already a determination to arrest Michael and Charlotte Peoples at that point. We can make no comment beyond calling this to your attention, Sir, as a possibility.