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14-02 '91 18-12

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DEPT OF FOR AFFS

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FAX COVER SHEET

URGENT

FAX No: _____

Extradition file

Date: *12/12/91*

Time: _____

To: *Mr. D. Nally*

For: *Dept. of Justice*

From: *Richard Fallon (AF Section)*

h k cally
h k cally
7 Nov 1991
on this
12/12/91

Total number of pages, including cover sheet: 3

Brief description of material: *Dessie Ellis*
Committal Hearing

Any special instructions: _____

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15-JAN-1980 16:35

P.01

AMBASÁID NA hÉIREANN, LONDAIN



IRISH EMBASSY, LONDON

17, GROSVENOR PLACE,
SW1X 7HR

Telephone: 071-235 2171

TELEX: 916104

Fax: 071-245 6961

FAX*cc: perm; AG
H. Miller; PLS, HR
C. Allen A.I.*Immediate

14 February

TO: HQ
FOR: A/Sec GallagherFROM: London
FROM: B J LyonsRef: My telephone callSubj: Ellis Committal Hearing

The magistrate ruled that the two charges which Ellis faced (attached) are territorially barred as they were neither committed in the UK nor by a citizen of the UK.

However, she said that under the powers open to her as an examining magistrate she was committing him on two other similar charges;

- a charge created under Section 2 of the Criminal Justice Act of 1971 (relating to damage to property)
- a charge created under Section 28 of the Offences against the Person Act 1861 (re: grievous bodily harm)

both of which charges are applied by Section 1 (1) of the Criminal Law Act of 1977.

The defence argued that the magistrate had no right to substitute other charges for the charges on which Ellis had been extradited. The prosecution argued that Ellis had been extradited on the grounds that there was a case for him to answer, not on the basis of these specific charges.

Short coded telex follows.

DESMOND ELLIS

Between the 1st day of January 1981 and the 27th day of October 1983 within the jurisdiction of the Central Criminal Court for England and Wales, in the United Kingdom unlawfully and maliciously conspired together with Thomas Alphonsus Quigley, Paul Kavacagh, Gilbert Thomas Patrick McNamee and other persons to cause by an explosive substance an explosion of a nature likely to endanger life or cause serious injury to property in the United Kingdom.

CONTRARY to Section 3(1)(a) of the Explosive Substances Act 1883 and Section 7 of the Criminal Jurisdiction Act 1975.

Between the 1st day of January 1981 and the 27th day of October 1983 within the jurisdiction of the Central Criminal Court for England and Wales, in the United Kingdom unlawfully and maliciously had in his possession or under his control explosive substances with intent by means thereof to endanger life or cause serious injury to property in the United Kingdom or to enable any other person so to do.

CONTRARY to Section 3(1)(b) of the Explosive Substances Act 1883 and Section 7 of the Criminal Jurisdiction Act 1975.