

REPORTS FROM THE COURTS

Men were fighting with poles outside a local café

FOOTAGE of men hitting each other with poles on Kennedy Street, Carlow last year was played at the start of an affray trial last week.

Guisepppe Torres (50) of The Towers, Graiguecullen and 39-year-old Marco De Felice of Barrowvale, Portlaoise appeared before Carlow District Court charged with affray outside Caffé500 restaurant on Kennedy Street, Carlow on 10 June last. Both men deny the charge.

CCTV footage, which was sourced by gardaí from OMG Studio, located across the road from Caffé500, was played at last Wednesday's sitting of Carlow District Court.

Manager of OMG studio Kamil Szymanski said he was working on the day of the incident and would be a client of one of the defendant's, Mr De Felice of Caffé500.

The video, which goes on for around five minutes, starts with Mr Torres throwing something towards Caffé500. He kicks at the door of Caffé500 before going back across the road. He goes into Caffé500 and emerges with what appears to be a piece of hoarding and strikes the window. Mr De Felice comes out of the restaurant with a stick and attempts to hit Mr Torres, who also has a



Caffé500 on Carlow's Kennedy Avenue

pole from the hoarding. The incident goes over and back on the road on Kennedy Street with cars passing by. A third shirtless man appears with a stick and attempts to hit Mr Torres.

At one point, the defendants can be seen grappling on the road. Matters seem to calm down with passers-by attempting to intervene, but Mr Torres, now shirtless, continues to remonstrate.

Four minutes into the video, gardaí arrive at the scene and arrest Mr Torres. Three gardaí are seen attempting to put Mr Torres into the garda van.

Solicitor for Mr Torres, Joe Farrell, took an interest in this section of video and noted that five to six seconds were missing. The video ends as gardaí are about to put Mr Torres into the garda van and cuts to the gardaí closing to the door. "I am not able to explain that. CCTV sometimes does that," said Mr Szymanski. He said he gave four or five minutes of footage to gardaí and did not have any other footage.

Solicitor John O'Sullivan, representing Mr De Felice, asked if Mr Szymanski had video of Mr Torres spitting at his client's window in January. Mr Szymanski

said he did not.

Evidence was also heard from Dr Denise Lyons that she was driving on Kennedy Street in slow traffic. Her niece and nephew called out that there was a fight.

"I looked up and there were three gentlemen with sticks," she said. She noted that some of the men were wearing aprons. "I was trying to keep my eyes on the road, but then it spilled out onto the road."

Judge Carthy was told the case could take around two hours, with a number of garda and civilian witnesses to be called. The case was adjourned until 13 July.

Rathvilly man told he risks going to jail if he reoffends

A RATHVILLY man was given five months to avoid a custodial sentence at Carlow District Court recently. Jason Whelan (31) of Fr Cullen Terrace pleaded guilty to threatening, abusive and insulting behaviour at Fr Cullen Terrace on 3 July last.

Evidence was heard that gardaí had been carrying out a search in the area when the defendant became aggressive and attempted to fight gardaí. The defendant spat at one garda and called him a 'black P--i bastard'. The defendant then made lewd gestures with his penis, with members of the public, including children, present.

The defendant had 14 previous convictions, including for indecency and road-traffic offences. However, his solicitor Brendan O'Flaherty said he did not believe the court could judge his client like other people. The defendant had been involved in a serious road-traffic accident that resulted in a "change of personality", said the solicitor.

The case had been adjourned for a probation report, while Mr Whelan also entered a plea to possessing €5 worth of cannabis.

Judge Geraldine Carthy noted that the offences before the court could trigger a suspended

sentence of nine months.

Mr O'Flaherty also submitted a "positive letter" from the defendant's addiction counsellor. The solicitor said that his client had replaced a reliance on cannabis with excessive alcohol consumption.

Judge Carthy said she was considering a custodial sentence, but would adjourn the matter for five months to see if Mr Whelan came to the attention of gardaí. If he does not, the judge said she would impose a suspended sentence; otherwise, Mr Whelan would face custody.

The case was adjourned until 21 September.

Disqualified driver gets a further ban

A BALTINGLASS man was banned from driving for four years after a court heard he had been driving while disqualified. Samuel Sheridan (27) of Bawnogues, Baltinglass pleaded guilty to driving without insurance, a licence and failing to produce driving documents on the N80 in Graiguecullen on 7 July last.

Sergeant Hud Kelly said gardaí stopped Mr Sheridan's vehicle after he failed to indicate through two roundabouts.

"The defendant was asked for his licence but said he did not have it on him," stated Sgt Kelly.

Mr Sheridan said he would produce his driving documents in Baltinglass, but failed to do so. It later emerged that he had been serving a driving ban. Mr Sheridan had three previous convictions.

"He is in bother," admitted defending solicitor Joe Farrell.

Mr Farrell said his client was currently dealing with a thyroid cancer diagnosis and had recently been treated in hospital.

Mr Farrell said his client had been travelling to his girlfriend's house when the offence was detected.

Judge Geraldine Carthy imposed a two-month sentence, suspended for 12 months, for driving without insurance.

The defendant received a four-year driving ban for the same offence, while a €300 fine was handed down for the licence offence.

"To be fair, I think you have other challenges to be dealing with," said the judge.



PUBLIC NOTICE

Notice of Proposed Part 8 Development

Planning and Development Act 2000 (as amended) Part XI Planning and Development Regulations 2001 (as amended) - Part 8

Applicant: Carlow County Council

Location: Tullowphelim, Tullow, Co. Carlow

Proposal: Pursuant to the requirements of the above, notice is hereby given of Carlow County Council's intention to provide 550m of new 3.5m wide combined footpath and cycle track in Tullow, which will link the Oakley Heights, An Caislean and Court View housing developments with Castle Lane. The works will also include the provision of new and upgraded public lighting along the route, timber post & rail fencing, access control bollards and ancillary works.

An Environmental Impact Assessment Screening Determination and an Appropriate Assessment Screening of the proposed development have been completed and are available for inspection.

Plans and particulars of the proposed development will be available for inspection or purchase for a fee not exceeding the reasonable cost of making a copy for a period of 4 weeks from 10/05/22 at the following Carlow County Council Office locations during public opening hours as indicated below:

County Buildings, Athy Road, Carlow, R93 E7R7

Monday – Friday, 9.15a.m. to 4.30p.m.

Civic Offices, Inver Relief Road, Tullow, Co. Carlow, R93 XD93

Monday – Friday, 9.30a.m. to 1.00pm & 2.00pm to 5.00p.m.

Plans and particulars for the proposed development including all reports will also be available for inspection online at <https://consult.carlow.ie>

A submission or observation in relation to the proposed development, dealing with the proper planning and sustainable development of the area in which the development would be situated, may be made before 4.30pm on 23/06/22,

in writing, to the Senior Executive Officer, Planning Department, Carlow County Council, County Buildings, Athy Road, Carlow clearly marked 'Tullow Orbital Pedestrian & Cycle Scheme Phase 2 Part 8 Process',

or

online at Carlow County Council's public consultation portal at <https://consult.carlow.ie>

or

by email to part8@carlowcoco.ie with the subject line being clearly noted as 'Tullow Orbital Pedestrian & Cycle Scheme Phase 2 Part 8 Process'.

NOTE 1: Please make your submission by one medium only (i.e. hard copy or by email or online).

NOTE 2: Submissions or observations received are subject to public viewing.

The Planning Authority has concluded that the proposed development does not require an Environmental Impact Assessment and will not be likely to have significant effects on the environment. Any person may, within 4 weeks from the date of this notice apply to An Bord Pleanála for an Environmental Impact Assessment Screening Determination as to whether the proposed development would be likely to have significant effects on the environment.

Padraig O'Gorman,
Director of Services,
Carlow County Council

10th May 2022