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# Murphy lodges new appeal against conspiracy retrial

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By Diarmaid Mac Dermott  
Saturday December 22 2007

**MURPHY** facing a retrial on conspiracy charges relating to the Omagh bombing yesterday launched a new legal challenge to the case.

The High Court last October cleared the way for Colm Murphy's retrial after it refused an application to halt the trial.

Yesterday Mr Murphy's solicitor Michael Finucane told the Special Criminal Court that appeal papers were lodged with the Supreme Court last month and they await a date for the hearing of the appeal against the High Court decision.

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Mr Murphy was in court for the brief hearing and was remanded on continuing bail until March 14 when the case will be mentioned again.

Mr Murphy (54), a building contractor and publican who is a native of Co Armagh but with an address at Jordan's Corner, Ravensdale, Co Louth, was freed on bail in 2005 after the Court of Criminal Appeal quashed his conviction for conspiracy offences connected with the Real IRA bombing which killed 29 people, including a woman pregnant with twins, and injured more than 300.

Mr Murphy was jailed for 14 years by the Special Criminal Court in January 2002 for his alleged role in the Omagh bomb

He was the first person to be convicted in either the Republic or Northern Ireland in connection with the Real IRA bombing, the worst terrorist atrocity in the history of the 30 years of the Troubles.

But in January 2005, the Court of Criminal Appeal overturned the conviction and ordered a retrial after finding that the court of trial had failed to give proper regard to altered garda interview notes and that there had been "an invasion of the presumption of innocence" in the judgment.

During a 25-day trial in 2001 and 2002, Mr Murphy had pleaded not guilty to conspiring with another person not before the court to cause an explosion in the State or elsewhere between August 13 and 16, 1998.

In a reserved judgment last October, Mr Justice Iarfhlaith O'Neill refused Mr Murphy's application to halt the retrial.

While there was a delay in bringing the proceedings on behalf of the DPP or the State, the judge said this had not breached Mr Murphy's rights, either under the Constitution or the European Convention on Human Rights.

"There was nothing" in the medical evidence before the court "that gave rise to a concern that Mr Murphy's memory impairment is such that he cannot now have a fair trial".

- *Diarmaid Mac Dermott*

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