



**REPORT OF THE
COMMISSION OF INVESTIGATION
(DEAN LYONS CASE)**

**Set up Pursuant to the Commissions of
Investigation Act 2004**

**SOLE MEMBER:
George Birmingham, SC**

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Executive Summary

The following is a summary of the findings contained in the report of the Commission of Investigation:

Circumstances of the confession of Dean Lyons

On 27 July 1997 Dean Lyons was charged with the murder of Mary Callinan at Grangegorman on 6/7 March 1997. He had spent the previous 24 hours in the Bridewell Garda Station in Dublin. He had gone there initially in a voluntary capacity having agreed to accompany two members of the Gardaí to the station and was subsequently arrested and detained under the provisions of section 4 of the Criminal Justice Act 1984.

During the course of his detention he was interviewed for a total of 6 hours and 35 minutes over the course of four interviews. Interviews were conducted by three different teams of gardaí, each comprising two members. Also, during the course of the detention he agreed to leave the station and point out various scenes relevant to the crime to gardaí.

Only the first of the interviews after his arrest was video recorded. In the three other interviews the record of what transpired comprises hand-written notes taken by the gardaí which were signed and acknowledged by him.

During the course of the first video-recorded interview Dean Lyons freely admitted his involvement in the crimes. He engaged openly with his interviewers and did not display any signs of drug withdrawal or physical discomfort. While the admissions are unequivocal, they are almost wholly lacking in any detail.

In a second interview, somewhat greater detail was provided but overall the admissions would still be categorised as lacking in detail or precision. In the course of a third interview conducted between 10.10 p.m. and midnight on 26 July 1997 Dean Lyons signed a statement of admission which, while not accurate in every respect, contains a great deal of detail relating to the nature of the wounds inflicted, the number and types of weapons used and the progress of the murderer throughout the house. The second and third interviews, which are the two most significant interviews, were conducted by Det-Sergeant Robert McNulty and Det-Garda Dominic Cox.

In July 1997 Dean Lyons was 24 years of age. He was a heroin addict and had been taking heroin intravenously for the previous three to four years approximately. At the time of his arrest he was sleeping rough and in hostels in the north inner city. Dean Lyons was border line mentally handicapped and had a history of having attended a special school. Subsequent psychological testing carried out by an expert in the field retained on his behalf established that he was abnormally and exceptionally suggestible and that he had an abnormal tendency to give in to leading questions. He had a long track record of making up stories that were wholly false and being able to tell these stories in a convincing manner.

While in detention in the Bridewell Garda Station, apart from making admissions during the course of interview, he also made an unsolicited admission to a uniformed sergeant who was engaged in the routine task of checking him into the station, and also made separate admissions on different occasions to each of his parents and persisted with these admissions and claims to having been involved even when challenged by his parents.

Dean Lyons acquired the detailed information in relation to the crimes which is a feature of later interviews, and in particular the third interview, from the gardaí who were interviewing him. In particular, he proved highly adept at acquiring information from the manner in which questions were formulated. Examples of this are clearly evident in the first video-taped interview and are discussed in detail in the body of the report.

It is recorded that, in the course of the second interview, the manner in which a particular question was asked caused Dean Lyons to abandon an incorrect version of events in the house and take on board a correction implicit in the question. This was on a matter of fundamental importance. Up to this point he had consistently suggested that the women had been moving around the house, which was completely contrary to the medical evidence. Now, for the first time, he accepted the correction contained in the question, and having accepted the proposition contained in the question stuck to it.

As a matter of probability the same process as is visible on the video tape must have continued during the later interviews. The written record maintained of the non video-recorded interviews is not comprehensive and matters are excluded that would have assisted in the assessment of the reliability of Dean Lyons. This is not in accordance with section 12 (11) (b)(i) of the Criminal Justice Act (Treatment of Persons in Custody in Garda Síochána Stations) Regulations 1987. Further, the procedure for the taking of statements as set out in the Judges' Rules

was not followed, in that questions were asked during the making of the statement.

Dean Lyons was not abused or ill treated in any way during the detention. His admissions were not produced by oppression or coercive conduct on the part of the Gardaí. Neither were the admissions produced as a result of anything in the nature of a bribe or inducement. There was no deliberate attempt to frame Dean Lyons. However, Dean Lyons was able to provide accurate details of murders it is now accepted that he did not commit, due to the manner in which he was interviewed by gardaí. He wished to associate himself with the murders and readily agreed to leading questions which were asked by interviewing gardaí.

Misgivings expressed by members of the investigation team

One of the interviewers, Det-Garda Dominic Cox, the less senior of the interviewing team which conducted the two most influential non video-recorded interviews, had misgivings about the degree to which reliance could be placed on what was being said by Dean Lyons to the extent that he was referring to Mr Lyons as a Walter Mitty. These misgivings were not shared by his interviewing partner.

The misgivings experienced by Det-Garda Cox were expressed by him on two occasions on 26 July to members of the investigation team who had gathered during the course of the detention of Dean Lyons to review developments. The extent and nature of the misgivings were not recognised and acted upon by those present, including the senior officers leading the investigation.

Two other significant figures on the investigation team, the incident room manager Det-Garda Alan Bailey¹ and the station collator Sergeant Matt Mulhall², also experienced reservations and expressed them at about this time.

Following the conclusion of his detention in the Bridewell Garda Station and his committal to prison, Dean Lyons continued to claim responsibility for the murders for several weeks. He persisted in claiming responsibility to family members, fellow prisoners, prison officers and medical personnel and even his own legal team.

¹ Now Det-Sergeant. Throughout the report I have sought to refer to the Gardaí by the rank that they held at the time under discussion. If subsequently they were promoted or retired I have usually made reference to this.

² Now retired.

Assessment of the reliability of Mr Lyons' confession before he was charged with murder

Prior to contacting the DPP just before the end of the detention period on 27 July 1997 the investigation team did not conduct any formal analysis as such of the quality or reliability of the admissions. They did not address specifically either the significance or otherwise of the errors and falsehoods that were contained in the admissions, or the dramatic improvement in recollection over the course of the ten hours between the commencement of the interviews when in custody and their interruption at midnight. Instead, the Gardaí focused on and drew comfort from the circumstances of the admissions and in particular the fact that the admissions were part video recorded, were signed and that admissions had also been made to his parents. Having taken the admissions at face value the emphasis before, and indeed after, charging was on seeking to validate the admissions.

Adequacy of information provided by the Garda Síochána on 27 July 1997 to the DPP

Prior to the expiry of the detention period the Gardaí consulted with the DPP and recommended that Dean Lyons be charged with murder. While with the benefit of hindsight the decision to consult the DPP and recommend a charge was extremely unfortunate, it was at the time a proper and conscientious one. At this time remove it is impossible to be certain of just what information was communicated during the course of a Sunday morning telephone conversation between an official of the DPP and Det-Supt Cormac Gordon, who was leading the investigation. However, it seems clear that the DPP was given a good overview of the state of the evidence and that, in particular, he was told of some areas where Dean Lyons appeared to be inaccurate or where his story had not been confirmed by the Gardaí. It does not appear that there was any element of the Gardaí seeking to pressurise the DPP to lay charges.

On the other hand the DPP was not told of the existence of misgivings on the part of some key members of the investigation team, including one of the principal interviewers to whom the admissions were made. It is clear from a perusal of the DPP's files that the decision to proceed with a charge, as distinct from deferring a charge to allow time for the submission of a full file, was a somewhat borderline one. It is clear that, had the attention of the DPP been drawn to the fact that there was a difference of view within the investigation team about the reliability of the admissions in the absence of corroboration, no charges would have been laid.

Adequacy of information provided by the Garda Síochána on 27 July 1997 to the DPP after Dean Lyons was charged with murder

After Dean Lyons was charged, the murder investigation team continued with their enquiries. In particular, they sought to authenticate and validate the admissions made by Dean Lyons and to expand and strengthen their case. As in the period before charging, the emphasis was on validating or independently corroborating the admissions rather than assessing or analysing what was available and what was emerging.

On the 16th of August 1997 a second suspect who had been arrested in relation to separate murders in the west of Ireland also confessed to the Grangegorman murders. The original Grangegorman investigation team were initially convinced of the correctness of their arrest and were initially sceptical of the significance of the emergence of the alternative suspect. A report was submitted to Garda Headquarters which focused on the strength of the case against Dean Lyons and in particular identified matters of detail in these admissions which corresponded to the known facts, a comparable list for the alternative suspect was very much shorter indeed.

On 27 August 1997 the Garda Commissioner appointed Asst Commissioner James McHugh to conduct an analysis of the various admissions and seek to establish where the truth lay. Over the following ten days he and the team assembled by him conducted a detailed analysis of the strength and weaknesses of the various admissions. This formal analysis of the admissions made by Dean Lyons came only after the second suspect emerged.

On 10 October 1997 the Garda file in relation to the Grangegorman murders was submitted by the Bridewell investigation team to the office of the Chief State Solicitor. The file contained a careful and thorough analysis of the admissions recorded as having been made by Dean Lyons as well as those made by the other suspect. The report concluded with a recommendation that the existing charge of murder should proceed and that an additional charge should be laid in respect of the second fatality. The decision to recommend that the charges against Dean Lyons should proceed is extremely difficult to understand and even harder to justify. It is hard to see how, as of the date of the submission of the file, that any jury could have been invited to conclude that they ought to be satisfied beyond reasonable doubt of the guilt of Dean Lyons.

The McHugh team submitted a further report in January 1998 making it clear that, in the view of the authors, Dean Lyons had no involvement in the murders.

This, together with the views of experts in the area of unreliable confessions obtained by both the prosecution and the defence, led to the DPP withdrawing charges against Dean Lyons.

To date, no-one has been brought to trial in respect of these brutal murders. This is a heavy burden for the families and friends of the deceased to bear. Careful consideration was given by the DPP to the possibility of bringing charges against the other suspect and at one stage charges were actually directed. However, following the death of Dean Lyons in September 2000, the bringing of charges was regarded as impossible as it would not be possible to deal with issues arising from his confession.

1. Introduction

On 27 June 2005 the Minister for Justice, Equality and Law Reform asked Shane Murphy SC to conduct a review of the Garda papers relating to false confession made by Dean Lyons with a view to

- 1) Identifying an appropriate means of establishing how he came to make these statements, and
- 2) Making recommendations on actions to be taken and procedures to be put in place with the aim of preventing similar statements being made again in the future.

At the end of July 2005, Shane Murphy SC presented his report to the Minister. He recommended the establishment of a Commission of Investigation pursuant to the Commissions of Investigation Act 2004. He suggested the following terms of reference:

- 1) How did Dean Lyons come to make a false confession? Why did Dean Lyons persist in his admission of guilt after he was charged with the offence of murder?
- 2) Was the transmission of information to the Director of Public Prosecutions on the morning of 27 July 1997 sufficient to enable the Director of Public Prosecutions to prosecute Dean Lyons for the offence of murder on a fully informed basis.
- 3) Do existing and revised Garda training protocols and procedures applicable to the treatment of persons in custody provide an adequate bulwark to prevent the re-occurrence of the type of issues which have arisen in the Dean Lyons case.
- 4) What resources are likely to be necessary in order to provide An Garda Síochána with the necessary means (including the availability of expert medical resources and/or the availability of trained psychologists in appropriate circumstances) to conduct a "*fitness to be interviewed*" assessment of persons in custody.

On 30 November 2005 and 1 December 2005 Dáil Éireann and Seanad Éireann respectively passed resolutions providing for the establishment of a Commission of Investigation. On 7 February 2006 the Commission of Investigation was established by order of the government made under section 3 of the Act.

The terms of reference of the Commission were published in *Iris Oifigiúil* on 14 February 2006 and are as follows:

To undertake a thorough investigation and make a report in accordance with the provisions of section 32 of the Commission of Investigation Act 2004 (No. 23 of 2004) on the following specific matters—

- 1) the circumstances surrounding the making of a confession by Dean Lyons (deceased) about the deaths of Ms Mary Callinan and Ms Sylvia Sheils in March 1997 in Grangegorman Dublin 7,
- 2) the adequacy of the Garda assessment of the reliability of Mr Lyons' confession both before and after he was charged with murder, and
- 3) the adequacy of information provided by the Garda Síochána on the morning of 27 July 1997 to the Director of Public Prosecutions and in particular whether any additional information should have been provided at that time.

It will be noted that there is a fundamental difference between the actual terms of reference and those proposed by Mr Murphy in that this Commission has no role in making recommendations on future safeguards or procedures. Instead, an expert group was established and has been working parallel to the work of this Commission. It will in due course present its report to the Minister for Justice, Equality and Law Reform and he has stated publicly that he will publish that report.

I have been enormously assisted by the insightful analysis of the Garda documentation conducted by Shane Murphy SC in his review. In particular, his role in identifying areas of possible concern and of possible controversy has been most helpful. I have also been assisted by the review carried out by Asst Commissioner McHugh. At one stage in this case the Director of Public Prosecutions (DPP) sought the advice of Seán Ryan SC (now a judge of the High Court) and Una Ní Raifeartaigh, Barrister at Law, on the complex legal issues emerging. They prefaced their opinion by commenting that anyone considering the case starts with the immense assistance afforded by the report prepared by Asst Commissioner McHugh and going on to observe that it would be churlish not to acknowledge a large debt of gratitude to Mr McHugh for his work. I enthusiastically echo those sentiments. This report has drawn freely on the analysis conducted in the first instance by Asst Commissioner McHugh and later by Mr Murphy.

Administrative support to the Commission was provided by officers of the Department of Justice, Equality and Law Reform. Mr Seán Ó Móráin acted as Secretary to the Commission and he was assisted by Mr Michael O'Brien. I acknowledge with gratitude their assistance.

Secretarial support was provided up to the time of her illness by Ms Pegeen Coleman and subsequently by Ms Sinead McBreen whose role expanded considerably beyond the secretarial role originally envisaged. Again, I thank them both for their assistance.

Mr Michael O'Higgins SC and Ms Helen Boyle, Barrister at Law, acted as counsel to the Commission. I am extremely grateful to them both for their unfailing support. However, I alone am responsible for the conclusions of this report and I alone accept full responsibility for any omissions, errors or inadequacies.

The Garda Commissioner appointed Det-Supt Joseph McHugh to act as liaison officer and he was assisted by Det-Garda Alison McDade. Their support and assistance has been invaluable.

I also take this opportunity to acknowledge the courtesy shown to me and to my colleagues by Supt Malachy Mulligan and his staff at the Bridewell Garda Station, the station at the centre of the investigation. He and his colleagues have been of very considerable assistance throughout.

2. Programme of Work

In seeking to carry out my responsibilities I adopted the following approach.

The Lyons family

As a first priority, I was anxious to make contact with the family of the late Dean Lyons to inform them of the nature of the exercise in which I was engaged and also to seek their assistance. I am very grateful to the family for their help and encouragement and also wish to thank their solicitor Mr Robert Dore of Dore & Co. My contact with the Lyons family has left me in no doubt whatever that this ongoing controversy has been extremely difficult for them to bear. They remain deeply distressed and traumatised by their experience. A measure of the ongoing effect on them is that it has caused one member of the family to choose to make his life outside Ireland.

Documentation

My first task was to access and take possession of all the very extensive documentation generated during the Grangegorman investigation, as well as that from the review carried out by Asst Commissioner McHugh. Having analysed this documentation in considerable detail it was possible to assemble a list of individuals to be interviewed and who would in due course be required to give evidence.

At a somewhat later stage I accessed documentation in the possession of the Director of Public Prosecutions, the Chief Prosecution Solicitor as successor to the Chief State Solicitor, and the files maintained at Garda Headquarters.

Dean Lyons

A priority was to assemble as much information as possible about the background, circumstances and character of the late Dean Lyons. Towards this objective, formal and informal meetings were held with members of the Lyons family, as well as with a number of other persons who knew him well and could offer some insight into his character.

In addition, accompanied by Ms Helen Boyle, I visited all three schools attended by him during his schooldays and discussed with a number of his teachers in each school their recollections of him. A number of psychological assessments of Dean Lyons had been carried out at various stages of his life and these also became available. Chapter 6 gives an account of his life and personality.

Site visits

It was clear from an initial study of the documentation available that it would be necessary to view a number of the sites referred to. Accordingly, I visited and viewed the interior and exterior of the murder scene as well as a number of other locations in the Dublin 7 area which featured in the investigation. Again, to understand fully the details relating to Dean Lyons' detention, I visited and toured the Bridewell Garda Station, which was the centre of the investigation, and was where Dean Lyons was interviewed.

Literature review

Also at this preliminary stage I conducted an extensive review of the literature relating to confessions and interrogations. I will be making references to the literature in the course of this report and have sought to view the case of Dean Lyons against this background.

Advertisements

Advertisements were placed in the national media inviting individuals with information to contact the Commission. Given the nature of the inquiry it was regarded as unlikely that there would be a major response from members of the public and so it proved to be. However, the advertisements did lead to one fruitful line of inquiry and this was duly followed up.

Taking of evidence

I have already referred to informal meetings with Dean Lyons' teachers and family members. However, individuals expected to have direct information on our terms of reference, such as members of the Garda Síochána who had direct dealings with Dean Lyons while he was in custody, or officials of the office of the DPP, were required to give evidence on oath.

Every effort was made to keep the procedure as informal and flexible as possible; for example, when we were hearing the evidence of two expert witnesses, one engaged by the Dean Lyons defence team and the other by the DPP, after taking the oath each was invited to state his view and they were then invited to interact with each other.

Witnesses appearing before the Commission were examined and cross examined on their evidence by counsel to the Commission, and then questioned by me. Witnesses were entitled to be accompanied by their lawyers and a number of them availed of this entitlement. Prior to giving evidence witnesses were given

an outline of the information available to the Commission relevant to them. If, as occasionally happened, information came to hand after they had completed their evidence, usually because of subsequent witnesses referring to them in testimony, this was brought to their attention and they were given an opportunity to comment on or challenge the evidence.

Draft report

When the investigative phase of my work was concluded I prepared a draft report. Extracts of this draft were then furnished to individuals referred to in the report³ and they were given an opportunity to comment or make observations within a specified time. All observations received were then considered by me and in the light of these observations a final report was prepared.

Name changes

In the course of the report I found it necessary to refer in some detail to the activities and life styles of a number of Dean Lyons' associates. As would be expected they come from the community in which he was living at the time of the events and include drug abusers and others engaged in prostitution. I have changed the names of these individuals in this report. I have done this for two reasons:

- 1) A number of the individuals in question were, in the context of the Grangegorman inquiry, passing information about their peers to the Gardaí and it may not be in their interest that this fact should be highlighted. In that context I have had regard to the long established doctrine of informer privilege in the law of evidence;
- 2) In many cases criminal conduct is attributed to the individual whether in the form of robbery, drug taking, prostitution, or otherwise. I am not in a position to substantiate these allegations nor is it my task to do so, and it seems to me proper, having regard to constitutional principles including the right to a good name and the presumption of innocence, that I should preserve these individuals' anonymity.

The other suspect

I have also maintained the anonymity of the second individual who confessed to the murders. As is now very widely known, another individual came forward and confessed to the Grangegorman murders. The identity of that individual has been publicised across the media. However, no one has ever been prosecuted for

³ In a number of cases individuals mentioned in the report are no longer living or have proved untraceable.

the murders and so far as the Gardaí are concerned the inquiry remains open. I have been left in no doubt whatever that even at this time remove the Gardaí hope to bring a prosecution. If a prosecution is ever brought, and I recognise that this is increasingly unlikely, there would probably be an effort to halt it by way of an application for judicial review on the grounds that the publicity was such as to prevent a fair trial.

Having regard to the decision of Judge Kevin Haugh, as he was then, in the case of *DPP v Charles Haughey*⁴, which was upheld in the High Court, it is possible that in the event of a judicial review the court might view the naming of the suspect in an official document published under statutory authority as falling into a different category than general media coverage. I am strengthened in my view that this is the correct course of action by the fact that I have had no contact with the individual concerned and given his status as a suspect would regard it as clearly improper to have contact. I fully understand that this sensitivity will inevitably be widely seen as pedantic if not unreal.

⁴ See *DPP v. Haughey* [2001]11R. Judgement of Carroll J.

3. Chronology of Events

Introduction

In this section I set out for ease of reference a chronology of the main events leading to the establishment of the Commission of Investigation. Chapter 7 contains a more detailed chronology of the events of 26 and 27 July 1997, the dates of the arrest and charging of Dean Lyons. In later sections of the report individual events forming part of both chronologies are considered in greater detail.

It is hoped that the chronologies will make the task of understanding the significance of particular developments easier, especially when considering the significance of the recorded admissions. Copies of these admissions are included as appendices to this report, and cross references appear in the text. When records of interviews and statements are being discussed it may be useful to refer to the relevant appendix, so that the comment made may be seen in context.

6/7 March 1997 The murders

On the morning of 7 March 1997 it was discovered that during the preceding hours two brutal murders had taken place at No.1 Orchard View, Grangegorman, Dublin 7. The house was owned by the Eastern Health Board and provided sheltered accommodation. Those murdered were Ms Sylvia Sheils and Ms Mary Callinan who were resident at the end of terrace house.

7 March 1997 and following: the Garda investigation

A major investigation was immediately launched involving detectives from the Dublin Metropolitan North Central Division, the division in which the crime was committed, as well as detectives from the National Bureau of Criminal Investigation (NBCI), the specialist serious crime unit within the Garda Síochána.

At an early stage, the scene of the murders as well as the surrounding areas were subject to a detailed and prolonged technical examination by personnel from the Garda Technical Bureau. The Garda investigation was a painstaking one, involving house to house inquiries, the taking of over 1000 statements, and the identification and elimination of over 250 suspects.

13 March 1997 Pathologist's first report

Professor Harbison, the State pathologist, delivered his first report (see Chapter 4).

24 March 1997 The first *Crimeline* programme

As would be expected given the horrific nature of the crime, the murders attracted enormous media attention (see Chapter 4 for examples of press reports). The Gardaí used the media to seek assistance from the public, in particular, the crimes were featured prominently in the *Crimeline* programme broadcast by RTE on 24 March 1997 and in a follow-up programme on 16 June 1997.

14 April 1997 Profilers' report received

In an usual development the investigation team engaged the services of forensic psychologists to draw up a profile of the type of individual likely to have been responsible for the murders. As far as I can identify this was the first occasion this was done in Ireland. Their report was received on 14 April 1997 (see Appendix I).

16 June 1997 Second *Crimeline* programme

The second *Crimeline* programme to feature the murders included an appeal for information by Chief Superintendent Dick Kelly⁵, the Divisional Officer overseeing the investigation. He asked persons with any knowledge of burglaries that had occurred in the general Grangegorman area, including burglaries which at the time might not have been seen as significant perhaps because nothing of value was taken, to come forward. This appeal drew a significant response from the public and indirectly led to the arrest of Dean Lyons. It led to two individuals, Peter Leahy⁶ and Derek Ryan⁷, being identified as likely to be involved in burglaries. As such they were placed on the long list of suspects. When the Gardaí came to speak to them they made reference to Dean Lyons.

11 July 1997 Interview of Peter Leahy

Peter Leahy, then a 21-year-old offender in St Patrick's Institution, was interviewed and this subsequently led to the emergence for the first time in the investigation of the name of Dean Lyons.

⁵ Later Asst Commissioner and now retired.

⁶ Not his real name. I have sought without success to interview this individual, during the course of this investigation. He is at present serving a prison sentence in Britain. Initially arrangements were put in place with his agreement for a video conference but having agreed to participate he refused and instead requested a personal visit. On foot of this request I travelled to Britain and made the necessary arrangement with the prison authorities but he again refused to meet with me

⁷ Not his real name.

20 July 1997 Interview of Derek Ryan

Det-Garda William Mullis and Garda Joseph O'Connor interviewed another offender, Derek Ryan who was then detained in Wheatfield Prison. He told the Gardaí that he had overheard a conversation involving Dean Lyons and some close associates of Dean Lyons, whom he named, in the course of which they had indicated some knowledge or familiarity with the events in Grangegorman.

22 July 1997 Further interview of Peter Leahy

On 22 July 1997 Peter Leahy, having been released from prison, called to the Bridewell Garda Station where he was interviewed by Det-Sergeant Robert McNulty and Det-Garda Mullis. He gave an account of a conversation with a group of his associates, including Dean Lyons, in which the murders were discussed and Dean Lyons seemed to imply that he had been involved.

26 July 1997 Dean Lyons confession and arrest

In the light of the information said to have emerged from Peter Leahy and Derek Ryan the Gardaí decided to investigate Dean Lyons as a suspect. As with other suspects he was invited to visit a Garda station, in his case the Bridewell, to be interviewed in relation to his movements on 6 and 7 March 1997, provide blood and hair samples on a voluntary basis and agree to being fingerprinted.

Having been collected by two gardaí from the Salvation Army Hostel, where he was staying, at 9 a.m. approximately he was interviewed at the Bridewell Station up to 1.30 p.m. approximately. During this time he was visited by a doctor who with his consent took certain samples from him.

The Gardaí state that at 1.30 p.m. approximately, Dean Lyons became distressed, broke down and admitted the two killings. At 1.40 p.m. he was formally arrested on suspicion of murder. During the detention period that followed he made admissions to involvement in the incident during an interview that was video recorded and much more extensive and detailed admissions in subsequent interviews that were not video or audio recorded. He was visited separately by his father and his mother and told each of them that he had committed the murder.

27 July 1997 Dean Lyons rearrested and charged with the murder of Mary Callinan

At 9.35 a.m. Dean Lyons was formally released from custody only to be rearrested by Det-Sergeant McNulty and charged with the murder of Mary

Callinan. Prior to charging, the Gardaí, through Det-Supt Cormac Gordon, the then Detective Superintendent in the North Central Division, had consulted with the office of the DPP by phone who directed that that charge be preferred. Dean Lyons appeared before a special sitting of the District Court, which sat shortly after midday, where he was remanded in custody to Mountjoy Prison from where he was shortly thereafter transferred to Arbour Hill Prison.

The events of 26 and 27 July are more fully summarised in Chapter 7 and individual aspects are dealt with in greater detail later in the report.

29 July 1997 Dean Lyons admissions to Prison Officer Hennessy

Dean Lyons met and spoke with a prison officer in Arbour Hill, Mr Justin Hennessy, and admitted to the murder. Over the following two weeks he engaged in a number of discussions with Prison Officer Hennessy and on each occasion repeated his admission.

14 August 1997 Dean Lyons visited by his father

John Lyons, Dean's father, visited him in Arbour Hill. It would seem that up to this visit Dean Lyons had persisted in maintaining his involvement in the crimes, this to the dismay and distress of his family, none of whom were ever convinced of his guilt. In the course of his visit John Lyons told his son that he believed that if Dean had had any involvement in the murder he had not been alone, because he had always been with someone when he did anything. Dean Lyons accepted he was indeed accompanied and named his companion as Frank Fagan⁸. He asked his father to pass on this information to the Gardaí which his father duly did the next day.

15 August 1997 Dean Lyons accused an acquaintance of the murder

Dean Lyons was visited in Arbour Hill by members of his legal team. He informed them he had been present for the murder with Frank Fagan. He had gone to the house in search of mobile phones. He attributed the active role in the murders to Frank Fagan, suggesting that Frank Fagan had wielded the knife, and a passive role to himself. It is a measure of how convincing he was that his highly experienced legal team took these admissions seriously.

16 August 1997 Admission by the other suspect of the Grangegorman murders

A suspect for a double murder in the west of Ireland was taken into custody and subsequently detained and questioned. In the course of his detention he

⁸ Not his real name.

admitted responsibility for the Grangegorman murders and signed these admissions.

21 August 1997 Dr Charles Smith meeting with Dean Lyons

Dr Charles Smith, Director of the Central Mental Hospital in Dundrum, visited Dean Lyons in Arbour Hill Prison. Mr Lyons told him that he had murdered the two women. However, Dr Smith did not find the admissions convincing and communicated his views informally to the defence legal team.

26 August 1997 Media reports about the alternative suspect.

The first media reports of the fact that a second suspect was admitting the Grangegorman murders appeared. *The Irish Times* and RTE news carried stories to this effect.

27 August 1997 Asst Commissioner McHugh appointed to review evidence

Faced with two independent and in a sense competing sets of admissions the Garda Commissioner appointed Asst Commissioner James McHugh to review all the available evidence on file on each set of admissions with the objective of establishing their truthfulness or otherwise. Asst Commissioner McHugh established an office in Dublin Castle and enlisted the assistance of two very senior detectives, Det-Supt Martin Donnellan (now Asst Commissioner) and Det-Inspector Derek Byrne (now Det-Chief Supt).

Also on 27 August a lengthy and detailed report was submitted by Chief Supt Kelly to the Assistant Commissioner Crime Branch at Garda Headquarters. This report analysed the strengths of the admissions made by Dean Lyons and the alternative suspect. It produced a long list of matters abstracted from the admissions made by Dean Lyons and a much shorter list in respect of the alternative suspect as according with the known facts. While the report draws attention to admissions of family members in the case of Dean Lyons, no similar exercise in relation to the circumstances of the admissions was undertaken in the case of the alternative suspect. Overall the tone of the report is such that while it does not involve a formal conclusion it does come down clearly in favour of the view that Dean Lyons was the culprit. The report was quite influential in that it led to an initial assumption on the part of some at least of those who read it both at Garda Headquarters and within the office of the DPP that Dean Lyons was the culprit. Only when the McHugh team began their work was this assumption displaced.

29 August 1997 Dean Lyons said his co-accused back in the jurisdiction.

A fellow prisoner in Arbour Hill Prison, who had known Dean Lyons outside prison as well as having been close to another member of the Lyons family, discussed with him a newspaper article which had appeared in the previous day's edition of the *Star* newspaper. It had a prominent headline suggesting that Dean Lyons was innocent. In the course of this discussion Dean Lyons referred to the fact that an individual whom he described as his co-accused, the person 'who did this' with him, was back in the jurisdiction, having been outside it for a period. So far as I can tell this is the last occasion on which Dean Lyons claimed an involvement in the Grangegorman murders.

1 September 1997 The alternative suspect's retraction of admissions

While in custody, the alternative suspect wrote a four page document which sought to undermine each admission in relation to the Grangegorman murders made by him. On 1 September that document, together with a formal letter from his solicitor notifying the retraction of all statements of admission, was given to the Gardai.

9 September 1997 Dean Lyons psychologically assessed by Dr Gisli Gudjonsson

Dean Lyons' solicitors Garrett Sheehan & Co. arranged for him to be psychologically assessed by Dr Gisli Gudjonsson, an internationally renowned expert in the psychology of interrogations and confessions. He has a particular expertise and interest in false or unreliable confessions. The assessment was carried out on 9 September 1999.

10 September 1997 McHugh Review preliminary report

Asst Commissioner McHugh presented his preliminary report. In the very limited time since their appointment the McHugh team had analysed in detail all of the statements made, or alleged to have been made, by both suspects, and in respect of each statement of fact sought to establish whether there was any independent evidence supporting it or whether, on the contrary, the particular assertion was inconsistent with known or identifiable facts.

In an effort to establish the credibility or otherwise of Dean Lyons, the views of those gardai who had been involved in the interviewing had been sought. It emerged that some members of the investigation team were claiming to have experienced concerns. Whether reservations existed, and if so whether they were expressed and communicated, forms a central theme of this report.

The report indicated a number of areas where further inquiries were required as a matter of urgency. Asst Commissioner McHugh said that he was unable to make a firm recommendation in respect of either suspect. He recommended that a final decision on continuing proceedings against Dean Lyons should be deferred until a completed investigation file had been submitted to the Chief State Solicitor's office.

12 September 1997 Dean Lyons denial of murder in letter to friend

Dean Lyons wrote to a female friend or acquaintance who was a fellow member of the homeless community in Dublin. In the course of this letter he commented: "I suppose I was the talk of the avenue [a reference to the Morning Star Avenue] when they heard what I was arrested for. Well to be honest I don't really care because I know I didn't do it and I'll say it till I die." This is the first occasion I can identify, since 26 July 1997, when Dean Lyons was interviewed initially, that he denied an involvement in the murders.

15 September 1997 Dean Lyons sentenced for public order offence

At Kilmainham District Court Dean Lyons received a sentence of three months imprisonment in respect of a public order offence committed on 7 March 1997.

17 September 1997 Dean Lyons charged with robbery

Dean Lyons was charged in the Dublin District Court with two counts of robbery and was remanded in custody for the preparation and service of a book of evidence. The relevance of this and the earlier sentence is that his imprisonment was no longer related solely to the Grangegorman murders.

7 October 1997 Dean Lyons alleged he was beaten up by the Gardai

Dean Lyons was visited in prison by a female acquaintance, Tara Boyle.⁹ She is recorded as telling the Gardai that Dean Lyons denied to her any involvement in the murder and explained the admissions by saying that the "Gardai beat the crap out of me." This is the only occasion when Dean Lyons ever suggested anything of the sort and was completely untrue. What is interesting is that, if this was said, it is an example of Dean Lyons' willingness and ability to tailor his message to his audience. The acquaintance has given evidence to the Commission and denies that Dean Lyons said this or that she told the Gardai he did. Her general memory of events at this time remove is very confused and she is a poor narrator.

⁹ Not her real name.

10 October 1997 Garda file contending prima facie case and recommending further charge

A Garda file was submitted to the Chief State Solicitors over the signature of Det-Supt Gordon. The file is very lengthy, running to over 11 volumes, and contains 1100 statements. The summary cover report alone runs to 237 pages. The report analyses the strengths and weakness of the admissions made by Dean Lyons and the admissions made by the other suspect. It concludes by contending that a prima facie case had been established to justify the charging of Dean Lyons with the murder of Mary Callinan and recommends that a further charge of murder should be preferred against him in relation to the death of Sylvia Sheils.

6 December 1997 Alternative suspect admission to entering crime scene

The alternative suspect, then a prisoner in Mountjoy, ostensibly attempted to commit suicide. His suicide note denied any involvement in the Grangegorman murders but he appeared to admit entering the crime scene in the early hours of 7 March after, as he claimed, he saw a man running from the house. He indicated that he entered No. 1 Orchard View out of curiosity.

9 January 1998 McHugh interim report

An interim report was submitted by Asst Commissioner McHugh to the office of the DPP. It observed that the statements of admission made by Dean Lyons remained substantially uncorroborated and that many aspects of the admissions that were crucial to the investigation remained uncorroborated. He commented that investigations could progress significantly if Dean Lyons' solicitors, Garrett Sheehan & Co., were to agree to the formal interview of their client by investigating Gardai.¹⁰

16 February 1998 Dr Adrian Grounds' report on Dean Lyons' admissions

The DPP had engaged Dr Adrian Grounds, consultant psychiatrist and lecturer at the University of Cambridge, to review the reliability of Dean Lyons' admissions. Dean Lyons' solicitors had initially refused to allow him access to their client and his report, presented on 16 February 1999, was based on viewing the video recording and reviewing the written material. Dr Grounds raised significant doubts about the reliability of Mr Lyons' confession, in particular the

¹⁰ Since Dean Lyons had now been charged with an offence and was awaiting trial he was off limits as far as the Gardai were concerned.

possibility existed that he may have been abnormally likely to yield to leading questions.

25 March 1998 Asst Commissioner McHugh recommendation to drop charge against Dean Lyons

Asst Commissioner McHugh wrote to the DPP stating that his task was not made easier by the fact that Dean Lyons' solicitors were not permitting him to be interviewed by the Gardaí and at that stage were not prepared to make available Dr Gudjonsson's report. However, he concluded by saying "I now confirm what I have already stated verbally, that I conscientiously believe that Dean Lyons did not commit the murders of Mary Callinan and Sylvia Sheils at Grangegorman on 6/7 March 1997" and then recommended that the proceedings against Dean Lyons be discontinued. It may be said that it is entirely understandable why defence lawyers would be very hesitant about permitting access to their client by the Gardaí or by prosecution experts. After all, their client stood charged with murder.

24 April 1998 Concerns repeated by Dr Grounds in second report

Following his initial report, Dr Grounds had been permitted to meet Dean Lyons at Arbour Hill and had also met his parents at their home. In his second report submitted on 24 April 1998, he said that his original concerns were substantially strengthened. He now thought it very likely that Dean Lyons' detailed admissions were unreliable.

Thereafter, the prosecution and the defence exchanged the reports of their two expert witnesses, Dr Grounds and Dr Gudjonsson.

29 April 1998 Charge against Dean Lyons dropped

The DPP directed that the proceedings against Dean Lyons should be discontinued and in the Dublin District Court the charge of murder in respect of Mary Callinan was formally withdrawn.

1 July 1998 Gardaí recommended prosecution of other suspect

A fresh investigation file in respect of the Grangegorman murders prepared by Asst Commissioner McHugh was submitted to the DPP. It recommended a prosecution of the other suspect who had made admissions.

7 July 1999 Dean Lyons signed statement denying murders

Dean Lyons went with members of the McHugh team to the offices of his solicitors, Garrett Sheehan & Co. where, in the presence of his solicitor Mr Dara

Robinson, he signed a formal statement asserting that he had played no role of any kind in the murders at Grangegorman and that he had no hand, act or part in the killings. The signed statement states that he accepts that he made statements of admission both on video tape and in writing while firstly a volunteer and secondly as a detainee on 27 July and 28 July (sic)¹¹ but that he wishes to make it clear that the statements were not true. At the time he was using heroin heavily and was not in full control of his mental faculties.

1 September 1999 DPP directed charge of alternative suspect

The then Director of Public Prosecutions, Mr Eamonn Barnes, directed that the alternative suspect should be charged with the murders of both Mary Callinan and Sylvia Sheils. In issuing his direction he instructed that the charge should not be preferred until the Book of Evidence was completed so that it could be served on the day of charging.

It is clear from an examination of the files of the DPP that the decision to prosecute was taken only after most careful and anxious consideration. It was felt that if there was to be any possibility of a charge it would be necessary for Dean Lyons to give evidence, confirming that he had no involvement whatever in the murder, his admissions notwithstanding.

9 September 1999 McHugh Probative Report submitted

Asst Commissioner McHugh submitted a report to his superiors entitled 'A Probative Report'. As part of the exercise all those members with any substantial involvement in the arrest, detention, interviewing and charging of Dean Lyons had been interviewed and their comments and observations recorded. The report, in accordance with the directions from the Commissioner, contained a number of recommendations designed to provide safeguards to eliminate the likelihood of innocent persons being charged with criminal offences.

23 September 1999 Garda Working Group to consider Probative Report

A working group was established, under the chairmanship of Chief Superintendent Kevin Ludlow of the Garda College, to examine the McHugh Probative Report and to make recommendations regarding matters arising from the report.

¹¹ The correct dates are 26 and 27 July 1997.

27 September 1999 Possibility of invoking Section 42 considered

The Gardaí raised with the DPP the possibility of invoking the newly enacted section 42 of the Criminal Justice Act 1999. The section authorises that a person in custody for one offence may be arrested for an offence other than that for which he or she is already in custody so that the second offence can be investigated. This proposal gave rise to quite an amount of soul searching within the office of the DPP. Doubts were expressed as to whether it was appropriate to invoke the provision, given that it had already been directed that the alternative suspect be charged, but after some hesitation it was decided to proceed.

28 October 1999 Direction to charge alternative suspect withdrawn

The newly-appointed DPP, Mr James Hamilton, withdrew the direction to charge the alternative suspect which had been issued on 1 September 1999 by his predecessor. It is clear from the terms of the revocation that its purpose was to facilitate the invocation of section 42 of the Criminal Justice Act 1999 as discussed above, and perhaps to permit further enquiries, and that it was envisaged that when those enquiries were completed he would decide whether to proceed with a charge as had been intended by his predecessor. The section was subsequently invoked but nothing of probative value emerged.

10 August 2000 Dean Lyons statement denying murders

Det-Supt Donnellan and Supt Byrne, along with Garrett Sheehan, solicitor, spoke with Dean Lyons who was then in Manchester, and Dean Lyons provided a written statement saying that he did not commit the Grangegorman murder.

7 September 2000 Gardaí visit to Dean Lyons in Strangeways Prison

Supt Byrne again visited Dean Lyons who was in Strangeways Prison in Manchester. It appears that the purpose of this and the preceding contact with Dean Lyons was to enlist his support in the prosecution that it was intended to bring against the alternative suspect. The admissions made by Dean Lyons constituted a substantial obstacle to a successful prosecution of any other party but it would assist if he was prepared to give evidence and confirm that he had no involvement in the murders at Grangegorman. He agreed that he would indeed co-operate with a murder prosecution and would agree to give evidence.

12 September 2000 Dean Lyons died in Manchester

Sadly, on 12 September 2000 Dean Lyons died in Britain having been released from Strangeways Prison the previous day where he had been serving a short sentence. Apart from being a tragedy for his family this constituted a very severe set back for the prospects of a prosecution.

30 November 2000 DPP decided not to proceed with charges against alternative suspect

A case conference was convened by the DPP. This was attended by senior gardaí, Asst Commissioner McHugh and Det- Supt Donnellan, officers of the DPP, senior and junior counsel who had been asked to advise in relation to different aspects of the case and the DPP himself. While the gardaí at the conference continued to argue in favour of attempting to proceed with charging the alternative suspect the DPP concluded that this was no longer possible. He directed that on the then state of the evidence there should be no prosecution. His view accorded with the strong advices from senior and junior counsel. The death of Dean Lyons was the factor identified as compelling a different decision from that of his predecessor on 1 September 1999.

14 March 2002 Garda working group report submitted

Chief Supt Kevin Ludlow submitted his report setting out his working group's recommendation and subsequent actions for the development of a framework of best practice when the Gardaí are dealing with persons with potential 'psychological vulnerabilities' or who are drug abusers. Training inputs which included creating an awareness of psychological vulnerability of suspects were then included in various courses ranging from courses for student Gardaí to development courses for Garda Superintendents.

24 February 2005 Garda apology to Lyons family

Following discussions with the Lyons family and their solicitors, Dore & Co., an apology to the family of Dean Lyons was published in the national media. The apology stated that following a full investigation the Gardaí are satisfied that Dean Lyons had no involvement with the Grangegorman murders.

27 June 2005 Shane Murphy SC appointed

Shane Murphy SC was appointed to conduct a review according to the specified terms of reference.

7 February 2006 Commission established

The Commission of Investigation was established.

4. The Early Stages of the Garda Investigation

Introduction

In this and the following Chapter 1 present an overview of the investigation up to the stage when Dean Lyons became involved. An amount of detail in relation to the crimes and the crime scene is included as this will assist in understanding the issues that arise in relation to the admissions that were subsequently made. I am very conscious that much of the detail is very disturbing and I have tried to take account of this. However, some knowledge of the detail is required if the issues that arise in relation to the admissions are to be understood.

Discovery of the crime

Around 6 a.m. on 7 March 1997 Ann Mernagh, a resident in No. 1 Orchard View, Grangegorman, left her bedroom and went downstairs to make breakfast. When she arrived at the bottom of the staircase she noticed that her bag was upturned on the ground and that there was a light on in the sitting room. When she entered the kitchen she saw that the window was open and the wind was blowing the curtains. She saw that the drawers in the kitchen press had been opened and that one drawer had been removed and placed on the floor. Her response was to run upstairs with a view to telling Sylvia Sheils, another resident in the house, what had happened. When she entered Sylvia Sheils' bedroom she was met by an appalling sight. Sylvia Sheils was lying across the bed with her feet on the ground. She was wearing a slip which had been pulled up around her chest and there was blood around her neck and the surrounding areas of the bed. Ann Mernagh realised that Sylvia Sheils was dead and immediately ran downstairs, opened the door and ran to No. 5 Orchard View to raise the alarm.

Description of No. 1 Orchard View

No. 1 Orchard View is a two-storied end of terrace house occupying a corner site. The entire terrace, comprising five houses, was occupied by the Eastern Health Board. It provided a community based residential facility for patients who would in the past have been long term residents of mental hospitals. House No. 1, as well as the adjoining house No. 2 in the terrace, provided independent but supported living accommodation for its residents. House Nos. 3 to 5, which are interconnecting, and accessed only through No. 5, offered accommodation involving a greater level of support and supervision including 24-hour nursing. The Eastern Health Board owned a considerable number of similar properties in the general area.

The ground floor of No. 1 Orchard View comprised two reception rooms with a kitchen. On the upper level the first floor return comprised a bedroom and bathroom and there were three additional bedrooms on the first floor proper.

The occupants of the house

In March 1997 three of the four bedrooms were occupied. The fourth bedroom had also been occupied up to January 1997 by a male resident but he had moved out. The three occupants were Mary Callinan, then 61 years of age, a single lady who had been an inpatient at St Brendan's Hospital from 1966. She had been living at that address since 1988. Sylvia Sheils was a 60-year-old single lady and had first been admitted to St Brendan's Hospital in 1980. She had been living in the house since 1994. Ann Mernagh, a 46-year-old single lady, had a history of involvement with the mental health service going back to 1973. She came to live in Orchard View in September 1996.

On the night of 6 March 1996 Ann Mernagh occupied the bedroom on the first floor return while Sylvia Sheils and Mary Callinan occupied rooms on the first floor proper. The first bedroom on the right at the top of the stairs was that of Sylvia Sheils. This room had a window which overlooked the rear of the house. The second bedroom on the right was that of Mary Callinan. The window here looked out onto Grangegorman.

Raising the alarm

The alarm was raised by Ann Mernagh who went to No. 5 Orchard View. She spoke to the nurse on duty there who immediately contacted the security staff of the hospital and the Assistant Chief Nursing Officer. Two security men went immediately to No. 1 to check out the house. They both entered the first bedroom and then one security man went to the adjoining bedroom. At first it appeared to be empty but then he saw two legs on the floor sticking out from beside the bed. The nursing officer, who had arrived at the house, rang the Bridewell Garda Station which dispatched units to the scene. The first gardaí on the scene were Gardaí Susan McLoughlin and Michael McGrath and Student Garda Fergus Hogan. The scene was preserved and the investigation launched. State Pathologist Prof. John Harbison viewed the bodies before their removal to the city morgue. He submitted a preliminary report on 13 March 1997, and subsequently submitted a final report.

Summary of the pathologist's report¹²

The injuries were horrific and I am loath in the extreme to describe them in detail. In particular I am concerned lest detailing the injuries should in any way add to the distress of family members of the deceased and persons close to them. Unfortunately, some discussion of the injuries is essential because without some knowledge of them it is impossible to make sense of the interviews conducted with Dean Lyons and the admissions recorded as having been taken from him. For the same reason I will be making some references to the physical characteristics of the deceased which would in other circumstances be regarded as insensitive or tasteless.

Mary Callinan

- Location: She was found in the bedroom to the front of the house.
- Description: Grey or white haired lady.
- Clothing: A winceyette type nightdress, which was pulled up to reveal her underwear. One slipper was on and one slipper was off.
- Position of body: She was found lying on the floor between her bed and the window.
- Facial injuries: There were severe facial injuries, including a knife wound through the mouth and lips. Her throat had been severed involving 36 strokes many of them tentative.
- Genital injuries: There were numerous horrific genital injuries.
- A carving fork had been embedded in the body; the fork prongs had formed a barb so that it was incapable of being removed manually and was removed only after considerable difficulty at the post mortem. Because the carving fork had been used to inflict injuries on Sylvia Sheils before it became embedded in Mary Callinan's body it is clear that Sylvia Sheils was the first victim.
- Knife injuries: There were superficial knife injuries, probably inflicted post mortem to the abdomen, face and thigh. There were a number of rib injuries corresponding with a foot mark or stamp mark on the abdomen.
- Chest: There were a number of stab wounds to the left chest one of which was fatal. There were also a number of puncture wounds to the left breast apparently caused by the carving fork. There had been an attempt to amputate the right breast.
- There were no defensive injuries.

¹² This summary is based in the main on Prof. Harbison's final report but also on his preliminary report. It has drawn freely on summaries prepared by the Gardai during the course of the investigation, by the profilers and by Shane Murphy SC.

Sylvia Sheils

- Location: She was found in the bedroom closer to the top of the stairs.
- Description: Very obese; short brown hair, going grey.
- Clothing: A black slip, slightly ornate cotton vest and a black bra. The leg opening of a pair of pants was around her left thigh with the remainder hanging almost to the floor.
- Position of body: She was found with her body diagonally on the bed, with her buttocks resting on the edge and her legs resting on the floor. The interpretation placed on this by the profilers is that she was swung out of the bed by her legs by her assailant probably after death.
- Injuries: At least 17 separate injuries had been inflicted on Sylvia Sheils, some before death and some after. There were ten separate wounds to the head and neck area. There was a fatal wound to the throat/neck involving about ten strokes. There were a number of knife wounds to the forehead inflicted post mortem, caused by a knife being drawn across the skin.
- Trunk: There was a very deep stab wound to the right breast as well as a stab wound to the right chest where the knife had been thrust in and out twice. There were a number of superficial markings to the abdomen and right arm.
- Genital injuries: Sylvia Sheils had serious genital injuries apparently inflicted post mortem.
- There were no defensive injuries.

Following the first reports to the Gardaí the scene was quickly visited by the local District Officer, Supt James Joyce as well as Det-Supt Gordon, the Detective-Superintendent in the Dublin Metropolitan Area North Central Division, the division in which Grangegorman and the Bridewell Garda Station were located. Supt Joyce asked for assistance from the NBCI.

Forensic and technical examination

As is usual on such occasions the crime scene was preserved and remained preserved in one form or another until 26 March 1997 in order to facilitate a comprehensive and detailed forensic and technical examination. This examination was concluded by 18 March 1997.

The technical examination was unsuccessful in that no material was recovered—blood, saliva, semen, hair, fibres or other—which made it possible to link any suspect to the crime scene. However, in terms of what subsequently transpired it is appropriate to draw attention to the following matters.

- 1) Two electric carving knife blades were recovered from the room in which lay the body of Mary Callinan.
- 2) Two knives were recovered from the bedroom in which Sylvia Sheils lay; one was on the floor under the bed and its blade was bent.
- 3) A pane of glass was broken in the kitchen window of the house and the pieces were stacked on the ground outside the window.
- 4) There was blood staining on the window sash.
- 5) There appeared to be glove marks on the inside of the bottom lower sash frame and these were recorded.
- 6) Two drawers in a kitchen press were open and the third drawer, which contained a cutlery tray and loose cutlery, was on the floor.
- 7) There was a three foot high flip-top refuse bin in front of the forced kitchen window.
- 8) The edge of the windowsill was 27 inches from the floor.
- 9) A partial footwear impression made with blood was found in the unoccupied front bedroom. The Gardai concluded on examination of the footprint that it had been made by a boot similar in design to a Caterpillar Stockton II boot.
- 10) A brown handbag was found in the hall; its contents had been spilled over the floor.
- 11) In the rear dining room the light switch at the door was in the 'off' position. A blood smear on the switch surface and switch mounting block was noted.

The investigation team

Alongside the technical examination of the scene the investigation commenced. A large team was assembled comprising approximately 40 detectives and gardai drawn from the Bridewell Detective Unit and other detective units in the Dublin Metropolitan North Central Division as well as detectives from NBCI. The investigation was led by Supt James Joyce¹³ as the District Officer, Det-Supt Cormac Gordon as the divisional Detective Superintendent and a very active role was played by Chief Supt Richard Kelly, the Divisional Officer. The leadership team was completed by Det-Chief Supt Sean Camon¹⁴, head of NBCI and Det-Supt John Gallagher¹⁵, also of NBCI.

¹³ Now retired

¹⁴ Now retired

¹⁵ Now retired

At an early stage in the investigation two crucial roles were assigned to experienced Bridewell detectives. Det-Garda Alan Bailey¹⁶ was appointed Incident Room Manager or 'the book man' in Garda parlance and Det-Garda Dominic Cox was appointed Exhibits Officer. The role of the book man is absolutely crucial in a complex investigation such as this. He takes notes at conferences which are invariably chaired by the Detective Superintendent and it is his role to assign job sheets, essentially specific tasks, to individual detectives, and to record and analyse the response to each individual job sheet or query. Very frequently the return of one job sheet will generate one or more additional job sheets or queries. To be effective the book man must be fully aware of the minutiae of every aspect of the investigation. Likewise, the role of exhibits officer is a central one. He or she is responsible for the safe keeping of all the exhibits and also for preserving a chain of evidence in respect of each of these. Again in performing this role the officer will acquire a comprehensive overview of all aspects of the investigation.

Suspects list

The investigation was painstaking; it involved the taking of more than 1000 statements, the carrying out of house to house inquiries, researching the background of both deceased to see if there was anyone who might conceivably have any sort of motive for such an appalling crime and following up leads no matter how unpromising. A long list, as distinct from a short list, of suspects was assembled.

Media reports

Because of the extreme cruelty and perversion that were features of this crime it naturally attracted widespread media attention. The Garda sought to restrict the flow of information in relation to the findings at the crime scene. They were not wholly successful and over the weeks and months after the murder quite an amount of detailed material filtered through, some of it accurate. However, much of the material that was published was inaccurate and, indeed, at times sensational.

I set out here by way of example some extracts from news media which contain accurate details. In some cases the articles also contained other material which was inaccurate or incomplete. Indeed, even the extracts quoted below are not always accurate in every respect; for example, in a number of cases there are references to one of the knives being embedded in the body whereas the

¹⁶ Now Det. Sgt.

embedded weapon was in fact a carving fork. Nonetheless, the extracts do show that quite an amount of material had entered the public domain. I should add that I have also spoken with individuals who were resident in the Grangegorman area at the time of the murders and I am told that the area was convulsed by the killings to the extent that it was almost the only topic of conversation for months on end. This is likely to have been particularly true of that section of the community who were sleeping rough, if only because many of them were being questioned about their movements.

***Evening Herald* 7 March 1997**

"Women's throats slashed in bed."

"They both suffered vicious knife wounds to the face."

"The killer may have broken into the hostel through a window which had been smashed."

"There was a lot of blood at the scene. One of the bodies was hanging out of the bed and in the other room the woman was outstretched on the floor. The older woman had more extensive injuries."

***The Sun* 8 March 1997**

"Two women were stabbed repeatedly in the face in a frenzied double murder yesterday. The victims, who also had their throats slashed, were found in separate bedrooms at the terraced house they shared. They were still in their nightclothes."

"Detectives revealed that a window at the rear of their house had been smashed."

Later the article quoted Chief Supt. Kelly saying

" . . . the killer would have been covered in blood and may have tried to dispose of clothing."

***The Mirror* 8 March 1997**

"Two women patients were found with their throats slashed yesterday after a maniac struck at a mental hospital. The partly clothed bodies of Sylvia Sheils, 57 and Mary Callinan, 61 were found in separate bedrooms in sheltered accommodation attached to St Brendan's Psychiatric Hospital."

***Irish Independent* 8 March 1997**

"Two women, murdered by a sadistic knife attacker as they lay in their beds, had their throats cut and were mutilated in a sustained onslaught."

"Both victims were in their night attire. One was found lying in her blood stained bed, the other stretched out on the floor. Their throats had been cut, both had numerous stab and slash wounds on the face and over their entire bodies."

"The attacker may have broken into the hostel through a downstairs kitchen window at the rear of the house. There was a lot of blood at the scene. One of the bodies was hanging out of the bed and in the other room the woman was outstretched on the floor."

***The Irish Times* 8 March 1997**

"The downstairs kitchen window at the back of the house had been broken."

"There was an 8 foot wall at one end of the yard which an intruder would have had to scale." [It may be noted that while this might seem the obvious means of access it is not necessarily correct: the door leading to the back yard was not secured and could easily have been pushed open to facilitate entry. In fact this is regarded as the more likely means of access.]

"The elder of the two, a native of Cabra, was subjected to a sustained and brutal knife attack. The 61 year old woman, whose relatives had yet to be contacted by the Gardaí last night, suffered multiple stab injuries and her night clothes had been torn off suggesting there may have been a sexual attack. Her body was found in an upstairs bedroom. The body of Ms. Sylvia Sheils, 57, a native of Cork was found in an adjoining bedroom. She was stabbed to death but not apparently subjected to the same level of violence as the other murdered woman."

"A Garda source said the two knives found upstairs in the house were the most likely murder weapons. The intruder appeared to have entered by breaking a rear window."

***Irish Independent* 8 March 1997**

"One woman lay on the floor in her bedroom, the other lay on a bed . . . a window at the back had been broken. It appears that both women had been stabbed."

The Star 8 March 1997

"The knife maniac dragged one woman half way out of her bed as the blade strokes rained down on her."

"A quick search discovered that a downstairs window had been broken with glass littering the kitchen floor."

"It is understood there were extensive blood splashes on the walls, beds, and furniture of both bedrooms and the Gardaí are satisfied that the killer will have been covered in blood."

Evening Herald 8 March 1997

"Both had their throats cut, they had horrific knife wounds to the face and attempts had been made to cut away parts of their bodies. A knife was left in the body of one victim."

Sunday Times 9 March 1997

"There are growing fears that the brutal killer who cut both women's throats and repeatedly stabbed the helpless former psychiatric patients all over their bodies may strike again."

"The partially clothed bodies of Sylvia Sheils aged 57 and Mary Callinan, 61 were discovered in their blood spattered bedrooms."

"One of the women was found on her blood stained bed and the other was lying on the floor."

Irish Independent 11 March 1997

"The two women murdered in their home at Grangegorman, Dublin, may have been stabbed to death with at least five different knives and it is believed the murderer may have found the weapons in the kitchen of their Eastern Health Board home at Orchard View which overlooks St Brendan's Hospital."

"One of the women was found on her blood stained bed and the other on the floor. Both had multiple stab wounds and had their throats cut."

Irish Independent 12 March 1997

"The crazed killer used at least five knives to kill Sylvia Sheils 57 and Mary Callinan 61. All the weapons had been taken from the kitchen of their hostel."

"They [the victims] sustained slash wounds to the torso, their throats were cut and attempts were made to carve away body parts. One victim had also been sexually assaulted."

The Irish Times 15 March 1997

"One of the victims suffered an extraordinary degree of mutilation involving repeating stab and cutting wounds. Extensive mutilation of her genital area also occurred but there was no indication of rape. No semen was found in or around either body. In both cases there was evidence of post mortem injuries in the form of slice wounds on the bodies."

"It is now known that five knives were found at the murder scene."

The Star 26 March 1997

"Officers are already satisfied that the killer gained entry through a downstairs kitchen window."

Evening Herald 7 April 1997

"Officers sent samples for analysis and hoped they would lead to a DNA profile of the killer who used blades from an electric carving knife to cut his victims' throats."

"When gardaí arrived at the scene they discovered that a fork had been left in one of the bodies and attempts had been made to remove body parts from both victims."

The Star 24 March 1997

"Five knives were found at scene." [emphasis in original]

The engagement of profilers

The Gardaí had a long list of possible suspects but until 26 July had no main or prime suspect to investigate. Instead they were doing what good police work would dictate by following up every possible line of enquiry and hoping that at some stage something would turn up. While the investigation team was very experienced, with a combined experience of many, many hundreds of murder investigations one has a sense that the shocking and bizarre nature of the crimes was outside even their collective experience.

With no definite line of enquiry to follow consideration was given at an early stage to engaging the services of a forensic psychologist to profile the individual likely to be involved. Facilitating this would seem to have been part of the reason

why Prof. Harbison was asked to prepare the summary report which he delivered on 13 March 1997. Ultimately the Gardaí engaged the services of experienced and accredited profilers from Britain, identified with the assistance of the British Police.

The profilers submitted a preliminary suspect profile on 14 April 1997. In my view, the profile seems to have had a significant impact on the direction of the investigation. Thereafter, and indeed even during the period when Dean Lyons was in custody, it is apparent that a number of the topics raised with him during the course of the various interviews with him had their origin in the offender profile. A measure of the significance being attached to this exercise is that although the report submitted was not particularly long nor was it in any sense difficult to read, a one page summary was prepared by the investigation team presumably with a view to enhancing its circulation and this summary (reproduced here as Appendix I) was submitted to the profilers for approval. In summary the profilers suggested as follows.

- 1) There was one offender at the scene of the crime at the time of the offence. This accorded with a view that had already been expressed to the Gardaí by Prof. Harbison.
- 2) This attack was sexual in nature because of the evidence of mutilation.
- 3) The offender was male and in his mid teens to early 20s.
- 4) The offender was a person of poor social skills and may have lacked sexual experience.
- 5) The offender may suffer from violent fantasies in relation to the violent overpowering of women and post mortem mutilation.
- 6) This was the first serious offence committed by the offender given the number of hesitation and exploratory injuries inflicted by him.
- 7) The offender was sexually inexperienced and was perhaps unaware or afraid of inserting his penis into the victims' vagina.
- 8) The offender gained sexual arousal from the injuries he inflicted once the victims were dead.
- 9) The offender was unlikely to have had any sexual experience in the past.
- 10) The offender was likely to be socially inadequate because he had targeted vulnerable victims.
- 11) The offender was likely to be socially isolated with few friends.
- 12) The offender lived or worked close to the scene and either location or the victims may have been known to the offender.
- 13) The offender lived alone or with his parents and is unlikely to have been able to fend for himself successfully.

- 14) The offender was likely to have a poor work history.
- 15) The offender was likely to have average to high average intelligence. The profilers considered that this was because the crime scene was complex and also because of indications that the offender's fantasy levels were highly developed. However, the profilers noted that the offender was likely to be an underachiever academically.
- 16) The offender was unlikely to be able to cope with stress and may have acted violently in the past.
- 17) The offender may have had prior experience of burglary.
- 18) N.B. THE OFFENDER WAS EXTREMELY DANGEROUS AND WAS LIKELY TO REOFFEND. [Emphasis in original.]
- 19) The offender would be likely to have minimal behavioural changes after the offence and would not have changed his behavioural patterns and was likely to have remained in the area.
- 20) The offender would have felt no remorse for the offence.

A copy of the synopsis prepared by the Gardaí is set out at Appendix I.

The decision to involve profilers was appropriate and indeed imaginative. As far as I can tell this was the first occasion that the Gardaí had gone down this route. Once engaged, the profilers were also asked to address issues relating to another unconnected unsolved murder. In the course of this exercise I have spoken to one of the profilers, Dr Karl Roberts, and he has made the point to me that it was very obvious to him and to his colleague at every stage that the Gardaí were inexperienced in dealing with profilers. The profilers' report bears a clear health warning in heavy print saying

"This is a preliminary offender profile based on the information provided to date. It may be subject to change depending on the availability of new information. This material is intended as an investigative tool for the senior investigating officer. It should not be used alone to direct the investigation neither can it be considered as a piece of evidence." [emphasis in original]

The question arises as to the extent subsequent investigation was directed by the report. In particular, it will be necessary to consider to what extent, if at all, the profile influenced the Gardaí at line and management level in their assessment of events as they unfolded over 26 and 27 July.

Photofit/compusketch issued

In the days following the murders gardaí asked local residents whether they had seen anything suspicious. One local resident recalled that about two and a half weeks before he was interviewed, or about two weeks before the murder, he had observed a male he thought looked suspicious standing at the wall of St Brendan's Hospital and looking directly across the road at No. 1 Orchard View. The resident felt that this male was "up to something". The description offered was as follows:

"I would describe this fellow as about 6 foot to 6 foot 2, aged 35 to 38 years, very slim, had a black moustache, long at the side. He had a stubble which was very noticeable, a week or two's growth. The moustache was much thicker than the stubble. He had dark hair, straight and to the shoulder. His hair was split at the middle in the front and brushed to each side. He had a long thin face. He had dark eyes and dark eyebrows. He was badly dressed as if the clothes did not suit him. He was dirty looking but not scruffy looking. He was wearing jeans that had a flare, blue in colour. He had dirty white runners on. He was wearing an anorak type coat which came down a few inches below the waist. The coat was zipped up and was a bright colour like a bright brown colour without a hood."

A patient in St Brendan's Hospital gave the Gardaí a description of a male whom he said he had observed outside the hospital on 5 March 1997. Broadly his description tallied with the above.

In my view the description is a reasonable, though obviously not exact, description of Dean Lyons. At that time, Dean Lyons would only have been 23 years of age as against the suggested age range of 35-38 years for the individual described, and his height as recorded in the custody record was 5 feet 8 inches as against the suggested range of 6 foot to 6 foot 2. These discrepancies are also present in the second description where it is suggested that the individual being described was in his forties and about 6 foot 2.

Det-Garda Sandra Boylan¹⁷, of the Garda Technical Bureau met the original resident on 11 March 1997 and based on the description he supplied she completed a computer enhanced sketch of the male. The resident expressed himself satisfied with the finished product. The compusketch was released to the

¹⁷ Now Sergeant.

print media and also featured in the *Crimeline* programme of 24 March 1997 with the statement that the identity of the male was required for the purpose of eliminating him from the enquiry.

As might be expected, the release of the sketch drew a large response with reported sightings from all over the country. The limitations of the exercise must be understood. First, the individual seen by the resident has never been positively identified, nor has the resident ever been offered an opportunity to attempt to identify him whether at an identification parade or otherwise. Further, even if the identity of the individual could be ascertained with confidence there is nothing to connect him with the murders. Locating him would simply have meant that the Gardaí had one more line of enquiry to follow.

While it is important that those limitations not be lost sight of, it is my view, having studied the compusketch and Dean Lyons on the video, that Dean Lyons is a very reasonable match for the compusketch. It will be necessary to consider whether this aspect played any part in the events of 26 and 27 July 1997.

The state of play of the investigation as of 16 June 1997

As of this date, the date of the second *Crimeline* Programme, what was the state of play in the investigation? I think it would be fair to describe it as having stalled. The investigation was, of course, ongoing and very considerable resources continued to be allocated to it. I have been told by a number of members that it was proceeding on a seven days a week, 24 hours a day, basis. However, three months after the murders the Gardaí were not really any closer to solving the crimes. A long list of suspects had been compiled and the investigators were painstakingly seeking to eliminate these individuals one by one. However, they still had no definite line of enquiry, no definite suspect and, it seems to me, apart from the suggestions contained in the profile, no real sense of the type of individual they were looking for or developed theory as to the motive for the crimes. This is not said in any sense of criticism but simply reflects my assessment of how matters stood at that time. Into this picture emerged Dean Lyons. How that happened I will now discuss.

5. The Route to Dean Lyons

How individuals became suspects

Some 265 people found their way on to the long list of suspects. They got there by a variety of routes. Some because of a background that involved violence and/or sexual perversion, some because of a background of involvement in burglaries in the Grangegorman area, some because of their presence at or close to the murder scene in or around the time of the crime. Individuals were nominated as possible suspects by members of the public, by gardai from around the country, by members of the prison service and by professionals working in relevant disciplines with disturbed or potentially violent individuals.

The Dublin 7 postal district is home to a large number of individuals leading somewhat troubled lives either because of drug abuse, being homeless and sleeping rough or a history of psychiatric difficulties. A number of individuals falling into this category were regarded as meriting further investigation.

Procedure to eliminate suspects

As the list was assembled, and obviously it was added to as the investigation progressed, work began on eliminating suspects from the inquiry. The procedure followed was that each suspect was contacted by gardai, usually two detectives, was asked to agree to be interviewed, either at home or more usually at a Garda station, in relation to his whereabouts on the night of the murder and his knowledge of events surrounding the murder. Suspects were also invited to go to a Garda station to provide blood and other samples and to have their fingerprints taken. This was all done on a voluntary basis. It is perhaps a measure of the revulsion that these crimes generated that none of the individuals refused to co-operate and this despite the fact that many of them had a past history or were pursuing a lifestyle that brought them into conflict with the Gardaí.

Individuals were told that they had been nominated as a possible suspect or as someone likely to be in possession of information. The net was cast so wide for this exercise that at one stage the forensic science laboratory was having such difficulty coping with the volume of samples being submitted that a request was made to suspend or slow down the procedure.

The second *Crimeline* programme 16 June 1997

A second appeal for public assistance was broadcast on RTE's *Crimeline* programme on Monday 16 June 1997. This included a request for persons whose homes had been broken into in the Grangegorman area, who may or may not have reported these crimes to the Gardaí, to make contact.

From the early stages of the investigation the Gardaí had an interest in and were focusing attention on persons believed to be involved in burglaries in the Grangegorman area and their instincts in that regard would have been reinforced by the views of the profilers that the offender may have had prior experience of burglary. Among the responses to the programme was a telephone call from a resident of the North Circular Road area to say that his house had been broken into in November 1995. He stated that he believed it was carried out by a Peter Leahy and provided a possible address.

Peter Leahy¹⁸ interview 11 July 1997

Peter Leahy was at that stage incarcerated in St Patrick's Institution. He was visited there on 11 July 1997 by Det-Sergeant Robert McNulty and Det-Garda William Mullis. A signed statement was taken from him in the course of which he said that he was a heroin addict and that he robbed to support his habit. He said he did house breaking and that he knew the Grangegorman area as he used to rob up around there. However, he said he didn't break in up there in December because he was locked up in St Patrick's from October 1996 to 28 March 1997. There had been a burglary at No. 1 Orchard View on 19 December 1996. The Garda throughout the investigation had been keen to explore the possibility that there might be some connection between the two incidents. Peter Leahy went on to say that he often hung around the Benburb Street area and that he knew some of the prostitutes. He would know Pauline Keating¹⁹ the best. He said that he did not pimp for anyone that he hung around with them because he sold 'gear', i.e. heroin, to the girls. He concluded by saying that he didn't like prostitutes, he didn't think they had to do what they did and so he 'gave them hassle' when he was down there. He had been stopped by the gardaí down there a few times.

¹⁸ Not his real name.

¹⁹ Not her real name.

Derek Ryan²⁰

As part of the continuing focus on those involved in burglaries the incident room noted that one Derek Ryan had been arrested for an aggravated burglary at Annamoe Road on 11 May 1997 and when interviewed in connection with that burglary he admitted to burglaries in the Rathdown Road area in 1997. Det-Garda David Lynch and Garda Joseph O'Connor were asked to follow this up. Their job sheet, dated 16 July, instructed that Ryan was to be treated as a suspect. Enquiries quickly established that he too was in custody, this time in Wheatfield Prison. The gardaí called to see him on 18 July but he refused to talk to them. However, next day he asked a prison officer at Wheatfield Prison to contact the gardaí and ask them to return to the prison as he wished to speak with them. On 20 July Det-Garda Mullis and Garda Joseph O'Connor called to the prison. Det-Garda Mullis was a member of the detective unit at Fitzgibbon Street Garda Station and Garda O'Connor, while not formally appointed as a detective, had been working with the detective unit in the Bridewell. He was at the time what is known within the Garda force as a 'buckshee detective' i.e. a Garda who, while not formally appointed as a detective was working on a temporary basis with a detective unit.

In the statement taken, Derek Ryan explains that he had not been willing to talk to the gardaí who called on 18 July as he did not trust the prison officer in whose care he was. He told the two gardaí that on 6 March 1997 he was released on temporary release from Mountjoy Prison only to be arrested by Det-Garda O'Connor from the Bridewell and detained under section 4 of the Criminal Justice Act 1984 on suspicion of aggravated burglary on the North Circular Road. He stated that he was charged and released on station bail to appear at District Court 4 in the morning, that he did appear in court and was put in custody by the judge.

He stated that he stayed with Barbara Collins²¹ his girlfriend and James Short²² on the night of the murders. He said that they stayed up drinking most of the night and that James was found dead the following morning²³, he had overdosed on tablets. He went on to say that he was released from prison about a week and a half later around the end of March. It will be appreciated that these dates do not quite tally as a week and a half from 7 March would be mid March and not

²⁰ Not his real name.

²¹ Not her real name.

²² Not his real name.

²³ Subsequent enquiries established this death actually occurred on 15 April 1997.

the end of March. He continued that at about this time he was up around the Model Hostel, Benburb Street, with a few fellows.

He went on to describe a conversation involving a number of individuals whom he named as his girlfriend Barbara Collins²⁴, Peter Leahy, Taffy²⁵, Patrick Lee²⁶ and Deano Lyons²⁷. He commented that he was standing a bit away from the rest of them and would not have heard the conversation. He stated that the murders in Grangegorman came up during the conversation and that he thinks that Patrick Lee said there was "no need to rape that granny."

Peter Leahy turned around and said "you dirty bastard you." It was then that Deano Lyons started laughing. He said he, Derek Ryan, wasn't sure what they were talking about and asked what granny were they talking about. He says that at this stage Deano Lyons turned around to Patrick Lee and said "shut your mouth."

According to Derek Ryan, Deano Lyons then said to Patrick Lee, "one of those days you will get your head punched speaking like that" and then said again "what are you talking about" and Patrick Lee replied "nothing." He said that up to this Patrick and Deano had been laughing about the whole thing. Derek Ryan said that he left during the conversation and would probably have missed some of the conversation between the boys. He said that he then went to look for his girlfriend who was operating as a prostitute on Benburb Street. He then went on to narrate a somewhat far fetched story involving his cell mate and what he had been told by his cellmate.

This was the first occasion that Dean Lyons figured in the investigation. The Gardaí's position at this stage is that they were following up leads no matter how unpromising. However, the limitations of this information must be recognised. The source was far from impeccable. Taken at face value the remarks appear to have been in the context of jocular if tasteless bantering. If anything, they indicate a lack of detailed knowledge of the events at Grangegorman. The murder victims were not grandmothers and even if the reference to 'grannies' is taken simply as a reference to someone elderly they were not in reality elderly.

²⁴ Not her real name.

²⁵ Not the nickname used.

²⁶ Not his real name.

²⁷ Names other than that of Dean Lyons are not real names.

The reference to rape was quite wrong in that neither woman had been raped in the ordinary sense of the word, i.e. vaginal penetration by a male penis.

In the course of this exercise, I have interviewed Derek Ryan and Patrick Lee. Derek Ryan confirmed that there was some such conversation and was critical of the Gardaí for attaching any significance to it, making the point that things like that are said on the street.²⁸ I believe there is some substance in this observation and the context of the remarks has to be kept in mind. However, it is entirely understandable that the Gardaí would follow up this possible lead.

Peter Leahy statement 22 July 1997

On 22 July 1997 Peter Leahy was released from prison, on four days temporary release. He went in the company of Det-Sergeant McNulty and Det-Garda Mullis to the Bridewell where he gave them a statement. In his statement he described with considerable precision dates when he received a number of sentences, when he was committed to custody and when he benefited from a period of temporary release. Specifically, he indicated that he was serving a sentence in St Patrick's in March 1997 but was given temporary release on 14 March but was rearrested the following day and was then given full temporary release on 26 March 1997. By reference to this calendar he said that he could remember the night of 14 March 1997.

He told the gardaí that he went to Benburb Street at about 7 p.m. to meet a friend of his, Pauline Keating who is a prostitute who operates along Benburb Street. He said that he met a few fellows that he knew at the front door of the Model Hostel and named these as Patrick Lee, Derek Ryan and his girlfriend Barbara and "Deano." He thought the second name is Lyons. Peter Leahy told the Garda that they were talking about different crimes that had happened. Derek Ryan mentioned a big tracksuit robbery out in Tallaght and in response to that Patrick Lee said "you would want to check out the yoke we did."

He said that Pauline Keating said "what are you talking about" and that Deano Lyons said "ah it was just a burglary we did." He recorded that Patrick Lee said that it was serious, "it was heavy shit." He said that he and Pauline then said "what happened up there, what went wrong" and the answer was "we robbed a gaff and we left a labour card after us and we had to go back into the house to get it back and something went wrong." He stated that they asked Patrick and Deano where was this 'gaff' and that Patrick said it was up in the Gorman. He

²⁸ Transcript, day 16, page 28.

went on to say that they kept going on to them about the burglary and that Patrick said there was a bit of a scuffle in the house when they went back in to get the labour card.

Peter Leahy said that at this stage Deano was getting annoyed and that he pushed Patrick up against the wall and told him to shut up. Peter Leahy said that he thought this was strange and Deano would not normally be like this when talking about an ordinary burglary. He said that Deano was weird and threatening to drag Patrick Lee out in front of a car. He continued that he was convinced by the way these two fellows, Patrick Lee and Deano Lyons, were acting that night that they were involved in the murders at Grangegorman. He said that Deano Lyons was very upset as Patrick Lee kept talking about the burglary and it was as if he was afraid that Patrick Lee would let it slip about the murders.

Mr Leahy said that this had been on his mind for months and that he knew they were involved. He went on to observe that Deano Lyons was a strange guy and that Patrick Lee had completely changed towards him since that night. He went on to say that on 15 March he was at the Eastern Health Board Centre on Charles Street where he again met Patrick Lee and Deano Lyons who were enquiring about travel vouchers to Galway which he said would have been very unusual for them as they would never go down the country. He commented that he was released from prison on 26 March and did not meet them for some two weeks after he got out of prison and that he thought they were still down the country since they were staying very low. He continued that he had not met them since as they just passed him by which he regarded as a bit strange as they used to be good enough mates.

Taffy

Following up on this information on 25 July the Gardaí interviewed the individual referred to as Taffy. Apart from confirming that the group named all associated together from time to time he added little. However, that may not have been regarded as significant because Derek Ryan, who had been re-interviewed, had mentioned that Taffy, while he had been there, had been sitting on the ground and was really "spaced out."

Barbara Collins

Barbara Collins, girlfriend of Derek Ryan, was unable to advance matters significantly though her statement provides some support for the view that there

was an amount of teasing and banter about the crimes among the street community.

Pauline Keating

Pauline Keating, too, was contacted and interviewed. She stated that she had never been present with her boyfriend Peter Leahy in the company of Dean Lyons, Patrick Lee, Derek Ryan and his girlfriend Barbara Collins when they were all together on Benburb Street. It may be stated in passing that in a follow up interview on 29 July, after Dean Lyons was charged, she indicated that she was in prison at the time of the murder because she remembered it being a subject of conversation in Mountjoy. She had been in custody there from the end of February and remained there until 20 March. Therefore, if the conversation had occurred on 14 March 1997, as was suggested, by Peter Leahy, she could not have been present.

The Model Hostel

In a further follow up, on 24 July gardaí spoke to the attendant at the Model Hostel in Benburb Street. He indicated that he did not know Dean Lyons, Patrick Lee or Peter Leahy but that he did know at that stage a person known as Taffy, though he had not known him on 14 March, and did know Derek Ryan. Derek Ryan and Taffy were not recorded as staying there on 14 March and if any of the others had stayed there then they had registered under false names.

By no stretch of the imagination could the information that had emerged in relation to Dean Lyons be regarded as high quality. Nonetheless, it was information which the Gardaí were clearly absolutely duty bound to follow up. From the Garda perspective what was significant was that two different individuals who had been in two different prisons were giving an account of a conversation involving Dean Lyons that was broadly consistent. It was entirely understandable and entirely proper that they would decide to treat Dean Lyons as a suspect and process him in the way they had so many other suspects.

6. Dean Lyons' Background and Personality

Dean Lyons was born on 20 April 1973. At the time of his arrest on suspicion of the Grangegorman murders he was 24 years of age. He was the son of John Lyons and Sheila Lyons, the fourth in a family of six children, and grew up in Tallaght. From an early age his parents had a sense that he was not likely to be as strong at school as his brothers and sisters.

Education

His schooling started at Scoil Aonghusa National School in Tallaght. There he did well in the sense that he made friends and got on well with his teachers. Schoolwork, though, was a problem for him. In today's terms, according to his teachers, he would be classified as having a moderate general learning disability. In these circumstances, the question of a move to special education arose. A meeting was convened involving teachers from the school, Eastern Health Board personnel and others. His mother, however, was of the view that he was doing well in general education and was anxious that he would remain in Scoil Aonghusa and agreement was reached to this effect.

Psychological assessment

In sixth class he was assessed by a psychologist attached to the St John of God's Child and Family Centre, Tallaght. This report recorded a full-scale IQ of 70 (made up of a verbal skill of 80, performance IQ of 63,) and suggested that his intellectual functioning was within the lower end of the borderline range of ability. It should be noted that the divergence between the results measuring verbal skills and performance continued to be a feature of later tests in adult life. His relatively high verbal skill made it more difficult for those dealing with him to recognize his difficulties and his need for assistance.

I have discussed his literacy level with his then remedial teacher, who makes the point that his technical reading skills were well in advance of what he understood. In other words, he could read words without knowing what they meant.

St Joseph's Special School

On the basis of the psychology report it was decided that special education was the most appropriate response to Dean Lyons' needs. He attended St Joseph's Special School in Tallaght. The school served the needs of pupils with general learning disability, drawing from a very wide catchment area.

The teachers that I spoke to remember Dean as polite and affable. He was not as weak academically as some of the other pupils at the school. They remember him loving to be noticed, and not really worrying whether the notice was for good things or bad things as long as he got attention.

During his time at St Joseph's, he had attended Tallaght Community School for woodwork classes. He moved there in 1987 and stayed for almost three years. He left after passing four subjects in the Group Cert.

After school, he participated in a Youthreach project where he took part in a gardening programme.

Pattern of attention-seeking

Talking to his parents and teachers there is a persistent pattern of attention seeking and storytelling. While at St Joseph's School, shortly after his father had experienced heart trouble, he feigned a heart attack. His teachers recall vividly how realistic this was and how alarming was the experience. On another occasion, his parents recall him feigning a spinal injury, with the result that he was taken to hospital, only to hop off the trolley. It seems he was able to lie, while maintaining an innocent and charming face.

He was also quite happy to admit to things he hadn't done, particularly if this gained him approval at school or with the family. His father recalls an occasion when a fire had been lit improperly in the family kitchen. He questioned his children as to who was responsible and Dean at once admitted he was. Only more than a year later, did it emerge that one of his siblings had lit the fire and that Dean had nothing to do with it. On another occasion, when he accepted responsibility for breaking a school window in an act of vandalism, it subsequently emerged that he almost certainly had nothing to do with it.

A female acquaintance has told the Commission that on one occasion she was caught shoplifting and Dean Lyons claimed to the store detective that it was he who had stolen the items. The matter was sorted out only when the footage of the CCTV was viewed. A further example of his willingness to admit responsibility for the actions of others is to be found in the area of criminal law and will be discussed in Chapter 10.

Life on the street

Dean Lyons never held down a steady job, but instead drifted into an involvement with drugs. By 1997 it would seem he had been taking heroin intravenously for some three or four years. As his involvement with drugs deepened he moved from the family home in Tallaght to the city centre where he either slept rough in derelict buildings or stayed in hostels.

By 1997 he had only one criminal conviction, which was for burglary in 1993, for which he received a six-month sentence. However, it is quite clear that by mid 1997 he was an active small-time criminal, carrying out crimes on a daily basis to fund his drug habit. At this stage he was actively involved in stealing from unattended vehicles and was also becoming involved in larcenies from the person and syringe robberies. The two robberies with which he was charged on 17 September 1997, and to which he subsequently pleaded guilty, were syringe robberies.

His companions who shared his lifestyle speak of him as a nice, gentle person. It would seem that while he got on well with women and had women friends, he never had a steady girlfriend.

Post arrest assessment: Dr Gisli Gudjonsson

Following his arrest and charging, his solicitors engaged the services of Dr Gisli Gudjonsson. A full-scale IQ test provided a result of 71, with again a divergence between verbal skills, where he scored higher, and performance IQ. Significantly, memory tests produced scores well within normal range and considerably better than might be expected of someone of his very modest intellectual ability.

Arising from his specialist interest in interrogations and confessions, Dr Gudjonsson has devised a test to measure the extent to which an individual is suggestible. The test is designed to measure the extent to which the individual can be misled by leading questions, and how he or she responds to interrogative pressure. Dean Lyons' scores on total suggestibility fall outside normal limits, putting him in the 5% of the population that is most suggestible. His scores on a personality questionnaire show a strong tendency to addiction and criminality.

Dr Adrian Grounds' assessment

The DPP engaged the services of Dr Adrian Grounds, who is a consultant in forensic psychiatry and a lecturer at Cambridge University Institute of Criminology. He reported that there were several factors which could potentially have made Mr. Lyons a vulnerable interviewee. He stated that Dean Lyons was a

man of low intelligence with a history of special schooling and poor literacy, with a tendency to be easily led, of being passive and eager to please, on occasion showing limited verbal comprehension.

Critical aspects of Dean Lyons' personality

In terms of the events considered in this report the aspects of Dean Lyons' personality and character of particular interest are:

- 1) He was borderline mentally handicapped, though with a memory that was better than would be expected;
- 2) He was an intravenous drug abuser;
- 3) He had a history of making up stories and had a track record of having people believe his stories.

7. The Events of 26 and 27 July 1997 Summarised in Chronological Order

Introduction

Dean Lyons had now joined the long list of suspects and accordingly, on 26 July 1997 the Gardai set out to interview him. In this section, for ease of reference, the events of 26 and 27 July 1997 are summarised in chronological order. Individual events that occurred during this period will be considered in more detail later.

9 a.m. 26 July 1997

At 9 a.m. Det-Garda William Mullis and Garda Joseph O'Connor called to the Salvation Army Hostel in Grangegorman. Their intention was to inform Dean Lyons that they believed that he had information in his possession in relation to the Grangegorman murders, to ask him would he be willing to accompany them to the Bridewell Garda Station, and to provide a blood sample and related samples, all on a voluntary basis. This is the procedure that had been followed by them, and by colleagues of theirs, in relation to a number of other suspects.

9.30 a.m.-11.00 Samples and fingerprinting

At 9.30 a.m. Dr Y. M. Fakih arrived at the station. Mr Lyons was requested to provide a voluntary blood sample for the doctor and in addition a hair sample was taken. In the statement made for the investigation file on 31 July 1997 Dr Fakih confirmed the taking of the samples. Interestingly, he added the following observation to his statement: "of note, I have taken samples from a large number of subjects at Bridewell Garda Station in relation to the murder in Grangegorman."

The point has been made in evidence that it was stressed to Mr Lyons that he was not being arrested, that he was accompanying the Gardai voluntarily to the Bridewell Garda Station for the purpose of being interviewed and the taking of samples and that he was reminded of his status at the station and that he was free to leave whenever he wished to. The procedure whereby members of the Gardai seek to advance their enquiries through the voluntary assistance of individuals without proceeding to arrest or invoke statutory powers is not at all unusual and is a perfectly proper way for them to go about their business.

After Dr Fakih left the station Mr Lyons was brought to the fingerprint room to be fingerprinted and photographed. He then had an opportunity to wash his hands and returned to the doctor's room at 11 a.m. approximately.

11 a.m.-1.30 p.m. interview and admission

Mr Lyons was interviewed in the doctor's room up to 1.30 p.m. approximately. The Garda evidence is that at 1.30 p.m. approximately, as the interview session was about to conclude, he was asked how he would explain it if his fingerprints were found at Grangegorman. It is recorded that he responded to this somewhat hypothetical proposition by saying that he had visited the house some 18 months before with a relative of the third occupant of the house on the night of the murder. The gardai pointed out that the third occupant had been there only a short time and was not there 18 months before. Gardai say that Mr Lyons became very nervous and began to shake. He was asked whether there was something bothering him and he began to cry. He said that he had killed the two old ladies and he was sorry. At this stage he was cautioned in the words of the legal caution "you are not obliged to say anything unless you wish to do so but anything you do say will be taken down in writing and may be given in evidence."

1.45 p.m. Dean Lyons arrested

Shortly before 1.45 p.m. Dean Lyons walked from the station in the company of the gardai who had been interviewing him. Then, on Chancery Street at 1.45 p.m. he was arrested by Det-Garda Mullis on suspicion of murder at No. 1 Orchard View on 6/7 March 1997. Immediately on his formal arrest Mr Lyons was brought back into the garda station which he had left moments before and on this occasion he was presented to the member in charge Sergeant Thomas O'Meara. It should be explained that a member of the Garda Síochána is entitled to arrest without warrant a person whom he or she with reasonable cause suspects of having committed a serious offence.²⁹

The decision as to whether the person who has been arrested may be detained and therefore interviewed is for the member in charge. Det-Garda Mullis explained to Sergeant O'Meara that he had interviewed Mr Lyons that morning in the Bridewell Station and that during the course of that interview he had confessed his involvement in the murders. Accordingly, the arresting member

²⁹ When such an arrest takes place the person arrested may be brought to a Garda station. They can be detained if the member in charge of the station has reasonable grounds for believing that his detention is necessary for the proper investigation of the offence. A person so detained may be held for a period of up to six hours from the time of arrest and there is provision for extending this period for a further six hours if an officer of the Gardai of Superintendent or higher rank so directs, provided that he has reasonable grounds for believing that such further detention is necessary for the proper investigation of the offence.

requested the member in charge to detain Dean Lyons. Sergeant O'Meara acceded to this request. Given that he was being told that Dean Lyons had admitted to involvement in the murders there can be no doubt that he was fully entitled to exercise his statutory power to detain him and it would have been all but inconceivable that he would have reached any other conclusion.

Notice of rights

Sergeant O'Meara began processing the prisoner. This involved recording details of the arrest and the personal circumstances of the prisoner. At this stage Dean Lyons was given a notice setting out his rights as a person detained and he was given a verbal explanation of what those rights were. A copy of the notice of rights is to be found at Appendix A.

What is noteworthy about what would otherwise be a routine procedure is that Dean Lyons, when the reasons for his arrest were explained to him in ordinary language by Sergeant O'Meara, as is usual, responded by saying that he had killed the two women in Grangegorman.

He was told that he was entitled to have his interviews video recorded. Garda O'Connor and Det-Garda Mullis recall that Dean Lyons responded to this by saying that it would be as well to get the full story on tape.

Declined to consult a solicitor

When told of his rights, including the right to consult a solicitor, he declined to seek the services of a solicitor. He maintained this position when moved to the jail section of the prison, and confirmed that this was his attitude during the course of a taped interview.

Custody record

One practical consequence of his change of status in the station from that of a person there as a volunteer to that of a detained person was that there was now a requirement for a custody record to be maintained recording significant developments and actions during the period of detention. A copy of the custody record referable to this period of detention under the provisions of section 4 of the Criminal Justice Act 1984 is at Appendix B and a typed version thereof is at Appendix B1.

2.15 p.m. interview room

Dean Lyons was brought to an interview room with Det-Garda Mullis and Garda O'Connor. This room was equipped with facilities for video and audio recording

of interviews. When these were brought to his attention, in the first instance by Sergeant O'Meara while processing him and again by Sergeant Edmund Corry who was in charge of the jail section, Dean Lyons had expressed a wish to have his interviews recorded on video saying on each occasion that he was as well to get the whole story on the video.

While the video recording of interviews with persons in custody is now commonplace across the state, this has only been achieved following increasingly impatient urgings by the Superior Courts. In July 1997 video recording was in its infancy. While section 27 of the Criminal Justice Act 1984 had empowered the Minister for Justice to make regulations providing for the electronic recording of interviews such regulations did not come into operation until 1 March 1997. As of July 1997 they applied only to the four stations which at that stage possessed the necessary facilities, two in Dublin, one of them the Bridewell, and two outside Dublin.

Prior to this a pilot scheme had been in place, initially in Tallaght from May 1994, and extended to three other stations, one of which was the Bridewell, in 1995. During this period the interviewee's consent to opt to be interviewed on audio or video tape was required. The initial response was quite disappointing with take up rates of only 8% to 9% when the scheme was confined to only one station and only averaging 13% when extended to 4 stations.³⁰ Essentially this meant that reliable statistical data on which proper scientific monitoring of the pilot scheme depended was not available, leading the government committee monitoring the issue to recommend the introduction of regulations. Those came into effect on 1 March 1997.

In summary, facilities were available at the Bridewell at the time and there was a legislative basis for availing of these facilities.

The video-recorded interview 2.15 p.m.-3.15 p.m.

The interview with Mr Lyons which commenced at 2.15 p.m. and lasted until 3.25 p.m. was video and audio recorded. No notes were taken at the time but transcripts were made later. (See Appendices C and D.) Dean Lyons appeared comfortable throughout the interview. He insisted on his involvement in the murders but the admissions were wholly lacking in detail.

³⁰ Third Report Steering Committee on Audio and Audio/Video Recording.

The lack of detail, particularly about what actually happened inside the house was obviously of concern to the interviewers. On a number of occasions Dean Lyons explained his inability to produce precise details by saying that “my mind just went sort of blank” or “as high [on drugs] as I was.” The following short passage is instructive.

QUESTION 168:

Question: “Are you aware of any of the injuries that these ladies received? ”

Answer: “No.”

Garda O’Connor: “Do you remember what you did to them, to the two women?”

Answer: “As I say, me mind sort of went blank and I sort of panicked. Not that it went blank, I panicked more than anything else and I didn’t really want to know what happened. To be honest with you, I didn’t think there was that much damage done until I got outside and I seen Tara³¹ up the road and it was her that noticed the blood. When I seen so much blood that is when I recalled that there must have been some damage done.”

Detective Garda Mullis: “It’s amazing that you can recall exactly what happened when you went in and stabbed them but after that it is kind of a blank. Can you remember anything, any little thing, no matter how odd?”

Answer: “Not really, no.”

Garda O’Connor: “Can you account”

(Interjection)

Detective Garda Mullis “Or is it that you don’t want to remember it?”

Answer: “What do you mean? Sorry, what do you mean can you account?”

Garda O’Connor: “You seem to remember why and how you got into the house and where you went in and what you did after it. Then when you say you killed your victims, you just don’t seem to be able to tell us how. Are you free to tell us how you killed your victims?”

Answer: “I can’t remember to be honest with you. It was a couple of days after that I was actually told, and I find it hard to believe now, I was talking two days after, I think it was about a week later, I was told there were parts of their bodies actually chopped or cut off or

³¹ Not her real name.

something or ripped off, I don’t know exactly what.” (Appendix C, pp 21-22.)

Now it must be said that it is not unusual for a suspect initially to offer only very limited information and gradually to divulge more details as interviews progress throughout a period of detention. However, in this case the interview subject wasn’t displaying any reluctance to answer a question or admit his involvement; on the contrary he was showing every anxiety to co-operate but seemed quite unable to provide details. This may cast a different light on the progression/improvement that will emerge.

3.30 p.m. Interview suspended while Dean Lyons takes phone call from his mother

At this stage Dean Lyons took a phone call from his mother. He had first requested phone contact with his mother when being processed by Sergeant O’Meara and had repeated his request when transferred to the jail section. The Gardaí had phoned his home in Tallaght and spoken to his sister from whom they learned that his mother was out for a while. This call was Mrs Lyons returning the call that had been received in her absence.

The call was taken by Dean Lyons at the sergeant’s desk in the jail section of the Bridewell and it was supervised by Garda Declan Johnson, then a fairly junior member of the station party. In the presence and hearing of Garda Johnson, who was only some two feet away from him, Dean Lyons told his mother that he had been arrested for murder and he then said “I did that Ma.” From the point of view of the investigation this is a potentially significant development. Cases dependent on admissions made to interviewing gardaí are frequently controversial. This was even more the situation at a time when video recording was not the norm. Disputes were frequent as to what was said and whether if something was said it was the result of coercion or some other form of unacceptable pressure. Here, a suspect was making his admissions not in the seclusion of an interview room but to a family member and he was prepared to have that admission overheard.

4.30 p.m. Dean Lyons requests to see a doctor

Dean Lyons requested a doctor. At the time of the request he was sitting in his cell and is recorded in the custody records as being “all OK.” He had been sitting in his cell since the conclusion of his phone conversation with his mother at 3.35 p.m. The Garda immediately contacted Dr James Moloney, a general practitioner,

one of a number of doctors effectively on a panel called on regularly by the Gardaí when the attendance of a doctor is required at the station.

I am told that the attendance of a doctor at the Bridewell Station was a very regular occurrence, happening daily and often several times daily. This reflects the fact that a significant proportion of the prisoners passing through the Bridewell would have significant drug problems and it was very common for them to seek the attendance of a doctor during their detention. I visited the Bridewell Garda Station and there reviewed the custody records of all persons detained under statutory powers of detention during the period March to July 1997. It is indeed the case that doctors were frequently called to see prisoners, particularly those with well established drug problems.

5.20 p.m. Mrs Sheila Lyons calls to see her son

Following up on her earlier phone call Mrs Sheila Lyons, mother of Dean Lyons, called to the station and visited her son. As is usual when persons in custody are visited by friends or family members as opposed to legal advisors the visit was supervised by the Gardaí, on this occasion by Garda Adrian Murray.³² During the course of what was understandably a very emotional meeting Mrs Lyons said to her son, "look me in the eye and tell the truth"; Dean Lyons turned towards his mother and said, "I am sorry Ma, I'm a scumbag. I killed the two women." Mrs Lyons' response was to tell her son that she did not believe him. Mrs. Lyons was accompanied on her visit to the station by her son John. While at the station John Lyons Junior engaged in conversation with a member of An Garda Síochána he is not in a position to identify and told him that if Dean Lyons was charged they would end up with egg on their face. He made this remark knowing that his brother had a history of telling false stories over many years.

5.40 p.m. Doctor sees Dean Lyons and prescribes Methadone

Dean Lyons was visited in custody by Dr James Moloney, the general practitioner summoned by the Gardaí at his request. As it happens Dr Moloney and Mr Lyons were known to each other as Dr Moloney had dealt with Mr Lyons on previous occasions while he was in Garda custody. Although Dean Lyons was known to Dr Moloney, the doctor nonetheless followed a standard procedure which involved taking a history of the extent of drug abuse. Dean Lyons told him that he had been on drugs about three years and that at that stage he was taking about "three to four quarters of heroin" intravenously on a daily basis. He explained that in money terms this amounted to £30-£40 pounds a day.

³² Now Det. Garda.

When asked when he had last taken heroin Dean Lyons told the doctor that it was at about 2 a.m. that morning but that his dose at that time involved half a bag or half his normal dose. While Dean Lyons complained of pains and shakes Dr Moloney was satisfied that he was not in a withdrawal state. In these circumstances I am told that Dr Moloney agreed with Mr Lyons that 30mls of physeptone i.e. a form of Methadone would be left for him to be given at a later stage. 30mls was seen by Dr Moloney as a conservative dose, higher doses would be prescribed for someone following a maintenance programme. However, when dealing with someone who is not a regular patient, where the doctor's knowledge of when heroin was last taken is limited and when the doctor could not know what other drugs or medication might have been taken caution is required.

In accordance with what was at the time normal practice the Methadone was left with the Garda authorities in the station.³³ Dr Moloney directed that it be given to Mr Lyons if he was remaining in custody, so as to tide him over the night or alternatively, if he was being released, it should be given to him at the time of his release. It appears from the custody records that the medication was actually given to Dean Lyons at 8.45 p.m. Dr Moloney has confirmed to me that this was in accordance with his directions and corresponded with the time frame that he had in mind.

5.45 p.m. Interview resumed, different interviewers

Dean Lyons was brought to the interview room to be interviewed once more, this time by Det-Garda Cox and Det-Sergeant Robert McNulty.

5.50 p.m. Dean Lyons requests that tape be turned off

At the start of the interview which was being video and audio recorded, Mr Lyons on tape requested that the video recording cease. A short video-taped portion of the interview confirms that he had received a visit from his mother and that he had been attended by a doctor. He was asked whether he had declined the services of a solicitor. To this he responded by saying "I was asked did I want a solicitor but I didn't want one." Then when asked did that remain the same he replied that it did. His request to end the video recording was complied with and the tape was turned off. (See Appendix K.)

³³ The current practice is that medication is not left with the Gardaí to be administered by them but rather the doctor returns to the station to administer the medication if necessary.

The balance of this interview and all further interviews took place in the absence of audio or video recording. The circumstances surrounding the request to end the recording and the decision to comply with the request will be considered later in more detail.

Two-part interview: questions and answers followed by statement

This interview was in two parts. The first part was in a question and answer format, essentially the same procedure as had been followed in the earlier video-recorded interview. At one stage, which is not timed, the notes of this question and answer session were read over to him and he signed them. At this stage a formal written cautioned statement was taken from him.

While this interview will be considered in more detail later in the report it is at this stage worth drawing attention to the fact that whereas the notes of the earlier taped interview ran to 62 pages, the notes of this session ran to only eight pages for the question and answer session and a further three and a half pages for the narrative statement. While it is accepted that notes were being taken contemporaneously on this occasion, which was not the case earlier, and this may have served to slow proceedings, the fact that the written product is so much less suggests that the record may not be fully comprehensive. Evidence before the Commission established this was so.

At this point one significant difference between the formats of the two parts of the interview should be mentioned. Obviously, when the Gardai are conducting a question and answer session they are free to put questions and then to record the answers or non answers as the case may be. However, when a suspect has agreed to make a statement then, by reason of the application of the Judges' Rules³⁴ he should only be questioned on the statement to clarify ambiguities such as whether a reference to time is to a.m. or p.m. or to whom reference is being made when a statement refers to someone as 'my neighbour' or 'my brother' or other and like matters.

Question and answer session

In general the question and answer session mirrored the first video-recorded interview. Somewhat greater detail was offered in relation to events inside the

³⁴ The Judges' Rules date originally from 1912 and comprise clarification from the judges of the King's Bench division of the circumstance in which police officers could question a suspect and when a caution was required. The rules in their current form as they apply to Ireland were set out in *People (AG) v. Cummins* [1972] IR. In essence they constitute a non statutory code regulating the procedures for questioning suspects and taking statements.

house though by no means all the detail offered was accurate. There are examples of Dean Lyons putting forward an account of the killings which was completely contrary to the facts, being challenged on this by the gardai and then the alternative correct factual version being put to him. When this happened, Dean Lyons accepted the correction and the challenge to his accuracy and amended his version of events accordingly.

By way of an overview it may be said that while there is some progression from the almost total lack of detail as to what happened in the house, which was a feature of the first video-recorded interview, the overall impression is that details remain scarce. The record of this interview is at Appendix E.

7.35 p.m. period of detention extended

Supt James Joyce, the District Officer at the Bridewell Garda Station, in accordance with the provision of section 4 of the Criminal Justice Act 1984, directed that Dean Lyons' period of detention be extended for a further period of six hours from the expiry of the initial period of six hours. At the end of the period he would have to be either charged or released. This meant that the total period of detention could run to 1.45 a.m. However, if the clock were to be stopped at midnight and restarted at 8 a.m. the next morning, which was a possibility if Mr Lyons consented, then the period of detention would expire at 9.45 a.m. on Sunday 27 July.

8.45p.m-10 p.m. Dean Lyons given prescribed Methadone and food

At 8.45 p.m. Mr Lyons was taken from the interview room and given the medication that had been prescribed by Dr Moloney. He was offered food and accepted and returned to his cell where he remained until 10 p.m.

Garda informal meeting

During this period while the interviewing was suspended it seems that there was some form of informal get-together involving a number of those involved in the investigation who were present in the station as well as some at least of the investigation management team. In the context of this report a significant issue arises as to whether at this gathering any reservations about the reliability of Dean Lyons or any expressions of disquiet were expressed. This issue will be considered more fully later.

10 p.m. Lyons family visit to station

At this stage Dean Lyons was taken from his cell to receive a visit from his father, John Lyons, who called to the station for this purpose. This visit was supervised

by two members of the Garda Síochána, Det-Sergeant McNulty, who had been engaged in interviewing Dean Lyons, and Inspector Michael Burke, a uniformed inspector in the Bridewell Garda Station.

In the course of this brief meeting Dean Lyons told his father that he had committed the murders and when asked by his father whether he realised what he was saying and what this would do to his family he responded by taking his father's hand and saying "Dad, I know what I've done and I know what is going to happen to the family. I love you, Dad, but I did it. I have to tell them. I can't live with this on my mind. I did it Dad."

Mr Lyons Senior was accompanied on his visit to the station by his wife Sheila and their son John. During this visit to the station by the Lyons family, Mrs Lyons took the opportunity to speak to Inspector Michael Burke and told him that she had been in to see her son earlier in the day. She told him that her son Dean Lyons was a compulsive liar and an attention seeker. I am informed by Inspector Burke that he brought these remarks to the attention of Det-Supt Gallagher. Det-Supt Gallagher does not at this time remove recall the conversation but accepts that if Inspector Burke says that he told him that he was in fact told. Inspector Burke indicates that he later passed the same information to Supt Joyce and Det-Supt Gordon. As a result of the remarks made by John Lyons Junior and Mrs Sheila Lyons the Gardaí were clearly put on notice that the Lyons family viewed Dean Lyons as hopelessly and totally unreliable.

10.10 p.m. interview resumed: quantum leap in quality of evidence

The interview resumed and the taking of the narrative statement, which had been interrupted when Dean Lyons was given a break at 8.45 p.m., was restarted. It will be recalled that according to the Judges' Rules Mr Lyons should not have been questioned while he was making this statement. The statement records a dramatic transformation in the information given by Dean Lyons. Garda witnesses giving evidence to the Commission have used phrases like a 'quantum leap' and certainly that is no mischaracterisation. The vagueness and lack of detail that were a feature of the earlier interviews are no more.

Focusing on the account of the murders and what transpired in the house, as distinct from the account Dean Lyons gave of what happened before and after his entry to the house, it has to be said that while very considerable detail was offered there are a number of matters about which he was wrong. Most fundamentally, he reverses the order of the killings. The pathologist's report was absolutely clear that Sylvia Sheils was murdered first and Mary Callinan second.

In essence, he was able to reach this conclusion because the carving fork used on both victims was lodged in Ms Callinan's body and could not be extracted manually.

The written record of this vital session is confined to the cautioned statement signed by Mr Lyons, and there is no record of what questions may have been asked. The evidence before the Commission establishes clearly that questions were asked.

Later in this report I analyse in more detail the various matters from this statement which can be shown either to accord with objectively established facts or to be in conflict with those facts. Suffice at this stage to note that the interview session conducted between 10.10 p.m. and midnight produced a statement that, so far as detail is concerned, was qualitatively different not only to the earlier video-recorded statement but also to the non video recorded session between 5.45 p.m. and 8.45 p.m. and conducted by the same gardaí. The record of this interview is at Appendix F.

12.05 a.m. 27 July, interview concluded

At this stage it is recorded that the interview concluded and that he was taken from the interview room and photographed by Sergeant Matthew Mulhall. At 12.10 a.m. Mr Lyons agreed to have his questioning suspended until 8 a.m. on 27 July 1997. The effect of this agreement was that the clock was stopped and that the unexpired time was available to the Gardaí the following morning. At this stage there remained one hour and thirty five minutes before the expiry of the period of detention. On the basis that the clock would start ticking at 8 a.m. this meant that he would have to be either charged or released by 9.35 a.m.

12.15 a.m. 27 July 1997 Dean Lyons placed in cell

Mr Lyons was placed in his cell and given a mattress and blanket. During the course of the night the station orderly checked on him roughly every half hour and on most of these occasions he is recorded as being asleep in the cell. At 7.45 a.m. Mr Lyons was provided with breakfast.

8.10 a.m. 27 July Dean Lyons visits sites with gardaí

At 8.10 a.m. Dean Lyons was brought to the reception to speak with Det-Garda Cox and Det-Garda McNulty. The then member in charge records that Mr. Lyons stated that he wanted to point out certain locations. It is recorded that Mr. Lyons also was informed that he could contact a solicitor at any time during his

detention and that he indicated that he did not wish to do so. He signed the relevant entry in the custody record as confirmation of this fact.

He then left the Bridewell Garda Station in the company of the two gardaí as well as Det-Garda Alan Bailey who, up to that stage, had had no direct dealings with the prisoner. It is suggested that during the course of this journey Dean Lyons directed the gardaí to the 'skipper' in Grangegorman i.e. the derelict building in which he had been staying.

He then directed them to No. 1 Orchard View where he told them that he had climbed over the wall. The window through which access had been gained on the night of the murders was at this stage boarded up and it seems that Mr Lyons initially pointed out another window but then, when asked whether he was sure, he said it could be the one that was boarded up but that it looked different.

At the front of the house he pointed at the hedge of No. 1 Marne Villas and said he had thrown the key there; this is not where the key was located. When asked if he was sure he pointed to the hedge of No. 57 Rathdown Road. Following this the party, directed by Dean Lyons, drove to Benburb Street where he pointed out a spot where he said he had thrown a miraculous medal he had taken from No. 1 Orchard View.

At 8.34 a.m. the party returned to the station. Notes were prepared recording the journey made and the route followed and he was asked if he was willing to sign these and he agreed to do so. These notes are at Appendix G.

8.45 a.m. 27 July 1997 interview

At 8.45 a.m. he was brought to an interview room to be interviewed, on this occasion, by Det-Garda Alan Bailey and Det-Garda David Lynch of the NBCI. This is a short but significant interview. It commenced with Det-Garda Bailey telling Dean Lyons that he was entitled to have the interview recorded on video and that the room in which they were meeting was equipped with such facilities. To this Mr Lyons responded that he had been interviewed for a while on video the previous day and did not wish to have this interview video recorded. Then, the following highly significant exchange occurred.

Det-Garda Alan Bailey: "Dean I read your statement and notes from last night and I am not satisfied you are telling us the truth in relation to the murders."

Dean Lyons: No reply.

Det-Garda Lynch: "You told your parents that you had killed the two old ladies."

Dean Lyons: "Yeah, I told them I was sorry for any pain I brought them."

Det-Garda Lynch: "Dean, if you done these murders there is an awful lot of information that you should be able to give but you haven't."

Dean Lyons: "I blanked it out. Do you know (sic) believe me when I say I done it."

Det-Garda Alan Bailey: "Well you could have been at the house but it might not be you who did the murders that might be why you didn't tell us things."

Dean Lyons: No reply.

Det-Garda Lynch: "Dean, tell us the truth did you kill these women or are you just saying you did for some reason or another."

At this stage Dean Lyons is said to have become very aggressive, to have jumped up and to have knocked the chair he was sitting on onto the ground, pointed at the gardaí telling them that he was going to make a statement to them and that they could then "fuck off."

He then made a short additional statement which he signed which began with him saying "I want to tell you about what I did in the gaff in the Gorman. I know you don't believe me but I am telling the truth." He then reiterated in some detail his involvement in the two murders and concluded by saying "because youse don't believe me I am saying nothing more to you I am exercising my rights." The record of his statement is at Appendix H.

9.15 a.m. 27 July 1997

At 9.15 a.m. Det-Gardaí Bailey and Lynch left the interview room and were replaced by Det-Sergeant McNulty and Garda O'Connor. It appears the sole purpose of this was to allow Garda O'Connor to read over the record of the video-taped interview which had been transcribed overnight and the record was signed by Dean Lyons. (Appendix C)

9.30 a.m. DPP directs that Dean Lyons be charged with murder

The office of the Director of Public Prosecutions directed that Dean Lyons be charged with the murder of Mary Callinan. This was done through Mr Niall Lombard, a professional officer in the DPP's office, who discussed the matter with the then Director, Mr Eamonn Barnes.

It appears that the first contact with the office of the DPP had occurred twenty or thirty minutes earlier when Mr Lombard was phoned at his home by Det-Supt Gordon. Having regard to item No. 3 in our terms of reference this aspect will be considered more fully later in the report.

9.36 a.m. Dean Lyons released and re-arrested

Dean Lyons was formally released from custody under section 4 of the Criminal Justice Act 1984 and was rearrested for the purpose of charging him with murder.

9.50 a.m. Meeting with Tara Murphy

While still in custody, and before being brought to the District Court, a meeting was arranged with Tara Murphy³⁵ who gardaí had thought might have been the Tara referred to by Dean Lyons. He indicated that she was not the person he had been speaking about, a fact which she confirmed.

11 o'clock. Dean Lyons' brother John visits him

John Lyons, brother of Dean Lyons, called to the Bridewell Garda Station and had a short and very emotional meeting with his brother. It would appear that in this meeting Dean Lyons was effectively admitting involvement in the murders and apologising for the damage he had done to his family. It appears that during this visit to the station John Lyons was repeating the warnings that he had expressed the previous evening that anyone placing reliance on Dean Lyons was acting very foolishly.

12.01 p.m. Dean Lyons formally charged with murder

Dean Lyons was formally charged with the murder of Mary Callinan by Sergeant William Carolan of the Bridewell Station and was then brought by Garda to the District Court sitting in the joining Bridewell Court House where he was remanded in custody.

1.00 p.m. Dean Lyons brought to Mountjoy Prison

Dean Lyons was brought to Mountjoy Prison by Garda transport. It is said that while awaiting admission to the prison he commented to his Garda escort, Det-Sergeant Robert McNulty, that he was glad he had been caught because he felt that if he hadn't been arrested he would have done the same again.

³⁵ Not her real name.

8. The Events of the Morning of 26 July 1997 Considered

Introduction

In this chapter I consider the events of the morning of Saturday 26 July, when Dean Lyons was first interviewed, in more detail. That morning Det-Garda William Mullis and Garda Joseph O'Connor went to the Salvation Army Hostel in Grangegorman. Contrary to some reports the hostel was not surrounded by a large group of armed gardaí or anything of that nature. The arrival of the gardaí was altogether more low key and essentially routine. I have been told by them that they ascertained that residents vacated the hostel at 9 o'clock and waited for Dean Lyons as he left the premises.

They approached him and introduced themselves. It is their evidence that Dean Lyons said, "I think I know what this is about." In other circumstances some significance might be attached to this remark but this does not apply in this case for two reasons. Firstly, Dean Lyons' lifestyle was such that the Gardai might have had any number of reasons to have business with him. Secondly in the context of the Grangegorman murder investigation gardaí were daily approaching people at the Salvation Army Hostel asking them to be interviewed and provide samples. Both Det-Garda Mullis and Garda O'Connor have been at pains to point this out in evidence before the Commission.

Was the arrest pre-planned?

I have considered the question of whether any significance is to be attached to the fact that this visit took place on a Saturday. In particular I am mindful of the fact that there has been criticism of the Gardai for scheduling pre arranged arrests for times and/or places which might impede access by the arrested person to lawyers or family or friends. I am quite satisfied that no such consideration applies in the present case. This operation that was being conducted on a seven day a week basis and indeed a number of interviews took place on Saturdays or Sundays.

I am quite satisfied that neither the gardaí going to the Salvation Army Hostel nor those managing the investigation expected that the visit to the hostel would result in an arrest and detention that day. This is clear from the fact that when Dean Lyons made his first admission later that day and was subsequently arrested, a number of key members of the team were absent from the station. Chief Supt Kelly and Supt Joyce were at home, Det-Chief Supt Camon and Det-Supt Gordon were outside Dublin, Chief Supt. Camon in the south of the

country, and Det-Supt Gordon west of the Shannon. Det-Sergeant McNulty was attending a funeral. Indeed, some of the weaknesses in the case that will emerge are attributable, in part at least, to the very fact that this was not a scheduled and therefore pre planned operation.

Location of interview was the doctor's room: was this significant?

The Gardai who brought Dean Lyons to the Bridewell Garda Station, took him to the room referred to as the doctor's room or the medical room. When I first viewed the papers in the case the question arose in my mind whether there was any significance in the fact that the room they went to was the doctor's room. This was also an issue for Shane Murphy SC. Was there an indication in this that Dean Lyons was unwell, perhaps manifesting some drug related problems?

Having reviewed the matter, I am quite satisfied that no such inference arises. The first item on the agenda for that morning was the summoning of a doctor for him to take samples and the obvious place for that to happen was the doctor's room. Thereafter it was clearly a convenient place for an interview because it was in the public as distinct from the jail section of the station. The Bridewell provides temporary accommodation for prisoners before the courts and also houses prisoners in detention in other Dublin stations where the facilities are inadequate. The result is that there is a jail section of the station, clearly designated as such and partitioned off from the rest of the station behind a gate of iron bars. Within that jail section there are designated interview rooms for use by investigating gardaí interviewing persons under detention. These rooms are not available to gardaí conducting interviews with persons who have not been arrested and formally detained. In summary, the venue for the morning's proceedings is of no significance and certainly no adverse inference is to be drawn from it.

Quite soon after his arrival at the station samples were taken from Dean Lyons by Dr Y. M. Fakih after he had been cautioned in the appropriate manner by the gardai and after he had signed the requisite consent forms. He was then brought to the fingerprint room where his fingerprints were taken. Then, after he had washed his hands he returned to the doctor's room.

11 a.m. interview begins

It is suggested that at approximately 11 a.m. the gardai began to speak with Dean Lyons about his movements on the night of 6 March. It is said that during this interview Dean Lyons asked for a cup of coffee and that one of the gardai got him one. It is also said that several times he was told that he was free to go if he

wished but that he said 'if I go it will only be a sign of my guilt'. He was told that this was not the position. In saying this, he may not have been technically correct in that, as a person who had not been arrested, he was under no obligation to stay in the Garda station and as a matter of law no inference could be drawn from any decision to leave; in practice, however, he was probably not far off the mark. If he had refused to speak to the gardaí it is inevitable that their interest in him would have been very much heightened, particularly given the fact that everyone else with whom they wished to speak had, in similar circumstances, agreed to co-operate.

Dean Lyons confesses to the murders

I am informed by the Gardaí that as the session was coming to a close Garda Joseph O'Connor asked Dean Lyons if he would be able to explain it if his fingerprints were discovered in the house. He replied that he had been in the house once before, that he had gone there with a Paul Buckley³⁶ to visit Paul Buckley's aunt who had lived there about a year and a half ago. He then added that it wasn't Paul Buckley he had been with but Paul's brother, Peter. He was asked which of the women in the house was Peter's aunt and he replied that it was the woman who survived.

I may say that having regard to the reports of Dr Gudjonsson³⁷ and Dr Grounds,³⁸ as well as what I have learned about Dean Lyons, I am very doubtful about his ability to comprehend questions put on a hypothetical basis. Questions in the form 'What would you do if your fingerprints were found?' or 'What would you do if your labour card was found?' may very well have been understood by him as indicating that his fingerprints or labour card had actually been found.

It is said that Det-Garda Mullis then put it to him that this could not be true because the survivor had only moved into the house the previous September. I am told by the Gardaí that Dean Lyons then started to shake and that tears started to well up in his eyes. Det-Garda Mullis asked him was there something bothering him and it is said that he replied that there was, burst out crying very strongly and confessed that he had killed the two old ladies. He kept saying that he had killed them and kept asking for forgiveness.

³⁶ Not his real name.

³⁷ Consultant clinical psychologist and specialist in the area of unreliable confessions who was engaged to advise by the defence legal team.

³⁸ Consultant in forensic psychiatry, of the Institute of Criminology at Cambridge University, who was retained on behalf of the DPP, on 22 April 1998.

Gardaí consult senior officers

In the light of this unexpected turn of events Det-Garda Mullis went upstairs to the incident room which was as usual manned by Det-Garda Bailey. Det-Garda Bailey rang Supt James Joyce, the district officer, at his home, who instructed that Dean Lyons should be arrested and detained. Det-Supt Cormac Gordon, as the leader of the investigation, was also informed of the developments; at this stage he was travelling in his car in County Roscommon.

Limited records of period from 9 a.m. to 1.46 p.m.

Very limited Garda records were maintained in respect of the period between 9.00 a.m., when Dean Lyons was picked up at the hostel, and 1.46 p.m. Such notes as were made are contained at Appendix J.

No criticism can be laid at the door of Garda O'Connor or Det-Garda Mullis for the paucity of records or notes. They were engaged in a routine task and had the session concluded as expected, with Dean Lyons departing and further enquiries to be made, a statement would have been prepared summarising the interview. This procedure had been followed in other cases and was perfectly normal. However, given what transpired it would obviously have been desirable to have the maximum information possible as to what happened during that period. Even if the case had proceeded to trial in the usual way, full detail of what had transpired during this period would have been highly relevant.

While the terms of reference of this Commission do not involve the making of recommendations for the future it would seem to me that gardaí conducting similar interviews in the future should consider availing of video recording facilities which are now widely available in stations across the country.

Dean Lyons' versions of the events of the morning session

In considering this initial morning session it seems appropriate to refer to what Dean Lyons subsequently had to say about it. However, in doing so I should make it clear that in my view no reliance can be placed on anything that Dean Lyons said as he has been demonstrated to be absolutely and utterly and totally unreliable. Dr Gisli Gudjonsson gives the following account of what Dean Lyons told him:

At the time of his arrest Mr Lyons was residing at a Salvation Army Hostel. He claims to have last injected heroin at approximately 18.00 hours on the 25th of July. He was woken up at about 08.00 hours the

following day by the hostel staff where he resided. His intention was to go out that morning to steal money to purchase more drugs. This was his normal routine. However, before he was able to do this the police arrived at 08.50 hours approximately and arrested him. He was taken to the police station and into an interview room. He was asked about his whereabouts on the 6th and 7th of March when the murders happened. He said he could not remember. The police then told him that they had witness statements indicating that he had committed the murders. Mr. Lyons denies having, prior to his arrest, told anybody that he had committed the murders. He alleges that he had read about the murders in the newspapers.

Mr Lyons claims to have made a false confession to the police. The reason he gives relates to his experiencing drug withdrawal during the police interrogation and his preoccupation to get out of the police station in order to get more drugs. He alleges that one of the officers [O'Connor] had promised him that the sooner he admitted to the offence the sooner he would be released from custody. Mr Lyons claims to have believed the officer saying he was "not thinking straight" at the time and was totally preoccupied by getting more drugs. He says he did not think about the consequences of making the confession. He claims that while in custody and prior to making the confession, he was feeling physically sick and unwell, his body was aching all over and he experienced shakes and a cold sweat. He asked to see a doctor and one came, he thinks, between 10 and 11 o'clock in the morning. The doctor said he would leave medication (Methadone) for him with the gardaí. Mr Lyons alleges that the police withheld the medication until he had made the video recorded confession. The custody record shows that the doctor arrived at 17.40 hours and the prescribed medication was given at 8.45 which if true indicates that Mr Lyons had been without drugs for 24 hours when he saw the doctor. Mr Lyons alleges that prior to the video recorded interview he was shown a photograph of one of the victims and fed information about the case. According to Mr Lyons, immediately after admitting to having committed the two murders he was taken for a video recorded interview where he made a confession to the murders.

Dr Adrian Grounds gives the following account of what Dean Lyons told him.

He had last taken heroin during the previous evening (perhaps 6 to 6.30 p.m.) he remembered being told early on the following morning that the gardaí outside the hostel wished to see him. He initially thought this was in connection with a robbery of syringes. He agreed to accompany the gardaí and when travelling in the car with them to the Garda station he learned that they were investigating the killings.

He remembered being questioned for a couple of hours about what he had been doing at the relevant time (6/7 of March). He was asked where he had stayed but he could not remember. After a long period of questioning he had asked the Garda officer if he could make a phone call to his mother so that she would know he was in custody. He was told he could do so after he had admitted it i.e. he could make the call as soon as he had told them about the murders. He recalled that at one stage he was feeling upset and was beginning to feel "the withdrawal" (drug withdrawal symptoms) coming on. He asked if he could see a doctor (he was not sure at what point in time he did this.) He remembered one of the gardaí saying to him that as soon as he had admitted to it (the killings) he would be out of here. The need to obtain more heroin "started playing in my head; I started getting into my head about getting out and getting gear." After the gardaí had said that he would be able to get out of custody he began admitting to the killings. After making his initial admissions he was taken to the front entrance of the station, arrested and brought back for further questioning.

Mr Lyons was also interviewed by Dr Brian McCaffrey, a consultant psychiatrist engaged by the defence legal team. However, I do not have full details of the account Dean Lyons gave to Dr McCaffrey of his period in detention.

Finally, in terms of Dean Lyons' accounts, it is necessary to refer to the account he gave to Det-Chief Supt Martin Donnellan and Supt Derek Byrne in Manchester Prison on 10 August 2000.

I remember the day I was arrested for the Grangegorman murders in Dublin. It was a Saturday the 26th/27th of July 1997, I remember that staff at the hostel said I was wanted outside. I went outside and the gardaí were there. They asked me to go to the station with them but I did not know what it was about. I went to the Bridewell Garda Station. They started asking me about the murders of the women in Grangegorman. I knew what they were talking about because I had heard lots of stories around the place. I denied any involvement in the

murders and kept doing so for a while. I remember one of the gardaí said to me that I had no labour card and asked me why I had no labour card. I hadn't had one for a while because I had lost it.³⁹ I told the guard that I had lost it and he said that my labour card was found near the scene of the murders. I said my card could not have been found at the scene and I continued to deny involvement in the murders. The guards kept questioning me about the murders and a while later I confessed to the murders. Back at that time in 1997, I was a heavy heroin user, I took it daily by syringe. I was always feeling very sick and I had to get heroin every day. I remember the day I was arrested in July 1997, I was very sick and needed heroin. Before I had been arrested I gave £80 to a friend of mine Stephen Joyce⁴⁰ to get me a gram of heroin and I told him I would meet him at the hostel at 12 midday, this was before I knew I was going to be arrested. While I was at the Bridewell Garda Station I was so sick all I wanted to do was get out of the station to meet Stephen and get my heroin. When I say I was feeling sick I mean I had pains and aches and cramps in my stomach and I could not deal with anything. All I wanted to do was get out of the station. I remember telling the guards I was feeling very sick and I wanted a doctor. In fairness they sent for a doctor and when he came I told him I was coming down off heroin. The doctor left Methadone for me. Much later in the evening I got the Methadone, but I was feeling sick all through the day. When I started to admit the murders I thought I was going to get out of the station. I knew in my mind that I did not commit the murders but thought that if I admitted them I would get out to get my heroin. After admitting the murders to the guards I remember I had a visit from my father and I told him that I had committed the murders. I felt that after admitting the murders to the guards I couldn't tell my father that I didn't do them. Looking back at it now I didn't realise how much trouble I was in. When you are on heroin you are all messed up and you cannot think straight. I remember my first interview with the guards was on video and then I had a break and I was put in a cell.

These accounts vary in consistency in relation to some topics he dealt with. While some areas are consistent over the various accounts they do not accord with

³⁹ The suggestion that he had lost his labour card at the time does not accord with the information obtained from the Department of Social, Community and Family Affairs.

⁴⁰ Not his real name.

objective, undisputable fact. So, in each of the interviews he is quite consistent about having last taken heroin at 6/6.30 p.m. on the evening prior to his arrest. However, this is significantly different from what he told the doctor who came to the station at his request and who in fact prescribed Methadone for him. He told the doctor that he had last taken heroin at about 2 a.m. on the Saturday morning. Dean Lyons would have had no reason whatever to tell the doctor that he had taken heroin at a time later than he actually did; in order to guarantee access to Methadone the incentive was to be accurate or indeed push the time back so as to extend the period he had been without drugs.

Equally, he is either confused in the accounts that he gives of his dealings with a doctor while in custody or is telling lies. He told Dr Gudjonsson, and broadly stuck to this version in the various interviews, that he had sought Methadone from a doctor in the morning shortly after going to the Bridewell. In fact, while he did see a doctor, Dr Fakih, shortly after going to the Bridewell this was for samples for forensic analysis only. He made no request at that stage for Methadone or for an examination. In fact he requested a doctor only at 4.30 p.m. and actually saw Dr Moloney just over an hour later, at 5.40 p.m. This was after the video taped interview which took place following his formal arrest. The physical symptoms he describes do not seem to be consistent with his appearance and demeanour on tape. Likewise they are not consistent with the findings of Dr Moloney at 5.40 p.m.

The suggestion that Dean Lyons was provided with details of the murders during the pre-arrest session, for which records are sparse, is not at all consistent with his subsequent performance on tape nor does it sit easily with the way in which the subsequent videoed interview was conducted by the gardaí. There is no doubt that he was interviewed at some length during this session and one would expect with some vigour and persistence. It is also the case that during almost any question and answer session, whether the interview is of a person in custody, a witness being examined or cross examined in court, or someone appearing in a television or radio studio that the interviewee may glean a degree of information from the interviewer. However, given the sequence of events it is very hard to see how the detailed knowledge of certain matters that Dean Lyons displayed at the end of his period in custody could be in any way attributed to this morning session.

There is therefore no reason to conclude that anything improper occurred in the period up to 1.46 p.m. when Dean Lyons was formally arrested.

The arrest and detention

The arrest outside the Bridewell Garda Station was by Det-Garda William Mullis. As we have seen, he first consulted with Det-Garda Bailey who then telephoned Supt Joyce who directed that Dean Lyons be arrested. Det-Garda Mullis was entitled to make the arrest if he reasonably suspected that Mr Lyons had committed the offences. In my view there can be no doubt that Det-Garda Mullis entertained the requisite suspicion and that he was entitled to arrest. The fact that he had sought guidance as to how to proceed from the incident room and ultimately from the leadership of the investigation does not in any way call into question the validity of the arrest.⁴¹

Once Dean Lyons had been arrested it was possible to detain him in the station and to interview or interrogate him in custody⁴²

Was the detention valid?

The member in charge on this Saturday afternoon was Sergeant Thomas O'Meara⁴³ who was very experienced and had performed the role on many occasions. He was requested to detain Dean Lyons and was required to consider and form a judgement as to whether there were reasonable grounds for believing that the detention was necessary for the proper investigation of the offence. Given that he was being told by his colleagues that Mr Lyons had admitted involvement while being questioned at a time when he was in the station in a voluntary capacity, there can be no doubt that Sergeant O'Meara acted entirely properly in detaining Mr Lyons.

Further admission

While Mr Lyons was being processed he admitted to Sergeant O'Meara at the hatch in his office that he had committed the murders. This is most unusual. I have dealt with a large number of detention cases over the years when prosecuting or defending cases in the criminal courts and I have never come

⁴¹ People DPP v. McCaffrey [1986] ILRM 687.

⁴² I am using the word interview and interrogation when applied to a suspect in custody as if they were interchangeable. The Criminal Justice Act 1984 and the Custody Regulations made thereunder speak of interviews, while in contrast the phrase used in the Offences Against the State Act is interrogation. My own feeling is that to speak of interviews in relation to the inevitably coercive setting that is a police station is somewhat euphemistic. The provision for detention is contained in s.4 of the Criminal Justice Act 1984 and it provides that the person may be detained if the member of the Garda Síochána in charge of the station to which he is taken on arrest has, at the time of that person's arrival at the station, reasonable grounds for believing that he detention is necessary for the proper investigation of the events.

⁴³ Now retired.

across such an occurrence. Equally, I have been told by Sergeant O'Meara that it was unique in his experience. Certainly in hindsight, it might have caused the investigation team to wonder if this was too much of a good thing.

Custody record

At this stage Sergeant O'Meara took details of the prisoner and opened a custody record. The Criminal Justice Act 1984 (Treatment of Persons in Custody in Garda Síochána Stations) Regulations 1987 require that a custody record be maintained for every person detained. It includes details of any interviews conducted, any request made and the action taken on foot of it, any visits by members of the Garda Síochána or from outside, from family, friends, lawyers, and so on. A copy of the custody record in relation to Dean Lyons for the period of his detention under section 4 of the Criminal Justice Act 1984 is to be found at Appendix B and a typed version thereof is to be found at Appendix B1.

Notice of rights

It was the duty of the member in charge to inform Mr Lyons of his rights as a person in custody, by giving him a notice setting out those rights and by explaining them to him. I am perfectly satisfied that Sergeant O'Meara complied with these obligations and indeed Mr Lyons signed the custody records to acknowledge receipt of his rights. A copy of the notice is to be found at Appendix A. It may be noted that studies in Britain in relation to the comparable Notice to Detained Persons indicate that it would be understood by fewer than one in four persons in the general population and that intellectually disadvantaged persons would be most seriously affected.⁴⁴

Right to solicitor not understood?

Dean Lyons' mother, Mrs Sheila Lyons, has told me that it is her view that he did not understand his rights and in particular did not understand that he was entitled to contact his mother and to have access to a solicitor but he thought he had to opt for one or the other. Both Dr Gudjonsson and Dr Grounds feel that this may well have been the case. My own belief is that this is unlikely to be the case. I base my view on the fact that, having initially asked to have contact with his mother, Dean Lyons subsequently requested to see a doctor; this is not consistent with somebody mistakenly thinking that they could exercise only one right. In addition, he was asked on at least two occasions after he had seen his mother if he wished to access a solicitor but declined the opportunity.

⁴⁴ Gudjonsson 1991 "Notice to Detained Person, PACE Codes and Reading Ease. Applied Cognitive Psychology."

I have examined records relating to previous arrests of Dean Lyons in respect of matters wholly unconnected with Grangegorman to see whether any pattern about accessing a solicitor emerges. He was arrested on two occasions by Garda Richard Hynes in April and May 1996 and brought to Pearse Street Garda Station where he was offered the services of a solicitor by the member in charge but on both occasions refused. Likewise, he was arrested on 7 March 1997, the day after the murder, on a totally unrelated matter and brought to Kilmainham Station and again did not request a solicitor.

There are two records of Dean Lyons being arrested and detained in Tallaght Station in 1995 and 1996. When arrested in June 1996 for an offence under the Offensive Weapons Act and detained he did not seek a solicitor; in contrast, on 31 October 1995, when detained as part of the investigation of an alleged assault, he did request a solicitor and was seen in custody by a local solicitor. The picture is completed by the fact that when, on the day following, 27 July 1997, he was released from his section 4 detention and rearrested for the purpose of charging and was reprocessed he did at this stage seek a solicitor and nominated one. From all of this it would seem that his decision not to seek a solicitor was not at all inconsistent with his general approach. On none of the occasions that he was arrested previously that I have examined, did he request the attendance of a parent at the station.

Should an independent adult have been involved?

When Sergeant O'Meara first gave evidence before the Commission and described his impressions of Dean Lyons it raised a question in my mind as to whether he should have considered involving an appropriate adult in the way contemplated by the regulations.⁴⁵ Sergeant O'Meara used language to describe Dean Lyons such as "not very articulate", "not very bright", "very timid", "was he fully in possession of his faculties." For that reason I asked him to re-attend to clarify his thinking. Having viewed the tape of the interview of Dean Lyons on many occasions, and having invited various professionals who were giving evidence before the Commission, or otherwise assisting the Commission, to view the tape, I am quite satisfied that it would be wholly unreal now, with the benefit

⁴⁵ The Criminal Justice Act (Treatment of Persons in Custody) Regulations provide at regulation 13 and 22 that a person whom the member in charge knows or suspects is mentally handicapped should not, save in limited circumstances, be questioned unless a responsible adult is present, who should, where practicable, be a person with experience in dealing with the mentally handicapped.

of hindsight, to expect that Sergeant O'Meara could have identified a problem during the course of the very few minutes that he would have had with Mr. Lyons as he processed him at the hatch. I am satisfied that Sergeant O'Meara preformed his duties in a proper and conscientious manner. It is also of note that on no other occasion when Dean Lyons was arrested and detained was it thought necessary to involve an independent adult.⁴⁶

⁴⁶ Studies conducted in Britain in relation to the equivalent Police and Criminal Evidence Act legislation suggest that during scheduled pilot projects when compliance and indeed caution might have been expected to be at the highest that only approximately 1 in 4 of detainees who would have an entitlement to the assistance of an appropriate adult were offered this facility. Gudjonsson, (2003) *The Psychology of Interrogations and Confessions*, p 58, discussing a study conducted at two London inner city stations.

9. The Reliability of the Admissions in Interview of 26 July 2.05 p.m.—3.30 p.m.

Introduction

In this chapter I analyse the various admissions made by Dean Lyons in the video-taped interview on 26 July 1997 from 2.05 p.m. to 3.30 p.m. and consider the extent to which they appeared reliable or have proved reliable. It is important that this exercise should not be seen in any way as undermining or detracting from the clear statements by an Garda Síochána as a force that it is satisfied Dean Lyons had no involvement in the murders. Nothing that I have seen or heard during the course of this exercise has caused me to doubt that conclusion in any way.

The video taped interview with Dean Lyons between 2.05 p.m. and 3.30 p.m. was conducted by Det-Garda Mullis and Garda O'Connor. It was interrupted briefly at 2.10 p.m. to allow Dean Lyons to use the bathroom and telephone his mother. On two occasions the member in charge, at this time Sergeant Edmund Corry, called to the interview room to check that all was in order. Each time his arrival was greeted by Dean Lyons with a broad smile and a confirmation that all was well.

No attempt was made to maintain a contemporaneous written record by the members conducting the interview but instead a written record was composed by them after the interview had concluded from a viewing of the tape. The written record, which in typed form comes to some 62 pages, is at Appendix C. Because I was concerned that the handwritten record might not be 100% accurate I arranged to have a transcript prepared by a professional stenographer, this is to be found at Appendix D.

I am making no criticism of the decision of the members not to make a contemporaneous record but rather to concentrate on their interaction with the interviewee, which must have seemed a sensible course of action at the time. However, this had practical implications resulting in practical difficulties as will emerge in due course. Likewise, I am making no criticisms of the Gardaí for the divergences between their handwritten record (they did not have shorthand) and that prepared by the stenographer. The handwritten record does, as it happens, somewhat understate the extent to which some of the questions were leading questions but I do not, in circumstances where the tape was always going to be

available, place any sinister interpretation on this. Such divergences as there are, are limited.

General observations on the interview, especially Dean Lyons' demeanour

In my view Det-Garda Mullis and Garda O'Connor are to be commended for the way in which the interview was conducted. They were calm and patient at all stages and behaved in a professional manner.

In the course of this interview Dean Lyons engaged freely and openly with his interviewers. On the whole, viewing the video, there is no indication of mental impairment though on close analysis, and with the benefit of hindsight, there are one or two occasions where he had difficulties with words or concepts which offer some hints as to his intellectual capacity. It would be quite unreal to criticise the interviewers for failing to pick up these hints. Dean Lyons appeared on tape to be alert, comfortable and interested in his surroundings. There were no obvious signs of physical discomfort. The overall impression is of someone who is comfortable, even to the extent that he is enjoying the attention he is receiving.

Having viewed the tape on many occasions I believe that no-one present in the interview room, or viewing the tape for the first time, would have thought that the person being interviewed was mentally handicapped or was suffering drug withdrawal symptoms or other physical discomfort. In that regard, I sought informally the views of a number of professionals who have met with the Commission. I also arranged for the tape to be viewed by Dr Ide Delargy who runs the Methadone programme for the Irish College of General Practitioners. While naturally qualifying her report by making the point that viewing a tape is not a substitute for a clinical examination, she is of the view that there are no visible physical signs associated with drug withdrawal.

Significant exchange missed by the Gardaí

As far as the contents of the interview are concerned Dean Lyons was unequivocal in his admission of involvement in the murders and indeed was insistent on this. However, the admissions were wholly lacking in detail. Such details as were forthcoming were frequently wrong, such as the precise location within the house of the stabbings and the number of weapons used. At times Dean Lyons seemed confused as to whether he killed one woman or two. This gave rise to the following exchange, the significance of which seems to have been completely missed by the interviewers and also by those reviewing the tape and written record of proceedings. Had it been noticed it would certainly have rung alarm bells.

The exchange to which I refer comes in the context of evident confusion on the part of Dean Lyons as to whether he was saying that he had killed one woman or two women. It is as follows.

Question 255: "How many people did you kill, how many people?"

"How many people altogether?"

Question: "Yeah"

Answer: "In me whole . . ."

Question: "No, in that house on that night?"

Answer: "As far as I could remember I was only after doing one but then I found out there was two." (Appendix C, p 33-34, Appendix D p 31)

It seems almost certain that Mr Lyons had intended to complete the sentence "in me whole *life*?" Had he succeeded in completing the sentence it is very likely that the significance would have been appreciated, as it opened up the spectre of multiple admissions to murder, with the result that from that moment on his reliability would have been called very seriously into question. Watching the video one gets the real sense that he was about to admit to a long career as a murderer.

No criticism can be directed at the interviewers for their failure to appreciate the significance of this half remark. While it might have been hoped that some of those who reviewed the tape in the immediate aftermath of the interview might have spotted the significance, the fact is that the viewing was in a tiny overcrowded room, with most of those involved coming and going and very few having an opportunity to view the tape in its entirety. It is a great deal easier at this time remove to spot the remark and attribute significance than it would have been at the time.

By way of comparison, there cannot be a barrister in the country who has read a transcript of a case in which he or she had been involved without realising that by intervening at a particular stage he or she had precluded a witness from developing a potentially relevant topic or cut off a potentially helpful answer. Likewise, I do not criticise the other members of the Gardai in the Bridewell for failing to pick this up during any viewing of the tape while Dean Lyons remained in detention. Indeed, the remark was not considered as significant in the various reviews that have taken place since the admissions made by Mr. Lyons. Conversely, I make no claims on my own behalf for highlighting the

remark. I have had the luxury of watching the video as often as I wanted, and whenever I wanted, over a period of months. That facility was not available to the members and officers in the Bridewell on 26/27 July 1997.

Comments on the significance of quotations from the interview

I propose now to consider the contents of the interview in some detail by extracting a number of quotations and commenting on their significance.

Statement that the victims were up and about

"Basically all I remember is just going into the house and I stumbled when I heard someone coming out. I thought I attacked a woman with a knife and another woman came out and I attacked her. I am not too sure what I attacked her with." ⁴⁷

Comment

This very first answer suggested that both women were mobile whereas the evidence from the pathologist was that the women were murdered in the rooms in which they were found. Equally, the complete absence of any defensive injuries strongly suggests that the women were surprised.

There are a number of further occasions during the interview which indicate that Dean Lyons was operating on the basis that the women were mobile and moving about the house. I do not propose to highlight all these occasions individually.

Location of access window

Answer: "I got in through a little window."

Question: "Where?"

Answer: "At the side of the house, a small window I smashed and got in through the window."

Question: "At the side of the house you say?"

Answer: "Along by the back I should say, sorry." ⁴⁸

Comment

On the tape it is apparent that the word 'side' in the question was inflected, was quizzical and indicated scepticism or disbelief. It will be seen that Dean Lyons responded by changing the location of the window from the side to the back and indeed apologised for having to make the changes.

⁴⁷ Page 298. Appendix D.

⁴⁸ Page 298. Appendix D.

The labour card

"Then I went upstairs and I stumbled and then the woman approached. Then I attacked, I panicked. When I left the house I noticed I left me card, me labour card was gone, so I went back into the house and I couldn't find it."

Comment

Again Dean Lyons is indicating that a woman that he attacked was mobile contrary to the medical evidence. The reference to the labour card echoes the reported conversation of 14 March outside the Model Hostel. It will be recalled that Dean Lyons, in August 2000 in Manchester, told members of the McHugh team that he remembered that during the morning session one of the guards said to him that he had no labour card and asked why and told him that his labour card had been found near the scene of the murders.

On 7 August 1997 Gardai checked this with an official of the Department of Social Community and Family Affairs. It emerged that Dean Lyons had reported the loss of a swipe card on 26 July 1996; on losing the swipe card he would have been issued with a temporary yellow card and then with a new swipe card. This raised further doubts about Dean Lyons' reliability. There is nothing to suggest that he lost a card at any time around 6 or 7 March 1997. Again, it need hardly be said that no labour card was actually found at the murder scene.

The refuse bin

Question: "When you got into the house was there anything inside the window?"

"Inside the window."

Answer: "Inside the window?"

Question: "Inside the window?"

Answer: "On the window ledge?"

Question: "On the floor?"

Answer: "On the floor. Not that I can remember, I'm not too sure."⁴⁹

Comment

With these questions, and in a very proper and non directive fashion, the gardai were exploring his knowledge of the presence of a large bin inside the window. The photographs of the crime scene show just how prominent the bin was for

⁴⁹ Page 299. Appendix D.

anyone getting through the window--it certainly could not have been missed thought it might just conceivably have been forgotten with the passage of time. His failure to mention the bin must be regarded as very significant, more particularly given that he claims to have entered, exited and re-entered through the window.

The miraculous medal

"This is where I found that miraculous medal."⁵⁰

Comment

Prior to this remark the Gardai had no reason to believe that a miraculous medal had been stolen. The Gardai tried to establish whether or not there ever was a miraculous medal in the house but did not succeed. Ann Mernagh had some recollection of Sylvia Sheils wearing a medal but Sylvia Sheils' sister, when interviewed on 29 September, stated that Sylvia Sheils had an acute allergy to metal and never, to her sister's knowledge, wore a miraculous medal. Indeed, her sister was of the view that she had no time for medals, scapulars, holy pictures or anything like that. Mrs Sheila Lyons told me that Dean had a preoccupation with medals and pious objects.

At this remove, this episode of the medal seems to be an example of Dean Lyons introducing a topic from his general life with which he was familiar and weaving it into the story. If that is so, it is an indication of how eager he was to deceive the Gardai into believing that he had committed the murders.

Incorrect crime scene

Question: "Where did you kill the women?"

Answer: "Up on the landing"

Question: "The landing?"

Answer: "Yeah."

Question: "On the landing or in a bedroom?"

Answer: "On the landing and then I sort of pulled the woman, the women into a room, into one of the bedrooms."⁵¹

Comment

In this passage Dean Lyons first nominated a completely incorrect crime scene in that no one was killed on the landing and initially confirmed this when

⁵⁰ Page 299. Appendix D.

⁵¹ Page 302. Appendix D.

questioned. However, when offered the alternative of a bedroom he picked up on the hint implicit in the question and modified his position.

Lack of memory

Answer: "Em, yeah, the second lady, to be honest with you now, the second lady, me mind just went completely blank, you know what I mean."

Comment

This is an example of Dean Lyons claiming that he had very little memory for the detail and giving a reason for his lack of memory.

Leading questions

Question: "And you stabbed her?"

Answer: "Yes."

Question: "And you dragged her back into the room?"

Answer: "Yeah."

Question: "Is that right?"

Answer: "Yeah."

Question: "Did you put her on the bed?"

Answer: "No."

Question: "Right. Where was she?"

Answer: "I left her on the floor."

Question: "Just standing on the floor?"

Answer: "Yeah."

Question: "Or lying on the floor?"

Answer: "Lying on the floor."⁵²

Comment

With the question 'Did you put her on the bed?' the gardaí would seem to have been seeking to focus the interview on the murder of Sylvia Sheils who was the first to be killed. However, the answer "on the floor", if it referred to anyone, referred to Mary Callinan. It should be noted that Dean Lyons initially assented to the proposition that he had left her just standing on the floor but then accepted the suggestion that she was left lying on the floor. This is an example of an instance where the handwritten record fails to reflect the influence of leading questions. The handwritten record is as follows.

⁵² Page 303. Appendix D.

BM [Billy Mullis]: "Right, where was she?"

DL: "I left her on the floor."

BM: "Standing on the floor."

DL: "No. Lying on the floor."⁵³

Question about footwear

Answer: "I think it was a black one if I remember rightly, and a pair of runners?"

Question: "What colour runners?"

Answer: "I think they were white or black, I am not too sure. I think it was probably white runners I was wearing."⁵⁴

Comment

It will be recalled that a bloodied boot mark matching a Caterpillar boot had been left at the crime scene. It is perhaps surprising that the interviewers did not ask Dean Lyons what other footwear he possessed. It may be said that a Caterpillar, which in 1997 was something of a fashion statement, was a very improbable item of clothing for Dean Lyons to possess. On 27 March 1997, Det-Garda Eugene Gilligan, specialist scene-of-crime examiner from the Ballistics Section of the Gardai, had examined the boot mark at the crime scene and had found that it was similar to a Caterpillar boot Stockton style.

Size of access window

Answer: "A small little square window. I am not being smart when I say me being a small person, I have no difficulty getting into any small window. I can get into any small window."

Question: "OK."

Answer: "Even at my mother and father's, the bathroom window I can still get in."

Comment

Viewing this on tape it is striking how eager Dean Lyons seemed to be to engage with his interviewers. He demonstrated the size of the window and seemed eager to discuss his skill in entering through windows on a previous occasion. It is very hard to be emphatic but he seemed to describe a window smaller than that through which entry was effected.

⁵³ Page 303. Appendix D.

⁵⁴ Page 304. Appendix D.

Miraculous medal thrown away

Answer: "I was going to keep it [miraculous medal] but someone told me "you won't have an ounce of luck with this" so I just threw it on the ground."

Det-Garda Mullis: "Where?"

Answer: "Benburb Street."⁵⁵

Comment

A detailed search was organised but no medal was found. However, given the passage of time between 7 March, when the medal was supposed to have been discarded, and the search, no real significance can be attached to this.

Claim to have met Tara Burke⁵⁶

Question: "Was there any blood on you?"

Answer: "There was blood on me."

Question: "Were you covered in blood?"

Answer: "Well, there was a good bit of blood on my jeans and on me top. A friend asked me what happened."

Question: "Who was that?"

Answer: "That was Tara."

Question: "Alright, you went up to Benburb Street after the murders?"

Answer: "Yeah."

Question: "And you met a friend?"

Answer: "Yeah."

Question: "Who was this friend?"

Answer: "Tara."

Question: "Tara."

Answer: "Burke."

Question: "She is an acquaintance of yours?"

Answer: "Yeah."

Question: "Is she a prostitute up there?"

Answer: "She is."

Question: "Right."

Question – Garda O'Connor: "What age is Tara, what age is she?"

Answer: "She is about 23/24."

Question: "Where is she originally from?"

⁵⁵ Page 307, Appendix D.

⁵⁶ Not her real name.

Answer: "I am not too sure where she is originally from, I just know her from being around Benburb Street."⁵⁷

Comment

This is one of the most striking aspects of the interview. Throughout his detention, Dean Lyons stuck to his story of a meeting with the prostitute he has named. For the Gardaí this was potentially a matter of the greatest significance. If Tara Burke could be traced and if she was in a position to independently confirm Dean Lyons' story, and prepared to do so, then the case was as good as over. Conversely, if it emerged that no such prostitute existed then an enormous question mark was placed over what Dean Lyons was saying.

The potential significance of this was quickly spotted. The well-known red light district of Benburb Street is within the area covered by the Bridewell Garda Station and the prostitution scene there is closely monitored by the Gardaí. At the time, the Bridewell had a list of some 200 women thought to be involved in prostitution but it did not include the name Tara Burke. That, of course, was not conclusive. The scene is constantly changing and the Gardaí could not claim to know the identity of every active prostitute. Equally, it is by no means unusual for those involved in the activity to use false names or to change their names.

At 5.37 p.m. during the period of his detention Dean Lyons was shown an album containing the photographs of some 75 known prostitutes but he failed to pick anyone out. While he was in custody efforts were made to locate and identify this prostitute with gardaí being dispatched to Benburb Street and other red light districts for this purpose.

The Gardaí had not abandoned hope of tracing the prostitute by the time a decision had to be made on charging him; indeed a meeting with a woman who had the same first name as the prostitute mentioned was arranged while he was awaiting his appearance before the District Court, nonetheless the failure to identify or locate this individual by then must have been a very considerable disappointment.

Later enquiries established that Dean Lyons did indeed know a Tara Burke⁵⁸ who was a neighbour from Tallaght and an old school friend. She never had any involvement in prostitution. It appears that this story was invented by Dean

⁵⁷ Pages 308-309 Appendix D.

⁵⁸ Not her real name.

Lyons and he introduced into it the name of someone he knew. When asked by the Gardaí what age Tara was he said she was 23 years old which was his neighbour's age. He was visited in prison while on remand by a female companion, discussed these issues with her, and gave her a description which is a vivid and strikingly accurate description of his school friend.

Claim to have visited Orchard View 18 months before murder

Det-Garda Mullis: "Had you ever been in this house before Dean?"

Dean Lyons: "I was there about a year and a half ago."

Question: "With who?"

Answer: "I dropped in with Paul. No, it wasn't Paul I dropped in with Peter."⁵⁹

Comment

This is curious. It is suggested that the challenge to his claim that he had visited the house with relatives of one of the residents, at a time well before she had moved into the house, is what precipitated his pre-arrest confession yet here he is coming up with the same story again. It certainly indicates a degree of confusion on Dean Lyons' part and it should have served to put the Gardaí on notice that they were not getting the full truth.

Reference to third occupant watching television

Answer: "Later, sorry, I found out there was a third woman there that attends Grangegorman as well."

Question: "Yes?"

Answer: "That's how I found out about the woman who was supposed to be downstairs watching TV."

Question: "Who told you that?"

Answer: "Paul Buckley."⁶⁰

Question: "How does Paul Buckley know that?"

Comment

A number of points arise. First, Paul Buckley denied to the Gardaí ever telling Dean Lyons anything of the sort. More fundamentally, the third woman in the house, who survived, was not downstairs watching TV. It is very hard to see how anyone who had broken into the house and had moved around the house as the murderer had done could ever have imagined that there was a third woman

⁵⁹ Page 311. Appendix D.

⁶⁰ Name has been changed.

downstairs watching TV. Peter Buckley has told the Commission that it is his understanding that Dean Lyons discussed the murders with his brother who is now deceased. It may be that the fact that a close and long time associate was a relative of the lady who survived served to heighten Dean Lyons' interest in the crimes.

Layout of house

"If I remember rightly there was a hallway and I think there was two or three rooms, other rooms on the landing. It is like a block of flats. If I remember rightly, its like a house, if you know what I mean, built into flats, separate apartments, you know what I mean."⁶¹

Comment

There are two interesting aspects to this answer. First, he displayed a complete lack of knowledge of the layout of the house; second the reference to separate flats or apartments must be evidence of his guessing and trying to come up with an answer to please. Given the use to which the house was put in providing accommodation for unconnected individuals, as distinct from a family, it wasn't a bad guess even if it was wrong.

Reference to downstairs toilet

Answer: "It led me beside a toilet if I can remember rightly."

Question: "The kitchen was beside the toilet?"

Answer: "Yeah and I went in."⁶²

Comment

There is no downstairs toilet in the house so this description of the lay out was quite wrong.

The kitchen drawers and the rent books

Page 18 Question 153.

Garda O'Connor: "When you say you opened the drawers, did you just pull open them or did you take them out?"

Answer: "Like did I open them or did I pull it out?"

Question: "Did you pull it completely out?"

Answer: "No. Only partly."⁶³

⁶¹ Page 312. Appendix D.

⁶² Page 312. Appendix D.

⁶³ Page 313. Appendix D

Comment

This is quite contrary to the physical evidence of the scene which showed that one of the drawers in the kitchen press had been fully removed and placed on the floor. It will also be noted that in the question that precedes and follows this answer he makes reference to rent books.

Arising from the remarks made by him, No. 1 Orchard View was revisited by gardaí from the Bridewell and the Ballistics section at Garda Headquarters on 29 July 1997. As a result of this exercise it emerged that while he had referred to rent books being present in the house there were no such rent books, though there were kitchen appliance handbooks which some gardaí speculated might have been mistaken for rent books. However, this theory did not take into account the significance of rent books for Dean Lyons, namely that people sometimes keep their rent money in rent books.

The knives

"As far as I know it was a black handle steak sort of a kitchen knife."

Question: "Is this the knife you used to stab the ladies?"

Answer: "Yes"

Question: "Did you leave it at the scene or did you take it with you?"

Answer: "As far as I know I left it at the scene."

Question: "Had you possession of any more knives?"

Answer: "No, not that I can remember anyway."

Question: "OK."

Garda O'Connor: "Are you sure?"

Answer: "As I say, not that I can remember."⁶⁴

Comment

This passage is not consistent with the physical evidence that five weapons were used, four knives and a fork. Despite being given an opportunity to introduce additional weapons into the equation he continued to speak of only one knife. The reference to a black-handled steak knife is a reasonable description of one of the knives involved. It is in fact a dark brown wooden-handled knife.

Confused by words used by Gardaí

Garda O'Connor: "Can you account . . ."

⁶⁴ Page 313/314. Appendix D.

Interjection - Question Det-Garda Mullis: "Or is it that you don't want to remember it?"

Answer: "What do you mean? Sorry what do you mean 'can you account'?"

Comment

On tape it is quite clear that he was completely confused by the use of the word 'account' and this offers some indication of his limited intelligence. A similar situation arose later in the interview when the gardaí used the word 'confide'. A further example arose in a later interview when Dean Lyons requested on tape that the tape be turned off and the gardaí responded by saying "so you want us to terminate the tape?" The use of the word 'terminate' was met with blank incomprehension. These difficulties might have given some indication that despite the fact that he was reasonably articulate he was a person of very limited intelligence.

Taxi trip to buy drugs

Question: "So you got a taxi back in from Inchicore was it?"

Answer: "Back in from Inchicore, yeah."⁶⁵

Comment

In this section of the interview Dean Lyons described going by taxi to purchase drugs in Inchicore, going there in a blue Nissan Sunny and returning to Grangegorman in another taxi, a black Mercedes.

Efforts by the Gardaí to trace the dealer referred to were unsuccessful. The local drugs unit in Inchicore confirmed that at the time drugs were on sale at all hours of the day and night. That said, the description of the transaction seems less than probable. Statements taken from friends of Dean Lyons certainly suggest that he did buy drugs in Inchicore from time to time and this appears to be another example of Dean Lyons using activity with which he was familiar to form a backdrop to his story.

Again, extensive efforts were made to trace the taxi drivers referred to but without success. All the drivers of blue Nissan Sunny taxis and black Mercedes taxis were contacted but none could confirm such a journey. In truth, it seems unlikely that someone could describe taxis and taxi drivers after a lapse of five

⁶⁵ Page 316/317 Appendix D.

months and certainly a claimed ability to be able to do so is in stark contrast with an inability to remember much more central matters.

Lights in house

Answer: "Well, I thought they were all in bed because when I was going in there didn't seem to be any lights on in the house, if you know what I mean."⁶⁶

Comment

This does not appear to correspond with the known facts. The house had been burgled on a previous occasion, on 19 December 1996. Since then the invariable practice had been to leave lights on in the hallway. Ann Mernagh informed the Gardaí that she had done this on 6 March 1997 before going to bed as was her usual routine.

The handbag

Question: "Was there any other property, was there any handbags or anything like that around?"

Answer: "Not that I recall, no."

Question: "You don't recall coming across any handbags?"

Answer: "No."⁶⁷

Comment

This does not accord with the known facts. The scene of crime examiner had located a brown handbag in the hallway with its contents spilt over the floor. This bag was the property of Ann Mernagh who told the Gardaí that she had left it in the sitting room when she went to bed on 6 March 1997.

Discussion of the murders

Question: "Besides Tara Burke who you told that night who else have you told about these murders?"

Answer: "I know a few people that know, like a bloke called Patrick."

Question: "Patrick?"

Answer: "I think O'Rourke is his second name, I am not too sure. I just know him from the hostels like, you know what I mean."

Question: "Patrick?"

⁶⁶ Page 317. Appendix D.

⁶⁷ Page 318, line 17. Appendix D.

Answer: "O'Rourke I think is his second name. It wasn't the chap you were talking about this morning,⁶⁸ Patrick O'Rourke⁶⁹ a dark haired fella."

Question: "Who else have you told about these murders?"

Answer: "A few people. As I say, I don't even know their second names, you know what I mean."⁷⁰

Comment

There is certainly evidence to suggest that Dean Lyons was discussing the Grangegorman murders. However, it seems difficult to believe that someone who had been involved in a crime as horrendous as this would openly discuss it with, or admit involvement to, people whose names he didn't even know. I do accept that in the circles in which Dean Lyons moved there may well have been a vagueness about second names and so on and that it is not possible to judge this group by what would be expected of a group living a less transient lifestyle. Patrick O'Rourke has confirmed to the Commission that he didn't know Dean Lyons, never spoke to him and certainly never discussed the Grangegorman murders. He was a short term occupant of the homeless hostels between Christmas 1996 and 21 January 1997 at which stage he was allocated a local authority house in the suburbs and was no longer part of the inner city homeless scene. The Gardaí took a statement from him to this effect on 12 August 1997. The reference by Dean Lyons to having spoken to the Gardaí about Patrick Lee that morning, is confirmation, if confirmation is needed, that there was indeed a substantial discussion during pre-arrest interviews.

The carpet and the money

Question: "Did you take any money from the house that night?"

Answer: "I think there was £30 I got. £25 or £30 got."

Question: "Where was that from?"

Answer: "That was from underneath a carpet in the bedroom. It wasn't underneath – you have the bed and at the back of the bed there was a sort of carpet pulled up. I thought it was only £20 and when I pulled it up, it was £25 or £30."

Question: "Which room was this?"

Answer: "This was where I dragged the woman in the bedroom."

Question: "The first lady you stabbed is it?"

⁶⁸ He was referring to Patrick Lee.

⁶⁹ Not his real name.

⁷⁰ Page 319/320 Appendix D.

Answer: "Yes."

Question: "Right. Where exactly was this situated, this piece of carpet?"

Answer: "Near the bed at the back of it."

Question: "As you go in the door, where would you go?"

Answer: "As you go in the door, we'll say from here, say about five or six feet."

Question: "To your right or left?"

Answer: "To your left."

Question: "Along the wall?"

Answer: "To your right at the wall on the right hand side. There was a corner pulled back and you could see the money sticking out."

Comment

For the Gardai at the time, and for those members or former members of the Garda Síochána who still remain unconvinced about Dean Lyons' non involvement, this was one of the most significant passages in the interview. Until this, the Gardai had no information to suggest that money was kept under the carpet or that there was any irregularity in the carpet or that it was capable of being lifted.

It is necessary to try to identify just what Dean Lyons was saying about the carpet. He related his remarks to the room where the first victim was stabbed, that is to the bedroom of Sylvia Sheils. However, consistently across the interviews he seemed to believe that Mary Callinan was the first victim. Therefore, it seems reasonable to approach this on the basis that the room he was speaking of was the bedroom of Mary Callinan. He initially located a relevant carpet area by reference to the back of the bed. The area at the end of the bed in Mary Callinan's room is reached by making a left turn as one enters the room. Dean Lyons initially talked about a left turn then changed his mind and talked about a right turn. The tape showed him accompanying these directions with hand gestures and it does appear that he finally settled on a right turn.

On 29 July Det-Garda Eugene Gilligan was sent to examine the carpet in what he describes as bedroom No. 2, i.e. the bedroom in which the body of Mary Callinan was found. He examined the carpet at the skirting board from the bedroom door frame to a radiator on the right-hand wall. Approximately four feet along the edge he found a seven inch long tear in the carpet at right angle to the wall. Approximately nine inches further away he found a five inch long tear at a right

angle to the wall. He found that the carpet was secure in the corner at the door frame but that in the area where he had found the tears the carpet was not secure and could be turned back.

The account that Dean Lyons gave of money protruding from the carpet which he then stole seems inherently unlikely. If money was hidden under the carpet then it would not be visible. I have been told by gardai that burglars will often lift loose carpets because they are aware that elderly people do sometimes hide money in such locations. However, that is not what Dean Lyons claimed happened on this occasion; rather he said that the money was actually visible. On examination, a button was found under the carpet and this was all that was found, though some individual gardai to this day seem under the impression that coins, miraculous medals and religious pictures were found.

If one accepts that Dean Lyons had no involvement in the murders but wished the Gardai to believe that he had then this was certainly a lucky break for him. It is understandable that in the period after the charging, as the Gardai sought to explore the various issues raised by his statements, they drew a degree of comfort from the fact that he appeared to give accurate directions to an area of carpeting about which up to then the Gardai knew absolutely nothing. On the other hand, it must be said that the idea of money sticking up from under the carpet is surprising. It seems strange that someone who was going to the trouble of hiding money under the carpet would leave it sticking up and visible.

Special knowledge

In testing the reliability of a disputed statement it is usual to consider whether the statement contains "special knowledge" i.e. information that could not have been generally known and was likely to be known only to the culprits and then to see whether it was material that was already known to the police. This is the only example throughout the interview where Dean Lyons provided any information which was not known at the time to the Gardai, and which stood up when checked.

A snide remark about a lost dog

Question: "Were these the same houses that you were in?"

Answer: "That's right and I asked one of the guards what was after happening. He turned around and goes "there's a lost dog" I can't

remember, I did make a smart remark back to the guard, I can't remember exactly what remark I made."⁷¹

Comment

All of the gardaí who performed duty at the crime scene were interviewed and all deny making any such remark. It is surprising on the face of it that in the aftermath of such an awful crime a member of the Gardaí would behave in such a flippant manner but I cannot exclude the possibility.

It is interesting that when interviewed by consultant psychiatrist Dr Brian McCaffrey, Mr Lyons recalled the same remark in the context of explaining how he spent time around the crime scene. Dr McCaffrey and his colleague, Dr Aidan Collins, who accompanied him, when giving evidence to the Commission, warned me against attributing undue significance to consistency.

Suicide attempt

Question: "Have you found yourself becoming a bit of a loner?"

Answer: "I have, yes. A few times I actually attempted to commit suicide just to block it off. Twice last week I attempted suicide, Monday and Tuesday."

Question: "How did you do that?"

Answer: "I tried to overdose."

Question: "On what?"

Answer: "On heroin. I know I was taking too much but I didn't mind, but I was found twice by the same person. On Monday he snapped me out of it. On Tuesday some girl, I don't know who the girl is, I have never seen her before, she is one of me mate's girlfriends, she had to give me mouth to mouth for fifteen minutes and she got an ambulance."⁷²

Comment

The Gardaí sought to authenticate this claim of suicide attempts. On balance the evidence does not support the claim but seems more consistent, in the nature of these things, with two accidental overdoses. It really is hard to be emphatic about this either way, but the weight of the available evidence is against any suicide attempt.

⁷¹ Page 327/328. Appendix D.

⁷² Page 328/329. Appendix D.

Claim to have pregnant girlfriend

Question: "Do you have a relationship with a woman, with women?"

Answer: "I have, yes."

Question: "A good one?"

Answer: "I am actually going out with a girl at the moment and she is expecting a babby next month."

Question: "Who is that?"

Answer: "Mary Ann Quilligan."⁷³

Question: "Mary Ann Quilligan" ⁷⁴

Comment

The Gardaí made contact with the young woman to whom Dean Lyons had referred on 27 July and again on 5 August. She was adamant that she never had a relationship with Dean Lyons and certainly was not pregnant by him. In the second interview she suggested a blood test to establish the truth of what she was saying. While one could understand how a young woman who was pregnant by someone charged with a brutal double murder might not want to admit that fact nonetheless, it seems entirely clear that this was a piece of pure fiction on the part of Dean Lyons.

When interviewed in August 2000 by the McHugh team he accepted that what he had said about Mary Ann Quilligan was not true. This episode is significant. It showed Dean Lyons to be willing to boost his status as someone who had a girlfriend and was soon to be a father. In fact, interviews conducted by the Gardaí with a large number of his associates suggest that he never had a steady girlfriend. Those associates of his to whom I have spoken in the course of this investigation tend to confirm that.

The man walking the dog

Answer: "When I was coming out the second time there was a man on the far side. He was actually walking some dog."

Question: "He was walking a dog?"

Answer: "A dog, yes."

At 355: "Can you describe him?"

Answer: "He was, I'd say, about 70 odd years of age, baldish and glasses. He just said good night to me, and I just said good night to him. . . it was either a German Sheppard or an Alsatian."⁷⁵

⁷³ Name has been changed.

⁷⁴ Page 335/336. Appendix D.

Comment

Despite extensive attempts by the Gardai to locate the dog walker, including an appeal made on the *Crimeline* programme, no man walking a German Shepherd or an Alsatian was located. The Garda did establish that Brother Luke Hickey of the Capuchin Friary in Church Street walked his Alsatian dog from time to time in Grangegorman but never later than 1 a.m. Investigations also suggested that a local man who matched the description used to walk his Alsatian dog in that area late at night or in the early hours of the morning; however, that dog had apparently died in December 1996 and certainly the man wasn't walking in the Grangegorman area on the night of 6/7 March 1997.

Given the extent of investigations conducted, I believe one can be satisfied that there was no dog walker in Grangegorman on the night of the murder. It seems very likely that Dean Lyons borrowed what he knew about the walking habits of Brother Hickey, who would have been known to him, or the local man whose dog was put down, and decided to build this into his story. If that is so, it is a further striking example of the lengths to which Dean Lyons was prepared to go in order to sell his story and convince the Gardai. It is also a measure of the extent of the challenge that his actions posed for Gardai.

The curtains in the kitchen

Question: "Can you remember what was on the window, what was in the window?"

Answer: "In the window?"

Question: "Yeah."

Answer: "What do you mean?"

Question: "If there were curtains, blinds or whatever?"

Answer: "As far as I know it was a curtain to be honest with you."

Question: "What type of curtain?"

Answer: "Yeah, it was a curtain as far as I can remember. I am not too sure now."

Det-Garda Mullis: "Was it a net curtain?"

Answer: "Yeah."

Question: "That type of net?"

Answer: "Yeah, more of a net curtain, yeah."

Garda O'Connor: "A heavy or a light curtain."

Answer: "I'd say it was light."

⁷⁵ Page 338/339. Appendix D

Det-Garda Mullis: "There was no heavy curtains like those there?"

Answer: "Not that I can recall no."

Question: "Just a kind of a net curtain?"

Answer: "Yeah."⁷⁶

Comment

On tape this passage seems quite striking. Dean Lyons seemed quite lost and gave the impression of being desperate as to how to deal with this topic, and to be fishing for assistance. The profiler, Dr Roberts, had the same impression when he viewed the video on the occasion that he came to give evidence at the Commission. The passage also concerned Det-Supt Gallagher when he viewed this portion in the Bridewell; he was prompted to ask if the present and future interviewers had received the appropriate training for conducting interviews which are video recorded, and the same section also seems to have made an impression on Det-Garda David Lynch.

Refuse bin still not mentioned

Question: "Was there anything on the window, on the windowsill?"

Answer: "I think there were two statues, one on each side I am not too sure now."

Garda O'Connor: "Just inside the window. What was there?"

Answer: "Inside the window yeah. On the ledge?"

Question: "No, just inside of the window, was there anything in front of the window?"

Answer: "I am not too sure, I can't recall that now."

Det-Garda Mullis: "You didn't trip over anything when you got through?"

Answer: "No."⁷⁷

Comment

There were no statues on the window and Dean Lyons was simply wrong about this. The interest of the interviewers at this stage was in seeing if he would mention the large and prominent bin which was just inside the window and which would have impeded access. However, he again failed to make any mention of it, even when asked if he tripped over anything.

⁷⁶ Page 345, Appendix D.

⁷⁷ Page 345/346. Appendix D.

Dominicans at Tallaght

Question: "Do you realise what you did?"

Answer: "I do, yes. There was a few times that I wanted to go and talk but I was just afraid to confront people. That is actually how I found out Brother Patrick Burke and Father Paul O'Shea left the priesthood, I went to one of those."

Question: "You made an appointment to speak to them?"

Answer: "You can drop in any time to see them."

Question: "Where is this?"

Answer: "It is in Tallaght, Tallaght Priory."

Question: "Tallaght Priory."

Answer: "Yeah, in Tallaght village, the church in Tallaght village."

Question: "What days did you go there?"

Answer: "I'd say it would have been about two weeks later."⁷⁸

Comment

As would be expected, the Gardaí sought to authenticate this claim but did not succeed. This was one of the minor mysteries that I came across in the course of this enquiry. The receptionist in the Priory, who was interviewed, and the two gardaí who conducted the interview, all have somewhat different recollections of just what transpired in the course of the Garda efforts to explore this question. On balance, enquiries did not establish that Dean Lyons was in contact with the Priory at the relevant time. It should be said that he had a long standing relationship with the Priory and the Dominican order and it seems that at one stage he was almost a daily visitor there while a drop-in centre was operating.

In the course of investigating this aspect, a statement was taken on 5 August 1997 from Mr Patrick Burke, who had served as a Dominican brother at the Priory and knew Dean Lyons. In the course of the statement Mr Burke commented as follows:

"I would describe Dean as a very disturbed young man in that he didn't always tell the truth about everything. He found it hard to distinguish between reality and fiction . . . when I heard that Dean was arrested and charged with the Grangegorman murders, I couldn't believe it. I didn't think Dean could be capable of doing something like that. I didn't think Dean was capable of that kind of violence . . .

⁷⁸ Page 347. Appendix D.

Dean liked to impress people or a group. He liked people to think he was a hard man but he wasn't."

Summary

The interview was almost totally lacking in detail. At times Dean Lyons seemed unsure whether he had killed one woman or two and professed a total lack of knowledge of the details of injuries inflicted. He seemed clear that the woman or women were mobile when the evidence is all to the contrary. His description of the house was wrong about a number of significant things. Contrary to what he said there was no downstairs toilet. He mentioned statues on the windowsill when there were none and very significantly failed to mention the bin. He commented that he had been in the house on one previous occasion about 18 months earlier with one of the Buckley brothers but they deny that. Their relative, Ann Mernagh, who was supposed to be the reason for the visit, was not in the house at the time suggested. Indeed, the BUCKLEYS denied knowing where their aunt lived.

At one stage in the interview Dean Lyons indicated that in recent times he had been distressed and distraught in the hostel. When the Gardaí pursued this aspect with the hostel authorities they were told that Dean Lyons had told them that the reason he was distressed was that gunshots had been fired at his house because he was selling drugs. In fact, no such shots were ever fired at his house but, perhaps significantly, shots were fired at another house in Castlepark in Tallaght which was the house of a friend of his. This seems to be another example of him using background information that was available and moulding it to suit his situation.

Taking an overview of the interview it can be said that, apart from the location of the house where the murders were committed and the fact that access was via a window, Dean Lyons was unable to give any detail of the crime. Certainly, the very short list of things he got right is far exceeded by the very long list of things he got wrong. It is true that not all of the falsehoods and omissions would have been immediately apparent, or even capable of being ascertained, during his initial period of detention. However, a significant number, including the suggestion that the women were moving around the house, that one knife had been used, that there was a downstairs toilet, that there were statues on the window and the failure to mention the refuse bin, to name but a few, were completely at variance with all the information then available.

10. The aftermath of the first interview, and the second interview, up to the break

Introduction

On Saturday 26 July, when Dean Lyons confessed to the murders, a number of key Garda figures were not on duty and were not in the station. As I have already noted, it is clear from this that the arrest was not a pre-planned operation. It seems that of those centrally involved in the investigation, apart from Det-Garda Mullis and Garda O'Connor, only Det-Garda Bailey was on duty, in the incident room.

Around lunchtime Det-Garda Alan Bailey telephoned Supt Joyce at his home and told him that Dean Lyons, while in the station in a voluntary basis, had made certain admissions. Supt Joyce instructed that Mr Lyons should be brought from the station and formally arrested thereby initiating the section 4 process. Det-Supt Gallagher, Chief-Supt Kelly, Det-Chief Supt Camon and Det-Supt Gordon were all informed of developments, as was Det-Sergeant McNulty, and all made their way to the station.

After the taped interview, members of the investigation team, including some who had not been on duty earlier, gathered to learn the outcome. There was, as we have seen, no document recording the interview to which members of the team could refer. This was to have significant implications for the ability to carry out an analysis of the quality of the admissions made and to identify areas requiring follow up. It seems that Det-Gardaí Mullis and O'Connor informed the gathering members and officers what had transpired. It appears that this was in no sense a detailed briefing and may not have amounted to much more than a statement that Dean Lyons was admitting involvement in the murders, with perhaps the addition that he was saying that he could not remember the details of the incident.

Viewing the video

In the absence of a written record the video could be viewed. However, that proved problematic. It was played in a tiny room compared by some witnesses to a toilet cubicle and by others to a confession box. In any event, there does not seem to have been room for those interested to sit and view the tape. Most of those who appeared before the Commission, whether at officer or member level, indicated that they did not view the video in its entirety but most managed at some stage to see portions, often a small portion.

It would seem that the video was viewed in its entirety only by Det-Garda Bailey, the incident room manager, and Sergeant Matt Mulhall, the station collator. They told me that watching the tape they had experienced a degree of uncertainty. Sergeant Mulhall felt that the description of the house given on tape did not describe No. 1 Orchard View. He had an anxiety that Mr Lyons seemed adept at learning from the interviewers. His concerns about what he was viewing on the video were shared by Det-Garda Bailey. I am satisfied both these experienced members did indeed experience unease.

Viewing not a priority

It must be said that viewing the tape does not appear to have been regarded as a priority. The thinking seems to have been that the initial period of detention lasted only for six hours; it could, and probably would be extended for a further period of six hours but it could last for a maximum of twelve hours in total so that it wasn't a wise use of time for everyone to sit down and watch the video. The priority seems to have been to carry out another interview to elicit more detail, and to begin the task of trying to confirm aspects of the interview.

The coming interview was to be a crucial one. Those members of the investigation team, and at this stage they must have been the large majority, who believed that there had been a significant breakthrough and that the Gardaí now had the murderer in custody, must have realised that the lack of detail in the first interview reduced its evidential value. Given the absence of any eyewitnesses and the fact that no forensic evidence had yet emerged, admissions were likely to prove highly significant.

It was therefore of the utmost importance that an interview of the highest quality be conducted with the hope that it would result in more detailed and specific admissions capable of being independently corroborated or verified. This task was assigned to Det-Sergeant McNulty and Det-Garda Cox. Now, while Det-Sergeant McNulty and Det-Garda Cox obviously knew each other and had worked in the same station, they had never worked together and, in particular, had never conducted an interview together. While each in his own right was an experienced detective, as a team they were completely untested. Det-Sergeant McNulty had arrived at the station around 5 o'clock and cannot have had an opportunity to view any significant portion of the tape or to be briefed in any detail.

Regulations on the recording of interviews

As we have seen, regulations for the electronic recording of interviews had come into effect on 1 March 1997. During the pilot scheme preceding the regulations, the consent of the interviewee to the recording was required. This was no longer the case after 1 March. In spite of this the view persisted that the decision whether the interview should be video or audio recorded was at the option of the interviewee.

I have examined the custody records in the Bridewell Garda Station in respect of all persons detained there under section 4 of the Criminal Justice Act 1984 and comparable provisions of other legislation during the period 1 March 1997 to 31 July 1997. It is abundantly clear that individuals were given the choice to be recorded or not. The terms in which this option was presented in my view indicated a certain lack of enthusiasm on the part of the Gardaí. So, prisoners were asked whether they wanted to go “head to head” with the Gardaí or “face to face” with the Gardaí or be video taped.

As it happens, on 30 July 1997, just days after the interviews with Dean Lyons, Asst Commissioner O’Toole, on behalf of the Commissioner, issued a direction which clarified a number of aspects of the scheme. This followed a meeting, on the 9th of July 1997 between inspectors from both the participating and the control stations which did not have recording facilities but were being analysed for comparison purposes by a government appointed committee and was also attended by a committee representative. The direction made clear that the use of audio or video recording was mandatory and also that the person being interviewed did not have an entitlement to have the tape turned off. However, if a request was made by the interviewee to have the tape turned off the decision whether to do so was within the discretion of the interviewing gardaí. The belief, which I accept was genuinely held, that video taping was at the option of the suspect was based on a misconception of the video recording regulations.

The decision to turn off the video tape

At the start of this interview Dean Lyons was asked on tape by Det-Garda Dominic Cox “Do you wish to have these interviews continued on video tape?” to which he responded “no.” He was then asked whether he had received a visit from his mother and said that he had, whether he had been attended to by a doctor and said that he had, and whether he had declined the services of a solicitor to which he responded “I was asked did I want a solicitor but I didn’t want one.” He was asked whether this remained the same and he replied that it did.

He was then asked: “Do you now wish to terminate this interview?” From a viewing of the tape it is clear that the use of the word “terminate” seemed to baffle him and he was then asked whether he wished to finish the video taped interview; asked “this minute?” and he said “yeah.”

The background to the request on tape that it be switched off requires consideration. I have been told by Sergeant Edmund Corry, the sergeant in charge of the jail section, that at 5.45 p.m. Mr Lyons, who was then in the doctor’s room where he had been seen by Dr Moloney, was brought to the interview room by Det-Sergeant McNulty and Det-Garda Cox. Dean Lyons spoke to Sergeant Corry before he entered the interview room and was asked by the sergeant whether he was OK and if he had any requests.

I am told that Mr Lyons then said that he wanted to finish with his interview being taped on the video recorder. He was advised that he would have to make that request when the video machine was switched on and recording. When interviewed by Dr Grounds, the consultant psychiatrist engaged by the DPP, he told Dr Grounds that between interviews there was a break when he was put in a cell and that a garda came to see him and remarked that he had looked very nervous on the video and it would be better for him to come off the video and that accordingly he agreed to come off the video.

A slightly different version was given by him in August 2000 to the McHugh team. He said to them, “When I was being taken out to the cell to go back for interview one of the guards said to me and said would you like to come off the video as I might be more relaxed. I said yes I would come off the video and I said on tape I would come off the video.”

Was the request to stop the recording prompted?

I have already made the point that one would have to be slow in the extreme to place any reliance whatever on anything Dean Lyons said. However, there are some factors which suggest that the request to come off tape may indeed have been invited or prompted. First, there is the striking fact that in the first taped interview Dean Lyons, far from looking uncomfortable looked very much at ease and it is very hard to see why someone who was so at ease in his situation would want to change it.

I have also been told by Det-Sergeant McNulty that when he arrived at the station at around 5 o’clock and made his way upstairs to the detective unit he

learned while still upstairs before going down to Dean Lyons that the interview would not be on tape. If Det-Sergeant McNulty is correct then this indicates that there had been some pre-discussion or pre-contact as to whether the interviews would continue on tape.

A number of Garda witnesses who gave evidence were quite frank in saying that at the time the Gardaí remained to be convinced about the benefits of video recording. In all the circumstances it seems to me probable that Dean Lyons was invited or encouraged to apply to go off tape.

In the light of the controversy about the admissions, the fact that the balance of this interview and the subsequent interview were not video taped is highly unfortunate. In the absence of video taping nobody can be absolutely certain what happened thereafter in the video room. Had the matter proceeded to trial it would have been a real unfairness for Dean Lyons. Given what has transpired and that there has in fact been no trial it has left the members who conducted the interview under a cloud of suspicion of wrongdoing.

Untaped interview proceeds to formal statement

The tape off, the interview proceeded. It is said that the procedure followed initially was the same as at the video-recorded interview, with questions put by the interviewing members and answered by Dean Lyons, save that on this occasion the answers were recorded simultaneously in longhand.

It is said that at some stage during the course of the interview the procedure changed and that Dean Lyons was asked whether he was prepared to make a statement and he said that he was, that he was cautioned again and that thereafter a statement was taken from him, which he dictated, and was written down by the members present.

The procedure for the taking of a statement is governed by the Judges' Rules. Rule 7 provides as follows:

"A prisoner making a voluntary statement must not be cross examined and no question should be put to him about it except for the purposes of removing ambiguity in what he has actually said. For instance, if he has mentioned an hour, without saying whether it is morning or evening, or has given a day of the week and day of the month which do not agree, or has not made it clear to what individual

or place he intended to refer in some part of his statement, he may be questioned sufficiently to clear up the point."

Neither the custody record nor the written record of the interview indicates when exactly the question and answer session ended and the taking of the formal statement began. However, the custody record does state that at 7.40 p.m. Sergeant Gerry Walsh, who was acting as member in charge, came to the interview room and informed Dean Lyons that his detention had been extended for a further six hours. This intervention by Sergeant Walsh is referred to in the written records and it comes one and a half pages into the formal statement as distinct from the notes of the question and answer session. So by 7.40 p.m., when Sergeant Walsh came to the room, it seems that the session was well into the taking of a formal statement.

Working backwards it would seem reasonable to conclude that the question and answer session ended, and the taking of the formal statement began, sometime around 7 p.m. If that is so, the question and answer session lasted approximately one hour or thereabouts and so was probably just slightly shorter than the taped interview. That interview ultimately gave rise to 62 pages of typed notes; this question and answer session gave rise to just 8 pages (see Appendix E). Now, the fact that notes were being kept simultaneously will certainly have served to slow proceedings but, even while making full allowances for that, there must be a major question as to how comprehensive was the record maintained.

Interview record not comprehensive

The evidence of Det-Garda Cox and Det-Sergeant McNulty to the Commission has effectively confirmed that the record of proceedings is not comprehensive. In the course of his evidence Det-Garda Cox referred to three topics discussed during the session about which he was uneasy. These were:

- a) Dean Lyons' reference to the existence of warrants; Det-Garda Cox knew or suspected that there were no warrants in existence for the arrest of Dean Lyons;
- b) a discussion about Dean Lyons' girlfriend who was supposed to be pregnant by him. Det-Garda Cox found him quite unconvincing; and
- c) a curious anecdote told by Dean Lyons about committing a burglary in Tallaght, falling asleep during the course of it, and waking up to find himself surrounded by four gardai; again Det-

Garda Cox knew, or very strongly suspected, that this was all nonsense.

Det-Sergeant McNulty, while not specifically recalling these topics, readily accepted that they were in fact discussed. The failure to include them in the record of the interview is very serious. While in one sense these topics were not specifically and directly linked to the Grangegorman murders, which may explain why they were not recorded, their inclusion would have assisted anyone reviewing the papers to form a judgement as to the credibility of Dean Lyons and the extent to which reliance could safely be put on what he was saying.

If the matter had ever come before a jury, jurors might well have come to the view that they would place no reliance on an individual who made up stories about falling asleep at a burglary or imagined himself in such a situation. A jury from which that information was withheld might find it more difficult to reach a clear conclusion on his reliability.

Example of Dean Lyons altering position in response to question

The notes of the question and answer session do record one specific instance of Dean Lyons altering his position in response to how a question was formulated. The following extract merits consideration

Dean Lyons: "I met two women at the top of the stairs and I went mad because they started screaming and I stabbed them."

DC: "I have to put it to you that you are not telling the truth at this stage, is that correct."

DL: "It's months ago and it is not easy to remember when you are on gear because it fucks your head up."

DC: "Is it that you don't remember or is it that you don't want to remember."

DL: No reply.

DC: "Can you describe the first woman that you met and what room she came out of."

DL: "It was the second room from the top of the stairs and she was stout about one or two inches smaller than me and she had grey shoulder length hair. She was wearing a very light nightdress."

McN: "What happened when you met her."

DL: "I stabbed her a few times to stop her screaming."

DC: "I put it to you that this did not happen in the hallway but happened in the bedroom, would you agree."

DL: "Yes."⁷⁹

Comment

Up to this stage in this interview, as throughout the taped interview, Dean Lyons operated on the basis that the women were up and about the house. He is recorded as having been directly and specifically challenged and asked to agree with the proposition that what happened, happened in the bedroom. Dean Lyons accepted the correction, altered his position accordingly and from that corrected position never subsequently deviated throughout his detention.

Comments on the second interview

In the very short period that was video taped, essentially as long as it took Dean Lyons to ask for the tape to be turned off and answer some formal questions, there is nothing to indicate that his demeanour had changed in any way since the taped interview though it is extremely difficult to make any judgement based on so short a period before the camera.

The difficulty faced in assessing the contents of the balance of the interview, as actually recorded in handwriting by the gardai, is that the record does not seem to be comprehensive. In addition, obviously the words on the page give no indication of how a question was formulated or the manner in which it was answered. With those qualifications the following matters emerge. The records of the interview are at Appendix E.

Movements on day of murder in record of question and answer session

DL: "At 3 p.m. I scored gear in a derelict building in Grangegorman with Robbie Kay⁸⁰ and Keith Grace⁸¹ and then they went to the extension to play pool and I went off robbing. I stole two mobile phones from cars. One of the cars was in Henry Street. The second phone I took from a car at the Canal near Harcourt Terrace Garda Station and I sold them for £75. Went back to the Morning Star where I met Sean Green⁸² from Ballyfermot and we got the bus and we went out to Inchicore and bought gear and banged up in the graveyard in Inchicore."

DC: "What did you do then?"

⁷⁹ Appendix E. Page 359/360

⁸⁰ Not his real name.

⁸¹ Not his real name.

⁸² Not his real name.

DL: "I went back into town on my own and went up to the Army Hostel but I was refused entry as I was stoned out my head."
 RMCN: "Where did you go then?"
 DL: "I went down to Benburb Street and spoke to some to the girls."
 RMCN: "Who did you speak to?"
 DL: "I spoke to Siobhan Sheehan⁸³ and Pauline Keating and I shared a half bag of heroin with Pauline Keating."
 RMCN: "What did you do then?"
 DL: "I slept in the field facing the army barracks for about 2 hours and then I went up to Grangegorman to break into a gaff."

Comment

In this portion of the question and answer session Dean Lyons offered an account of his movements on the day of the murder. The Gardaí later sought to verify this account. The account of 'scoring gear' has not been supported by Keith Grace or Robbie Kay. It does seem, however, that Dean Lyons was in the habit of associating with them while taking heroin.

No trace of the thefts of those mobile phones from cars has ever been recorded. He returned to this topic in a later interview and it will be considered further at that stage. However, it seems somewhat unlikely that two such phone robberies would not be reported, if only because the owners would presumably want to make a report for insurance purposes.

As for the suggestion of going to Inchicore to purchase heroin, this too is unsubstantiated. The individual identified as his companion on this trip cannot recall if he did in fact travel to Inchicore on 6 March to buy heroin. It appears that that would not have been an unusual activity for him. Other statements on file indicate that Dean Lyons was in the habit of purchasing heroin in Inchicore.

The records of the Army Hostel do not record a refusal to allow him enter. The two women that he named as having met in Benburb Street said when interviewed that they did not meet Dean Lyons at Benburb Street on 6 March 1997 and Pauline Keating states that she did not share heroin with Dean Lyons on that night or indeed on any other occasion.

All of the individuals mentioned by Dean Lyons as having spent time with him on the day before the murder lead unstructured and indeed dysfunctional lives.

⁸³ Not her real name.

Their ability to recall what they were doing at a time remove of several months, even assuming that they were minded to do so truthfully, must be very limited, so to that extent the inability to authenticate his account of his movements may not be of particular significance. However, where records might be expected to be available such as a refusal of admission by the hostel and the larceny of phones from cars, no such records exists.

Bloodstained gloves

DC: "Where are the gloves now?"
 DL: "Up in the Haven House."
 DC: "Is that not a hostel for women?"
 DL: "Yes but I left my gear in a blue plastic bag with Isabelle⁸⁴ who lives in the Haven."
 DC: "Who is Isabelle?"
 DL: "She is Peter Cryan's⁸⁵ girlfriend."
 DC: "What else was in the bag?"
 DL: "Jeans, jumper and a shirt."

Comment

This is a potentially dramatic breakthrough for the Gardaí. If, as a result of the interview, a pair of gloves could be recovered which could be linked with the murder scene then the statements of admission would be well and truly validated. Correspondingly, if the gloves were not found where they were supposed to be it would raise serious doubts about Dean Lyons' reliability. This is all the more so because the account of the gloves, if not authenticated, might seem somewhat implausible. If, as he was suggesting, other clothes worn by him on the night of the murder were destroyed it would seem surprising that he would retain the gloves and entrust them for safe keeping to a companion in late July.

A measure of the potential importance of this aspect is that the task of following up what was said about the gloves was taken on by Det-Supt John Gallagher of the NBCI. He made his way late on that Saturday evening to the hostel where the gloves were supposed to be located. The resident with whom he wished to speak was absent but with some difficulty he persuaded the hostel authorities to permit him access to her room and there he located a bag containing what appeared to be clothes belonging to Dean Lyons. However, there were no gloves. It must be

⁸⁴ Not her name.

⁸⁵ Not his name.

said in fairness that the fact that the resident wasn't there may have somewhat diluted the significance of the absence of the gloves in that there may have been some element of doubt as to whether the Gardaí had succeeded in gaining access to all of the clothing. Even with that qualification, and even acknowledging that in a later interview that evening Dean Lyons retreated somewhat and said that he "thinks" that the gloves were in the hostel, this was a significant setback for Dean Lyons' credibility.

Confusion between victims

RMCN: "Well, why don't you tell us the full truth about what happened in that first bedroom you went into."

DL: "When I went into the bedroom there was a woman asleep in the bed and I started to search the room and I found £25 under the carpet and then the woman woke up and started to scream. I panicked and stabbed her a few times to stop her screaming. I stabbed her three times before she stopped screaming and twice more after she stopped screaming."

RMCN: "Where was the woman at this stage?"

DL: "Still on her bed and after that I looked around for another while and I went into another room and I found another woman in this room who was asleep when I opened the door but woke up straight away and started to get out of the bed. I pushed her and she fell on the floor and started to scream. I lost the head and stabbed her a few times. She stopped screaming after a few minutes but I kept stabbing her."

Comment

In this passage there seems to be a degree of confusion as to which of the victims he was speaking about. His earlier remarks clearly referred to Mary Callinan and by extension the reference to another woman must be to Sylvia Sheils. However, he seemed to put Mary Callinan still on the bed when in fact she was found dead on the floor and on that basis put Sylvia Sheils falling on the floor when in fact she was found partially on and partially out of the bed.

Description of victims

DC: "What was the second lady wearing?"

DL: "I think a nightdress and she may have been wearing a bra and knickers."

DC: "Can you describe the second lady?"

DL: "She seemed to be a tall woman that's all I can remember."

Comment

This seems to be a reasonable description of Sylvia Sheils, who was the first woman killed, and a reasonable, if incomplete and not totally accurate, account of her night attire.

Were the victims raped

"Did you get aroused while stabbing these ladies or did you rape the old lady?"

DL: "No I can't remember, I might have."

Comment

Unfortunately the question as recorded was a double question with a response invited to two barely connected propositions. It is not clear, and does not appear to have been clarified in the interview, just what he was indicating he could not remember but might have been the case.

I think it is reasonable to interpret the answer as indicating that he was leaving open the possibility that he might have raped the two old ladies. If that is so then the answer is quite significant because the two ladies were not raped in the ordinary sense. If that is a proper interpretation of the remark then it is of some significance. There had been an amount of media speculation that one or both of the women had been raped and an analysis of statements taken from persons in the social group which included Dean Lyons showed that this was a subject of much speculation. That being so it would seem that Dean Lyons was keeping his options open as he was not sufficiently confident what answer was expected of him.

The subsequent questions about masturbation were clearly prompted by the contents of the report of the profiler.

Statement taken

Matters moved on with gardaí inviting Dean Lyons to make a formal cautioned statement and with him agreeing. The essential difference between the procedures is that when a statement is being dictated, as opposed to questions being put and answered, the function of the gardaí is simply to record what is being said. Having regard to the provisions of the Judges' Rules, while the statement is being dictated there should be no interruptions or questions, with very limited exceptions.

However, even the most cursory reading of the statement shows that a degree of order and structure has been put on this statement. So, after an initial admission, Dean Lyons introduced his statement by summarising his family background then went on to summarise his background and lifestyle before coming to the events of 6 March 1997. No one would structure a statement in this way unless guided.

Account of movements on 6 March 1997 in statement

He is then recorded as giving another account of his movements on 6 March 1997.

Obtaining drugs in Pearse Street

On this occasion he referred to going to Pearse Street drugs clinic and getting Rohypnol and Roche tablets. Naturally, the Gardaí checked with the Pearse Street drugs clinic and established conclusively that he did not get such medication there. On one view this is another clear falsehood. However, the sentence could be interpreted as meaning that he got medication in the vicinity of Pearse Street drugs clinic rather than in the clinic itself. A certain amount of street trading is not unusual in the vicinity of the drug clinics around the city. Accordingly, the falsity of this statement may not be as stark as first appears.

Theft of mobile phones and other offences

He then went on to describe stealing two mobile phones. As in his earlier remarks, he suggested that one of the phones was stolen from Henry Street but, significantly, the location of the second larceny had moved from the canal near Harcourt Terrace Garda Station to the quays by the Liffey. It should be appreciated that it would not have been appropriate for the Gardaí to challenge Dean Lyons on this apparent inconsistency given that it was emerging in the course of a formally dictated statement. Significantly, he went on to say that, while in custody on another occasion, he admitted these larcenies and was charged with them. He mentioned the guard who is supposed to have charged him. The reference to Garda Heinz of Pearse Street is in fact a reference to Garda Richard Hynes.

Det-Garda Hynes has given evidence to the Commission. It is clear from his evidence, as it was from the statement that he furnished for the Grangegorman Garda investigation file, that Dean Lyons never admitted to any offence in respect of 6 March 1997. When arrested on 26 April 1997 in respect of a robbery that occurred that morning at Crown Alley in Dublin, he admitted involvement

in a second robbery, a syringe robbery on Ormond Quay on the previous day, a crime which had already been reported to the Gardaí.

He then went on to admit to two further crimes allegedly committed the previous day, 25 April, one the larceny of a mobile phone from an unattended car, a black Mercedes, on the quays near the Four Courts and the other a robbery of a mobile phone from an individual in Henry Street. No injured party for either of these crimes was ever located. While at the time the Gardaí were happy to proceed, and did proceed, on the basis that the crimes had been committed, at this remove one would have to be quite doubtful.

The description of the black Mercedes echoes the description he gave of the taxi from Inchicore to Grangegorman that he said he took on the morning of 7 March 1997. It is also worth mentioning that so far as the Crown Alley robbery is concerned the injured party had described being surrounded by three youths, one to the front and two to the rear. However, Dean Lyons signed a statement admitting sole responsibility for the robbery and claiming to have met up with the companions with whom he was arrested only after he had carried out the robbery. He took this position even though his two companions made statements admitting their own participation in the robbery and subsequently pleaded guilty to the offence. One of his co-accused has confirmed to the Commission that there was no question of Dean Lyons committing the Crown Alley robbery alone.

Description of No. 1 Orchard View

After a brief interruption at 7.40 p.m., when he was told that his detention was being extended, he went on to repeat what he said earlier about meeting with Siobhan Sheehan and Pauline Keating. He then described going to the house where the murder occurred and accurately described where it is located. However, in my view no significance can be attached to that aspect as most people in the country at that stage would have been in a position to point out the house which had featured across the media. The likelihood of familiarity on the part of somebody like Dean Lyons who was living in the area was all the greater.

He then proceeded to give an account of events in the house. For the most part the account reflected what had already been said. It contained a number of accuracies as well as a considerable number of inaccuracies. It is appropriate to consider the account he was giving at this stage in more detail.

Access to the house

"I got into the side of the house in over a wall."

Comment

This can be neither confirmed nor negated. However, as stated earlier, it appears more likely that the intruder entered by the side entrance door which was capable of being pushed open and was found to be partly ajar by the gardaí who arrived on the scene. The lock had been faulty for some time and the entrance had been blocked by placing a cooker against the door. On the morning of the murder gardaí were able to gain access through the side gate to the rear despite the presence of the cooker.

The stacking of the broken glass

"Nobody came so I pulled out the glass from the window to make it easier to get in. I threw some of the glass away. But I stacked more of it in a pile so I wouldn't be heard."

Comment

This is a strikingly accurate account. This unusual feature was a matter of considerable interest to the profilers. Any individual members of the Garda Síochána who still believe that Dean Lyons was involved with these crimes point to it as very significant information that he was in a position to give. The detail here is significant. Whatever arguments can be made that more substantive facts, such as the number and nature of weapons used and the nature of the wounds inflicted, may have been gleaned in whole or in part from the media and/or from discussions and conversations taking place in the locality, this is the kind of detail that could come only from the murderer. If the person recorded as providing these details is not in fact the murderer, and did not have this information when he came into the Garda station, then this piece of information must have been provided to him while in custody in the Garda station.

The miraculous medal, entering and exiting the house and rent books

He continued with his account. It included references to taking the miraculous medal, which as already stated, cannot be confirmed and exiting and re entering the house, which again cannot be confirmed. He also said that he checked out social welfare or rent books, but as we have seen there was nothing in the nature of rent books in the house and subsequent enquiries established that the rent book was always kept in No. 5 Orchard View.

The money, the attacks

He then described accurately making his way to the room occupied by Mary Callinan. He described, as he had done previously, finding the money under the carpet, the woman waking and screaming, attacking her with the single knife to which he had made reference and continuing to stab her while in a frenzy. He again offered a reasonable description of Mary Callinan, including her night attire. Once more he indicated that this victim, Mary Callinan, was still in the bed. He then went on to describe going into the next room and suggested that this woman fell on the floor which once more is incorrect. He did, however, again provide a reasonable description of Sylvia Sheils.

Meeting with Tara Burke⁸⁶

He then recounted, as he had done consistently, that he then went to Benburb Street and met Tara Burke, the young prostitute who was known to him, and she gave assistance.

Break in interview at 8.45 p.m.

At this stage, while midway through the statement of admission, the interview was interrupted to allow Dean Lyons a rest period.

Overview

One can say that this interview, up to this stage, and more particularly the statement portion, shows considerable progress from the total lack of detail which characterised the taped interview. Gone are some of the glaring inaccuracies such as the suggestion that the women were walking around the house when the confrontation occurred. The description of the victims and the nature of the assaults accord more closely with the known facts.

However, there remain some striking omissions and major inaccuracies. Only one weapon was referred to whereas the physical evidence indicated that no less than five weapons were used, all of which had been taken from the kitchen. The order of the assaults appeared to be wrong and the location of the bodies was wrong, in that he suggested that Mary Callinan was on the bed and Sylvia Sheils on the floor, whereas the position was in fact the reverse.

In the next chapter I consider the significance of events during the break, and I analyse the statement which followed.

⁸⁶ Not her real name.

11. The Second Interview Resumed: Quantum Leap

Introduction

At 8.45 p.m., midway through the statement of admission, the interview was interrupted to allow Dean Lyons a rest period. Under the custody regulations the interview cannot last more than four hours and when that limit is reached the prisoner is entitled to a rest period. The duration of the rest entitlement is not specified in the regulations but it is normal to allow a break of one hour.

The break occurred after three hours so there was still one hour to go. It is not at all clear why in such circumstances the taking of a statement would be interrupted. A number of those who have given evidence seem to have assumed that the limit of the interview had been reached and it may simply be that an error was made. I cannot really put the matter further.

Significance of the break

This break was significant on a number of fronts. First, as far as Dean Lyons is concerned, he was given the medicine that had been prescribed at 5.40 p.m. by Dr Moloney. The timing was in accordance with the directions given by the doctor. The time gap between the taking of the medicine at 8.45 p.m. and the resumption of the interview at 10.10 p.m. seems to have accorded with good practice; indeed, a shorter time interval would have been acceptable.

At this stage the custody records indicate that Dean Lyons was offered and accepted food and was subsequently given a meal.

The second event of significance involving Dean Lyons during this break period was his meeting with his father in the interview room. This meeting was supervised by Inspector Michael Burke and Det-Sergeant McNulty was also present. In the course of this highly charged meeting Dean Lyons told his father in response to a direct question that, yes, he had committed the crime. His father challenged him on his admissions saying "Dean, you are a terrible liar."

After a discussion about the fact that Dean Lyons had been out in Tallaght on the previous Thursday, had been in the family home and had said nothing about anything being wrong, his father said once more "Dean, tell me this is not true" and Dean Lyons replied "Dad, I did the crime." The gardaí, and in particular Det-Sergeant McNulty who was present for this exchange, felt that this was

perhaps the single most significant event of the day and it served to totally dispel any doubts that might otherwise have emerged.

The break gave the gardaí an opportunity to take stock and a further significant event took place. During this period gardaí of various ranks gathered in the detective unit in the Bridewell. This was certainly not in any sense a formal conference. There was no chairman as such and individuals stood or sat around in an informal fashion. The sense I have gathered from the various accounts I have received is that this was quite an unstructured occasion with people coming and going, and at times more than one conversation taking place at once. Understandably, given the passage of time, there is some vagueness as to who precisely was present. However, on the basis of people's recollections of their own presence and that of others the following members appear to have been at the gathering.

Present from the investigation management were Det-Chief Supt Camon, Chief-Supt Kelly and Det-Supts Gordon and Gallagher. Det-Supt Gallagher may not have been present for all of the session; Mrs Sheila Lyons had come to the station and Det-Supt Gallagher went off to explore the possibility of obtaining a statement from her about what her son Dean had told her and what had transpired when they met.

Some of those who gave evidence were inclined to think that Supt Joyce was also present whereas others do not remember him being there. He himself has no recollection of this session and I think it likely that he was not present, or at least was not present for any significant part of it.

Some members believe that Sergeant Matt Mulhall, the station collator was present. He himself does not have a particularly clear memory of this session, though agreeing there was a gathering, and in particular finds it difficult to disentangle what was discussed at this session from what was discussed at a later gathering shortly after midnight

Present were Det-Sergeant McNulty and Det-Gardaí Cox and Bailey. Some witnesses recall that Garda Joseph O'Connor and Det-Garda Mullis were present but they themselves say they were not and were effectively excluded from participation because they were engaged in the laborious task of transcribing the video. It seems unlikely that they could have been in a position to take part. Det-Garda David Lynch of the NBCI doesn't have a specific recollection of the gathering but believes that he may have been there as he would have attended

had he been in a position to do so. However, no one else recalls him being present.

The degree of uncertainty as to who was present indicates how difficult it is at this time remove to get a clear picture of just what transpired at this gathering. I should make it clear that I am perfectly happy that all of those who sought to recall the attendance and recollect who participated were fully truthful.

Dean Lyons described as Walter Mitty

An issue of major significance for the investigation arises in relation to this informal gathering. I have been told by Det-Garda Cox that at this meeting he expressed some unease about Dean Lyons and remembers that in doing so he used the phrase 'Walter Mitty'. He is supported by Det-Garda Bailey and, perhaps more significantly, by his interviewing partner Det-Sergeant McNulty who did not, however, share his doubts.

Det-Garda Bailey also recalls that Sergeant Mulhall also expressed doubts at this gathering. However, as noted above, Sergeant Mulhall himself has no great recollection of this gathering and his memory of the evening focuses on a later get together which took place after midnight.

Det-Gardaí Cox and Bailey specifically remember that Det-Chief Supt Camon came out to the corridor with them and said to them, "What more do you want? You have two dead women, you have a prisoner in the cells, you have an admission on video and you have an admission in writing?" Both recollect that as he said this he gestured with his finger into the palm of his hand, emphasising each point. When asked about this, Det-Chief Supt Camon told us that he has absolutely no recollection of the incident and that he does not think it happened.

Det-Chief Supt Camon, along with other members of the management team, reject the contention that reservations were expressed. He says that he did not speak to the two gardaí in the manner suggested, making the point that he would not have had the information to do so, since it was only a short time since he had arrived in the station having travelled from the south of the country.

It must be said that the remarks attributed to Det-Chief Supt Camon closely reflect the approach of the investigation management, who were very focused on the fact that the admissions were partly video recorded, had been signed and that Dean Lyons had admitted his guilt to his mother.

The interview resumes

At 10.10 p.m. at the conclusion of the break period, the interview resumed. The taking of the statement, begun before the break, continued. As noted already, according to the Judges' Rules, and in particular rule 7, this ought to be an uninterrupted, unprompted and unchallenged process. What emerged from this session has been described by gardaí giving evidence as a quantum leap. Where the taped interview displayed an almost total lack of detail, now detail was present in abundance, particularly in relation to what happened inside the house.

A number of gardaí have made the point that, when interviews are conducted over a prolonged period and involve a number of different interview sessions, it is far from unusual for the early interviews to involve very limited, grudging and minimal admissions. There is then a progression to more elaborate admissions and then to full and detailed admissions. The point is made that there can be a particular reluctance for offenders to give details of sexual crimes. For my part I freely acknowledge, based on my experience of practising criminal law, that that is indeed the case.

The fact that progression to greater detail over the course of a detention is not unusual may have contributed at the time to the lack of focus on such a radical transformation. However, if one accepts, as An Garda Síochána has accepted, that Dean Lyons had nothing to do with these murders, this fact does not provide an explanation for the transformation. Furthermore, the earliest interview is video recorded and the video does not give any indication of Mr Lyons being at all reluctant to admit involvement. Indeed, he displayed compliance and a willingness, even eagerness, to co-operate and he indicated that his inability to give more details was because he had forgotten them rather than because he was unwilling to say more.

The interview recommenced without the interviewers raising the question of whether the tape could or should be turned on again. Given that Det-Garda Cox had stated that he felt doubts about the reliability of what had gone on to date, and indeed had expressed those doubts, and that Det-Sergeant McNulty was aware that his interviewing partner had doubts, this seems surprising and unfortunate. The statement as recorded is to be found at Appendix F.

Some individual aspects will now be considered.

Explanation for earlier lack of detail

"The reason I didn't tell you earlier is that I hate to admit it to myself what happened. I put it to the back of my mind but it is all over now and it is time to come out."

Comment

On the face of it this is perhaps a plausible explanation as to why details were withheld which are now going to be supplied.

The piled up glass

"First of all when I broke into the house I took the glass out piece by piece and piled it up neatly."

Comment

This is quite a telling detail, even though Det-Garda Gilligan⁸⁷ of the Ballistic Section has stated in evidence that it is something he had come across at crime scenes from time to time, and that it would not be unique to this crime.

The miraculous medal and the labour card

"I searched this room and found a miraculous medal."

"I thought I had left my labour card behind me because I didn't have it on me and I knew I could be identified by it so I got back into the house through the window."

Comment

He here dealt with issues that had been recurrent themes throughout the day and on which I have already commented.

Description of knives

"I took four knives out of the drawer, I can describe them as a couple of electric carving knives. The other was a black handle steak knife. I also took a big fork, the type you stick into meat when you want to cut it."

Comment

This is a remarkable transformation. Up to now, including in the earlier part of this statement before the interruption for the break, he had spoken of only one knife. This earlier part of the statement before the break began with him saying

⁸⁷ Now retired.

"I want to tell you about the two murders in Grangegorman. God help me but I did those murders."

Yet after this strong statement of his desire to tell the truth he referred to only one weapon and only after the break did he achieve greater accuracy. Now he correctly referred to the fact that four knives were involved, correctly referred to the fact that two were electric carving knives. While the steak knife actually has a dark brown wooden handle the description offered was a very reasonable one.

Detailed description of assault

"I smacked her in the face with my elbow. She went out. I pushed her off the bed onto the floor. She was lying on her back facing me. I sat on top of her. I meant to tell you that I stuck the steak knife into this woman but I am not sure where I stuck it. Anyway when she was lying on the ground and I was sitting on her I put my left hand over her mouth to stop her from breathing. I think she was alive because she was breathing heavy and gurgling. I cut her throat with the electric carving knife blade. I pulled up her nightdress and pulled off her pants. I also took off her bra. I started to cut off one of her tits. I think it was the left tit. I don't know why I did this. [...] I only had a small cut on my hand after using the electric carving knives. They have no handles but there was white clip things that I could put my hand on to get a grip."

Comment

This is a remarkably vivid and detailed description of the assault which tallies very well with the physical evidence. The contrast with everything that has gone before could not be more striking. It is true that he continued to have the order of assaults wrong in that he continued to suggest that Mary Callinan was assaulted first. However, it is noteworthy that this account now correctly put Mary Callinan on the floor whereas in the earlier part of this statement, taken before the 8.45 p.m. break, he had incorrectly put her on the bed and Sylvia Sheils on the floor.

The reference to the white clips on the electric carving knives is particularly noteworthy. It has to be acknowledged that many other, and in a sense more substantial, pieces of information, such as details of the weapons and the injuries, had in the months since the murders dripped through into the media, and the murders were the subject of intense discussion, some of it quite well informed, in

the Grangegorman area. However, it is just impossible to believe that any discussion would have included reference to the white clips.

Sexually excited

"I was very excited when I was doing this. I had an erection and was excited every way even sexually. I came in my pants I was so excited. I was still in a bit of frenzy but I was realising what I had done."

Comment

Bearing in mind that this was supposed to be an unprompted and unguided statement that was being dictated this passage seems somewhat unusual. It is unusual because, first of all, it would seem surprising that an individual would, as it were out of the blue, introduce the topic of their sexual fantasies. Secondly, there is a fluency and a sophistication in the language which is hard to square with the Dean Lyons depicted on the video. This comment will have been of considerable interest to the Gardaí because it conformed closely with the hypothesis that had been put forward by the profilers. (See Appendix I.)

The light switch

"I left the room and went downstairs and I turned on a light switch."

Comment

This apparently innocuous sentence is one of the most telling and significant in the entire statement. The forensic examination of the house had revealed a blood smear on a downstairs light switch and with this remark Dean Lyons is recorded as linking himself to the bloodied light switch. Had the matter proceeded to trial this is a remark that any competent prosecutor would have seized on and would have highlighted to the jury in his or her closing remarks as indicating a truly detailed knowledge on the part of Dean Lyons about the movements of the murderer through the house.

The key

"There was a key in the lock with a tag on it. When I left this house I threw the key into the bushes into a house across from where I was."

Comment

This is clearly wrong. The lock on the door was a standard Yale type lock. It is impossible to put the key in the lock from the inside. A key, the property of Ann Mernagh, was found by a local school girl in a hedge in the garden of No. 71

Rathdown Road. I have paced out the distance between No. 71 Rathdown Road and No. 1 Orchard View and in my view it would be a physical impossibility to throw a key in the manner described. No. 71 Rathdown Road is not on the route that Dean Lyons said he would have taken to bring him to Benburb Street.

For completion, mention may be made now of the fact that the following morning, when Mr Lyons was brought by gardaí on a tour of scenes relevant to the crime, he initially pointed to the wrong house and only subsequently to the right house. The house initially pointed out, No. 1 Marne Villas, would in a sense have been a more likely place for a key to be discarded by somebody following the route suggested by Dean Lyons.

Where did the detail come from?

The obvious question that arises is where did all this detail come from? I have already noted that by the time of Dean Lyons' arrest a considerable amount of information had seeped into the media. Likewise, I fully accept that the murder was the subject of the most intense discussion in the Grangegorman area and some of that discussion was well informed. I am also prepared to accept that there was a particularly intense interest within the community that was sleeping rough and in hostels in the area, if only because so many of them had been questioned in relation to it.

I am further prepared to acknowledge the possibility that Dean Lyons took a particularly keen interest in the crime as evidenced by the fact that he appears to have been talking about the crime on the street and suggesting a level of knowledge or involvement. The fact that he was a close associate of relatives of the lady who survived the crime may have served to further heighten his interest.

In evidence before the Commission the possibility has been canvassed that Dean Lyons may even have visited the crime scene on the night of 6/7 March. This speculation, and it is purely speculation, has its roots in admissions made by the alternative suspect in the course of which he said that as he departed the scene he was being watched by a man from the opposite side of the road. While there is absolutely no evidence to support this speculation I do not for the purposes of this exercise totally exclude the possibility.

However, none of these factors, taken individually or collectively, could explain the extent of the detail contained in the statement and in particular the radical improvement in memory during the course of the day, or how Dean Lyons could

now get right matters which he had been getting wrong all day. One is compelled, as a matter of inescapable logic, to conclude that Dean Lyons acquired the information set out by him in this statement from the Gardaí during the course of his detention.

How the information was communicated

If, as I believe, the detail was provided to him during the course of his detention there are two ways in which this could have happened. It is possible that a member or members of the Gardaí visited him during a break between interviews and simply gave him the information. I have found no evidence that anything of the sort occurred. It is of some significance that Dean Lyons never at any stage suggested that this happened. The alternative possibility is that he acquired the information during the course of interviews.

I have already pointed out that the video taped interview which was conducted in a professional manner contains a number of examples of Dean Lyons picking up information from his interviewers. The pre-break interview, conducted by the same interviewers as conducted the session ending at midnight, contains an example of Dean Lyons being corrected on a fundamental flaw in his account through the form of the question. This occurred when Dean Lyons in response to a question moved the location of the assaults from the hallway to the bedroom. Det-Garda Cox, when giving evidence before the Commission for the second time, was very forthright in describing the question asked as “a stupid thing” for him to have done, saying that it had changed the course of the answer dramatically. Significantly, he hadn’t remembered asking the question and only realised its importance when reading the memorandum of interview in advance of giving evidence.

However, he has a specific memory of asking a question which corrected or altered the account the interviewers were being given. His recollection is that Dean Lyons was initially saying that he had left the door key in the lock but, when asked was he sure, he altered his position and said that he had removed the key and disposed of it.

It may be pointed out that the record of the interview contains no reference to this exchange in relation to the key. Indeed, the record does not indicate that any questions at all were asked during the entirety of the session between 10.10 p.m. and midnight.

On giving evidence to the Commission on the first occasion Det-Garda Cox accepted that questions could have been asked such as, “Did you take knives out of a drawer?” “Was it four knives?” “Were they ordinary knives or were they sort of carving knives?” “Were there any forks or anything else used?” “Was it an ordinary fork you would eat your dinner with or was it a meat fork?”

Det-Garda Cox’s willingness to accept that these highly significant questions could have been asked is consistent only with the fact that there was indeed significant questioning during this session. Giving evidence for the second time, Det-Sergeant McNulty was prepared to concede that such questions were asked while not himself recalling specific questions.

Failure to record questioning

The failure to record what seems to have been extensive questioning is a breach of the Criminal Justice (Treatment of Persons in Custody in Garda Síochána Stations) Regulations 1987. Regulation 12 (11) b deals with the keeping of the record of an interview and provides as follows:

“Where an interview is not recorded by electronic or other similar means, the record shall (1) be made in the notebook of the member concerned or in a separate document and **shall be as complete as practicable**⁸⁸ (2) if it is *practicable to do and the member concerned is of the opinion that it will not interfere with the conduct of the interview, be made while the interview is in progress or otherwise as soon as is practicable* afterward (3) be signed by the member making it and include date and time of signature.”

The failure to record the fact that questioning took place must mean that the record is not as complete as practicable and consequently that there has been in this regard a breach of the regulations.

The asking of questions, including leading questions, for the purpose of putting order, coherence and structure on the narrative without amounting to cross examination, would not necessarily be in breach of the Judges’ Rules,⁸⁹ but the questions asked went well beyond this.

⁸⁸ Emphasis added.

⁸⁹ People v. McCann [1998] 4IR 397.

The language of the admission

In the course of the Commission's work I requested Prof. David Canter of the Centre of Investigative Psychology, University of Liverpool and an expert on the psycho-linguistic examination of challenged text, to consider whether the language of the various admissions was consistent with what was known about the language skills of Dean Lyons. For this purpose I made available to him a Christmas card with an enclosed message, a notebook which is part journal and part draft letters, as well as a letter written by Dean Lyons to a friend from prison, for purposes of comparison. These documents were made available to me by the Lyons family.

Prof. Canter has made the point that the taped interview contains language which, while obviously spoken by Dean Lyons, is beyond his intellectual capacity. This arises from his habit of "mirroring" i.e. repeating words used by the interviewers even in situations where there must be real doubt whether he understood the word he was using. A comparative analysis of the psychological tone of Dean Lyons' personal documents and the cautioned statements suggests marked differences in the quality and quantity of the language used. Prof. Canter also observes that the grammar and vocabulary of the cautioned statement are beyond the intellectual competency of Dean Lyons.

Prof. Canter has drawn attention to the fact that in the cautioned statement there is extensive elaboration of events and incidents. In contrast the personal documents with which he was furnished are striking in the lack of elaborative detail.

He has taken by way of contrast an account of a road traffic accident contained in the personal documentation. This account reads as follows.

"Bye (sic) the way, I am taking driving lessons, and I crashed one of the workers cars into a tree the other day."

It may be noted that the Lyons family knew nothing of Dean Lyons taking driving lessons or crashing any car into a tree and it appears this account is the product of his imagination.

The findings of Prof. Canter confirm my view that the structure and language of the cautioned statement is far too sophisticated to be the spontaneous unprompted language of Dean Lyons. Having said that, it is only fair to say that

in any interview situation there will be some element of the interviewee embracing the language of the interviewer.

The post-midnight conference

According to the custody record Dean Lyons consented at about 12.10 a.m. to the suspension of questioning with the effect that the detention clock, with its provision of a maximum of 12 hours detention without charge or release from the time of arrest, stopped and began again only at 8 a.m.

At midnight all those involved in the investigation who were on the premises gathered in the detective unit. Broadly, it seems that the purpose of the gathering was to take stock of the situation, make plans for the limited period available for investigative purposes the following morning and discuss making contact with the office of the DPP.

It appears that those present were Det-Chief Supt Camon, Chief Supt Kelly, Det-Supts Gordon and Gallagher and Supt Joyce. Also present were Det-Sergeant McNulty, Det-Gardaí Cox and Bailey and Sergeant Mulhall. It appears probable that Det-Garda David Lynch was there. He himself is uncertain but thinks that he was there and since he was involved in following up on decisions taken at the gathering it is logical to conclude that he was present. While some of those I have interviewed remember Det-Garda Mullis and Garda O'Connor being present they themselves are clear that they were not and, given that they were still transcribing the tape and remained engaged on that task until the early hours of the morning, it seems unlikely that they would have been in a position to participate. The fact that some people place them at the conference may simply be a reflection of their presence in the general vicinity and that they were seen about.

As in relation to the 8.45 p.m. get together, there is significant disagreement as to what transpired at this gathering and, in particular, whether any reservations about Dean Lyons' reliability were expressed.

In terms of the procedure followed, it appears that Det-Sergeant McNulty was invited to read aloud Dean Lyons' cautioned statement which had been signed by him. It does not appear that any of those present to whom that statement was being read for the first and only time appreciated that the narrative had the murders in the wrong order. I make no criticism of anyone present for this as it would have been very hard to pick up all the nuances of the statement as it was read aloud. Indeed, consistently across the several interviews conducted with

Dean Lyons he seems to have got the order of the murders wrong but there is no indication that he was ever questioned about this aspect. This raises the question whether the significance of the order in which he was describing the killings was appreciated.

I have been told by Det-Sergeant McNulty that he was very conscious that the order was wrong in the statement but felt precluded by the Judges' Rules from challenging Dean Lyons on it or raising it with him. However, that does not explain why, if the significance of the order of killings was realised, the issue was not raised at any of the question and answer sessions. While it is understandable that the significance of the error in the order of the killings was not picked up as the cautioned statement was read aloud, it is surprising that there does not appear to have been any focus on this issue over the following days, though Mr Lombard of the DPP's office does think that this was one of the issues flagged to him by Det-Supt Gordon when seeking a direction to charge.

I have been told by Det-Garda Cox that at this point he still had concerns about Dean Lyons and he felt that the statement should be corroborated. He was of the view that two members other than himself and Det-Sergeant McNulty should conduct the interview to be conducted the following day. This was agreed and Det-Gardaí Bailey and Lynch were nominated as the interviewing team for later that morning. It seems that they effectively volunteered for this role.

Det-Garda Cox was also anxious that when Dean Lyons was brought on a planned tour of crime scene locations that this too should be done by others. However, agreement was not forthcoming on this point. Det-Supt Gordon has indicated that while on occasions escorts with no prior involvement in the investigation will be assigned that will not always be so and it will sometimes be seen as wise to leave the task to those who have already established a rapport. In the event, the task of accompanying Dean Lyons on the anticipated journey was assigned to Det-Sergeant McNulty and Det-Garda Cox.

Det-Garda Cox's contention that he expressed reservations is again supported by a number of his colleagues. Det-Garda Bailey recollects him expressing reservations and believes that he made a remark to the effect "he [Dean Lyons] is learning from us". Sergeant Matt Mulhall's recollection is also that reservations were expressed by Det-Garda Cox and recalls a reference to Walter Mitty. While Sergeant Mulhall is clear that reservations were expressed and clear that there was a reference to Walter Mitty, he is not absolutely certain whether the remarks were made at the 8.45 p.m. gathering or at the after midnight session or at both.

His memory is more clearly focused on the post midnight gathering. This reference to Walter Mitty is also recalled by Det-Sergeant Robert McNulty. In contrast, none of the officers who were present recall any reservations being expressed.

However, Chief Supt Kelly makes the point that there was a very general acceptance of the desirability and indeed necessity to 'corroborate' the statement. Along with almost all the other guards of every rank involved in the investigation he uses the word 'corroborate' as synonymous with 'confirm' or 'support'. The distinction is that for a piece of evidence to amount to corroboration it must be independent evidence that implicates the accused. In many instances what was being sought was to establish that a particular aspect was accurate, i.e. accorded with the established facts. Establishing the accuracy of individual aspects of the statement would certainly have been important but might not have amounted to corroboration.

Chief Supt Kelly accepts that it is possible that Det-Garda Cox may have expressed views in the context of discussing the necessity of seeking corroboration. Det-Chief Supt Gordon, when giving evidence to the Commission, in response to questions from Mr Michael O'Higgins, accepted that it was possible that remarks about Walter Mitty, or "he is learning as much from us as we are from him", were made but that the remarks did not make an impact. In that context, it is perhaps of some significance that Det-Garda Cox commented that he may be feeling guilty that he didn't express his concerns more forcefully, a remark which may appear unduly self critical.

That Det-Garda Cox had significant doubts and was expressing doubts has received independent support from a non-Garda source. Part of his duties as exhibits officer required him to liaise with the forensic science laboratory. One of the scientists working on the file, Dr Louise McKenna, recalls that Det-Garda Cox came to the laboratory in the Phoenix Park on the 28 July and the 30 July 1997 to hand over samples of various kinds for forensic analysis. She recalls that in the course of conversation Dominic Cox told her that there were concerns about Dean Lyons, that he seemed to be a Walter Mitty character. However, he said that Dean Lyons had information which he should not have had if he was not involved, and in that context she recalls that she was told that Dean Lyons had accurate information about the whereabouts of a key.

Dr McKenna explains that the conversation has stuck in her memory, because it acquired significance for her when it emerged in the media that there was a second suspect admitting to the murders.

I will return to this topic of whether reservations were experienced and expressed by Det-Garda Cox in more detail. However, I should make clear at this stage that I am quite satisfied that Det-Garda Cox was troubled and expressed his concerns at both the 8:45 p.m. and midnight conferences.

12. Sunday 27 July 1997 and the Early Weeks in Prison

Introduction

On the morning of Sunday 27 July Dean Lyons was taken on the planned tour of the crime sites. The task of accompanying him was assigned to Det-Sergeant McNulty and Det-Gardaí Cox and Bailey. On return to the station the two detectives reported back to the investigation leadership. Then Dean Lyons was brought to the interview room to be interviewed once more. This interview lasted only 30 minutes.

27 July

The first entry in the custody record of activity is at 7.40 a.m. where it is recorded that the prisoner was awake and asking for something to eat. It is recorded that at 7.45 a.m. he was given breakfast.

Tour of sites

It is recorded that at 8.10 a.m., no doubt reflecting the fact that the previous night's session ended at 12.10 a.m. rather than 12 midnight, Dean Lyons was brought to the reception area to speak to Det-Garda Cox and Det-Sergeant McNulty. It is recorded that Mr Lyons stated that he wanted to point out certain locations and that he was informed that he could contact a solicitor at any time during his detention but that he indicated that he did not wish to do so. This entry was signed by Mr Lyons, in effect acknowledging that his action in leaving the garda station was voluntary and that he had been reminded of his entitlement to consult a solicitor.

It may be said that the fact that arrangements for the tour had been made the previous night strongly suggests that the Gardaí expected, rather than merely hoped, that Mr Lyons would agree to the tour. If that is so, and it is the very strong sense that one gets, then it follows that there must have been some discussion at or before midnight about the possibility of participating in such a tour. However, there is no record of any such discussion and this confirms the view that the records of the meetings between Dean Lyons and the Gardaí are not at all comprehensive.

The skipper

Dean Lyons then left the station in the company of Det-Sergeant McNulty, Det-Garda Cox and Det-Garda Bailey, who was driving the vehicle. In the course of the tour they drove up Morning Star Avenue, stopping at the building known as

'the skipper', the derelict building to which Dean Lyons had referred at various stages in his interviews the day before.

No 1 Orchard View

He then directed the Gardaí to No. 1 Orchard View. In my view, as I have already stated, no significance can be attached to the fact that he was in a position to point out the house where the two ladies had been murdered. Most people in the city, and almost certainly everybody from the north inner city area, would have been able to do so.

At No. 1 Orchard View he pointed to the wall over which he said he had climbed. As discussed earlier, it is certainly possible that the murderer climbed over the wall but it seems much more likely that he would simply have walked in by the side entrance.

The access window

Dean Lyons then pointed to a window as the one by which he had entered the house. However, it was not the window entered by the murderer--that window was now boarded up. It must be said that prior to arrival at the scene Dean Lyons had apparently referred to the access window as the one beside the drain pipes and that is correct. When he initially pointed to the wrong window he was asked if he was sure, indicated that he wasn't and then said that the access window could be the boarded-up window but that he couldn't be sure about that because it was now boarded up and looked different.

The key

At this stage the party moved to the front of the house and Dean Lyons was asked to point out the house and garden to which he had thrown the key. As indicated earlier, he initially pointed to No. 1 Marne Villas and then, when asked if he was sure, changed his position and pointed to No. 71 Rathdown Road. It seems to me very likely that the fact that a key relevant to the murder investigation had been found by a local school girl would have been very widely known and very widely spoken of in the locality.

In summary, it would seem to me that no additional support for the case against Dean Lyons emerged from this tour of the crime scene but that, on the contrary, his failure to point out the correct window on the first occasion and to point out the correct garden served to raise some doubts. The scale of those doubts should not be overstated. It would not strike me as particularly unlikely that a burglar

asked to point out his means of access would, even with the best will in the world, make a mistake.

The short interview

On return to the station Det-Sergeant McNulty and Det-Garda Cox reported back to the investigation leadership. Then Dean Lyons was brought to the interview room. The interviewers on this occasion were Det-Gardaí Alan Bailey and David Lynch.

I have been told by both members that as they went to the interview room they were uneasy and uncertain about the extent to which reliance could be placed on Dean Lyons. Interestingly, the record of this interview indicates that it began with a question asking Dean Lyons if he wanted to go back on video and that he refused that offer. It can be noted that no similar suggestion of reintroducing the video was made at the start of the crucial session that had begun at 10.10 the previous night.

By any standards, the short interview, lasting only 30 minutes, which followed that question was quite unusual. The record is to be found at Appendix H. A number of extracts require consideration.

Alan Bailey: "Dean I read your statement and notes from last night. I am not satisfied you are telling us the truth in relation to the murders.

Lyons: No reply.

David Lynch: "You told your parents that you had killed the two old ladies.

Dean Lyons: "Yeah. I told them I was sorry for any pain I brought them."

David Lynch: "Dean, if you done those murders there is an awful lot of information that you should be able to give but you haven't."

Dean Lyons: "I blanked it out. Do you not believe me when I say I done it."

Alan Bailey: "Well you might have been at the house but it might not be you who did the murders. That might be why you didn't tell us things."

Comment

This record supports the two detectives' indications that, on their way to the interview, they had reservations about Dean Lyons' reliability. It is very hard to

see why such remarks as those quoted above would have been made to Dean Lyons unless those interviewing him did indeed have doubts.

In giving evidence before the Commission some senior officers have made the point that it is by no means unknown as a tactic in interviews and interrogations to express disbelief in the hope that this will provoke the interviewee into producing more information in an effort to be believed. I can imagine that such tactics will occasionally be employed and if the remarks were intended as a tactic it could be said that the tactic was in a sense successful because Dean Lyons' response to the challenge to his veracity was to become angry and aggressive and reiterate his involvement.

However, this was an interview taking place in the closing minutes of the detention period allowed under the regulations. If any ground were lost, as it were, during this interview there would be no opportunity to retrieve it. In those circumstances, it would seem very surprising for interviewers who had, in fact, no doubts about Dean Lyons' guilt to suggest that they did.

The possibility canvassed in this interview that Dean Lyons might have been at the house but might not have been the one who carried out the murders would have been greeted as manna from heaven by any defence legal team.

Had the matter proceeded to trial in the normal way the case would have been one where the prosecution was seeking to obtain a conviction on the basis of uncorroborated admissions of the accused. In those circumstances, the trial judge would have been obliged, by virtue of the provisions of section 10 of the Criminal Procedure Act 1993, to warn the jury of the dangers of convicting on uncorroborated confession evidence.

There can be little doubt that defence counsel, in closing to the jury, would have made much of the fact that those who interviewed Dean Lyons at the end of the detention had doubts about his guilt. The defence would question how, if the investigators themselves had doubts, a jury could not have a reasonable doubt.

I have been told, and I accept, that at this stage Dean Lyons' demeanour changed very considerably. Whereas until then he had been docile and accommodating in all the interviews now, for the first time, he became quite aggressive as he insisted on being believed. The notes record him as saying "Stop taking those notes—I'll make a statement to youse and you can fuck off then." I have been told and I accept that he then made a short statement which he signed.

Most remarkably I am told that, when he referred to the victim half getting out of bed with her feet on the floor and was asked by Detective Garda Lynch what exactly this meant, he responded "like this" and then proceeded to physically demonstrate what he meant by lying down on the desk in the interview room with his back across the desk and both feet on the floor, with his legs wide apart. This physical demonstration must have been quite a dramatic development and it certainly had an impact on the interviewers, causing them to reassess their initial scepticism. However, starting from the position that someone is half on and half off a bed, which is information Dean Lyons could have acquired at interview and was actually in the public domain as evidenced by the extracts referred to earlier from the *Evening Herald* of 7 March and *The Star* of 8 March, there are few enough ways in which one could be half on and half off a bed other than that demonstrated.

It appears that when the short statement was read over to Dean Lyons he signed it but then folded his arms, sat back in the chair and refused to have any further engagement with his interviewers. This statement is contained in Appendix H.

The statement broadly reflects the physical evidence. One matter recorded that does not reflect the physical evidence is when he said "I took off her knickers. I think I threw them on the floor." This departs from the physical evidence which is that her knickers were ripped and left hanging from her left leg but were not removed and thrown on the floor.

No identification parade

Although the Gardaí had reports from two local residents of suspicious activity and had produced a compusketch which had been published in the media, no effort was made to arrange an identification parade with a view to seeing whether either of the residents could pick out Dean Lyons. This is somewhat surprising given that the compusketch was a reasonable likeness to Dean Lyons. It is perhaps, an indication of how totally focused the Gardaí were on the admissions that he had made.

Director of Public Prosecutions contacted

Supt Joyce has recorded in the daily journal maintained by him that a direction to charge was received from the office of the DPP at 9.30 a.m. on 27 July. This would have been five minutes before the detention was due to expire.

Contact with the DPP's office was made by Det-Supt Cormac Gordon, in the presence of Det-Chief Supt Camon. It appears that members of the Gardaí had been given a list of telephone numbers of officials in the office of the DPP and armed with this list a call was placed to the home of Mr Niall Lombard. Mr Lombard is, and was then, a senior and very experienced professional officer within the office of the DPP. He is regarded by all those who have dealt with him as a person of high standards and sound judgement. He has a reputation of not taking anything he is told at face value but seeking to probe and verify the information.

I have been told by Mr Lombard that he does not at this stage remember precisely what occurred in the run up to the decision to charge; in particular, he has the difficulty that he has read so much about the case since then that he finds it hard to be sure what information came to him that morning and what information he acquired subsequently. His recollection is that he was contacted with forty minutes remaining of the detention period and that he remonstrated with Det-Supt Gordon about being contacted without any advance notice when there was so little time left. If he was, in fact, contacted with 40 minutes to go that would suggest that the call to him was at 8.55 a.m. Mr Lombard's recollection is that the conversation lasted of the order of 15 minutes to half an hour and Det-Supt Gordon puts the duration of the conversation at about 20 minutes, and would have timed it as some time after 9.15 a.m.

At this remove and for the reasons stated Mr Lombard has difficulty in remembering what precisely Det-Supt Gordon told him about the case, about which he had no prior knowledge other than what he had read in the media. However, he believes that he was made aware of certain difficulties.

He thinks that he was told that while Dean Lyons had referred to seeing a man walking a dog as he left the house the dog in question had died before 6 March. He is probably wrong in his recollection about the dog as that information was unlikely to have become available to the Gardaí until long after 27 July.

He also thinks that he was told that the order in which the killings was described was not consistent with Prof. Harbison's report. I am not convinced the Gardaí were focusing on the order of the killings at this stage.

Det-Supt Gordon recalls that he told Mr Lombard that the prostitute had not been identified and that the gloves had not been retrieved, as well as the fact that Dean Lyons originally pointed out the wrong window.

Following this fairly lengthy telephone call Mr Lombard phoned the then DPP, Mr Eamonn Barnes, who authorised the charging of Dean Lyons with the murder of Mary Callinan. Mr Barnes has no recollection whatever of being rung on the Sunday morning but he says if Mr Lombard recalls ringing him then he entirely accepts that he received the phone call. Mr Lombard's recollection on that is clear and in any event is supported by some nearly contemporaneous documentation.

It does not appear that any particular significance is to be attached to the fact that the direction was to charge with one murder. I had wondered whether this reflected the fact that the video-taped interview was clearer in relation to one murder. However, having spoken to both Mr Lombard and Mr Barnes and reviewed the files, this does not appear to have been a factor. It will be appreciated that when an incident involves the commission of a number of crimes it is quite common that when the suspect first appears before a court he will be charged with only one offence.

I have discussed with Mr Barnes to what extent his decision would have been influenced had he been aware of facts such as that the prostitute had not been traced, the gloves had not been recovered and so on. He said that it is unlikely that this would have swayed his decision on charging. On the other hand, he does believe that had he been told that experienced members of the investigation team had doubts about the strength of the case against Dean Lyons this would certainly have caused him to defer any decision to charge pending the submission of a file.

Further admissions by Dean Lyons after he was charged

An unusual and striking aspect of this case is that even after being charged Dean Lyons persisted with his admissions of involvement in the Grangegorman murders.

To his brother John

He was visited by his brother while he was waiting to be brought before the court. During this meeting Dean Lyons was expressing regret for the distress he had caused the family but expressing relief that he had got matters off his chest.

To Det-Sergeant McNulty

After his initial appearance in court in the Bridewell he was brought to Mountjoy Prison. While waiting to be admitted to the prison he commented to Det-

Sergeant McNulty that he was glad he had been caught because he felt that if he hadn't been arrested he would have done the same thing again. In custody, Mr. Lyons was transferred from Mountjoy Prison to Arbour Hill Prison.

To prison officers and fellow prisoners

While in Arbour Hill he continued to admit his involvement to prison officers and prisoners. It appears that one prison officer, Mr Justin Hennessy, had been instructed by a chief officer to interest himself in the Grangegorman case and to report back on any information received. The chief officer is now dead and I am not in a position to comment further on why he would make such a request, which I have been told was unusual, though not unique. Dean Lyons, when asked what he was in for, said he was in for the Grangegorman murder and when asked whether he had done it he replied "yeah, I did". He explained that he had committed the murder because he was on drugs and said he had gone to the house to rob mobile phones.

In evidence to the Commission Mr Hennessy has told me of at least four conversations between 29 July 1997 and 16 August 1997 in the course of which Dean Lyons admitted his involvement and discussed aspects of the offence in some detail, such as meeting with the prostitute Tara Burke and the disposal of the clothes after the offence.

Interestingly, Mr Hennessy who has very long service with the prison service, described Dean Lyons as "a little backward in relation to what I usually met up with . . . what I found in him was for his age he wasn't forward, he was like a little child." Mr Hennessy confirmed that it did not take long for this to become obvious, he realised it nearly straight away--it was very obvious.

I have also heard the evidence of Hugh O'Brien,⁹⁰ a fellow prisoner in Arbour Hill who had known Dean Lyons and his family before either of them went into prison. The sense I have from Mr O'Brien is that Dean Lyons was initially admitting, or certainly not denying, his involvement, but Mr O'Brien did not find him wholly convincing. Interestingly, Mr Lyons gave Mr O'Brien the impression that he had simply gone into the Bridewell to confess to the murders whereas in fact as we know he was brought to the Bridewell for questioning and on the Garda account only admitted involvement after being interviewed for over two hours.

⁹⁰ Not his real name.

To his father, while in prison

On 14 August 1997 Dean Lyons' father visited him in Arbour Hill. Mr Lyons Senior had been reflecting on the situation and had come to the conclusion that if his son had had any involvement then he most certainly would not, and could not, have acted alone. In the course of this visit he put this proposition to his son telling him expressly that the situation was too serious for him to be telling lies and that he, his father, knew that if, as his son was claiming, he was involved then there had been somebody else with him. The response to this suggestion was "Yes, Dad there was someone else with me" and then Dean Lyons named the other person as Frank Fagan.⁹¹

Mr Lyons Senior immediately reported this conversation to the Gardaí. This was an extraordinary volte face by Dean Lyons and it seemed to be a striking illustration of just how willing he was to go along with suggestions put to him. In the course of the same meeting with his father Dean Lyons also said that he had stabbed only one woman and only once.

To his legal team

On 15 August 1997 Dean Lyons was visited by members of his legal team. He told them he had committed the murders while in the company of Frank Fagan. He indicated that the active role in the murder was played by Frank Fagan, and that his role was a more passive one. It would appear that he was sufficiently convincing that his highly experienced legal team had full regard to this in preparing their strategy.

To Dr Charles Smith

On 21 August 1997 Dean Lyons was visited in Arbour Hill by Dr Charles Smith then Director of the Central Mental Hospital in Dundrum. It appears that this was in a sense an unsolicited visit and that it was the practice of Dr Smith to visit at an early stage in their incarceration prisoners who were likely to give rise to psychiatric issues.

Dr Smith, who was accompanied by a colleague, interviewed Dean Lyons for 40 to 50 minutes. He found Dean Lyons to be borderline learning disabled. He felt that he was someone who might be prone to exaggeration and attention seeking. Although Dean Lyons told Dr Smith that he had murdered the two women Dr Smith found him so unconvincing that he rang Mr Lyons' solicitor to tell him this.

⁹¹ Not his real name.

Admissions after the media breaks the story of other suspect's admissions

As indicated, the first media reports began to emerge on 26 August 1997. On 28 August 1997 *The Star* carried a prominent article with a headline saying that Dean Lyons was innocent. On the following day, 29 August 1997, a fellow prisoner, Hugh O'Brien, discussed the article with Dean Lyons. While discussing the article Dean Lyons commented that his "co-accused", "the person who did this with me" was back in the jurisdiction having been out for a period. So far as I can tell this is the last occasion on which Dean Lyons claimed an involvement with the Grangegorman murders.

Dean Lyons denied of involvement

Newspaper reports from the time suggest that on Tuesday 26 August Dean Lyons told family members for the first time that he had no involvement.

On 6 September 1997 he wrote from Arbour Hill Prison to a female companion. The letter contains the following sentence:

"I suppose I was the talk of the avenue [Morning Star Avenue] when they heard what I was arrested for. Well to be honest I don't really care because I know I didn't do it and I'll say it till I die."

That Dean Lyons should have continued to claim an involvement for several weeks after the interrogation is certainly a most unusual feature of the case. Dr. Adrian Grounds has told me that when he interviewed Dean Lyons he probed this with him but did not receive a satisfactory explanation.

The literature on false confessions refers to a sub category known as the 'coerced internalised confession' where the interviewee becomes convinced of the truth of the confession. It seems at least possible that Dean Lyons had internalised his confession and began to believe that he had committed the murder, though the on-going confessions may also be explained by an attempt to maintain consistency.

He had explained his admissions to his father on the day of the detention by saying that, having admitted the crimes to the Gardaí he couldn't say something different to his father. It is possible that these subsequent admissions were simply a continuation of that policy.

13. Continuing Attempts, After the Charge, to Verify Dean Lyons' Admissions

The initial efforts to verify or authenticate the statement made by Dean Lyons had commenced while he was still in detention and before charge. Efforts had been made to locate the prostitute Tara Burke and to recover the gloves said to have been worn by him during the murder. The derelict building where he claimed to have burned his clothes was searched at 6.30 a.m. on the Sunday morning. These efforts continued and indeed intensified following the charge. Essentially, the Gardaí broke the statement down on a sentence by sentence basis and then set about seeking to verify independently each assertion.

An initial search for burnt clothing in "the skipper" in Grangeegorman had taken place during the detention and this was now repeated in greater detail. Obviously, this was taking place almost five months from the date of the crime but there would have been a reasonable expectation that even at that time remove if clothing had been burnt some traces of it would have been found. No such traces were in fact found.

Contact was made with those companions with whom he was said to have spent time on the day before the murder. They were not in a position to confirm whether they had been in his company.

Efforts were made to confirm his claim that he had stolen two mobile phones but without success.

Dean Lyons had said in his interviews that he had travelled to Inchicore and back by taxi and efforts were made to locate the taxi drivers. This included interviewing, with the help of the carriage office, all registered taxi drivers driving black Mercedes and blue Nissan Sunnys. These inquiries proved unsuccessful and none of the taxi drivers had any memory of such a fare.

His statement that he had attempted to commit suicide on two occasions in the recent past was also followed up and what emerged seemed much more consistent with accidental overdosing than suicide attempts.

The young woman he had referred to as his girlfriend was traced and emphatically denied ever having any relationship with Dean Lyons, and in particular denied she was pregnant by him.

In the course of the taped interview Dean Lyons had said that he may have told a Patrick O'Rourke⁹² about the murders. When Mr O'Rourke was located he denied any such conversation and said that he didn't know Dean Lyons personally and had never spoken to him.

Dean Lyons had stated that during the course of the interviews he had broken down on a number of occasions in the hostel. This was explored with hostel staff and it emerged that he had told them that the reason he was upset was that shots had been fired into his family home in Tallaght. In fact, shots had never been fired into his home but it did emerge that shots had been fired into the home of an acquaintance in the Tallaght area. This would seem to be another example of Dean Lyons taking facts with which he was familiar and then referring them to himself.

Alongside seeking to substantiate every comment made in the course of the admissions gardaí sought to interview all those who were part of the social scene in which Dean Lyons moved. Dudley Fox⁹³, to whom they spoke on 13 August 1997, recalled Dean Lyons discussing an incident in which he was involved. Mr Fox said that Mr Lyons told him that "there were two auld ones, they went berserk. He said to one to calm down relax. She had a knife. She had a few goes at him and that's how his left arm got cut." Mr Fox also quoted him as saying that he heard the third woman screaming.

I have been unable to locate Mr Fox to ascertain what memory if any he has of his conversation with Dean Lyons at this time remove. However, if the report is taken at face value its significance is that Dean Lyons was claiming to be involved in an incident that simply never happened. The idea that the women defended themselves with a knife and actually succeeded in inflicting injuries on their assailant is utterly inconsistent with the physical evidence. Likewise, the suggestion that the third woman was screaming is utterly false.

If the account offered by Dudley Fox of what he recalls about his conversation with Dean Lyons is regarded as remotely credible, and it has to be said that Dean Lyons' associates were not the most reliable of narrators, then this was a significant and disturbing development. It indicated that Dean Lyons had a degree of interest in the events of Grangeegorman, and a willingness to talk about

⁹² Not his real name.

⁹³ Not his real name.

them and to put himself at the centre of them but from a position of complete ignorance.

The descriptions of an encounter and a struggle, and of receiving injuries in the struggle, are completely inconsistent with the physical evidence. At the time, he was wearing his arm in a sling or bandage and the account appears to have been designed to build into the story an injury to his arm. This account certainly reveals Dean Lyons as a fantasist.

Two other lines of enquiry pursued by the Gardai require mention. When the clothing that Dean Lyons had entrusted to a companion staying at the Haven Hostel was retrieved a number of religious photographs were found. Three of the four pictures of which the Gardai took possession were not generally available. They were linked to the Palimarian Church, which is a small group that adheres to pre-Vatican Council doctrines and rites. It had approximately 200 adherents across the country. One of those was a resident of No. 5 Orchard View Grangegorman and she would have had some of the religious images around the house. This caused the Gardai to wonder whether some of the photographs might have found their way from No. 5 Orchard View to No. 1 Orchard View and had then been taken by Dean Lyons. The theory was regarded as tenuous by the Gardai but nonetheless was a subject of some interest.

Another area explored by the Gardai was the suggestion that at a time around the murder there was evidence of blood staining on Dean Lyons' clothes. It will be recalled that on 15 August 1997 Dean Lyons had told his father that he had committed one murder not two and had stabbed that one woman only once and that at the time he was in the company of a named individual, Frank Fagan. That individual had been identified prior to this as somebody who associated with Dean Lyons and had been interviewed by the Gardai on 31 July and had not said anything of any real significance. He was interviewed again on 15 August, following the allegation made by Dean Lyons to his father, at the Bridewell Garda Station where he came by invitation.

In the course of this interview he indicated that the relationship with Dean Lyons was a casual one and referred to the fact that Dean Lyons also associated with another person from Britain whom he named, referred to in this report as Taffy.⁹⁴ He stated that he had always suspected this Taffy as having been involved. He

⁹⁴ Nickname changed.

mentioned that the individual Taffy had returned to Britain shortly after being interviewed by the Gardai.

Taffy had been interviewed by the Gardai immediately prior to the approach to Dean Lyons on 26 July when they were pursuing the reports that the murders had been the subject of conversations outside hostels. Subsequently, this individual was interviewed in Britain on 10 September 1997 and in the course of this interview referred to an occasion when Dean Lyons was at the Adam and Eve's Centre on the quays and stated that he noticed specks of what he thought were curry on his right hand side sleeve of his jacket. He then indicated that he was unsure whether this was curry or blood.

On 4 September 1997 Frank Fagan,⁹⁵ the individual named by Dean Lyons as having been in his company when the murders were committed, was arrested by the Gardai and brought to Mountjoy Station. He is recorded as having said in an interview conducted by Det-Sergeant McNulty and Det-Garda Patrick O'Connor that he had been in the Adam and Eve soup kitchen at 9 a.m. on the Friday morning 7 March when Dean Lyons came in and that there was blood on the sleeve of his outer jacket. He described the jacket as being pebble dashed with spots of blood.

Mr Fagan is recorded as having claimed that Dean Lyons told him that he and the British citizen to whom reference has been made had committed a burglary "at the back of the Gorman" and that he had taken or must have taken a blackout after they got into the house because he "woke up" about half an hour later and there was "blood all over the place and all over me." Fagan alleges that in the course of this conversation Dean Lyons asked him if he would go away with him to Galway or to London.

It should be noted that when Keith Grace⁹⁶ was interviewed by the Gardai on 4 September, having been one of those named by Dean Lyons in his statements of admission as having spent time in his company on the day prior to the murders, he stated that he saw Dean Lyons at about 8.30 a.m. on 7 March 1997 on Morning Star Avenue and that he was "out of his head" on heroin and was "goofing." He stated that he didn't notice any fresh blood stains on his person or on his clothes but there were old blood stains which he knew went back a couple of days to a

⁹⁵ Not his real name.

⁹⁶ Not his real name.

time when Dean Lyons and himself were “shooting up” heroin and Mr Lyons had difficulty in finding a vein.

There must be serious doubt about the reliability of Frank Fagan in that he claims that when, as was usual, he had breakfast with Dean Lyons at Adam and Eve’s soup kitchen on the morning of 7 March, when he looked at Dean Lyons he thought that he had been in a row. He commented that he “was in bits” and that he had nail marks on the side of his face on his cheek. He then made the comment that there were specks of blood like pebble dashing about half way up the arm of the jacket. The suggestion implicit in this account that Mr Lyons had suffered injuries as the occupants of the house had defended themselves is not consistent with the physical evidence. There was no indication of any defensive injuries on either Sylvia Sheils or Mary Callinan and nail scrapings from both deceased had also proved negative.

Equally significantly, as it happened, Dean Lyons was arrested with four companions in a vacant house in Rialto at approximately 1.10 p.m. on 7 March the five having gone there to “shoot up”. None of the three gardaí involved in the arrest, or the sergeant later involved in charging him, noticed anything unusual and in particular none noticed evidence of blood or any sign of injuries.

I think it is fair to summarize this issue in relation to blood as saying that understandably and properly it was followed up with diligence by the Garda but that their efforts did not advance the case against Dean Lyons in the slightest.

One further area of endeavour deserves mention, even though it relates to a time after the emergence of the other suspect. The gardaí returned to re interview Peter Leahy on two further occasions, on 22 and 25 September 1997. In the course of these interviews he stated that the account of the conversation outside the hostel that he had given prior to the arrest of Dean Lyons was untrue. On the first occasion he said that what had happened was that he had met Dean Lyons and Pauline Keating who was in a distressed state. He claimed she explained her distressed state by saying that Dean Lyons had told her he had killed “the two grannies.” When interviewed Pauline Keating totally denied any such conversation took place. On re interview Peter Leahy came up with a third version, saying that Dean Lyons had personally told him that he had committed the murders with a companion, and in doing so had showed him his chest to display injuries he had incurred in the incident.

By way of an overview, it may be said that during the period between 27 July 1997 and, say, 15 August 1997 the Gardaí sought diligently to verify the statements of admission that had been made. Despite those extensive efforts, the statements remained uncorroborated, in the sense that no independent evidence to support them had emerged, though some would have argued that the statements were supported, at least to a degree, by the finding of the tears in the carpet in Mary Callinan’s room. In contrast, a significant number of things that were said by Dean Lyons emerged as wrong or false.

14. The Second Suspect and the McHugh Inquiry

At about 7.45 p.m. on Saturday 16 August 1997 the Gardaí arrested a suspect in the west of Ireland in relation to a double murder which had been discovered in the early hours of that morning. While being interviewed by gardaí based in Galway, this individual said that about three months before his arrest, as he was walking to Stoneybatter, he had broken into a house through a window at the back and had stabbed two women in their sleep.

I do not see it as any part of my role to express a view on the strength of the case that might be advanced against this suspect. My only interest in his emergence is that obviously it had implications for the Garda case against Dean Lyons.

When somebody has been charged with a criminal offence and another individual emerges to claim responsibility for the same offence, and it need hardly be said that this is very unusual, at least two possibilities arise. The terms of the new admission may be inherently implausible and will be capable of being dismissed out of hand. Conversely, it may be that the admissions are so cogent that it is immediately obvious that the case against the suspect previously charged will have to be discontinued and a new case mounted against the new individual.

Without entering into the strengths and weaknesses of the case against the new suspect I can say with absolute certainty that it did not fall into either category. Some features of the new admissions required very serious attention, in particular the fact that this new suspect appeared to have knowledge of two specific aspects of the crime scene which would not be known by the general public.

The new suspect was being interviewed by gardaí from the Galway area who would have had no involvement in the Grangegorman investigation so the possibility of his picking up information from there is remote. On the other hand, it must be said that there were undoubtedly aspects of the admissions which required that they be treated with very considerable circumspection and that there should be no rush to judgement that they were reliable.

Following this development, it is clear that two camps formed within the Garda force, with one camp viewing the emergence of the new suspect as highly significant while the other remained convinced of Dean Lyons' guilt and sought

to minimize its significance. Media reports from the time clearly show camps emerging and there would appear to have been a degree of briefing and counter briefing.

On 27 August 1997 Chief Supt Kelly, in response to a request from Garda HQ, submitted a report to the Assistant Commissioner for Crime and Security in which he addressed the admissions made by both suspects. Anyone reading the report would have no doubt that the author was clearly and firmly of the view that Dean Lyons was the culprit. No significance is attached to the fact that his admissions improved so radically during the course of the day or to the fact that in the video interview he had been in a position to provide so little detail.

Asst Commissioner McHugh appointed to review evidence

Against a background of conflicting views within the force, on 27 August 1997 the Garda Commissioner appointed Asst Commissioner James McHugh⁹⁷ to head a team to carry out a review of all the available evidence, with a view to establishing the truthfulness or otherwise of the various admissions. Asst Commissioner McHugh was assisted by Det-Supt Martin Donnellan⁹⁸ and Det-Inspector Derek Byrne⁹⁹. He submitted a report, described as a preliminary report, on 10 September 1997 and this was followed with a further report described as an interim report on 9 January 1998. The decision to appoint a senior investigator who was independent of both the Dublin and West of Ireland investigation was a very proper one and reflected a recognition by the Commissioner that the situation emerging was a potentially serious one which required resolution.

The initial report was compiled with very commendable expedition. It was largely based on a review of the documentation though in this short period the Assistant Commissioner and his team also interviewed the gardaí centrally involved in the interrogation of Dean Lyons as well as of the alternative suspect. They had also met with Mr Garrett Sheehan, solicitor for Dean Lyons. At this stage the Garda team wished to obtain access to Dean Lyons' medical records but the defence legal team were not agreeable and also indicated that their client did not wish to be interviewed further by the Gardaí.

⁹⁷ Now retired.

⁹⁸ Now Asst. Commissioner.

⁹⁹ Now Det-Chief Supt.

The report referred to the fact that there were a considerable number of enquiries outstanding and that as a result Asst Commissioner McHugh was unable to make firm recommendations in respect of either subject. As far as Dean Lyons was concerned he observed:

“Mindful of the fact that Dean Lyons remains in custody, and bearing in mind the complexity and enormity of the investigation, I recommend that a final decision as to continued proceedings against Dean Lyons be deferred, until such time as the completed master investigation file has been received and considered.”

While understandably cautious about forming a decided view there are certainly indications in the report that even by this stage Asst Commissioner McHugh had considerable doubts about the reliability of Dean Lyons’ confessions and whether it was possible to proceed with a prosecution. Both Asst Commissioner McHugh and the former DPP Mr Eamonn Barnes have given me to understand that Asst Commissioner McHugh was more forthcoming about his misgivings in oral briefings than he was prepared to be in writing at that early stage.

Completed Garda file submitted

On 11 October 1997 the completed Garda file, which Asst Commissioner McHugh had suggested should be awaited, was submitted to the Chief State Solicitor. While that report is formally signed by Det-Supt Cormac Gordon there is no doubt that it reflected the collective views of the Bridewell investigation team at senior level.

In many ways it is an impressive document. It is certainly very comprehensive, running to eleven substantial volumes. In particular, it deals in a careful and conscientious manner with the competing admissions made by Dean Lyons and the other suspect. The text of the admissions is analysed in detail and the report indicates which portions can and cannot be corroborated. The report uses the word ‘corroborate’, as indeed did Asst Commissioner McHugh when undertaking a similar exercise for his report. However, the word is perhaps once more something of a misnomer since what was happening was that the statements were being assessed to see to what extent aspects of the admissions reflected, or were inconsistent with, the known facts.

The report then concluded that Dean Lyons did not appear to have any ulterior motive for admitting the crimes except to clear his own conscience whereas the other suspect could feasibly have had sufficient time to analyse his own position

and might have been contemplating a defence to the West of Ireland murders by citing a previous occasion when he had lost control. Ultimately the report concluded as follows:

“Recommendations.

There is, I contend, a prima facie case established to justify the charging of Dean Lyons with the murder of Mary Callinan. It is recommended that a further charge of murder should be preferred against Dean Lyons in relation to the death of Sylvia Sheils.”

It should be noted that prior to the submission of the file an attempt was made through the courts to obtain medical and psychiatric reports in relation to Dean Lyons. A request to that effect was made to the District Court on 20 August 1997, but was refused in the light of defence objections. The fact that such reports were requested within 72 hours of the emergence of the other suspect, suggests that once a major question mark was placed over the Dean Lyons admissions this was seen as giving rise to psychiatric issues.

It must be noted that the author of the report was not only expressing a view as to which set of admissions was more credible, and which suspect the more likely culprit, but was also positively recommending the continuance and indeed the expansion of the prosecution of Dean Lyons.

The case against Dean Lyons rested exclusively on admissions. The report itself had noted that the admissions contained certain strengths and certain weaknesses. In a situation where another suspect had also made admissions, and those admission, too, had strengths as well as weaknesses, it seems quite unreal to seek to proceed with the prosecution. The task of prosecuting counsel seeking to persuade a jury that they should convict on the basis of uncorroborated admissions while there was a second set of admissions still live would not have been an enviable one.

It was only ever going to be possible to prosecute one of the suspects if the admissions made by the other could be conclusively and comprehensibly refuted. One senses that the original investigation team may have been simply going through the motions and leaving it to the DPP to take the unpalatable step of dropping a prosecution. However, the report also indicates a desire to persist with the original decision to prosecute Dean Lyons. It would seem that minds were not open to the implications of the emergence of the second suspect.

Mc Hugh interim report

Even after the submission of the file to the DPP the Gardaí continued to investigate the murders, following up areas that appeared relevant to either Dean Lyons or the alternative suspect.

Asst Commissioner McHugh and his team also continued their efforts and on 9 January 1998 submitted an interim report. This dealt with the investigation in so far as it related to Dean Lyons. It then focused on the matters that could not be corroborated. In summary these were identified as follows.

- 1) Tara Burke could not be located and Asst Commissioner McHugh expressed his personal belief that she does not, in fact, exist.
- 2) The labour card that was reported lost was never located at the scene or on Dean Lyons' person or elsewhere.
- 3) In his admissions Dean Lyons claimed to have murdered the women in the order of 1) Mary Callinan and 2) Sylvia Sheils whereas forensic examination strongly suggested that the reverse was the case.
- 4) In a statement Dean Lyons recalled entering by climbing the wall whereas the physical evidence at the scene had clearly established that the gate at the side of the dwelling was ajar when the gardaí first arrived at the scene.
- 5) The male walking the dog could not be identified or located, if he existed.
- 6) The footwear mark was believed to be of a Caterpillar Stockton 2 style boot whereas Dean Lyons always wore cheap runners.

The report concluded by drawing attention to the fact that Dr Gisli Gudjonsson's evaluation of Dean Lyons had not been made available to him and that a request for an interview with Dean Lyons had not been facilitated. The point was made that investigation in the case relative to the accused, Dean Lyons, could progress significantly if Garrett Sheehan & Co. were to accede to the formal interview of their client by investigating gardaí.

Faced with an initial reluctance on the part of the defence to make available the report of Dr Gudjonsson the DPP had engaged the services of Dr Adrian Grounds. He presented an initial report on 17 February 1998. It was based on the documents in the case, including the records of admissions, and on viewing the video recording of the interviews. Understandably, given that he had no access to Mr Lyons at this stage, Dr Grounds saw his assessment as being limited and

provisional. With that qualification he reported that there were several factors which could potentially have made Mr Lyons a vulnerable interviewee.

Asst Commissioner McHugh followed his interim report with a letter dated 25 March 1998 which again referred to the fact that a request for an interview of Dean Lyons had not been granted and that Dr Gudjonsson's report had not been made available. There is a hint of frustration in the comment that the case is further complicated by the fact that the accused, Dean Lyons, had made no attempt to retract his statements of admissions, either personally to investigating gardaí, or through his solicitor. The letter then concluded as follows:

"I now confirm what I have already stated verbally, that I conscientiously believe that Dean Lyons did not commit the murders of Mary Callinan and Sylvia Sheils at Grangegorman Dublin on the 6th/7th of March 1997."

Following the receipt of Dr Grounds' first report, and in particular after the letter from Asst Commissioner McHugh of 25 March 1998, contact between the office of the DPP and the firm of Garrett Sheehan & Co., solicitors for Mr Lyons, intensified. This resulted in agreement that Mr Lyons be interviewed by Dr Grounds and this interview took place at Arbour Hill Prison on 22 April 1998. Dr Grounds was also offered the opportunity to meet with Dean Lyons' parents at their home. Dr Grounds records Dean Lyons as telling him that subsequent to the video tape interview "basically the gardaí told me exactly what happened" and "the more they told me, the more I knew what to put in my statement." He records him saying that the interviewing officers were nice in manner and would stop and correct him at points where he said the wrong thing. For example, in Dean Lyons' words:

"I said I thought the murders happened downstairs, they said let's stop a minute there Dean the murders happened upstairs. I said yes that's right. Then they asked where upstairs. I said in the bedroom. They said no, you killed one in one room and one in the other room."

In relation to the fact that only the initial interview was video recorded Dr Grounds quotes Mr Lyons as saying one of the Garda officers came to see him and remarked that he looked very nervous on the video and it would be better for him to come off the video. Mr Lyons agreed and the subsequent questioning was recorded in writing. Dr Grounds presented his conclusions in these terms.

" I am not in a position to corroborate Mr Lyons' account of being corrected, prompted and advised by Garda officers and his description of learning from them about the details of the admissions they were seeking. However Mr Lyons' account to me in our interview supported and was consistent with the earlier impressions I had gained from reading the case papers. In my earlier report I noted that the materials then available to me raised questions about whether the details of Mr Lyons' final admissions could have derived from the content of questions put to him during the day, rather than his knowledge and memory, and about whether he was unusually suggestible. Following my interview with Dean Lyons and his parents, these concerns are substantially strengthened and I now think that it is very likely that his detailed admissions were unreliable."

In the light of this conclusion by the expert engaged by the DPP there was only one possible outcome of the case against Dean Lyons and that was that the prosecution would be dropped. There was, however, one piece of the jigsaw remaining in that the DPP's office continued to be anxious to have sight of Dr Gudjonsson's report. That report was faxed to the DPP by Garrett Sheehan on 27 April. On 29 April 1998 the charge of murder against Mr Lyons was withdrawn.

15. The McHugh Probative Inquiry

Introduction

Although the charges against Dean Lyons had been dropped at the end of April 1998 Asst Commissioner McHugh and his team remained involved in the case. They had been directed by the Commissioner to conduct a probative inquiry into the circumstances surrounding the laying of criminal charges against Dean Lyons. It appears that the inquiry was so described in order to make clear that it was not part of any criminal investigation nor was it taking place under the Garda Disciplinary Code. On 9 September 1999 the McHugh team submitted their report to the Deputy Commissioner of Operations.

I think it is fair to say that the focus of this report was in seeking to establish what had gone wrong and also to make recommendations to prevent any repetition.

Probative report recommendations

The probative report, in accordance with the directions from the Commissioner, contained a number of recommendations designed to provide safeguards to eliminate the likelihood of innocent persons being charged with criminal offences. Amongst the recommendations were:

- a) That interviews of all prisoners in respect of offences which carry a penalty of five years imprisonment or more are to be conducted on video/audio. A sentence of five years is the threshold sentence which permits the detention of a suspect under the Criminal Justice Act 1984.
- b) That any indication/suspicion of 'psychological vulnerability' or mental deficiency be brought to the notice of the DPP prior to preferral of criminal charges.
- c) That in the absence of independent corroboration of admissions made, the preferral of criminal charges should be deferred until the completed file has been submitted to the office of the DPP.

Questionnaires

As part of this exercise two questionnaires were prepared. One, the longer of the two, was addressed to those members who had had direct dealings with Dean Lyons during his period of detention and the other was addressed to the officers in charge of the investigation. Although Supt James Joyce was obviously a member of officer rank, and indeed as the district officer was in nominal charge

of the investigation, he was sent the longer questionnaire. No doubt this reflects the fact that as the district superintendent he had a direct role in extending the period of detention of Mr Lyons, authorising the taking of fingerprints, photographs and so on.

The responses to the questionnaire were dealt with in detail in the body of the report. They established that there was a conflict of opinion within Garda ranks.

Det-Garda Dominic Cox who, it will be recalled, was the junior member of the interviewing team which conducted the non video taped interviews with Dean Lyons on 26 July 1997, and had also been acting as exhibits officer for the investigation, responded that he had expressed concerns on two occasions, at a mini conference at 8.00 p.m. and again at 12.30 a.m. on 27 July.

He said that he expressed the view that they needed to be careful of Dean Lyons as he was a bit of a Walter Mitty and that he would like to corroborate his statement. He went on to say that he felt concerned about the truthfulness of some parts of the statement and felt they needed to be corroborated. He indicated that Det-Garda Alan Bailey would have had reservations and that he, Dominic Cox, discussed his reservations about charging Dean Lyons in the absence of corroboration. Finally, he said that Sergeant Matt Mullhall would also have known about his reservations.

Interestingly, the three members, Det-Gardaí Cox and Bailey and Sergeant Mulhall, who stated in one form or another that they themselves had reservations, were supported in the responses from their colleagues. They were also supported by Sergeant Edmund Corry, who observed that "as far as I remember Dominic Cox had a doubt in his mind about the culpability of Dean Lyons", and by Garda Adrian Murray¹⁰⁰ who commented that he thought that Dominic Cox expressed reservations and that he thought there was a meeting but that he wasn't at it. Det-Garda David Lynch of the NBCI recorded that Det-Garda Bailey may have had reservations.

Perhaps particularly significantly Det-Garda Cox received support from his fellow interviewer, Det-Sergeant McNulty, who commented:

"At the time there was a conference in the Bridewell late at night and senior officers were present, there was a general conversation about

¹⁰⁰ Now Det-Garda

the statements made by Dean Lyons and his culpability. I think that Dominic Cox expressed the view that he felt more time should be spent to corroborate the statements of Dean Lyons."

Det-Sergeant McNulty also was clear that he himself had had no such reservations. Likewise, Garda Joseph O'Connor, who was quite clear that he continued to regard Dean Lyons as the culprit, also recorded the fact that he thought that Dominic [Cox] had reservations.

In contrast, none of the five senior officers, Chief Supt Kelly and Det-Chief Supt Camon, Det-Supts Gordon and Gallagher and Supt Joyce, accepted that any reservations had been expressed.

They were joined in that position by Det-Garda Mullis who also indicated that he did not hear any other person expressing reservations. He felt everyone in the team from the top down seemed to be in agreement that 'we had the right man'.

It is quite clear that the existence of this conflict was a cause of considerable concern to Asst Commissioner McHugh and indeed the Garda Síochána at the highest level to the extent that Asst Commissioner McHugh was reluctant to complete and submit a copy of his probative report to the office of the DPP until this conflict could be resolved.

In order to seek a resolution of the conflict, Asst Commissioner McHugh arranged a meeting with the five officers in his office on the morning of Saturday 15 July 2000. It appears that he outlined in some detail the contentions that were being made, by Det-Garda Cox in particular, but also by other members, and invited a response.

I have been told by the Asst Commissioner that at one stage, in order to advance matters, he left the meeting and went to an ante-room, saying that he was giving the five officers an opportunity to discuss and consider the position among themselves.

After some time he was called back and it was indicated that there was no change and that all of the officers involved were maintaining their position that no reservations had been expressed. This matter was brought to the attention of Deputy Commissioner Noel Conroy under cover of a lengthy letter/report dated 18 July 2000.

On the same day Deputy Commissioner Conroy wrote to Richard Kelly, who had in the meantime become Asst Commissioner with responsibility for the South Eastern Region, enclosing a copy of the report and stating that

"There is a conflict in the facts as found by Asst Commissioner McHugh during his enquiry between what was being stated by D/Gardaí Cox and Bailey and Sergeant M. Mulhall (retired) and that being stated by D/Chief Superintendent Séan Camon, D/Superintendents' Cormac Gordon and John Gallagher, Superintendent Jim Joyce and yourself regarding reservations allegedly made by D/Garda Cox and corroborated by D/Garda Bailey and Sergeant Mulhall. "

Deputy Commissioner Conroy enquired:

"Have you, or D/Superintendent Gordon, any written record (notebooks or otherwise) of persons who attended any conferences, or mini conferences, held following the first admission made by Lyons during his interview on video tape?

Were there any reservations expressed concerning admissions made by Lyons on Saturday the 26th July, 1997 which may have changed following further admissions made by Lyons on Sunday the 27th of July 2000?

It is most important that we establish all the facts as soon as possible in order to ensure the Director of Public Prosecutions is fully briefed accordingly."

Asst Commissioner Kelly replied in a letter dated 29 August 1997 in which he stated:

"There was no conflict between any members present in the Conference Room at the Bridewell on the 26th of July, 1997. However, I do accept that the facts, as presented in Asst Commissioner McHugh's report suggests otherwise."

He also stated:

“The conflict may have arisen because of the interpretation of this question [number 4]¹⁰¹ and Officers were not aware at the time they completed the Questionnaire what Detective Garda Cox had said.”

The letter further stated

“At the end of the day we were in a situation where Dean Lyons made a number of admissions and written statements which contained accurate details on many aspects of the double murder at Grangegorman and in particular about the injuries inflicted on the two women and the weapons used. This was a matter which never got into the public domain and as far as we were concerned was compelling evidence. We felt that the Office of the Director of Public Prosecutions should be consulted on the matter and this was done on the 27th July, 1997 by Detective Superintendent Gordon, who was accompanied by Detective Chief Superintendent Camon.”

This letter, which might be seen as something of an attempt to bridge the gap, did not satisfy Asst Commissioner McHugh, who wrote to the Deputy Commissioner of Operations saying

“The report furnished by Asst Commissioner Kelly dated the 29th of August 2000 doesn’t provide any solution or explanation in terms of resolving this conflict. It seems to me that the position still remains that he and the other senior officers are disputing that Detective Garda Cox ever expressed any reservation in their presence as to the credibility of admissions made by Dean Lyons. It is my intention to have a copy of my probative enquiry with the DPP within ten days.”

It is apparent from the evidence that I have heard that the conflict remains to this day. The position currently taken by those who have appeared before me may be summarised as follows.

¹⁰¹ Question No 4 of the officers’ questionnaire had asked did Det-Garda Dominic Cox or any other of the investigating gardai, express reservations as to the reliability of the admissions made by Dean Lyons prior to him being charged on 27 July 1997

Sergeant Edmund Corry (sergeant in charge of the jail section for much of the period of Dean Lyons’ detention) already knew Dean Lyons, having worked in the Dublin 7 area as a garda before his promotion. From his knowledge of Dean Lyons he was surprised that he would be a double murderer. He discussed his hesitations with Det-Garda Cox, prior to charging, and was aware that Det-Garda Cox also had doubts.

Garda Lawrence Luby (uniformed member on duty in the jail section during the detention) became aware some days after Dean Lyons was charged that there were certain members who were sceptical and other members who were very convinced of what Dean Lyons had said.

Sergeant Thomas O’Meara (member in charge of the Bridewell Garda Station when Dean Lyons was arrested) was of the view that there were doubts.

Sergeant Gerard Walsh (uniformed sergeant on duty in the jail section) was not a party to the controversy and was not really in a position to comment one way or another.

Garda Declan Johnson (uniformed member on duty in the jail section) wasn’t aware of any division of opinion in relation to Dean Lyons.

Inspector Michael Burke (uniformed inspector in the Bridewell) had played a role in supervising visits to Dean Lyons. To the best of his memory, Det-Garda Cox had reservations. He also thinks that Matt Mulhall had reservations, that Dominic Cox was calling him a Walter Mitty, that Alan Bailey had reservations too, but he was not in a position to put a date on when he became aware of that except to say that it was not on the Sunday when Dean Lyons was charged. However, he is of the view that the reservations to which he refers preceded the emergence of an alternative suspect in the West of Ireland.

Sergeant Mulhall (station collator and assisting in the management of the incident room) confirms that there was a gathering at 8.45 p.m. and a further gathering post midnight. His recollection of the 8.45 p.m. session in particular is somewhat vague at this stage and he has a degree of difficulty in disentangling the two sessions. However, he is absolutely clear that during the course of the evening Det-Garda Dominic Cox expressed reservations about the reliability of the admissions made by Dean Lyons and in doing so referred to him as Walter Mitty. While some of his colleagues recall that he himself experienced doubts on the evening prior to charging he himself does not claim to have done so. He did

have doubts but was somewhat open minded in the sense that had forensic or other evidence emerged then his doubts would have been dispelled. He says that he expressed the doubts that he was experiencing “rather vocally” at a conference that was held some days later arising from which he and Det-Garda Bailey were reprimanded by Det-Supt Gordon and were told they were undermining the investigation.

It should be said that Det-Garda Bailey also recalls this reprimand as do a number of those who attended the conference. Det-Supt Gordon does not accept that he issued such a reprimand. Examining the record of post charging conferences it would appear that the exchange occurred, if it occurred, on 1 August 1997. At that stage, it would have been quite natural for the Detective Superintendent to want any differences of opinion that might have existed to be put aside and that all concerned should concentrate on the task in hand which was the need to seek support or corroboration of the admissions.

Garda Adrian Murray was not at either of the informal get togethers, he was away from the station with Det-Garda Ann Markey attempting to track down the prostitute to whom Dean Lyons had referred. He became aware on the Sunday morning that Dominic Cox didn’t believe Dean Lyons. That was the talk in the station though he doesn’t believe that he heard this directly. It should be noted that to this day he remains of the view that Dean Lyons was in the house at No. 1 Orchard View either before, during or after the murders.

Garda Joseph O’Connor brought Dean Lyons from the hostel and conducted interviews with him. He didn’t participate in the informal get togethers as he was fully committed to the task of transcribing the video tape. He commented that he was aware that there were some members of the team who just plainly weren’t happy or had serious doubts. He named Alan Bailey and Matt Mulhall in that regard. He recollected a conference after the charging. Before this conference began, Alan Bailey and Matt Mulhall were arguing and then Cormac Gordon came in and told them to stop fighting in front of the rest of the team. In relation to Dominic Cox, he says that Dominic Cox had doubts from the word go and that he wasn’t happy from the time he came out of the interview. Garda O’Connor himself was not one of those who was sceptical about the involvement of Dean Lyons and indeed is still of the view that Dean Lyons had some involvement.¹⁰²

¹⁰² I have referred in this report to the fact that there are still a small number of gardai who continue to believe Dean Lyons was involved. In fairness to those individuals it should be explained that the Garda authorities sought to segregate the Dean Lyons investigation and the

Det-Garda Cox (interviewing member) recalls that when he left the interview room when the interview was interrupted to give Dean Lyons a break, he participated in an impromptu conference or gathering. He told the group that he had concerns about Dean Lyons, referring to him as Walter Mitty and expressed the view that they would have to be careful in their dealings with Dean Lyons. One of those present looked over to Det-Sergeant McNulty and said, “Well Robbie, what do you think? Are you happy?” and the response was “Yes, I am happy we have the right man.”

It is also his recollection that Det-Chief Supt Camon said to him in the corridor outside “Look, he has told it on tape, he has told it off tape, he has told it to his mother, what more do you want?” He felt that he was in a sense being ticked off.

He has commented “Maybe I feel guilty that I didn’t express my concerns a lot stronger.” His recollection of the midnight gathering is that he still had concerns and that he felt that the statement should be corroborated and also felt that two new members who hadn’t had any dealings with him up to that point should go and interview him the following day. This suggestion was agreed to.

However, a second suggestion that new faces should take Dean Lyons to the crime scene was not agreed to and instead that role was assigned to him and to Det-Sergeant McNulty. In terms of events subsequent to the charging, he recalls a conference at which Det-Supt Gordon had a difficulty with Alan Bailey and Matt Mulhall.

Det-Garda William Mullis (arresting member) did not attend either of the informal get togethers as he was transcribing the tape. However, he says that the next day and at conference there were certainly things said. He says that he knew that Alan Bailey and Matt Mulhall had reservations and believes they had a strong conversation with Det-Supt Gordon. This is not entirely consistent with the questionnaire he completed for the McHugh team when he indicated that on 27 July everyone on the team from the top down was in agreement that they had the right man. Det-Garda Mullis has explained this apparent divergence by pointing out that the emphasis of the McHugh team was what was known on 26

investigation against the alternative suspect to minimize the risk of cross contamination. The result of this is that many members of the original Dean Lyons investigation team know nothing of the details of the case against the alternative suspect, or why An Garda Síochána came to such a clear view that Dean Lyons was not involved that it took the unprecedented step of issuing a public apology to the Lyons family.

of July 1997, and on 26 July 1997 he was not aware of reservations but did become aware of the existence of these reservations over the following days.

Det-Sergeant Chris Kelly¹⁰³ (one of two detective sergeants based in the Bridewell at the time) was on leave when Dean Lyons was charged. On his return from leave he knew from speaking to members of the investigation team that some of them weren't 100% happy. They couldn't say he did it or didn't do it 100%. He identified one such person as Det-Garda Dominic Cox. He commented in relation to him that he was very conscientious and very reliable and that he would trust him 100%. He was not aware whether Det-Garda Bailey and Sergeant Mulhall had reservations or had expressed them.

Det-Sergeant McNulty (interviewing member) had a specific memory that at the 8.45 p.m. session his interviewing partner expressed reservations. The reservations were not about the content of what was being said but they related to Dean Lyons himself. He thinks his partner actually used the words "He (Dean Lyons) has a bit of a Walter Mitty approach." In similar terms, he describes the same reservation being expressed once more by Det-Garda Dominic Cox at the post midnight session.

Det-Garda David Lynch (member of NBCI) On viewing the video there were certain questions that he was unhappy with. He is not saying that the interview was suggestive, but with certain questions such as "When you were getting in the window was there anything in your way like curtains or anything?" he could see Lyons jump on an answer. He wouldn't have conducted an interview in that way. Det-Garda Bailey was of the same view because they discussed it. He knew that he had his own reservations and Alan Bailey had his.

It should be noted that in his response to the questionnaire from Asst Commissioner McHugh he states that Alan Bailey may have had reservations, but he himself did not have reservations on the day. He was more forthcoming about his own reservations when interviewed by Det-Supt Donnellan of the McHugh team.

Det-Sergeant Gerard Mc Donnell (a Store Street detective called in on the evening of 26 July 1997) had not been part of the investigation and was something of an outsider. He didn't hear anything about reservations, but does have a memory that there was an air of excitement.

¹⁰³ Now Det-Inspector.

Det-Garda Ann Markey¹⁰⁴ (member of the investigation team) was on duty that night following up issues arising from the interviews, including trying to track down the prostitute named by Dean Lyons. She recalls meeting Det-Garda Dominic Cox at the Bridewell; she knew him very well having partnered him in a number of investigations. They met on the stairs sometime after midnight and Det-Garda Cox told her he had concerns as to whether Dean Lyons was responsible for the murders he had admitted.

Dr Louise McKenna (forensic scientist) met with Det-Garda Cox in his role as exhibits officer on 28 July and 30 July 1997. He told her there were worries about Dean Lyons, that he appeared to be a Walter Mitty character, though he added that he appeared to have information about the details of the murder which should only be known to someone who had been present.

The officers

None of the officers involved in the investigation accept that reservations were expressed either prior to charging or in the aftermath. Each states that the first he became aware of any suggestion of individuals having had reservations was when this issue was raised with them at a later stage by the team led by Asst Commissioner McHugh.

Supt Joyce had no recollection of any early evening gathering. Some of the other participants are uncertain whether he was present and it appears very likely that he was engaged in other duties. He does recall the post midnight conference and his preoccupation at that stage was to make sure that Dean Lyons was settled down for the night so that the detention clock could be stopped, leaving open the prospect of some further enquiries in the morning. For him, the first suggestion that reservations were alleged to have been expressed came when, with other officers, he met Asst Commissioner McHugh on Saturday 15 July 2000. The suggestion of reservations came as a bolt from the blue.

Det-Supt John Gallagher was present for at least part of the sessions at 8.45 p.m. and post midnight. He may not have been present for the entirety of either session. This is because so far as the 8.45 session is concerned he left to make arrangements for a female member to interact with Dean Lyons' mother who had come to the station to meet her son. In the case of the 12.10 session he may have missed part of this because he was out of the station pursuing enquiries in

¹⁰⁴ Now Sergeant.

relation to the blood stained leather gloves that Dean Lyons had claimed he had given to an associate. He doesn't recall hearing Det-Garda Cox make any remark about having reservations or about Dean Lyons being a Walter Mitty.

Det-Chief Supt Camon was in the southern half of the country when he received a phone call from Det-Supt Gallagher in relation to developments at the Bridewell. He returned to Dublin, arriving at the station at about 7.30 to 8 o'clock. He does not recall Det-Garda Cox making a reference to Walter Mitty or anything being said about the fact that Dean Lyons seemed to be "picking up a lot from us". He has no recollection of saying to Det-Garda Cox "You have admissions on tape, you have signed admissions, what more do you want?" He thinks it highly unlikely that he could have said anything like that, particularly bearing in mind that at that stage he would have had only limited information having just arrived at the station.

Chief Supt Richard Kelly¹⁰⁵ has no recollection of Dominic Cox at the 8.45 session saying that Dean Lyons was a Walter Mitty type and that he seemed to be "picking up a lot from us" but he is not saying that Dominic Cox didn't say it. While stressing that he had no recollection of that being said he comments that he could very well have said it and that he certainly would never say that Dominic Cox didn't say it.

Det-Supt Gordon does not recollect any meeting or get together at 8.45 but he agrees there was a meeting post midnight. While not recalling any meeting or get together he says that he himself would of course have spoken to Det-Sergeant McNulty. As regards the post midnight conference he states that he has no memory of Det-Garda Cox expressing unhappiness. However, when cross examined by Mr Michael O'Higgins SC, he conceded that it was possible that Det-Garda Cox had made comments about Dean Lyons being a Walter Mitty or about him "learning as much from us as we are from him" and that while those things were said they did not make an impact.

Some degree of support for those who contend that no doubts were expressed may be found in the fact that the minutes of a conference held on 28 July record Chief Supt Kelly, Supt Joyce, Det-Supts Gordon and Gallagher all complimenting the team on the outcome of the investigation.

¹⁰⁵ Retired with the rank of Assistant Commissioner.

Insofar as this conflict exists, it is my view that the weight of the evidence clearly leads to the conclusion that reservations were indeed expressed by Det-Garda Dominic Cox. A number of uniformed members, including one who was then an inspector, as well as detective colleagues, state that they were aware of his reservations either on the night or shortly thereafter. The knowledge extended outside the Bridewell to an NBCI detective. I am also struck by the fact that some of those who state that they were aware of his views were people who freely admitted that at the time they had no such doubts, and even some who to this day cling to a belief that Dean Lyons was somehow involved. The fact that his interviewing partner Det-Sergeant McNulty is prepared to accept that Det-Garda Cox expressed reservations, and he is very clear about this, is in my view significant. In saying that he had doubts Det-Garda Cox was at least implicitly, and perhaps unconsciously, raising issues about the conduct of the interview. I attach considerable significance to the fact that confirmation has emerged from outside An Garda Síochána, via Dr Louise McKenna of the Forensic Science Laboratory, that he was expressing doubts and worries and concerns before the emergence of the second suspect.

In evidence Det-Garda Cox has commented that his doubts were based, not so much on any detailed analysis of anything Dean Lyons had said, but really on what he describes as 'gut instinct'. He was the junior member of the interviewing team and would have been amongst the most junior of the team that had gathered in the detective unit office at 8.45 p.m. and 12.15 a.m. He was experiencing a gut feeling of unease, a feeling that was not shared by his more senior interviewing partner. It cannot have been easy for him to raise doubts at that stage, and that he sought to articulate them is hugely to his credit and is deserving of high commendation.

The failure to engage seriously with the anxieties being expressed was highly unfortunate and has had most serious consequences. In mitigation, it would seem that Det-Garda Cox was couching his worries in terms of the importance of obtaining corroboration and it was the general desire of every member involved in the investigation that corroboration should be obtained if possible. Indeed, across the investigation team there was a recognition that a case dependent only on an uncorroborated confession was one that rested on a very uncertain foundation. On the other hand, the reference to Walter Mitty was sufficiently unusual that it should have provoked further enquiry at least.

Had the significance of what Det-Garda Cox was saying been taken on board it must have prompted the investigation team to ponder how it was that Dean

Lyons could get so many things wrong for most of the day, only to get so many things right in the final session, while still getting matters of fundamental importance, such as the order of the killings, wrong. Any critical analysis of the admissions as a whole would have been likely to come to focus on the order of the killings, and if his error in that regard had been identified would have involved a re examination of the reliability of the evidence available. If he was wrong about something as fundamental as the order of the killings, how could he get other points of detail right?

16. Attempts to Prepare Case Against Second Suspect

The fact that the charge against Dean Lyons had been dropped meant that the Gardai were once more dealing with an unsolved double murder. However, they did now have a definite suspect. On 1 July 1998 an investigation file relating to the alternative suspect was submitted to the DPP by Asst Commissioner McHugh, together with a recommendation that he be charged with both murders.

Within the office of the DPP there was a clear recognition that mounting a prosecution would involve considerable difficulties. Asst Commissioner McHugh and his team were confident of their case and pressed for charges. The DPP sought advice from senior and junior counsel. Their advices were pessimistic and they reluctantly concluded that the difficulties were such that they could not be overcome. The shadow hanging over any possible prosecution was that Dean Lyons had already confessed to the murders and his confessions had been seen as sufficiently credible that he had been actually charged with murder. As a minimum it was felt that it would be necessary for Dean Lyons to give evidence, confirming that he had no involvement whatever in the murder, his admissions notwithstanding.

Dean Lyons was now living in England. With a view to securing his co-operation a member of the McHugh team travelled to England on two occasions to meet with him. Arising from these visits Dean Lyons agreed that he would indeed co-operate with a murder prosecution and would agree to give evidence.

The DPP (Mr. Eamonn Barnes) weighed carefully the possibility of a prosecution. He concluded finally that notwithstanding the difficulties a prosecution was possible and desirable. On 1 September 1998 he directed that the alternative suspect be charged with the murders of Sylvia Sheils and Mary Callinan. In so directing he instructed that a book of evidence be prepared and that the actual charging should await the completion of the book so that it could be served on the day of charging.

On 27 September 1999 the Gardai raised with the DPP the possibility of invoking the newly enacted section 42 of the Criminal Justice Act 1999. Until the enactment of this provision prison was in effect a place of sanctuary for those suspected of other crimes, in that by virtue of being in prison they were rendered immune from arrest and interrogation. The new section provided that an

application could be made to a judge of the District Court for an order authorising the arrest of a prisoner and the taking of that person from prison to a garda station for interview.

This proposal gave rise to an amount of discussion within the office of the DPP. In particular, the question was raised as to whether the section could properly or validly be invoked given that a charge had already been directed. In these circumstances the newly appointed DPP (Mr James Hamilton) decided to revoke the direction to charge of his predecessor and did so on 28 October 1999. It is clear from the terms of the revocation that this was being done to facilitate the invocation of section 42 and to permit further enquiries and that it was envisaged that when those enquiries were completed he would decide whether to proceed with a charge as had been intended by his predecessor.

Sadly, on 12 September 2000 Dean Lyons died in Britain having been released from Strangeways Prison the previous day where he had been serving a short sentence. Apart from being a tragedy for his family this constituted a very severe setback for the prospects of a prosecution.

On 30 November 2000 a conference was convened in the offices of the DPP, which was attended by the DPP himself, senior officials of his office, senior and junior counsel as well as Asst Commissioner McHugh and Det-Supt Donnellan. At this meeting the representatives of An Garda Síochána argued in favour of proceeding with the prosecution. However, they were a lone voice and the weight of opinion was that the death of Dean Lyons rendered a prosecution impossible. Accordingly, the DPP directed that on the then state of the evidence there should be no prosecution. It is clear that the distinguishing factor which led to the reversal of the decision of his predecessor was the death of Dean Lyons.

That there has never been a trial means that the public has been denied the opportunity to see two heinous murders prosecuted to a conclusion. This must have weighed particularly heavily on the families and friends of the two murdered ladies who were denied the comfort and degree of closure that a trial can bring. In so far as matters went wrong, or were permitted to go wrong, during what might be called the Dean Lyons phase of the investigation, the primary persons wronged were obviously Dean Lyons and his family. However, in a very real sense the friends and families, and in particular immediate families of the deceased ladies, have also been wronged. In the circumstances, the public has to date been denied the opportunity to see heinous crimes prosecuted to a conclusion, whether that be conviction or acquittal.

17. The terms of reference specifically addressed

Term of reference No. 1

The circumstances surrounding the making of a confession by Dean Lyons (deceased) about the deaths of Ms Mary Callinan and Ms Sylvia Sheils in March 1997 in Grangeorman Dublin 7.

Why did Dean Lyons confess?

Dean Lyons was an exceptionally vulnerable interviewee. He was mildly mentally handicapped and was a heroin abuser with an established record of attention seeking and telling false stories. He himself explained that the reason he admitted to the murders was that he was desperate to obtain drugs and in his confused state believed that a confession would expedite his release from custody and so permit him access to drugs.

I am aware that Dr Grounds and Dr Gudjonsson, the experts who addressed the reliability of his confessions on behalf of both the prosecution and the defence, regard his status as a drug abuser as being of central significance. With obvious hesitancy, I do not completely agree. While I accept that someone experiencing the effects of heroin addiction may not be thinking rationally I find it very hard to believe that anyone could think that they would expedite their liberty by confessing to a double murder.

It also seems to me that the suggestion that the admissions arose out of a craving for drugs does not fit the chronology of events on 26/27 July 1997. The earliest admissions were made at lunch time on Saturday 26 July at a time when Dean Lyons was not in custody. The result of the admission was that the liberty that he enjoyed until then was taken from him. In the first interview, which was video taped, there is no obvious sign of discomfort on Dean Lyons' part. On the contrary, he gives every impression of being relaxed and at ease.

The most elaborate and extensive admissions were made during the session after Dean Lyons had taken the Methadone prescribed for him. It is true that the dose was a conservative one, and from his point of view may have been a disappointing substitute for heroin. It is nonetheless the case that the most elaborate admissions came shortly after taking medication designed to alleviate any symptoms of withdrawal.

It also seems to me that the fact that he continued to persist in his admissions for approximately one month after his release does not sit easily with the suggestion that the admissions during detention were the result of a craving for drugs. On the other hand, I do accept that his status as a drug abuser was highly relevant to his confused and erratic mental process. It seems to me likely that the explanation for his admission is his attention seeking and that in his confused state he may actually have come to believe that he had an involvement in the crime.

Two close associates of Dean Lyons who have given evidence to the Commission, Hugh O'Brien, the fellow prisoner to whom he made admissions, and Tara Boyle, a female companion who visited him while he was in Arbour Hill Prison, have in slightly different terms expressed the belief to the Commission that he was finding life difficult on the outside and may have sought to be put into prison as a means of escape

How did Dean Lyons acquire the details of the murders?

The question then arises as to how he came to provide the detail contained in the admissions. It is absolutely clear that he was not subjected to ill treatment or abuse by the Gardai while being interviewed, first voluntarily and later while in custody. He was treated in accordance with the custody regulations; for example, his request that his mother be contacted was facilitated and he subsequently received separate visits from each of his parents. He asked to see a doctor, a doctor was called and examined him and prescribed medication which was given to him in accordance with the doctor's directions.

The one interview that was video taped shows Dean Lyons to have been adept at gleaning information from the manner in which questions were formulated. The written record of the second interview shows Dean Lyons being specifically and directly corrected on a fundamental issue, namely the location of the stabbing and accepting and acting on the correction offered him. I have concluded as a matter of probability that the same thing happened in the pre-midnight interview and that the detail contained in the statement was provided to him as a result of a large number of very specific leading questions being asked.

Having regard to the finding that Det-Garda Cox expressed doubt about Dean Lyons' involvement, or at least the reliability of his confession, I am satisfied that the communication to him of this detailed information in this manner was inadvertent.

When giving evidence, both Det-Garda Cox and Det-Sergeant McNulty were at pains to stress that there was no deliberate wrongdoing. I, for my part, accept this. If the situation were otherwise it would be inconceivable that Det-Garda Dominic Cox would have expressed any reservation.

It is also interesting to note that, in his conversations with Dr Louise McKenna on 28 July 1997 and 30 July 1997, while describing Dean Lyons as a Walter Mitty character, Det-Garda Cox was attaching significance to the fact that Dean Lyons had detailed knowledge about aspects of the murder. It seems to me all but inconceivable that, had the transfer of the information been conscious and deliberate, he would have been expressing reservations, while at the same time evaluating the significance of particular pieces of information that he believed Dean Lyons to possess.

Garda records incomplete

For the reasons set out in the body of the report I am satisfied that the written records kept of the two interviews that were not video recorded are not at all comprehensive. The gardai conducting these interviews have accepted that questions which would have served to provide specific and detailed information could have been asked. I am satisfied that as a matter of overwhelming probability such questions were indeed asked and that they provided the detailed information contained in the later admissions.

While there may have been no intentional wrongdoing, the failure to create a comprehensive record, and in particular the failure to keep a record of certain topics that were discussed and to record the fact that questions were asked and answered during the pre midnight session, is highly regrettable. The fact that the record is not complete was potentially misleading as to the true nature of the interviews and carried the risk of a miscarriage of justice.

Would a case against Dean Lyons have succeeded?

Time and again as the investigation proceeded I asked myself what would have happened had an alternative suspect not emerged, and the case against Dean Lyons had proceeded. It is difficult to be certain but for my own part I am absolutely convinced that the prosecution would have been doomed to fail. The defence legal team would have hammered home the stark contrast between the vagueness and inaccuracies of the taped interview and the remarkable detail of the later interviews, as well as the contrast between the ability to describe the white clips on the blade of a carving knife and the inability to get the murders in the right order.

The circumstances in which the tape was turned off would also have received close attention. In particular, if the evidence of Dr Gudjonsson had been available to the court, I think it likely that the trial judge would have excluded the admission evidence and in consequence withdrawn the case from the jury. Even if the judge permitted the evidence to be considered by a jury I cannot see that a jury would have had any real difficulty in acquitting.

Term of reference No. 2

The adequacy of the Garda assessment of the reliability of M. Lyons' confession, both before and after he was charged with murder.

I have set out at considerable length in this report the nature of the response of the Gardai to the admissions both before and after charge. The report details the role not only of the original investigation team based in the Bridewell but also that of Asst Commissioner McHugh and his team after their appointment by the Garda Commissioner.

Assessments of the evidence before charging

So far as the period before charging is concerned, it is important to always bear in mind that the Gardai were operating under a very strict time table, which imposed its own constraints on the extent of investigation that was possible. Allowing for that, so far as this period is concerned, it is my view that while the Gardai made diligent and energetic efforts to authenticate the statement, they did so from a vantage point of accepting the admissions at face value. I have no sense that anyone in a position of authority within the investigation stood back from the admissions and subjected them to any critical analysis.

Efforts were made to locate the prostitute Dean Lyons had mentioned, to recover the bloodied gloves and to search the derelict building where he indicated a quantity of clothes had been burned. None of these efforts had borne fruit before a decision was made to contact the DPP. There was, therefore, at that stage no corroboration.

The argument can undoubtedly be made that the distinction I am drawing between analysing or assessing on the one hand, and seeking to authenticate on the other, is an unduly fine one. I accept that seeking corroboration is inherently valuable. There is no better way to establish the reliability of a confession than to corroborate it independently. However, the need to probe, to test and to assess

the admissions remains, particularly in the absence of independent corroboration and more particularly when ongoing efforts to corroborate or authenticate are not yielding results.

One is forced to conclude that the Gardaí were lulled into a false sense of security by the circumstances of the admissions. They had admissions on tape. The tape appeared to put beyond doubt the fact that the admissions were not coerced in any way but were free and voluntary. The fact that Dean Lyons, during the course of his detention, had admitted his involvement in the murders to each of his parents was regarded as hugely significant. Det-Sergeant McNulty has commented that he regarded the admissions and Dean Lyons' insistence on guilt to his father as the most significant moment of the entire day of 26 July.

It is understandable why this would be so. One can conceive that a suspect might be coerced or induced in one way or another into making a statement in an interview room but it must have seemed very unlikely that anyone would make an admission to a parent if they had not been involved in the crime.

Another factor that may also have influenced at least some of the management team was that in many respects Dean Lyons appeared to fit the profile created by the profilers. Supt Joyce has indicated that he certainly found the fit significant.

In summary, the Gardaí were persuaded by the circumstances of the admissions to take them at face value and to concentrate on substantiating them rather than addressing the question of their inherent reliability.

Attempts to corroborate statement after charging

Again a distinction has to be drawn between efforts to corroborate or authenticate the admission and any assessment or analysis. It has to be said that there were diligent and determined efforts made to corroborate or support the statement. As stated in some detail in the body of the report, the various statements were dissected, every claim or assertion made was extracted and efforts were made to confirm their accuracy.

Some measure of the intensity of the effort may be gleaned from the fact that between 26 July 1997, when Dean Lyons was taken into custody, and 15 August 1997, the day before the alternative suspect emerged, some 160 job sheets issued from the incident room. Many of these were extremely demanding and time consuming, for example, tracing the owners and drivers of all blue Nissan Sunny

and black Mercedes taxis and all prostitutes named, or using the name Tara¹⁰⁶. A particularly intensive effort was put into tracing all known friends, acquaintances and associates of Dean Lyons, but without success.

This effort to substantiate or corroborate the statement was proper and necessary. However, it seems to have proceeded to the exclusion of any considered analysis of where the statements stood in the light of what could and could not be confirmed. I have focused on the period up to 15 August 1997, being the date prior to the emergence of the alternative suspect, but it must be acknowledged that the efforts to substantiate the admissions had not ceased as of that date but were ongoing and indeed enquiries continued even after the emergence of an alternative suspect.

What seems to have been lacking is any assessment of the significance of the factors that could not be confirmed, or which were emerging as inaccurate. On 29 July 1997 the young woman referred to by Dean Lyons as his girlfriend and the expectant mother of his child vehemently denied ever having a relationship with him. If her denials were credible, and nobody seems to have doubted them, they should have raised doubts about the reliability of Dean Lyons. If he could invent a pregnant girlfriend what else might he have invented? In the hours and days after charging confirmation came of what had already been suspected before charging: no bloodied gloves had been entrusted to his friend in the Haven Hostel and there were no traces of clothing having been burnt in the derelict building.

Enormous efforts were made to locate Tara Burke, the prostitute named by Dean Lyons as having met him in Benburb Street. With the passage of time and the complete failure to locate any such prostitute the possibility that she was a figment of his imagination had to be considered. If he was telling lies about Tara Burke what else might he be telling lies about?

On 7 August 1997 the Gardaí discovered that there was a Tara Burke living in Tallaght who had been a school friend and neighbour but was certainly not operating as a prostitute in Benburb Street. What implication did this have for Dean Lyons' credibility?

On 13 August 1997 Dudley Fox came forward to say that Dean Lyons was claiming to have been involved in a fight with the two murder victims while the

¹⁰⁶ Not the actual first name that was the focus of enquiries.

third woman was screaming and that he had suffered injuries, a version of events completely at odds with the real facts of the murder.

Before Dean Lyons was charged there was widespread agreement on the desirability and importance of obtaining independent corroboration. When that was not emerging there does not appear to have been a re-examination of the admissions or their strength or vulnerability if they remained entirely uncorroborated. Instead, as in the period before charging, the Gardaí seemed to have been overwhelmed by the circumstances of the admissions.

It also seems that the Gardaí drew a degree of comfort from matters that were not corroborated. So, when they found that Dean Lyons did not have a pregnant girlfriend as he claimed, this was seen to bring him closer to the profile of the possible suspect who was likely to be socially isolated and sexually inexperienced. Comfort was also drawn from the fact that, while the gloves were not found in the hostel, some clothes had actually been deposited there. The response to what Dudley Fox had to say was that this was a further example of a Dean Lyons admission.

In fairness to the Gardaí, and in particular to those leading the investigation, it may be said that ordinarily there is an initial assessment at the time of charging and the next considered evaluation takes place when the file is being submitted to the DPP, and this point had not been reached before the emergence of the second suspect. While in general this may be so, this was a case of an uncorroborated confession, major elements of which, rather than being corroborated as time went on, were collapsing. It has to be accepted that if any indications of unease or doubt about the strength of the case had been expressed, as I believe there had, this greatly reinforced the obligation to undertake a continuous assessment.

It is noteworthy that, even when no corroboration emerged, and even after an alternative suspect emerged, the leadership of the investigation based in the North Central Division continued to believe that Dean Lyons was the culprit as is evidenced by the file submitted to the Chief State Solicitor on 10 October 1997 and the file submitted to the Assistant Commissioner for Crime and Security on 27 August 1997. The fact that, even after the emergence of the second suspect, the original investigation team were recommending to the DPP that charges should proceed against Dean Lyons is suggestive of a fixed view having been formed and minds that were not open to the significance of what was emerging.

Term of reference No. 3

The adequacy of information provided by the Garda Síochána on the morning of 27 July 1997 to the Director of Public Prosecutions and in particular whether any additional information should have been provided at that time.

This is the aspect of the terms of reference where there is least information. It will be recalled that contact was made with Mr Niall Lombard, a senior official of the office of the DPP, by phone to his home on the morning of Sunday 27 July 1997, some time between 8.55 a.m. at the earliest and 9.20 a.m. at the latest. It does not appear that any contemporaneous records of the call were made and certainly none have survived. One is forced to rely on the memories of those engaged in the call at a time remove of almost nine years.

Mr Lombard, both in writing and on the occasion of his appearance before the Commission, has warned against placing undue reliance on his memory of the call. The limitations of memory in this regard are highlighted, if highlighting were needed, by the fact that the then DPP, Mr Eamonn Barnes, had no memory whatever of being consulted on the morning of 27 July 1997.

With these qualifications, it does appear that the conversation was a reasonably substantial one with Det-Supt Gordon outlining the background of the case and the state of the evidence. At this stage, it is very hard to be certain just what was said, in particular about the need to have corroboration and the stage the search for corroboration had reached. However, having heard from both Mr Lombard and Det-Supt Gordon I am satisfied that a reasonably full and balanced presentation was put before the DPP and in particular that his attention was drawn to the fact that areas in the admission had not been corroborated in spite of efforts to do so.

I think it is significant that Mr Lombard has made the point that he did not feel that he was being pressurised by the Gardaí pressing or pushing unduly for a charge. I have referred to Mr Lombard's well and deserved reputation for high standards and independence of judgement. If there was any question of An Garda Síochána seeking to slip something past the office of the DPP and, as it were, securing a soft charge, then Mr Lombard was probably the last person they

would have rung. It will be recalled that the Gardai were in a position to choose which official they were going to approach¹⁰⁷.

I also note that Det-Chief Supt Camon was present in the room with Det-Supt Gordon when he placed his phone call. While he would have heard only one side of the conversation he would have been in a position to notice, and if necessary intervene, if it had departed from what was expected. This is a further indication that the briefing followed normal lines and did not contain any startling inclusions or omissions. There is no evidence to support the alternative possibility that the two officers agreed together to deceive the DPP. There would have been very little incentive for the Gardai to engage in such an exercise. The short term gratification of a charging in a very high profile case would very quickly give way to the long-term damage of the ignominious collapse of a prosecution.

I should say that in my opinion it was entirely understandable that the Gardai would have wished to consult with the DPP. The case was obviously of the utmost gravity, a suspect had made elaborate and repeated admissions. The report from the profiler had warned that the culprit was dangerous and was likely to re-offend, a view that probably accorded with their own instincts as policemen. Also relevant was the fact that Mr Lyons in his admissions had said that he had made preparations to go away and had made two attempts to commit suicide.

Decision to recommend a charge unfortunate

With the benefit of hindsight there is a wide consensus that the decision to recommend a charge on 27 July 1997 was highly unfortunate and that it would have been preferable if the decision had awaited the submission of a full report to the DPP.

Certainly, from where we now stand, there is no doubt that it would have been far better if no charges had been laid. Dean Lyons' family would have been spared the anguish and distress they have experienced and the clouds of uncertainty which enveloped the investigation and attempted prosecution of another suspect would never have gathered.

¹⁰⁷ This is no longer the situation. The practice now is that a particular officer who is on duty outside office hours carries a dedicated mobile phone, the number of which is made available to An Garda Síochána.

For my part, I believe hindsight has played a major role in the emergence of that consensus. On the morning of 27 July 1997 the leadership of the investigation were satisfied that they had the right man. Being of that view it is understandable that they wished to see their suspect charged. From their perspective questions such as the risk of flight (probably the area of least concern given the very limited resources available to Dean Lyons), the risk of suicide and, most important, the risk of re-offending must have weighed very heavily indeed.

Should the DPP have been informed about doubts?

The question arises whether there were other matters that should have been brought to the attention of the DPP. One such matter was that members of the investigation team, and in particular one of the key interviewers had doubts about the reliability of the admissions.

It is appropriate to consider the context in which the Gardai were approaching the DPP. Historically and certainly prior to the establishment of the office of the DPP in 1974 a decision whether or not to charge a suspect was taken by An Garda Síochána. The new DPP quickly determined that decisions in relation to homicides and sexual assaults should be taken by his office rather than by the Gardai. Gradually the category of offences to which this regime applied expanded.

The general rule was that if the Gardai were seeking to charge a suspect and required the authorisation of the DPP in order to charge, then they were obliged to prepare a file and submit it to the DPP's office for consideration. The DPP's office was not disposed to consider informal and in particular telephone requests for charging. However, while the policy of the DPP's office to require the submission of a file and to discourage requests to authorise charging by phone was a clear one it was recognised this could not be an absolute rule and specific circumstances might demand a departure from the norm. I am told by the former DPP that before consideration would be given to departing from the necessity for the file to be submitted it was necessary that two elements be present. Firstly the state of the evidence must have been such as to appear to make a subsequent charging inevitable and secondly there would have to be some additional factors present which in the public interest necessitated an immediate decision.

Mr. Barnes is clear that if he had been informed of the existence of reservations then the first and most basic test would not have been met as a subsequent charging in these circumstances would not have been inevitable and so there could be no authorisation to charge in advance of a full and detailed

consideration of a file. Had the attention of the DPP's office been drawn to the existence of reservations on the 27th of July 1997 I am told and I accept that there would have been no charges.

I have considered carefully whether the existence of these doubts should have been brought to the attention of the DPP. I do not find the answer as obvious as might first appear. Generally speaking, the DPP's interest will be in the facts uncovered during the investigation rather than the opinion of the investigators, whether collectively or individually. I accept that normally the DPP will have little interest in being told that large numbers of gardaí have no doubt about the guilt of a suspect or indeed that an individual garda has doubts but is in the minority. However, while that may be generally true it is subject to qualification. There will be occasions where the DPP will be assisted by having the views of the investigator and one such case is where the reliability of a suspect or a witness is in issue.

Moreover, the doubts that existed in this case have to be seen in context. This was a case where a prosecution was being considered based solely on uncorroborated admissions. The most significant of these admissions were not video taped. The information recorded as emerging from Mr Lyons had undergone a transformation during the course of 26 July 1997. In those circumstances, any doubts expressed by one of the interviewers, even if based only, as he said, on gut instinct, were potentially highly significant and, if known, would very likely have triggered further enquiries. As a minimum, the officer in the DPP's office may well have wanted to read the various admissions in their entirety. Had he been able to do so the way in which the recorded details progressed as the day went on would have been obvious to him.

While members of An Garda Síochána have very reasonably made the point that, where a number of interviews are conducted during the course of a detention it is not unusual to find progression from generalities to specifics, or from minimal admission to full acknowledgement of full participation, it is likely that Mr Lombard would have considered how such a progression would have appeared in court and might be made to appear by a defence legal team. I am satisfied that Det-Garda Cox's doubts should have been brought to Mr Lombard's attention.

It is also my view that Mr Lombard's task would have been eased had he been furnished with copies of the statements. There would have been no major difficulty in arranging for copies of the statement to be delivered to his home, say an hour before the Gardaí intended to seek his direction. Had that happened it is

possible, though obviously far from certain, that matters would have progressed very differently.

One has to conclude that had the office of the DPP been made aware of the fact that there were differences of opinion within the investigation team, then Dean Lyons would not have been charged on 27 July 1997, with all the consequences that arose from that and this Commission of Investigation would never have been established.

18. Ruling in relation to legal costs

The Commissions of Investigation Act 2004 makes provision in certain circumstances for the payment of legal costs necessarily incurred by witnesses in connection with an investigation to be paid by the State.

Pursuant to s.24 of the Commissions of Investigation Act 2004 I have received requests from Robert Dore & Co. Solicitors on behalf of the Lyons family, from Sean Costello & Co. Solicitors on behalf of Det-Sergeant Robert McNulty, Det-Sergeant Alan Bailey, Sergeant David Lynch, Retired Sergeant Matt Mulhall and Retired Inspector Michael Burke and from Martin Moran & Co. Solicitors on behalf of Det-Garda Adrian Murray, Det-Garda William Mullis, Det-Garda Dominic Cox and Garda Joseph O'Connor that I should issue a direction to the Minister for Justice, Equality and Law Reform in relation to the payment of legal costs incurred by those persons.

Having considered carefully the matters set out in s.24 of the act and being satisfied that it is appropriate to do so I have in each case issued such a direction. The directions in aggregate amount to the sum of 76,058.84 plus VAT.

Appendix A

GARDA SIOCHANA
Information for persons in custody

Reason for arrest

You will have been informed of the offence or offences for which you have been arrested.

Notification to other persons

If you are seventeen or over, you may on request have a person named by you notified that you are in Custody.

If you are under seventeen, your Parent or guardian (or, if you are married, your spouse) will be notified and asked to attend at the station without delay.

If the person nominated cannot be contacted, you may nominate another person.

Legal advice

You may communicate privately with a solicitor either in writing or by telephone or consult with the solicitor in the station.

Visits, telephone calls, etc.

You may, if you wish, (a) receive a visit from a relative, friend or other person with an interest in your welfare and (b) make a telephone call or send a letter, provided that the member in charge is satisfied that it will not hinder or delay the investigation of crime and that it is practicable for the visit or telephone call to be adequately supervised.

Searches

If you are to be searched, the reason for this search will be explained to you.

Fingerprints, palmprints, photographs and tests

If you have been arrested under section 30 of the Offences Against the State Act 1939 or detained under section 4 of the Criminal Justice Act 1984, a member of the Garda Síochána, when authorised by an officer not below the rank of superintendent, may take your fingerprints, palmprints or photograph. A member may also make tests to see if you have been in contact with a firearm or explosive substance and for that purpose may take swabs from your skin or samples of your hair.

In any other case, a member may take your fingerprints, etc. or make such tests with your written consent.

Meals

There is no charge for meals supplied unless you wish to have a meal of your own choice. This will be supplied, if practicable, at your own expense.

Member In charge

The member in charge of the station is responsible for overseeing the application of the statutory regulations for the treatment of persons in custody and for that purpose will visit you from time to time. Any matters relating to your treatment should be brought to the attention of the member in charge.

Identification parades

If you take part in an identification parade

- (a) you will be placed among a number of other persons who are, as far as practicable, of similar height, age, general appearance, dress and position in life;
- (b) you may have a solicitor or friend present at the parade;
- (c) you may take up any position you wish in the parade and, after a witness has left, change your position in the parade, if you wish, before the next witness is called;
- (d) you may object to the member conducting the parade regarding any of the persons, on the parade or the arrangements for it.

Bail

You may be released on bail if the member in charge considers it prudent to do so and no warrant directing your detention is in force. If you are not given bail, you may apply for it when you come before the District justice.

Legal aid

This is dealt with on application to the Court and may be granted in certain circumstances.

Appendix B

③		occurrence	initials
		on the authority of Sgt James O Joyce for the proper conduct of the officer for which he was awarded a monthly Meritorious Distinguished Dpt W' Multi present for same.	
26/7	8:12pm	OK in Interview Room	J.M.C.C.
26/7	8:40	OK in Interview Room	
26/7	8:45pm	Prisoner taken from interview room and given medicine presented by Dr. Nelson - offered food, vacated - returned to cell L.C.	
26/7	9:00pm	Prisoner checked in cell, sitting down, ok.	C.A.
26/7	9:12pm	Prisoner given a meal. All OK	J.M.C.C.
26/7	9:40pm	Visited Prisoner in cell - OK	J.M.C.C.
26/7	10pm	Prisoner taken from cell & see his father - visit supervised by D/S. Reside in cell in interview room L.C.	
26/7/92	10:01pm	Inspector Michael Burke into interview room	J.M.C.C.
26/7/92	10:10pm	Visited by father conducted, Detective/Constable Nicholas Cox, 730, into interview room, Inspector Michael Burke, out of interview, Detective/Sergeant Robert M. H. 664, 190, remains in interview room	J.M.C.C.
26/7/92	10:40pm	All O.K. in interview room	J.M.C.C.
11	11:10pm	All O.K. in interview room	J.M.C.C.

④		Date	of action/occurrence	Details of action/occurrence	Signature/Initials
26/7/92	11:30pm			Permission given by Superintendent James O. Joyce, Bracknell station, 6 Sergeant John M. 130, 6 Fingerprint, Police point and Photographic Prisoner, in accordance with the prison command on him under Section 6, Criminal Justice Act, 1984, as cause same to be done.	J.M.C.C.
26/7/92	11:40pm			All O.K. in interview room	J.M.C.C.
27/7/92	12:05pm			Interview concluded - Prisoner taken back interview room and photographed by Sergeant Matthew MULLHALL, SD.	J.M.C.C.
27/7/92	12:10pm			Prisoner agrees to have his questioning suspended until 9am on 28/7/92, in accordance with Section 6, Criminal Justice Act, 1984.	J.M.C.C.
27/7/92	12:15pm			Prisoner placed in cell back and facilitated with blanket and mattress	J.M.C.C.
27/7/92	12:45pm			34mg Abate in cell	J.M.C.C.
11	1:15pm			34mg Abate in cell	J.M.C.C.
11	1:45pm			34mg Abate in cell	J.M.C.C.
"	2pm			Abate in cell	J.M.C.C.
27/7/92	2:30pm			Abate on desk	J.M.C.C.
"	3:00pm			Abate on desk in cell	J.M.C.C.

①

DATE	TIME OF OCCURRENCE	DESCRIPTION OF OCCURRENCE	INITIALS
21/7/97	3:30 AM	Asleep in cell	J.M.C.C.
"	4 AM	Asleep in cell	J.M.C.C.
21/7/97	4:30 AM	Asleep in cell	J.M.C.C.
"	5:00 AM	Asleep on bunk in cell	J.M.C.C.
"	5:30 AM	Asleep in cell	J.M.C.C.
21/7/97	6:15	Spoke to Prisoner in cell	J.M.C.C.
21/7/97	6:30 AM	Asleep in cell	J.M.C.C.
"	7:00 AM	Asleep in cell	J.M.C.C.
"	7:30 AM	Asleep in cell	J.M.C.C.
"	7:40 AM	Prisoner awake and asked for something to eat	J.M.C.C.
21/7/97	7:45 AM	Prisoner brought to reception area to speak to D/Gda Cox and D/Sgt M. Nulty. Mr Lyons states that he wishes to point out certain locations. Mr Lyons also informed that he can contact a solicitor at any time during his detention. Mr Lyons indicates that he does not wish to contact a solicitor.	J.M.C.C.
22/7/97	8:10 AM	Prisoner returns to Prison Section with D/Gda Cox and D/Sgt M. Nulty. Prisoner placed in cell.	J.M.C.C.
22/7/97	8:45	Brought to interview room with D/Gda Bailey and Lynch.	J.M.C.C.
22/7/97	9:15	Prisoner checked in interview room. D/Gda Bailey and Lynch.	J.M.C.C.

②

Continuation Sheet, C84

DATE	TIME OF ACTION/OCCURRENCE	DETAILS OF ACTION/OCCURRENCE	MEMBER'S SIGNATURE/INITIALS
22/7/97		Leave interview room.	
		D/Sgt M. Nulty and D/Sgt G. Connor enter interview room.	
22/7/97	9:21	D/Sgt M. Nulty leaves interview room.	
	9:35	Interview terminated and Dean Lyons released from the premises of Sec 4 CJPT 1984. Prisoner made no complaint.	
		Prisoner leaves.	

Appendix B1

GARDA SIOCHANA CUSTODY RECORD

Garda Station Bridewell District 'D' No

A. Details Concerning Person in Custody.

1. Name Dean Lyons
2. Address Salvation Army Hostel, Dublin. 7.
3. Home Circumstances Code. Alias
4. Date of Birth 20/4/73 5. Sex Male
6. Marital Status Single 7. Nationality Irish
8. Height 5'8". 9. Hair Colour Black. 10. Eye Colour Brown
11. Complexion sallow Facial Hair Moustache
13. Eye type
14. Any distinguishing Marks/Deformities/Amputations/Scars/Facial Oddities/Alerts (Personality and Possible Tendencies).

Plaster of Paris on right wrist.

Signature of Member T. O'MEARA Sgt.

B. DETAILS OF ARREST

15. Arrest – Time 1.45 pm Date 26/7/97.
16. Names of arresting member D/Gda. William Mullis.
17. Place of arrest Chancery St.
18. Arrival at Station – Time 1.46 pm. Date 26/7/97

19. Offence(s) or other matter in respect of which arrest was made
Murder at 1 Orchard View, Grangegorman on 6/7th March 1997.
20. Any relevant particulars relating to physical or mental condition
None.

Signature of Member T. O'MEARA Sgt.

DETENTION:

21. To be completed in respect of a person detained under Section 4 of the Criminal Justice Act 1984:

"I have reasonable grounds for believing that the detention of Dean Lyons is necessary for the proper investigation of the offence(s) in respect of which the said person has been arrested".

T. O'MEARA, SGT.

Signature of Member-in-Charge.

1.53 PM 26/7/97

Time & Date

C. INITIAL ACTION TAKEN

22. Information given to arrested person in accordance with Regulation 8(1)

Time 1.55 pm Sig. of Member T. O'MEARA Sgt.

23. Notice of rights

Time 1.55 pm Sig. of Member T. O'MEARA Sgt.

24. I acknowledge receipt of notice of rights.

DEAN LYONS

Signature of person in custody

Remarks:

C.72(S) information for persons in garda custody given to Lyons & Contents explained to him. T. O'Meara Sgt.
Informed he would be interviewed in accordance with C.J.A. 1984 (Electronic Recording of Interviews) Reg 1997.

PERSONS UNDER 17 OR MENTALLY HANDICAPPED PERSONS

25. Parent, guardian or spouse (as case may be) informed of arrest
Time . Signature of Member .

26. Where not possible to contact parent, etc., information given to arrested person in accordance with Regulation 9(1)(b).
Time . Signature of Member .

27. To be completed where notification of solicitor or other person requested by person in custody or, where arrested person under 17 or mentally handicapped, on person's behalf:

Time Request made	Name & Status of person to be notified	Time request complied with	Initials
	Does not want a solicitor DEAN LYONS T. O'Meara Sgt.		
2 p.m.	SHEILA LYONS (Mother) Tel. [Number deleted] (Allowed telephone her) T. O'Meara Sgt.	2 p.m.	TO'M Sgt.
28.	District Headquarters notified (Reg.10(2))	2 pm	TO'M
	Home District Headquarters notified (Reg.10(3))	2pm	TO'M

D. DETAILS OF ANY ACTION OR OCCURRENCE INVOLVING THE PERSON IN CUSTODY.

Instructions:

1. All other matters required by the Regulations on the treatment of persons in custody should be recorded in this section.
2. Entries need not be restricted to one line.
3. All entries should be signed or initialled and time by the member making them.
4. Where the authority of a member of a specified rank is required for any action the name and rank of the member given the authority is to be recorded.
5. Where the consent of the person in custody is required for any action, that consent should be acknowledged in writing by the person on this record or a separate document, as the case may be.

26/7/97.

2.00 pm	To Goal Section.	TO'M
2.05 pm	Prisoner searched and taken to interview room with D/O O'Connor/Mullis.	EC
2.10 pm	Prisoner from interview room to use bathroom / phone mother.	EC
2.14 pm	Returned to interview room with D/O O'Connor/Mullis	EC
2.45 pm	O.K. in interview room.	EC

3.15 pm	O.K. in interview room.	EC
3.30 pm	Taken from interview room / Phone call from mother Mrs. Lyons.	EC
3.35 pm	Returned to cell.	EC
4 pm	Sitting on bunk in cell. All in order.	DJ
4.30 pm	Requests a doctor. Sitting in cell all OK.	DJ
4.32 pm	Doctor Maloney contacted & is on the way.	DJ
5 p.m.	Sitting on bunk in cell.	DJ
5.20 pm	Visit from Mrs. Lyons (mother) of prisoner. Visit supervised by Garda Adrian Murray.	EC
5.35 pm	Mrs. Lyons left Prison Section.	EC
5.40 pm	Visit from Dr. Maloney – Prior to this at 5.37 pm the prisoner was shown photographs of known Prostitutes by Sergt. Matt Mulhall in interview room.	EC
5.45 pm	Prisoner to interview room with D/O Cox, D/Sergt. Robert McNulty.	EC
5.50 pm	Prisoner requests to his interview being terminated by video.	EC
6.20 pm	O.K. in interview room.	EC
6.50 pm	Prisoner checked in interview room, O.K.	CA

7.03 pm	D/O Cox leaves interview room to use bathroom.	CA
7.07 pm	D/O Cox returns to interview room.	CA
7.20 pm	Prisoner checked in interview room, o.k.	CA
7.22 pm	D/O Cox leaves interview room.	CA
7.24 pm	D/O Cox returns to interview room.	CA
7.35 pm	Supt. Joyce directed that the prisoner detention under Sec. 4 C J A 1984 to be extended for a further period of six hours. Permission given to D Gda Mullis	GW Sgt.
7.40pm	I informed prisoner that his detention under the provisions Of Sec 4 Criminal Justice Act 1984 has been extended for a Further period of six hours on the authority of Supt. James Joyce for the proper investigation of the offence for which He was arrested namely Murder. D Gda Cox and D Sgt. McNulty present for same.	GW Sgt. LL
8.12 pm	O K in Interview Room	
8.40	OK in interview Room	
8.45 pm	Prisoner taken from interview room and given medicine Prescribed by Dr. Maloney – offered food & accepts – Returned to cell.	EC
9.00 pm	Prisoner checked in cell, sitting down, ok.	CA
9.12 pm	Prisoner given a meal. All OK.	LL D162
9.40 pm	Visited Prisoner in cell – OK.	EC

10 pm	Prisoner taken from cell to see his father – Visit supervised by D/S Robert McNulty in interview room	EC
10.01 pm	Inspector Michael Burke into interview room	JMcG
10.10 pm	Visit by father concluded. Detective/Garda Dominic Cox, 73D, into interview room, Inspector Michael Burke, out of interview , Detective/Sergeant Robert McNulty 18D remains in interview room	JMcG
10.40 pm	All O.K. in interview room	JMcG
11.10 pm	All O.K. in interview room	JMcG
11.30 pm	Permission given by Superintendent James P. Joyce, Bridewell Station, to Sergeant John McGill 13D to fingerprint, palmprint and photograph prisoner, In accordance with the powers conferred on him under Section 6, Criminal Justice Act ,1984, or cause same to be done.	JMcG
11.40 pm <u>27/7/97.</u>	All O.K. IN Juvenile room	JMcG
12.05 am	Interview concludes. – Prisoner taken from Interview Room and photographed by Sergeant Matthew Mulhall, 5D.	
12.10 am	Prisoner agrees to have his questioning suspended until 8 am on the 27/7/97, in accordance with Section 4, Criminal Justice Act, 1984.	JMcG
12.15 am	Prisoner placed in cell No. 6 and facilitated with blanket and mattress.	JMcG
12.45 am	Lying awake in cell	JMcG

1.15 am	Lying awake in cell	JMcG
1.45 am	Lying awake in cell	JMcG
2 am	Asleep in cell	PK
2.30	Asleep on bunk	MOR
3.00 am	Asleep on bunk in cell	MOR
3.30 am	Asleep in cell	JMcG
4 am	Asleep in cell	PK
4.30 am	Asleep in cell	JMcG
5.00 am	Asleep on bunk in cell	MOR
5.30 am	Asleep in cell	PK
6 am	Spoke to prisoner in cell	JMcG
6.30 am	Asleep in cell	MMcG
7.00 am	Asleep in cell	MMcG
7.30 am	Asleep in cell	TOM Sgt.
7.40 am	Prisoner awake and asked for something to eat	TOM Sgt.
7.45 am	Provided with breakfast	TOM Sgt.

8.10 am W.C Sgt	Prisoner brought to reception area to speak to D/Gda Cox and D/Sgt McNulty. Mr. Lyons states that he wishes to point out certain locations. Mr. Lyons also informed that he can contact a solicitor at any time during his detention. Mr. Lyons indicates that he does not wish to contact a solicitor.	WC Sgt.
	X DEAN LYONS.	WC Sgt.
8.34 am	Prisoner returns to Prison section with D/Gda Cox And D/Sgt McNulty. Prisoner placed in cell.	WC Sgt.
8.45 am	Brought to interview room with D/Gda Bailey and Lynch	WC Sgt.
9.15 am `	Prisoner checked in interview room. D.Gda Bailey and Lynch leave interview room. D/Sgt McNulty and Gda O'Connor enter interview room	WC Sgt.
9.21 am	D/Sgt McNulty leaves interview room	WC Sgt.
9.35 am	Interview terminated and Dean Lyons released from The provisions of Sec 4 CJA 1984. Prisoner made no complaint.	WC Sgt
	X DEAN LYONS.	WC Sgt.

Appendix C

MEMO OF INTERVIEW OF DEAN LYONS, B. 20/4/73, SALVATION ARMY HOSTEL, GRANGEGORMAN. PRESENT WERE D/GARDAI WILLIAM MULLIS 20254A AND JOSEPH O'CONNOR 24520H AT THE BRIDEWELL GARDA STATION ON THE 26TH JULY 1997 AT 14.27PM.

THIS INTERVIEW IS BEING RECORDED ON VIDEO TAPE AND IS BEING CONDUCTED AT AN INTERVIEW ROOM AT THE BRIDEWELL GARDA STATION. THE TIME IS 14.27.04 AND THE DATE IS THE 26/7/97. I AM GARDA JOE O'CONNOR 24520H OF THE BRIDEWELL GARDA STATION AND ALSO PRESENT IS D/GARDA BILLY MULLIS 20254A OF FITZGIBBON STREET GARDA STATION. CAUTION BY D/GARDA JOE O'CONNOR AS FOLLOWS "YOU ARE NOT OBLIGED TO SAY ANYTHING UNLESS YOU WISH TO DO SO BUT ANYTHING YOU DO SAY WILL BE TAKEN DOWN IN WRITING AND MAY BE GIVEN IN EVIDENCE". AS YOU ARE AWARE THE INTERVIEW IS BEING TAPED AND THE TAPE MAY BE USED IN EVIDENCE.

JOC: What is your full name.

DL: Dean Lyons.

JOC: What is your date of birth.

DL: 20/4/73.

JOC: And what is your address.

DL: Salvation Army Grangegorman Hostel.

JOC: What is your family address Dean.

DL: [ADDRESS DELETED]

JOC: Do you understand what you have been arrested for.

DL: I do.

JOC: Can you state here what you have been arrested for.

DL: Suspicion of murder at Grangegorman.

JOC: On what date.

DL: The 6th/7th March of this year.

JOC: Do you have anything to tell us about that.

DL: Basically all I remember is going into the house. I stumbled and I heard someone coming out, so I attacked with the woman and another woman came out and I attacked her. I am not too sure what I attacked her with.

JOC: I want to stop you there. How did you break into the house.

DL: I got in through a little window.

JOC: Where.

DL: Sort of at the side of the house and the corner window. I smashed and I got in through the window.

JOC: At the side of the house you said.

DL: Sort of round by the back I should say, sorry.

JOC: As you came in through the window, what happened?

DL: She heard me stumbling as I got down, I was rooting through a few things to see if there was any money around and then I was going upstairs and then I stumbled, that's when the woman approached and then I attacked, I panicked, I left the house. I noticed I left me card, the labour was gone so I went back into the house. I couldn't find it, so I left and met a friend, she asked me what happened. I explained to her what was after happening. We left and went to Inchicore. That's basically all I can remember about that night.

BM: Right, when you got into the house was there anything inside the window.

DL: In the window.

BM: Inside the window.

DL: On the window ledge.

BM: On the floor.

DL: On the floor, not that I can remember. I am not too sure.

BM: And you say you rooted round, what were you rooting for.

DL: As far as I remember it was a cupboard and I was going through the cupboard to see if there was any valuables or money in the cupboard.

BM: Where was this situated Dean.

DL: In the room near the window was.

BM: On the ground floor.

DL: On the ground floor.

BM: So did you find anything in there.

DL: That's where I found the miraculous medal.

BM: Was this on a chain.

DL: On a silver chain.

BM: So when you found this did you continue on from there.

DL: I continued and found nothing then I seen the woman and I attacked.

BM: Where, where.

DL: I left there, I couldn't find anything else.

BM: This is still down stairs.

DL: Yeah I was leaving the house when I noticed my card was gone so I came back in and then I was going upstairs.

BM: You got back in the same way.

DL: Yeah, In through the window and I went back up the stairs and thats when I approached the two women

and after that my mind went blank.

JOC: The first time you went into the house, you did not attack anyone.

DL: No.

JOC: And you did not go upstairs.

DL: No, I was just in one room and I was just leaving and then I went back in and noticed my card was gone.

JOC: Your labour card.

DL: Yes my labour card.

JOC: Did you find your labour card.

DL: No.

JOC: When you went back into the house the second time can you remember getting in the kitchen window. What was beside the window.

DL: I don't to be honest with you, I was very very high that night.

JOC: When you say high.

DL: I was high on heroin.

BM: You are a drug addict.

DL: Yes.

BM: So when you got in the second time these ladies were on the landing.

DL: Landing.

BM: You were making your way upstairs.

DL: Yes.

BM: Were you on the landing when you met these ladies.

DL: Yes I was.

BM: What conversation took place between you and the ladies.

DL: Well there wasn't much of a conversation. I told them to go into the room. I thought they were going grab so I had a knife which I took out of a drawer.

BM: Where did you get the knife.

DL: In a drawer in one of the rooms, I think it was in the kitchen I actually took the knife from.

BM: Would you know which drawer you took it from.

DL: I am not too sure to be honest with you.

BM: It was from a drawer.

DL: It was from a drawer in the kitchen.

BM: As you were making your way up.

DL: I stuck one of them. I can't remember.

BM: Which door were these ladies standing in. The first lady you attacked.

DL: Sorry, I wasn't taking any notice to be honest with you now.

BM: Was it a door on the landing.

DL: Yes and then I ran out I am nearly sure the second time I left the house. I ran out through the front door and went through Benburb Street.

JOC: No can we come back into the house.

DL: Sorry.

JOC: Where did you kill the women.

DL: On the landing way.

JOC: The landing. On the landing or in the bedroom.

DL: On the landing and then I sort of pulled the woman, women into the room. Into one of the bedrooms. I then I just sort of panicked.

BM : Did you kill the two ladies together.

DL: The second lady, to be quite straight with you, the second lady I can't remember, my mind went completely blank.

BM: This first lady was standing at the door of a room. You stabbed her and you dragged her back into the

room. Is that right.

DL: Yes.

BM: Did you put her on the bed.

DL: No.

BM: Right, where was she.

DL: I left her on the floor way.

BM: Standing on the floor.

DL: No lying on the floor.

BM: Did anything else take place when you stabbed her.

DL: Well I was in so much of a rush I can't recall what exactly happened.

BM: Well did something take place.

DL: What do you mean.

BM: Between yourself and the lady. Did you do anything else to this lady after stabbing her.

DL: I think I stuck the knife into her another time or three times. I am not too sure now.

BM: Into where.

DL: I am not too sure as I say.

BM: Do you know what part of the body. Can you remember.

DL: I can't remember which part now. My mind went sort of blankish and when I went out I met a friend of mine.

JOC: Yeah, but before that, were you wearing anything.

DL: Was I wearing anything like what clothes was I wearing.

JOC: Yes.

DL: As far as I can remember I wearing an old pair of black jeans and a sort of tracksuit top.

JOC: What colour.

DL: I think it was black one and if I remember rightly and a pair of runners.

JOC: What colour runners.

DL: I think they were white or black, I am not too sure. I think they were white runners I was wearing.

JOC:: You think they were white runners. Do you have them still.

DL: No I don't.

JOC: What did you do with them.

I got rid of all the clothes that night. I burned them in the skip in Grangegorman where I stayed that night.

BM: Where is that situated.

DL: It situated at the hostel. The derelict building across the way.

JOC: It's called the skip. Just for the purpose of this interview the place that Deano is referring to as the skip is the derelict part of the hospital at Grangegorman just in front of the Salvation Army Hostel. Is that correct.

DL: That's correct.

JOC: So you burned your clothes in there.

DL: In there that's where I stayed that night.

BM: What clothes did you burn did you say.

DL: The jeans and the tracksuit top and the runners.

JOC: What clothes did you have, where did you get the replacement clothing.

DL: I always have clothes. You can't leave clothes your clothes in the hostel. Every morning you have to take them out with you. I had clothes in the skip that a friend of mine gave me just the night

before.

JOC: When you broke into the house that night were you wearing anything on your hands.

DL: I had a pair of black leather gloves on.

JOC: Black leather gloves.

DL: Leather gloves I had on.

BM: All leather or was there a knitted part to them.

DL: As far as I can remember they were all leather and I left with leather gloves on as well coming out.

JOC: When you do a burglary do you always wear gloves.

DL: Most times yes.

JOC: All right, what did you break the window with.

DL: With my fist, well it was more my elbow.

BM: Did it break the first time you hit it.

DL: I hit it twice, the first time it cracked, I hit it again and it smashed.

BM: So you had no difficulty getting in this window, was it a small window.

DL: It was a small window.

BM: What size.

DL: A small little square window. I am not been smart but me being a small person I had no difficulty getting in any small window. Even my mother and father will tell you that when they would get locked out the house I would in through the bathroom window to let them in.

JOC: Dean don't be getting nervous, keep it nice and slow.

DL: Sorry.

JOC: No need to be sorry.

JOC:: Dean you say you took a silver medal, can you describe that medal.

DL: It was a little round medal with a picture of Our Lady. A sort of a carving of Our Lady on the back. There was something dated on the back of it.

BM: There was something engraved on it.

DL: Yeah something engraved on it.

JOC: Was this medal silver or.

DL: It was a silver medal one on a silver chain.

JOC: It's a silver medal and a silver chain.

DL: Yeah.

JOC:: Solid silver.

DL: I think so yeah. I was going to keep it but someone told me I would not have an ounce of luck with this. I just threw it on the ground.

BM: Where was this.

DL: Benburb Street.

BM: Where about exactly.

DL: Do you know where the truckers pull up. Just along there. I just threw it there against the wall near the Liffey.

BM: This was the same night.

DL: Yeah the same night.

BM: When you left no 1 Orchard View where the murder took place what did you do then.

DL: I went straight up to Benburb Street.

BM: You walked up there.

DL: I walked up there.

BM: Was there any blood on you.

DL: There was blood on me.

BM: Were you covered in blood.

DL: Well there was a good bit of blood on my jeans and on my top and a friend asked me what happened.

BM: Who was that.

DL: That was Tara.

BM: So you went up to Benburb Street after the murders.

DL: Yeah.

BM: You met a friend, who was this friend.

DL: Tara Burke.

BM: And she is an acquaintance of yours. Is she a prostitute up there.

DL: She is.

BM/JOC What age is Tara.

DL: She's about 23/24 years.

JOC: Where is she originally from.

DL: I am not too sure where she is originally from. I just know her from Benburb Street.

BM: So were you upset.

DL: I was a bit shaky more than anything else.

BM: And did you confide in Tara about what happened.

DL: Well at first I tried to tell her I was in a bit of an argument but she knew with the state I was shaking. She knew it was something else. She went Dean you know you can tell me. So in the end I confessed to her and broke down into tears. She hugged me and told if I ever needed to talk to anybody just to give her a call and talk and that everything would be all right with her. She asked me where I was off to. I was going to walk out to Inchicore.

BM: What were you going out for.

DL: To get some heroin. She said that I am going there by taxi but she said you are better off getting changed first.

BM: Did she see the blood on your clothes.

DL: She seen the blood on my clothes. It was her that told me to get changed. So I ended up going down

as I said earlier to the skip and I got changed and then we headed back to Benburb Street and we got a taxi.

JOC: Did she see you burning the clothes.

DL: No, I just dumped them in to the corner under a load of blankets, I had blankets in the skip that I throw over me during the night.

JOC: Are those clothes definitely burned.

DL: Yeah, definitely burned. I actually burned them the next morning.

JOC: When you threw the miraculous medal away did Tara see you throw it away.

DL: As far as I know Tara had told me that I won't have an ounce of luck with it, so I threw it there.

JOC: It was Tara that told you that. Come back into the house, you said you killed two women.

DL: Yes.

JOC: Did you know that there was a third woman there.

DL: I didn't, I did not until about three weeks later, I found out there was a third woman there that attends Grangegorman as well.

JOC: Yeah.

DL: And that's how I found out there was a woman and

she was supposed to be downstairs watching TV.

JOC: Who told you that.

DL: Paul Buckley.

JOC: How did Paul Buckley know that.

DL: Well seemingly his mother must have been talking to this woman the next day or a couple of days afterwards because they are related I think, it's Mrs Buckleys mother.

BM: Had you ever been in this house before Dean.

DL: I was there about a year and a half ago.

BM: With who.

DL: I dropped in with Paul, no sorry, I dropped in with Peter.

BM: Peter.

DL: Paul's brother, Peter Buckley.

BM: So would you know the layout of the house.

DL: Well I would not know it off by heart.

BM:: If you were asked to describe the layout of the house what would you say. Say going in the front door. Would you give a detail description of the layout of the house.

DL: Well to be honest, I was not taking much notice of the inside of it.

BM: Well even from your visit on the night of the 6th/7th March to the house. How would you describe it.

DL: It's hard to say as I said earlier I was really out of my head, you know what I mean.

BM: Did you leave through the front door.

DL: As far as I know I left through the front door yes.

BM: And how would you be able to describe the downstairs layout when you come in the front door. Was there a hall.

DL: If I remember rightly, there is a hallway and I think there was two or three rooms on the landings. To be honest I think it's like flats. If I remember rightly it's a house if you know what I mean built into flats you know and separate apartments.

BM: And when you came in the window what direction did you go to get to the kitchen to get the knife.

If I remember rightly I came out through the door. I just opened the white door. It was beside a toilet if I can remember rightly.

BM: The kitchen was beside a toilet.

DL: Yeah.

BM: And you went in and opened the drawer.

DL: Yeah.

BM: Can you say which drawer it was.

DL: I am not too sure now.

BM: Was there a line of drawers.

DL: I can't remember now, all I remember is when I opened the drawer, like in any other house there was a few knives and a few spoons and stuff in it. There was a lot of books they could be rent books, I don't know. I did check through the books to see if there was any money in these books.

JOC: When you say you opened the drawers, did you just open them or pull them out.

DL: Like did I open them or pull them out.

DL: Yeah I pulled the drawer out.

JOC: Did you pull them completely out.

DL: No only partly.

JOC: Yeah.

DL: And there was a few books and I went through the books to see if there was any money in the books. You know some people do put money in the books. And as I was putting the book back I spotted a knife and I picked the knife up and I picked it up.

BM: What kind of a knife was it.

DL: As far as I know if I remember right it was a black handled sort of kitchen knife.

BM: Was this the knife you used to stab the ladies.

DL: Yes.

BM: And did you leave it at the scene or did you take it with you.

DL: As far as I know I left it at the scene.

Had you possession of any more knives.

DL: No not that I can remember anyway.

BM: Right ok.

JOC: Are you sure.

DL: Not that I can remember.

JOC: Can you remember when you killed them.

DL: I can remember various parts of it to be out straight with you being as high as I was I can barely remember that full day. I had a good bit of heroin that day to be out straight with you. I was also having a few roach tablets as well.

BM: Can you try and remember a bit more detail of the particular night after you stabbed the ladies. What actually happened after that. Any details of it at all after you met them on the stairs. You went back into the room with one of them and you said you stabbed her two or three times I think you said.

DL: Yeah.

BM: That was the first lady.

DL: The first lady.

BM: Any detail of the second lady.

DL: I can't remember now to be honest with you.

BM: Are you aware of any injuries that these ladies received.

DL: Nope.

JOC: Do you remember what you did to them, the two women.

DL: As I was saying my mind went blank. Not that I

went blank but I panicked more than anything else and I didn't really want it, what happened. To be honest I did not think there was that much damage until I got outside and I seen Tara up the road and it was her that noticed the blood. When I seen so much blood that's when I recall there must have been some damage done.

BM: Right but do you not it amazing that you can recall exactly what happened when you went in, when you stabbed them but after that it's a kind of a blank. Can you remember any little bit at all.

DL: Not really no.

BM: Or is it that you don't want to remember it.

JOC: Can you account.

DL: What do you mean can you account.

JOC: Can you account, you seem to remember how you got into the house and where you went in and what you did after it but then when you say you killed your victims you just don't seem to be able to tell us how.

JOC: Are you afraid to tell us how you killed your victims.

DL: I can't remember to be honest with you. Now it was a couple of days after I was actually told, I found it hard to believe, I was told a few days later, I

think it was about a week later, I was told that parts of her body were actually chopped or cut off. I don't know exactly what.

BM: But what I am saying to you Dean is you can go in, breaking the window coming up the stairs, losing your dole card, going out, coming back in, meeting the two ladies, stabbing them and everything is blank after that until you go out, meet Tara, tell her what happened. Can you understand. In between stabbing the two ladies and leaving the house is a blank to you.

DL: Well that's all I said to Tara I was after stabbing her. She said how bad did you stab. I said I don't know because I was in such a state to be honest with you. You know what I mean. It was her who told go off and get cleaned so I ended up going off and getting fresh clothes on and ended up going out to Inchicore again for more heroin and we got some cocaine as well.

BM: So you got a taxi back in from Inchicore was it.

DL: Back in from Inchicore.

BM: From Inchicore to Grangegorman.

DL: Yes. I left Tara in Inchicore.

BM: What time of the morning was that.

DL: I got the taxi about 6.30am or 6.45am. It was being bright anyway and I caught hold of a taxi.

BM: We will just go back to the start. Can you recall what time you gain entry to no 1 Orchard View.

DL: I am not too sure now. It was late. I know that it was late, I know that.

BM: Would it have been after 12 mn.

DL: It would have been after 12.

You would have expected them all to be in bed.

DL: Yes.

BM: So you would have had a free hand around the place.

DL: Yes.

BM: So when you got in did you think they were all in bed.

DL: I thought they were all in bed because I did not see any lights on in the house if you know what I mean. I thought they were all in.

BM: So we can take it it was after 12 o'clock when you went in.

DL: Yes exactly.

So when you came back out what time was it when you met Tara.

I met Tara about 3 o'clock lets say between 2 and 3 o'clock. Because as I say she is a prostitute and she usually finishes work between 2 and 3 and she was just finishing work. That's how I recall that.

BM: The murders took place as far as you are concerned between 12 and 2 o'clock, 12 and 3 o'clock.

DL: Yes.

BM: Right so we can tie it down to those times.

DL: Yes that's basically it, between those times.

BM: That's as close as you can put it.

DL: Yes.

BM: Now when you got into the house did you come across any, apart from the press downstairs where you searched and got the medal, was there any other property, any handbag or anything like that.

DL: No not that I know of no.

BM: You don't recall coming across any handbags.

DL: No.

BM: So it was on the first trip in the house when you lost the dole card.

DL: Yeah.

BM: And you decided when you got outside that you lost

it and you went back in through the window again.

DL: Yeah.

BM: You went up the stairs and it was then you met the two ladies.

DL: Yeah that's right.

JOC: Was there anybody else with you.

DL: No.

JOC: When you committed the burglary.

DL: No.

JOC: And then later on, the murders.

DL: No, I was on my own.

JOC: You acted on your own.

DL: I acted on my own.

BM: Do you always work on your own.

DL: Most times yes, most times.

JOC: Besides Tara Burke who you told that night, who else have you told about these murders.

DL: Well I wouldn't, I know a few people that know. I know a bloke called Paddy. I think O'Rourke is his

second name. I am not too sure. I know him from the hostels. You know what I mean.

DL: Paddy O'Rourke I think is his second name.

JOC: Lee.

DL: No it was not the chap you were talking about this morning. Paddy O'Rourke a dark headed fellow.

JOC: Who else have you told about these murders.

DL: A few people. As I say I don't really know their second names. You know what I mean.

JOC: You have told a few people.

DL: I have been talking to, well Tara is one because I know Tara very well. Then I think the fellows name is Paddy O'Rourke.

BM: You confided in these people about the murders.

DL: What do you mean now.

BM: Sorry have you them exactly what had happened.

DL: I just told them about the break in. You know what I mean and there was one that actually approached me, a young fellow, I am not too sure, I just know him to see, turned around to me and said I heard you did a burglary up around Grangegorman. When the news broke out about the murder so I denied it to him. I wasn't going to say yes to him because I didn't know who he was. I know the chap to see from around Charles Street.

BM: Do you know who he is now.

DL: I just know him from Charles Street as I say so I said no it wasn't me. He said to me there is a rumour going round that you broke into a house. I said I don't do houses. I mainly shoplift or break into cars to make money.

JOC: Have told an acquaintance, do you know Patrick Lee.

DL: I do know Patrick Lee.

JOC: You do.

DL: You do.

JOC: Where is Patrick Lee originally from.

DL: I don't know where he is originally from, I know him from the Army Hostel.

JOC: Have you told Patrick Lee about the murders.

DL: I could have I am not too sure now.

JOC: Can you recount if you told him.

DL: I don't. No. I don't recount telling Patrick Lee at all.

BM: Could you possibly have.

DL: I could have because as I say when I am very high I am very stupid. I do open my mouth too much to too many people.

JOC: Did you take any money from the house that night.

DL: I think there was £30, I got £25 or £30 I got.

JOC: Where was that.

DL: That was from underneath a carpet in the bedroom. It wasn't underneath, it was off beside the bed at the back of the bed. There is a sort of a carpet pulled up and there was a note sticking out. I thought it was a £20 note when I pulled it up there was £25 or £30.

BM: What room was this.

DL: The room I dragged the woman back into.

BM: The first lady you stabbed.

DL: Yeah.

BM: Where exactly was this piece of carpet situated.

DL: Near the bed, at the back of it.

BM: As you go in the door where would you go.

DL: As you go in the door we say from here we say about 5/6 ft.

BM: To the right or to the left.

DL: To your left.

BM: Along the wall.

DL: Sorry to your right at the wall on right hand side. There was a bit of a corner pulled and you could see the money sticking out.

BM: Did you know it was there.

DL: Not at the time, just as I was turning away I spotted it.

BM: Was the light on.

DL: Sorry.

BM: Were the lights on in the room.

DL: No but it wasn't that dark in the room either if you know what I mean.

Sergeant Eddie Corry checked on prisoner at 14.55.36. All in order.

DL: I just noticed something sticking up and I noticed it was money so I picked it up and put it in my pocket.

BM: Did you use this money to pay for the taxi out to.

DL: No Tara paid for the taxi going out. I used the money coming back myself. I came back in a taxi on my own.

BM: And you used that money.

DL: I used that money.

BM: How much was the taxi fare back can you remember.

DL: I think it was £6/£7 but I know it was not that much.

BM: Does Tara live out there in Inchicore. Does she.

DL: I don't know exactly know where she lives.

BM: Where did you leave her.

DL: I left her in Inchicore.

JOC: When you were going out to Inchicore with Tara where did you get the taxi.

DL: The top of Benburb Street.

JOC: Near Parkgate Street.

Do you know where the Model Hostel is.

JOC: Yeah

Just past the hostel there is a turn to your left hand side well we got the taxi just there.

BM: Near the apartments.

DL: At the apartments.

JOC: Can you remember what taxi company it was.

DL: I don't know.

JOC: What colour the taxi was.

DL: It was a blue sunny, that's all I remember.

BM: Were you covered in blood at the time.

No, I ended up getting changed. Tara told me to go off and get changed. So I walked back up.

JOC: When you were in Inchicore who did you buy the gear off.

DL: I don't know. I do know who the chaps. Tara knows the bloke to see.

JOC: She knows him.

DL: And I know him to see myself.

JOC: Does he have an name or nickname.

DL: No, he came over and whistled and said are you looking. We said yeah. So he said he only had twenty bags so we bought two twenty bags and twenty bag of coke as well.

JOC: When you were coming back did you come back on your own.

DL: I came back on my own.

JOC: Where did you get the taxi.

DL: From the church when you come out of Inchicore Flats. I got it just at the church, there was a taxi going by.

JOC: What was it.

DL: A black merc.

JOC: Any name of the taxi company.

DL: I don't know. I just waved it down on the roadway.

BM: Can you describe the taximan.

DL: I say he was about 5'9", dark hair, dark skin.

BM: Had he glasses or anything.

DL: He had no glasses no.

BM: Is there anything else you want to tell us about it.

DL: No that's basically it.

JOC: When did you hear about the murders then.

DL: I would say about two days later. I was in the hostel and the lads were talking about it, that's when I heard about it.

JOC: What were you thinking then.

DL: I didn't know what to think to be honest with you. If it was the same one or.

JOC: You did know if it was the same one.

DL: Like that's if it was the same one as I was at you know what I mean. So I just went back into bed. I was lying on the bed and I was going to talk and I was a bit upset fucken and I was going to talk to the staff but I wasn't talking to the staff about it.

JOC: How many people did you kill.

DL: How many people did I kill altogether. In my whole.

JOC: No in the house that night.

DL: As far as I could remember I was only after doing one but then I found out there was two.

JOC: You can only remember killing one person.

DL: One woman.

JOC: Why is that.

DL: I am not too sure. As I say, my mind wasn't. It's hard to describe when you're so, when your on.

JOC: Would it be fair to say that you just blanked them out.

DL: It could have been yes.

JOC: You only remember killing one person.

DL: Yes.

BM: Did you not say you met two people on the stairs when you were going up, two women.

DL: I did see two but as I said now earlier I didn't know I killed, I thought I had just wounded, you know what I mean.

BM: Didn't you say you stabbed one of the ladies three times.

DL: Yes.

BM: You could not say exactly what part of the body you stabbed them.

DL: Exactly.

BM: But you stabbed her at least three times.

DL: That's right.

JOC: Can you describe the two women that you saw.

DL: Well as I say I was that much out of my head I wasn't.

JOC: Can you describe the two women.

DL: I can't.

BM: Did it happen very quickly.

DL: It did and I panicked more than anything. It's hard to describe when your out of your head on heroin. You could be talking to someone, you would not remember talking to that person. It often happened to me.

BM: Did you return to the scene the next morning.

DL: I walked up that way the next morning. I was actually going up to the Navan Road to meet two girls that live up on the Navan Road. I was walking up to see if I could bump into them and as I was walking by I seen a few police cars and a

band I think it said Garda on it.

BM: Was it sealed off outside the houses.

DL: Yeah.

BM: Were there the same houses that you were in.

DL: That's right and I asked one of the Gardai what was after happening and he turns around and says "it's a lost dog". I can't remember. I did make a smart remark back to the Gardai but I can't exactly what remark I made.

BM: But you knew all along that this was the house that you were in and that the ladies were murdered in.

DL: That is what I recalled yes.

BM: You knew then that they were the same houses.

DL: Yes but as I say I was not taking any notice and then a couple of lads out of the hostel were talking about it.

BM: What's your feeling about it now having admitted your part in it.

DL: Well to be honest with you now, compared to what it was like earlier on, I feel much better admitting to it.

BM: It's a weight off your mind is it.

DL: It is, I have a few friends have often said to me the last month or two months that I have been, there is something going on in my mind and these are my best friends and I haven't said anything to them. I have been going off the scene for a while and staying in different flats. They keep wondering why I keep disappearing. I just keep telling them, that's me. They know that I have been acting very strange lately.

BM: Have you distanced yourself from people you normally hang around with.

DL: I have yes.

BM: And have you found that you have become a bit of a loner and staying on your own.

DL: I have yes.

JOC: Are you sorry.

A few times I attempted to commit suicide just to block it off. Twice last week I attempted suicide. Monday and Tuesday.

BM: How did you do that.

I over dosed on Heroin. I knew I was taking too much but I didn't mind but I was found twice by the same person.

BM: And you were saved.

DL: On the Monday he snapped me out of it and on the Tuesday I don't know who the girl is. I never seen her before, one of my mates girlfriends had to give me mouth to mouth for fifteen minutes and then she got me an ambulance.

JOC: Where was this.

DL: All I know her by Vicki.

JOC: Where did this happen.

DL: Out in Inchicore, I was rushed into James Hospital then but I discharged myself after a few minutes.

BM: What happened to your hand. You have an injury to your hand.

DL: I fractured my hand, I got a smack of a bar.

BM: From.

DL: A few travellers.

BM: This was a row you had.

DL: Yeah.

BM: This had nothing to do with the murders.

DL: No.

BM: About a week after the murders did you look for a travel pass to go to the country to get off side.

DL: I was, to be honest I don't recall asking for a travel pass but I was talking of going to England a couple of times. I was planning to go to England a few times. A friend of mine who went to England last week asked me to go over with him. I know a bloke who was selling a travel pass and I asked him if he had still got it but he was after selling it.

BM: What was the reason for going, was it because of the murder.

DL: It was because of the murder yes.

BM: And how have you been living with it for the last five weeks. How has it been effecting you.

JOC: Five months.

BM: Five months sorry.

DL: At first I wasn't taking any notice but it was starting to build up in me all of a sudden and I couldn't cope you know what I mean as I have said, I tried to commit suicide.

JOC: Almost immediately after the murders there were a lot of articles in the papers in relation to the murders. In relation to the two murders in No 1 Orchard View and they described the viciousness and injuries inflicted on the victims or the speculation on them. Did you read any of these articles.

DL: I didn't to be honest with you, I heard people reading them as I say.

JOC: How did that effect you.

DL: I just tried to block it away from me. I was feeling bad inside, I was just trying to block everything away and there a few times I was saying to a friend of mine I had warrant but I have no warrants. I said to this friend of mine I think I will hand myself up on these warrants. I was actually coming into the police about this and he kept on saying don't, don't, don't.

JOC: Who was this.

DL: Frank Fagan.

JOC: Frank Fagan.

DL: Yes, he would say if you hand yourself up on them warrants you are going to wake up in the Joy tomorrow wondering.

JOC: Did you tell Frank Fagan that you were going to hand yourself up for the murders.

DL: No I told him it was warrants.

JOC: So he did not know about.

DL: No he had not got a notion about what happened about the murders.

BM: So you were going to give yourself up several times for the murders.

DL: Yes.

BM: Something had stopped you at the last minute.

DL: Yes, I backed out at the last minute. There about three weeks ago I got to the door of Pearse Street Police Station and I ended up turning away saying that I would regret it in the morning. You know what I mean.

BM: So the whole thing has been getting worse.

DL: It has been getting worse.

BM: The longer it's gone on the worse it's got for you.

DL: Yes.

BM: Are you relieved now that you have spoken out about it.

DL: Yes I am yes.

BM: You have spoken out in your own free will about it.

DL: I have.

BM: You are happy enough about it in anyway.

DL: I feel ten times better off to be honest with.

JOC: Why.

Because I feel it's a load off my chest. I have no worry about it anymore. Because every morning even at night I'll see a police, I was always watching, looking at the police car seeing are the police going to pull me. I was always wondering and I knew sooner or later I was going to be pulled for it. I didn't know but I had a feeling.

JOC: Why did you have a feeling.

DL: I don't know. I just got the feeling I was going to be pulled and then last week I was down in Charles Street and a chap I know to see turned around to me and said you would want to watch yourself Deano. I said what. I was standing there with Frank Fagan. Frank Fagan was waiting to get paid. He said don't stand around here. I said why? He said the police were down here Thursday and Friday looking for you. I said what. I overheard some Garda asking for you. Dean Lyons. So that's ah it's time something is after happening I knew something was coming on top and as I said earlier on I was up checking the window at eight o'clock this morning.

BM: You had a feeling.

DL: I had a feeling.

BM: Did you have a feeling the Guards were going to come for you at some stage.

DL: I had.

BM: Did you feel you couldn't get away with this.

DL: I knew I couldn't get away I just kept saying I would go to England but the chances of getting the money to go to England and I knew if I went to Charles Street and asked for a travel warrant I wouldn't get it. I had no reason to get it. I couldn't say I was on the run you know what I mean. I had no excuse to go to England.

JOC: We will just go back to when you committed the burglaries and the first time you broke in and you had to go back in because you thought or you realised you had dropped your labour card.

DL: Yeah.

Did you think that was going to connect you to the scene.

I did when I noticed my labour card gone I thought I left it in the house. I thought I better go back for it because if I don't and the police come they are going to see my labour card there and they are going to be wondering what I was doing in the house and I was going to be pulled for it. So I went looking for the labour card. I couldn't find it, so it's not here from that day to this day. I don't know where my labour card went to.

BM: The purpose of you going into the house in the first place was for what.

DL: For money.

BM: Was to burgle the place.

DL: To burgle the place for money for heroin.

BM: And what do you say happened. Did something go wrong then. What made you turn to this.

Well at first I thought when I left and I found the chain and I couldn't see anything I did not want to say in the house too long.

BM: Sorry.

DL: I did not want to stay in the house too long. I did not really see anything around that I would be able to sell very quick, you know what I mean. There is no point in taking tellys or anything like that because walking down the road with a telly that time in the morning you would never get away with it. But a I just end up getting out I think the tablets had me paranoid more than anything.

BM: Had you taken tablets.

I had taken Roach tablets as well as the heroin and I think I was more paranoid than anything.

BM: Have you anything against women.

DL: Sorry.

BM: Have you anything against women.

DL: No, nothing at all.

BM: Do you have a relationship with women.

DL: I have yes. I am actually going out with a girl at the moment, she is expecting a baby next month.

BM: Whose that.

DL: Mary Ann Quilligan.

BM: Mary Ann Quilligan.

JOC: What age is she.

DL: She is 17 years.

BM: Where is she living Dean.

DL: She is living in Walkinstown Road at the moment.

JOC: Do you have anything against older women.

DL: No.

JOC: So the reason why you stabbed these people is what.

DL: I don't really know. It's probably as I said, I was out of my head that much I panicked. You know what I mean.

JOC: Is that what you say.

DL: A that basically that's what I put it down to yes.

JOC: You panicked.

DL: Yes I panicked.

BM: You have had a few months to think about it what conclusion have you come to as to why you did this.

DL: Well each time I think about it more of it comes to me. As I keep saying I panicked. You know what I mean. I am not been smart when I say this but I would not like it to happen to my granny and I would not like it to happen to my own mother either. You know what I mean so why should I go and do it to other peoples mothers and grannys.

BM: But you did.

DL: I have done.

JOC: Do you feel sad and remorseful.

DL: I do yes and there was a few times I was sitting in the hostel and I broke down in tears and a few of the staff found me lying on the bed in tears and if they asked me what was wrong I would not tell them.

BM: Are you a religious person.

DL: I am a religious person. I believe in God. I deeply believe in God.

BM: Have you been part of a Church or associated with the Church.

DL: I have been associated with a Church group for a couple of years up to about two years ago.

BM: What was that.

DL: A prayer group. The Dominican Council of Youth.

BM: Where were they.

DL: They were in Tallaght, well it's all over. I usually go to the one out in Tallaght.

BM: Who used to run that.

Brother Patrick Black, Fr Paul O'Shea.

BM: Do you have contact with them now.

DL: No I don't. They have left the priesthood now.

BM: So the items you stole from the house were £25.

DL: Yes.

And the miraculous medal.

DL: Yes.

BM: Did you take any other items.

DL: No, no.

BM: Nothing else.

DL: Nothing else.

BM: And they were taken the first time you went in.

DL: Yes.

BM: Did you take anything the second time you went in.

DL: No.

JOC: When you were coming out of the house on either occasion either after first time or the second time, did you see anyone on the road or street.

DL: When I was coming out the second time there was a man on the far side.

JOC: Where.

DL: He was acutally walking some dog.

JOC: A dog.

DL: A dog yes.

JOC: Can you describe him.

He as about 70 years of age a baldish man with glasses. He said good night to me and I said good night to him.

BM: And you were covered in blood at this stage.

DL: I was, but he was on the far side of the road, you know what I mean. I don't think he was taking any notice.

BM: He was over at Grangegorman.

DL: He was at Grangegorman yeah.

JOC: Did you walk out of the house or run out of the house.

DL: I mainly ran out of the house but when I got out onto the street I walked.

BM: In the direction of.

I walked in the direction of towards Benburb Street.

JOC: So you walked down towards the pub.

JOC: The Grange.

DL: Yeah The Grange. You know the corner pub.

BM: And you made your way down to Benburb.

DL: I made my way to Benburb Street and I met Tara there.

JOC: On the second time coming out of the house after the murders you met a man.

That's right.

About what age.

DL: About 70 odd years of age and He was walking a dog.

JOC: Do you know what type.

It was either a German Sheppard of Alsation and I mostly get mixed up with them or that type of dog, a nice big dog.

BM: Would he have been a security man.

DL: I don't know to be honest with you.

BM: Was he in a uniform.

DL: He wasn't no.

JOC: Did you see anybody else.

DL: No.

BM: This would have been around 1 or 2 o'clock in the morning.

DL: Yeah, maybe a bit later, 3 o'clock.

JOC: When you were going up the first time did you see anyone.

DL: Not that I can recall now.

BM: And you are absolutely positive. You went on this job by yourself.

DL: Yes.

BM: No one else.

DL: No one else.

BM: No one was keeping sketch for you or lookout.

DL: No.

BM: You went on your own.

DL: I went on my own.

BM: And why did you pick this house.

DL: To be honest I am not too sure.

BM: Did you ever do this house, did you ever break into this house before.

DL: Them houses no.

BM: That was the first time.

DL: That was the first time. I did break into house before but not them houses.

JOC: Did you break into this house on the 19th December 1996.

DL: No.

Are you sure about that.

I am a 100% sure about that.

BM: Did you break in on that occasion and you were disturbed by these ladies.

JOC: One may have turned on a light or something on the 19th.

DL: No, on the 19th I was in Tallagh.

BM: Is that the first time you were in that house.

DL: Yes.

BM: And that's the first time you ever saw those ladies in the house.

DL: Yes.

BM: Were not in the house when you were in it a year and a half ago.

DL: No.

BM: They were different ladies.

DL: They could have been there but I didn't see them, myself and Peter went in for a couple of minutes, Peter just went in to pass a message. We had a quick cup of tea and then we left.

BM: That was the first time.

DL: Yeah.

BM: Ok.

JOC: You were never in that house again until the night

of the murders.

DL: Until the night of the murders.

JOC: Alright.

BM: Are you happy enough that you are responsible for the two murders.

DL: Yes.

BM: You are not saying that someone else came along and killed the second lady.

DL: Ah no, I am not, no.

BM: You are taking full responsibility for both murders.

DL: Yes.

BM: Even though the second one as you say is a bit vague.

DL: Yeah.

JOC: Can you remember anything of the second one.

Not really as I say I was that out of it. I was out of it, I was fairly stoned that day. I'm not being smart when I say this, I could be out of it and I would talk to you and you would see me tomorrow.

JOC: Sorry, just coming back here. When you were breaking into the house, the window, you broke it

with what.

DL: With my elbow.

JOC: How many times did you hit the window.

DL: I hit it twice.

Sergeant Corry enters interview and checks prisoner at 15.17.58 and is offered food but refuses.

JOC: How did you break the window again.

DL: With my elbow.

JOC: How many times did you hit it.

DL: The first time I hit it, it cracked and I hit it again and that's when it smashed.

JOC: Did you cut yourself.

DL: I did graze my arm if I remember.

JOC: You did what.

DL: I did cut my elbow.

JOC: Is there any mark.

DL: I don't think there is any mark.

JOC: It was not a serious cut.

DL: No, showing arm to camera.

JOC: Was there much blood.

DL: Not that I can recall in anyway.

JOC: Can you remember what was in the window.

DL: In the window, what do you mean.

JOC: Well if there was curtains, blind or whatever.

DL: As far as I know it was curtains to be honest with you.

JOC: What type of curtain.

DL: It was a curtain, I am not sure what type.

BM: Was a net curtain

DL: Yeah.

BM: That type of net curtain.

DL: That type of net curtain.

JOC: Was it heavy or light curtain.

I would say it was a light curtain.

BM: There was no heavy curtain like those ones
(D/Garda Mullis points to curtains in interview room).

DL: Not that I can recall no.

BM: Was there anything on the window.

No. I think there was two statues, one on each side. I am not too sure though.

JOC: And just inside the window, what was there.

DL: Inside the window on the ledge.

JOC: No, inside the window in front of the window, what was there.

DL: I am not too sure, I can't remember.

BM: Inside the window, did you trip over anything when you got in through the window.

DL: No.

JOC: Can you remember how did you get in through the window.

DL: I climbed in.

JOC: Yeah but how.

DL: I put my head in first and pulled myself through.

JOC: What di you put your hand onto.

DL: ON the ledge sort of thing and as I got in I put one leg over first and dropped myself on to the ground and sort of rolled onto the ground and I just got up and walked around then.

JOC: So can you remember if there was anything inside the window.

DL: I can't recall as I say I wasn't taking any notice.

BM: Is there anything else you want to say to us.

DL: Basically that's it.

BM: That's how it all happened.

DL: Yes.

BM: Is there anything you want to say to us.

DL: No.

JOC: About the murders.

DL: That's it no. That's basically it.

JOC: Do you wish it never happened.

DL: Oh I do wish it never happened and I deeply regret that it did happen.

JOC: So you do regret it.

DL: I do regret it. I deeply regret it.

BM: Do you realise what you did.

DL: I do yes. There was a few times I wanted to go

and talk but I am just afraid to confront people. People that actually found out Br Patrick Bourke and Fr Paul O'Shea who left the priesthood. I went up to speak to one of those.

I made an appointment to speak to one of them. Well you can drop in anytime to see them.

JOC: Where is this.

DL: In Tallagh.

Yes.

DL: In Tallagh Priory in Tallagh Village.

JOC: What days did you go there.

I'd say about two weeks maybe three weeks after it happened.

JOC: Did you talk to anyone there.

No I didn't.

JOC: So how did you know they had left.

DL: I seen one of the women at the counter and I asked to see Br Patrick Burke.

JOC: Did this woman know you.

DL: She does yeah.

What's her name.

DL: I am not too sure of her name, she is a small woman with glasses. She works there everyday. She knows me from the group. She has glasses and grey hair originally from Bancroft in Tallaght and her asked for Bro Patrick Bourke an she told me he wasn't there.

JOC: Why were you looking for Bro Patrick Bourke.

DL: Well he is that sort of a friend I can really trust.

JOC: Did you want to confess to him.

DL: I did yes but he was not available. I asked for Fr Paul O'Shea and she told me he wasn't available either so I said I would come back some other time.

BM: Did you confess to any other priest about it.

DL: I haven't no. I didn't speak to anyone at all, any priest like.

BM: You are originally from **[DELETED ADDRESS]**.

DL; **[DELETED ADDRESS]** Yes.

And who do you live there with.

My mother and father.

BM: And do you have some family.

Have yeah.

Well a odd time my sister stays there. One of my sisters. And if me sister doesn't stay there she will stay with my other sister.

BM: You are away from the house.

DL: I am away from the house.

BM: Do you not get on with your parents or is there a problem.

DL: I get on grand with the parents it's just the drug addiction. They don't want me there because I keep taken it. I keep taken money from them you know what I mean. A few times they have asked me to pay the ESB and I ended up spending the money on drugs.

JOC: Is this the first time you ever did anything like this.

DL: It is yes.

JOC: Did you ever kill anyone else.

No.

JOC: When we met you this morning Dean in the Hostel did you realise what it was about.

DL: I had a fair idea but as I say so many people were wondering who it was for and then when one of the staff said Dean there is someone outside for you.

JOC: Did you know then.

DL: Well there was two things going on in my mind, that or it was over a car. Breaking into a car. I am expecting a charge on a car.

BM: What did you mean by that, it was either a.

It was either this here the murders case or breaking into a car.

JOC: Is that why you made the comment I think I know what this is about.

DL: Yes.

JOC: You do remember saying that to us.

I do yes. Well it to one of my cousins I made the remark to.

JOC: In the Hostel.

DL: Coming out the door.

JOC: In our presence.

DL: Yes.

BM: And what were you talking about when you said that. What did you think it was about.

DL: Well as I say I wasn't too sure if it was over the murder case or it was over breaking into the car.

JOC: Is there anything else you want to tell us.

DL: That's it.

JOC: I will just finish this Dean Lyons do you wish to clarify anything you said or do you wish to add anything.

DL: No.

This interview is now being terminated at 15.25.52 and the recorder was then switched off.

This memo has been read over to me and is correct.

Signed: Dean Lyons

Witnessed: Joseph O'Connor, Garda

Witnessed: William Mullis, D/Garda.

Appendix D

TRANSCRIPT OF INTERVIEW OF MR. DEAN LYONS

BY GARDA JOSEPH O'CONNOR

& DETECTIVE GARDA BILLY MULLIS

ON 26TH JULY 1997

HELD IN BRIDEWELL GARDA STATION

1 house, was there anything
2 inside the window?
3 A. Inside the window?
4 14 Q. Inside the window.
5 A. On the window ledge?
6 15 Q. On the floor?
7 A. On the floor. Not that I can remember, I'm not too
8 sure.
9 16 Q. You say you rooted around, what were you rooting for
10 or where?
11 A. Em, as far as I remember, there was a sort of a
12 cupboard, I was going through the cupboard to see was
13 there any valuables or money in the cupboard.
14 17 Q. Where was this situated, Dean?
15 A. In the room near the window.
16 18 Q. This was on the ground floor?
17 A. On the ground floor.
18 19 Q. Did you find anything in there?
19 A. That is where I found that miraculous medal.
20 20 Q. Was this on a chain?
21 A. On a silver chain.
22 21 Q. So when you found this, did you continue on from
23 there?
24 A. I continued down until I seen the woman I attacked.
25 22 Q. Where?
26 A. Sorry, I left, I couldn't find anything else.
27 23 Q. This was still downstairs?
28 A. Still downstairs.
29 24 Q. Right.

1 A. When I was leaving the house, I noticed my card was
2 gone. So I came back in and I was going upstairs.
3 25 Q. You got back in the same way again, did you?
4 A. I got back in, yeah.
5 26 Q. In through this window?
6 A. In through the window. I went back up the stairs and
7 that is when I approached the two women. After that
8 me mind went blank sort of thing.
9 27 Q. **GARDA O'CONNOR:** The first time that you
10 went into the house you
11 didn't attack anyone?
12 A. No.
13 28 Q. And you didn't go upstairs?
14 A. No. I went into this one room and then I was leaving
15 and then I went back in because I noticed me card was
16 gone.
17 29 Q. Your labour card?
18 A. Me labour card.
19 30 Q. Did you find your labour card?
20 A. I didn't, no.
21 31 Q. So when you went back into the house the second time,
22 can you remember as you got in the kitchen window,
23 what was just beside the window?
24 A. I don't, to be honest with you I was very very high
25 that night.
26 32 Q. When you say "high"?
27 A. I was high on heroin.
28 33 Q. On heroin. You're a drug addict?
29 A. Yes.

1 34 Q. **DET GARD A MULLIS:** So when you got in the
2 second time, these ladies
3 were on the landing?
4 A. The landing.
5 35 Q. The landing?
6 A. Yeah.
7 36 Q. You were making your way upstairs?
8 A. Yes.
9 37 Q. Were you on the landing when you met these ladies?
10 A. Yes, I was.
11 38 Q. What conversation took place between yourselves?
12 A. Well, there wasn't much of a conversation. I told
13 them to go into the room. I thought they were going
14 to grab, so I had a knife which I took out of its
15 drawer.
16 39 Q. Where did you get the knife?
17 A. It was in a drawer.
18 40 Q. Where?
19 A. In one of the rooms. I think it was actually the
20 kitchen I actually took the knife from.
21 41 Q. Would you know which drawer you took it from?
22 A. I'm not too sure to be honest.
23 42 Q. But it was from a drawer?
24 A. It was from a drawer.
25 43 Q. In the kitchen?
26 A. In the kitchen.
27 44 Q. As you are making your way up ... (INTERJECTION)?
28 A. My way up, I stuck one of them and then I can't
29 remember.

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1 45 Q. Which door was this lady standing in, the first lady
2 you attacked?
3 A. Sorry?
4 46 Q. Which door?
5 A. I wasn't taking any notice to be honest with you now.
6 47 Q. Was there a door on the landing?
7 A. Yes. Again I ran out, I'm nearly sure the second
8 time I left the house, I ran through the front door
9 and I went up through Benburb Street.
10 48 Q. **GARDA O'CONNOR:** Can we come back into the
11 house.
12 A. Right.
13 49 Q. Where did you kill the women?
14 A. Up on the landing.
15 50 Q. The landing?
16 A. Yeah.
17 51 Q. On the landing or in a bedroom?
18 A. On the landing and then I sort of pulled the woman,
19 the women into a room, into one of the bedrooms.
20 52 Q. Yes.
21 A. Then I went back down. I just panicked.
22 53 Q. **DET GARD A MULLIS:** Did you kill the two ladies
23 together?
24 A. Em, the second lady, to be honest with you now, the
25 second lady, me mind just went completely blank, you
26 know what I mean.
27 54 Q. You say the first lady was standing at the door of a
28 room?
29 A. Uh-huh.

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1 55 Q. And you stabbed her?
2 A. Yes.
3 56 Q. And you dragged her back into the room?
4 A. Yeah.
5 57 Q. Is that right?
6 A. Yes.
7 58 Q. Did you put her on the bed?
8 A. No.
9 59 Q. Right. Where was she?
10 A. I left her on the floor.
11 60 Q. Just standing on the floor?
12 A. Yeah.
13 61 Q. Or lying on the floor?
14 A. Lying on the floor.
15 62 Q. Right. Did anything else take place when you stabbed
16 her?
17 A. I was in such a rush I can't really recall what
18 exactly happened.
19 63 Q. Did something take place?
20 A. What do you mean now?
21 64 Q. Between yourself and this other lady, the lady? Did
22 you do anything else to this lady after stabbing her?
23 A. I think I stuck the knife into her another two or
24 three times, I'm not too sure now.
25 65 Q. Into where?
26 A. I'm not too sure as I say.
27 66 Q. What part, any part of her body, can you remember?
28 A. I can't remember which part now. My mind just went
29 sort of blank. When I went out, as I say, I met a

8

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1 friend.
2 67 Q. **GARDA O'CONNOR:** Before that, were you
3 wearing anything?
4 A. Was I wearing anything? Like what clothes was I
5 wearing?
6 68 Q. Yes.
7 A. As far as I remember I was wearing a pair of black
8 jeans and a sort of track-suit top.
9 69 Q. What colour?
10 A. I think it was a black one if I remember rightly, and
11 a pair of runners.
12 70 Q. What colour runners?
13 A. I think they were white or black, I'm not too sure.
14 I think it was probably white runners I was wearing.
15 71 Q. Your white runners?
16 A. Yes.
17 72 Q. Do you have them still?
18 A. I don't.
19 73 Q. What did you do with them?
20 A. I got rid of all the clothes that night.
21 74 Q. Where?
22 A. I burned them in the skip in Grangegorman where I
23 stayed that night.
24 75 Q. **DET GARDA MULLIS:** Where is that situated?
25 A. It's situated at the hostel.
26 76 Q. The derelict building?
27 A. The derelict building across the way.
28 77 Q. **GARDA O'CONNOR:** Just for the purpose of
29 this interview, the place

9

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1 that Dean is referring to as the skip is the derelict
2 part of the hospital at Grangegorman in front of the
3 Salvation Army hostel, is that correct?
4 A. That's correct.
5 78 Q. So you burned your clothes there?
6 A. In there, that is where I stayed that night.
7 79 Q. **DET GARD A MULLIS:** What clothes did you burn,
8 did you say?
9 A. The jeans I was wearing and the track-suit top and
10 the runners.
11 80 Q. What clothes did you have? Where did you get the
12 replacement clothes?
13 A. I always have clothes. In the hostel, you can't
14 leave any clothes in the hostel. Every morning you
15 have to bring your bag of clothes out with you. I
16 had clothes in the skip that a friend of mine gave me
17 just the night beforehand.
18 81 Q. **GARDA O'CONNOR:** When you went into the
19 house that night, when you
20 broke into the house that night, were you wearing
21 anything on your hands?
22 A. Em, I had a pair of black leather gloves on.
23 82 Q. Black leather gloves?
24 A. Leather gloves I had on.
25 83 Q. **DET GARD A MULLIS:** All leather or was there a
26 knitted part?
27 A. As far as I remember they were all leather. I left
28 with leather gloves on as well coming out.
29 84 Q. You had them coming out?

1 A. I had them coming out.
2 85 Q. **GARDA O'CONNOR:** When you do a burglary do
3 you always wear gloves?
4 A. Most times, yes.
5 86 Q. What did you break the window with?
6 A. With me fist, more me elbow than anything.
7 87 Q. With your elbow?
8 A. Yeah.
9 88 Q. **DET GARD A MULLIS:** Did it break the first time
10 you hit it?
11 A. No, I hit it twice. The first time it cracked and
12 then I hit it again and it smashed.
13 89 Q. So you had no difficulty getting in this window. Was
14 it a small window?
15 A. It was a small window.
16 90 Q. What would you say, what size?
17 A. A small little square window. I'm not being smart
18 when I say me being a small person, I've no
19 difficulty getting into any small window, I can get
20 into any small window.
21 91 Q. Okay.
22 A. Even my mother and father's, the bathroom window I
23 can still get in.
24 92 Q. **GARDA O'CONNOR:** Dean, don't be getting
25 nervous, keep it nice and
26 slow, all right.
27 A. Sorry.
28 93 Q. Can you remember, you say you took a silver
29 A. Miraculous medal.

1 94 Q. Silver miraculous medal. Can you describe that
2 medal?
3 A. It was a little round medal with a picture of Our
4 Lady.
5 95 Q. A picture?
6 A. There was sort of a carving of Our Lady on it. On
7 the back, there was something, now I don't know what
8 is dated, there was actually something dated on the
9 back of it.
10 96 Q. **DET GARDIA MULLIS:** There was something
11 engraved on it?
12 A. Engraved on the back.
13 97 Q. **GARDA O'CONNOR:** Was this medal silver?
14 A. It was silver on a silver chain.
15 98 Q. It was a silver medal?
16 A. Yeah.
17 99 Q. On a silver chain?
18 A. Yeah.
19 100 Q. Solid silver?
20 A. I think so, yeah.
21 101 Q. Okay.
22 A. I was going to keep it but someone told me, "you
23 won't have an ounce of luck with this," so I just
24 threw it on the ground.
25 102 Q. **DET GARDIA MULLIS:** Where?
26 A. Benburb Street.
27 103 Q. Whereabouts exactly?
28 A. Do you know where the truckies pull up?
29 104 Q. Yeah.

1 A. Just along there.
2 105 Q. You just threw it on the ground?
3 A. I just threw it there against the wall near the
4 Liffey.
5 106 Q. This was the same night?
6 A. The same night, the same night.
7 107 Q. So when you left No. 1 Orchard View where the murders
8 took place, what did you do then?
9 A. I went straight up to Benburb Street.
10 108 Q. You walked up there?
11 A. I walked up to Benburb Street.
12 109 Q. Was there any blood on you?
13 A. There was blood on me.
14 110 Q. Were you covered in blood?
15 A. Well, there was a good bit of blood on my jeans and
16 on me top. A friend asked me what happened.
17 111 Q. Who was that?
18 A. That was Tara.
19 112 Q. All right. You went up to Benburb Street after the
20 murders?
21 A. Yeah.
22 113 Q. And you met a friend?
23 A. Yeah.
24 114 Q. Who was this friend?
25 A. Tara.
26 115 Q. Tara?
27 A. Burke.
28 116 Q. She is an acquaintance of yours?
29 A. Yeah.

1 117 Q. Is she a prostitute up there?
2 A. She is.
3 118 Q. Right.
4 119 Q. **GARDA O'CONNOR:** What age is Tara, what
5 age is she?
6 A. She's about 23/24.
7 120 Q. Where is she originally from?
8 A. I'm not too sure where she is originally from, I just
9 know her from being around Benburb Street.
10 121 Q. Okay.
11 122 Q. **DET GARDA MULLIS:** So were you upset?
12 A. Well, I was a bit shaky more than anything else.
13 123 Q. Did you confide in Tara about what had happened?
14 A. Well, at first I tried to tell her I was in a bit of
15 an argument, but she knew by the state that I was
16 shaking that there was something. She goes, "Dean,
17 tell me, you know you can tell me." So I ended up
18 confessing to her and I broke down into tears.
19 124 Q. Right.
20 A. She hugged me and told me that if I ever needed
21 anyone to talk to, just to give her a call and she'd
22 talk to me, that I'd be all right with her. She
23 asked me where was I off to. I was going to walk out
24 to Inchicore.
25 125 Q. What were you ...(INTERJECTION)?
26 A. To get some heroin.
27 126 Q. Right.
28 A. She said, "well, I'm going there in a taxi." She
29 said, "you're better off getting changed first."

14

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1 127 Q. Did she see the blood on your clothes?
2 A. She seen the blood on my clothes, it was her that
3 told me to get changed. So I ended up going down, as
4 I said earlier, to the skip and I got changed. Then
5 I headed around the back of Benburb Street and got a
6 taxi.
7 128 Q. **GARDA O'CONNOR:** Did she see you burning the
8 clothes?
9 A. No, I just dumped them into the corner under a load
10 of blankets. I had blankets in the skip thrown over
11 me during the night.
12 129 Q. Are those clothes definitely burned?
13 A. Definitely burned. I actually burned them the next
14 morning.
15 130 Q. When you threw the miraculous medal away, did Tara
16 see you throwing it away?
17 A. As far as I know she did. As far as I know Tara told
18 me you won't have an ounce of luck.
19 131 Q. It was Tara who told you that?
20 A. So I threw it there.
21 132 Q. Right. Come back into the house. You say you killed
22 two women?
23 A. Two, yes.
24 133 Q. Two women. Did you know that there was a third woman
25 there?
26 A. I didn't.
27 134 Q. What?
28 A. I did not until it was about three weeks. As I say,
29 I learned that three weeks earlier.

15

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1 135 Q. Later?

2 A. Or later, sorry, I found out there was a third woman

3 there that attends Grangegorman as well.

4 136 Q. Yes.

5 A. That's how I found out about the woman, she was

6 supposed to be downstairs watching TV.

7 137 Q. Who told you that?

8 A. Paul Buckley.

9 138 Q. How does Paul Buckley know that?

10 A. Well, seemingly his mother must have been talking to

11 this woman the next day or a couple of days after or

12 something, you know what I mean. They're related, as

13 I say they're related, I think it's Mrs. Buckley's

14 mother.

15 139 Q. **DET GARDA MULLIS:** Had you ever been in

16 this house before, Dean?

17 A. I was there about a year and a half ago.

18 140 Q. With who?

19 A. I dropped in with Paul. No, sorry it wasn't Paul, I

20 dropped in with Peter.

21 141 Q. Peter?

22 A. Paul's brother.

23 142 Q. Peter Buckley?

24 A. Yeah.

25 143 Q. So would you know the layout of the house?

26 A. Well, I wouldn't know it off by heart.

27 144 Q. If you were asked to describe the layout of the

28 house, what would you say? Going in the front door,

29 would you give a detailed description of the layout

16

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1 of the house?

2 A. Well, to be honest with you, I wasn't taking any

3 notice, you know what I mean.

4 145 Q. Even from your visit the night of 6th/7th to the

5 house, how would you describe it?

6 A. It's hard to say. As I said earlier, I was really

7 out of me head, you know what I mean.

8 146 Q. The front door, did you go through the front door?

9 A. As far as I know I went through the front door, yes.

10 147 Q. How would you describe the downstairs layout? When

11 you come in the front door is there a hall?

12 A. If I remember rightly there was a hallway and I think

13 there was two or three rooms, other rooms on the

14 landing. It's like a block of flats, if I remember

15 rightly, it's like a house, if you know what I mean,

16 built into flats, separate apartments, you know what

17 I mean.

18 148 Q. When you came in the window, what direction did you

19 go to get to the kitchen, to get the knife?

20 A. Em, if I remember rightly I came out through a door,

21 a white door and I just opened the white door and

22 that was it. It led me beside a toilet if I can

23 remember rightly.

24 149 Q. The kitchen was beside a toilet?

25 A. Yeah, and I went in.

26 150 Q. You opened a drawer?

27 A. I opened a drawer.

28 151 Q. Can you say which drawer it was?

29 A. I'm not too sure now.

17

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1 152 Q. Was there a line of drawers?
2 A. I can't remember now. All I remember is when I
3 opened this drawer, like in any other house, there
4 was a few knives and a few spoons and stuff in it.
5 There was a lot of books, they could be rent books or
6 something, I don't know. I did check through the
7 books to see was there any money in the books.
8 153 Q. **GARDA O'CONNOR:** When you say you opened the
9 drawers, did you just open
10 them or did you take them out?
11 A. Like did I open them or did I pull it out?
12 154 Q. Did you pull it completely out?
13 A. No, only partly.
14 155 Q. Yeah.
15 A. And I seen a few books. I went through the books to
16 see was there any money in the books, to see was
17 there any -- some people do put money in the books.
18 156 Q. Right.
19 A. So I went through the books. As I was putting the
20 books back, I spotted the knife and I picked the
21 knife up.
22 157 Q. **DET GARDA MULLIS:** What kind of a knife was
23 it?
24 A. As far as I know it was a black handle steak sort of
25 a kitchen knife.
26 158 Q. Is this the knife you used to stab the lady?
27 A. Yes.
28 159 Q. Did you leave it at the scene or did you take it with
29 you?

18

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1 A. As far as I know I left it at the scene.
2 160 Q. Had you possession of any more knives?
3 A. No, not that I can remember anyway.
4 161 Q. Okay.
5 162 Q. **GARDA O'CONNOR:** Are you sure?
6 A. As I say, not that I can remember.
7 163 Q. Can you remember when you killed them?
8 A. Em, I can remember various parts of it. Me mind --
9 being as high as I was, I can barely remember that
10 full day, I was on a good bit of heroin that day,
11 being straight with you, and I was on a few tablets,
12 a few Roche tablets as well.
13 164 Q. **DET GARDA MULLIS:** Can you try and remember a
14 bit more detail of the
15 particular night after you stabbed the lady, what
16 actually happened after that, any detail of it at all
17 that you can remember?
18 A. Like after I left the house?
19 165 Q. No, after you stabbed them first when you met them on
20 the stairs, you said you went back into the room with
21 one of them and you stabbed her two or three times I
22 think you said?
23 A. Yeah.
24 166 Q. That was the first lady?
25 A. The first lady.
26 167 Q. Have you any details of the second lady?
27 A. I can't really remember anything to be honest with
28 you.
29 168 Q. Are you aware of any of the injuries that these

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1 ladies received?
2 A. No.
3 169 Q. **GARDA O'CONNOR:** Do you remember what you
4 did to them, to the two
5 women?
6 A. As I say, me mind sort of went blank and I sort of
7 panicked. Not that it went blank, I panicked more
8 than anything else and I didn't really want to know
9 what happened. To be honest with you, I didn't think
10 there was that much damage done until I got outside
11 and I seen Tara up the road and it was her that
12 noticed the blood. When I seen so much blood, that
13 is when I recalled that there must have been some
14 damage done.
15 170 Q. **DET GARDA MULLIS:** It's amazing that you can
16 recall exactly what
17 happened when you went in and stabbed them but after
18 that it is kind of a blank. Can you remember
19 anything, any little thing no matter how odd?
20 A. Not really, no.
21 171 Q. **GARDA O'CONNOR:** Can you account
22 ... (INTERJECTION)?
23 172 Q. **DET GARDA MULLIS:** Or is it that you don't
24 want to remember it?
25 A. What do you mean? Sorry, what do you mean can you
26 account?
27 173 Q. **GARDA O'CONNOR:** You seem to remember why
28 and how you got into the
29 house and where you went in and what you did after

20

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1 it. Then when you say you killed your victims, you
2 just don't seem to be able to tell us how. Are you
3 free to tell us how you killed your victims?
4 A. I can't remember to be honest with you. It was a
5 couple of days after I was actually told, and I find
6 it hard to believe now, I was talking two days after,
7 I think it was about a week later, I was told there
8 were parts of their body actually chopped or cut off
9 or something or ripped off, I don't know exactly
10 what.
11 174 Q. **DET GARDA MULLIS:** What I am saying to you,
12 Dean, is you can remember
13 coming in, breaking the window, coming up the stairs,
14 losing your dole card, going off, coming back in
15 again, meeting the two ladies, stabbing them and
16 everything is a blank after that until you go out,
17 meet Tara and tell her what happened. Can you
18 understand in between ... (INTERJECTION)?
19 A. Yeah.
20 175 Q. In between stabbing the two ladies and leaving the
21 house is a blank to you?
22 A. That is all I said to Tara, I was after stabbing and
23 she says, "how bad did you stab" and I says, "I don't
24 know." I was in such a state to be honest with you,
25 you know what I mean. It was her that told me to go
26 and get cleaned, so I ended up going off and getting
27 fresh clothes on. I ended going to Inchicore again
28 for more heroin and I got some cocaine as well.
29 176 Q. So you got a taxi back in from Inchicore, was it?

21

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1 A. Back in from Inchicore, yeah.
2 177 Q. From Inchicore to Grangegorman?
3 A. Yes. I left Tara in Inchicore.
4 178 Q. What time of the morning was this?
5 A. I would have been getting a taxi I'd say probably
6 about half six, quarter to seven. It was bright
7 anyway when I got the taxi.
8 179 Q. Just going back to the start. Can you recall what
9 time you gained entry to No. 1 Orchard View?
10 A. I'm not too sure now. It was late I know that.
11 180 Q. Would it have been after 12?
12 A. It would have been after 12.
13 181 Q. After 12 at night?
14 A. It would have been after 12.
15 182 Q. You would have expected them all to be in bed?
16 A. Yes.
17 183 Q. And you would have kind of a free hand around the
18 place?
19 A. Yes.
20 184 Q. So when you got in, did you think they were all in
21 bed?
22 A. Well, I thought they were all in bed because when I
23 was going in there didn't seem to be any lights on in
24 the house, if you know what I mean.
25 185 Q. Right.
26 A. That is why I thought everyone was ...(INTERJECTION)
27 186 Q. So we can take it it was after 12 o'clock you went
28 in?
29 A. Yeah, exactly.

1 187 Q. When you came back out, what time was it about when
2 you met Tara?
3 A. I met Tara at about, about 3 o'clock, I'd say between
4 two and three because, as I say, she's a prostitute
5 and she usually finishes roughly between two and
6 three, and she was just finishing work. That is how
7 I recall that.
8 188 Q. So the murders took place, as far as you are
9 concerned, between 12 and 3 o'clock?
10 A. Yes.
11 189 Q. So we can tie it down to those times?
12 A. Basically between them times, yes.
13 190 Q. That is as close as you can put it?
14 A. Yeah.
15 191 Q. When you got into the house, did you come across
16 any -- apart from the press downstairs where you
17 searched and got the medal, was there any other
18 property, was there any handbags or anything like
19 that around?
20 A. Not that I recall, no.
21 192 Q. You don't recall coming across any handbags?
22 A. No.
23 193 Q. Right. So it was on the first trip into the house
24 when you lost the dole card?
25 A. Yeah.
26 194 Q. And you decided when you got outside that you lost
27 it, so you went back in through the window?
28 A. Yeah.
29 195 Q. You went up the stairs and it was then you met the

1 two ladies?
2 A. That's right.
3 196 Q. **GARDA O'CONNOR:** Was there anybody else with
4 you?
5 A. No.
6 197 Q. When you committed the burglary?
7 A. No.
8 198 Q. And then later on the murder?
9 A. No, I was on me own.
10 199 Q. You acted on your own?
11 A. Yeah, on me own.
12 200 Q. **DET GARDA MULLIS:** Do you always work on your
13 own?
14 A. Most times, yes, most times.
15 201 Q. **GARDA O'CONNOR:** Besides Tara Burke who
16 you told that night, who
17 else have you told about these murders?
18 A. I know a few people that know, like a bloke called
19 Paddy.
20 202 Q. Paddy?
21 A. I think O'Rourke is his second name, I'm not too
22 sure. I just know him from the hostels like, you
23 know what I mean.
24 203 Q. Paddy?
25 A. O'Rourke I think his second name is. It wasn't the
26 chap you were talking about this morning. Paddy
27 O'Rourke, a dark haired fellow.
28 204 Q. Who else have you told about these murders?
29 A. A few people. As I say, I don't know even know their

1 second names, you know what I mean.
2 205 Q. You told a few people?
3 A. I've been talking to other friends. Tara is one,
4 which I know Tara very well. Then I think the
5 fellow's name is Paddy O'Rourke.
6 206 Q. **DET GARDA MULLIS:** Have you confided in these
7 people about the murder,
8 have you confided in them?
9 A. What do you mean?
10 207 Q. Sorry, have you told them about exactly what had
11 happened?
12 A. I just told them about the break-in, you know what I
13 mean. There was one that actually approached me, a
14 young fellow, I'm not too sure, I just know him to
15 see, he says, "I heard you done a burglary up in
16 Grangegorman," and that's when the news broke out
17 about the murders, but I denied it to him. I wasn't
18 going to say yes to him because I didn't know who he
19 was. I know the chap to see around Charles Street.
20 208 Q. Do you know who he is now?
21 A. I just know him from Charles Street, as I say. I
22 says, "no, it wasn't me," and he says, "there's a
23 rumour that you broke into the house." "I don't do
24 houses," I says, "I mainly shoplift or break into
25 cars."
26 209 Q. **GARDA O'CONNOR:** Have you told an
27 acquaintance, do you know a
28 fellow called Patrick Lee?
29 A. I do know Patrick Lee.

1 210 Q. You do?
2 A. I do.
3 211 Q. Where is Patrick Lee originally from?
4 A. I don't know where he's originally from, but I
5 actually know him from the hostel.
6 212 Q. Right. Have you told Patrick Lee about the murders?
7 A. I could have, I'm not too sure.
8 213 Q. Well, can you recount if you told him?
9 A. I don't recount telling Patrick Lee at all.
10 214 Q. You could possibly have done?
11 A. I could have, because, as I say, when I'm very high,
12 I'm very stupid, I do open me mouth too much to too
13 many people.
14 215 Q. Did you take any money from the house that night?
15 A. I think there was £30 I got, £25 or £30 I got.
16 216 Q. Where was that from?
17 A. That was from underneath a carpet in the bedroom. It
18 wasn't underneath -- you have the bed and at the back
19 of the bed there was a sort of carpet pulled up. I
20 thought it was only £20 and when I pulled it up, it
21 was £25 or £30.
22 217 Q. **DET GARDIA MULLIS:** Which room was this?
23 A. This is where I dragged the woman back in the
24 bedroom.
25 218 Q. The first lady you stabbed, is it?
26 A. Yes.
27 219 Q. Right. Where exactly was this situated, this piece
28 of carpet?
29 A. Near the bed, at the back of it.

26

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1 220 Q. As you go in the door, where would you go?
2 A. As you go in the door, we'll say from here, say about
3 five or six feet.
4 221 Q. To your right or left?
5 A. To your left.
6 222 Q. Along the wall?
7 A. Sorry, to your right at the wall, on the right-hand
8 side. There was a corner pulled back and you could
9 see the money sticking out.
10 223 Q. Did you know that was there?
11 A. I didn't at the time, just as I turned away I spotted
12 it.
13 224 Q. Was the light on?
14 A. Sorry?
15 225 Q. Were the lights on in the room?
16 A. No, but it wasn't that dark in the room either, if
17 you know what I mean.
18 226 Q. Right.
19
20
21 **SERGEANT CORRY:** Is everything okay there,
22 Mr. Lyons?
23 A. Everything is grand.
24 **DET GARDIA MULLIS:** Sergeant Eddie Corry
25 just checked on the
26 prisoner at 14:55:36.
27
28
29 A. I just noticed something sticking up, so I went over

27

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1 to see what it was and I saw it was money, so I ended
2 up putting it in my pocket and I left then.
3 227 Q. Did you use this money to pay for the taxi out to
4 ...(INTERJECTION)?
5 A. No, Tara actually paid for the taxi going out. I
6 used the money coming back meself, I came back in a
7 taxi on me own.
8 228 Q. And you used that money?
9 A. Yeah.
10 229 Q. How much was the taxi fare back in, can you remember?
11 A. I think it was six, six or seven quid. I know it
12 wasn't that much. It was f6 I think it was.
13 230 Q. Does Tara live out there in Inchicore, does she?
14 A. I don't know where exactly she lives now.
15 231 Q. Where did you leave her?
16 A. I left her in Inchicore.
17 232 Q. **GARDA O'CONNOR:** When you were going out to
18 Inchicore with Tara, where
19 did you get the taxi?
20 A. The top of Benburb Street.
21 233 Q. Near Parkgate Street?
22 A. Do you know where the Model Hostel is?
23 234 Q. Yeah.
24 A. As you go up past the Model Hostel, just past there,
25 there is a turn on your left-hand side.
26 235 Q. Yeah.
27 A. And we got a taxi at that turn just there.
28 236 Q. **DET GARD MULLIS:** Near the apartments?
29 A. At the apartments.

1 237 Q. **GARDA O'CONNOR:** Can you remember what taxi
2 company it was?
3 A. I don't now.
4 238 Q. What colour the taxi was?
5 A. It was a blue Sunny, that's all I remember.
6 239 Q. A blue Sunny?
7 A. A blue Sunny.
8 240 Q. **DET GARD MULLIS:** You were covered in blood
9 all the time, were you?
10 A. No, I ended up getting changed. Tara told me to go
11 off and get changed. We had to walk back up.
12 241 Q. **GARDA O'CONNOR:** When you were coming back
13 from Inchicore -- sorry,
14 when you were in Inchicore, who did you buy the gear
15 off?
16 A. I don't know who the chap is. Tara knows the bloke
17 to see.
18 242 Q. She knows him?
19 A. I know him to see meself.
20 243 Q. Did she call him by any name, a nickname?
21 A. No, he came over. He whistled and he shouted over,
22 "are you looking," and we said, "yeah." "All I have
23 is 20 bags," so we bought two 20 bags and a 20 bag of
24 coke as well.
25 244 Q. When you were coming back, did you come back on your
26 own?
27 A. I came back on me own.
28 245 Q. Where did you get the taxi?
29 A. There is a church in the middle of Inchicore flats,

1 just at the church there was a taxi going by.
2 246 Q. What was it?
3 A. That was a black Merc.
4 247 Q. A black Merc?
5 A. Yeah.
6 248 Q. Do you know the name of the taxi company?
7 A. I don't know now. I just waved it down on the
8 roadway.
9 249 Q. **DET GARD A MULLIS:** Could you describe the taxi
10 man?
11 A. I would say he was about 5 foot 9, dark hair, that's
12 all, dark skin.
13 250 Q. Glasses or anything?
14 A. He'd no glasses, no.
15 251 Q. Is there anything else you want to tell us about?
16 A. That's basically it that I can recall.
17 252 Q. **GARDA O'CONNOR:** When did you hear about the
18 murders then?
19 A. Em, I'd say it was about two days later. I was still
20 in the hostel and a couple of lads were talking about
21 it, that's when I heard about it.
22 253 Q. What did you think of that?
23 A. I didn't know what to think to be honest with you. I
24 didn't know if it was the same one or
25 ...(INTERJECTION).
26 254 Q. You didn't know if it was the same one?
27 A. I didn't know if it was the same one as I was at
28 like, you know what I mean. I just went back into
29 bed and I was only out of bed, and I was going to

1 stop, I was a bit upset. I was actually talking to
2 staff, I wasn't talking to staff about
3 ...(INTERJECTION).
4 255 Q. How many people did you kill, how many people?
5 A. How many people altogether?
6 256 Q. Yeah.
7 A. In me whole
8 257 Q. No, in that house on that night?
9 A. As far as I could remember I was only after doing
10 one, but then I found out there was two.
11 258 Q. You can only remember killing one person?
12 A. One woman.
13 259 Q. Why is that?
14 A. I'm not too sure. As I say, me mind wasn't -- it's
15 hard to describe. When you're so ...(INTERJECTION).
16 260 Q. Would it be fair to say that you just blacked it out?
17 A. It could have been, yes.
18 261 Q. You only remember killing one person?
19 A. Yes.
20 262 Q. **DET GARD A MULLIS:** Did you not say that
21 you saw two people on the
22 stairs when you were going up, two women?
23 A. I did see two. As I say, I didn't know I killed, I
24 thought that they were just wounded, you know what I
25 mean.
26 263 Q. Didn't you say you stabbed one of the ladies three
27 times?
28 A. Yes, yes.
29 264 Q. You couldn't say exactly what part of the body?

1 A. Exactly.
2 265 Q. But you stabbed her at least three times?
3 A. That's right.
4 266 Q. **GARDA O'CONNOR:** Can you describe the two
5 women that you saw?
6 A. As I say, I was that much out of me head I wouldn't
7
8 267 Q. Can you describe the two women?
9 A. I can't, because
10 268 Q. **DET GARDA MULLIS:** Did it happen very quickly?
11 A. It did, and I panicked more than anything. Like,
12 it's hard to describe. When you're out of your head
13 on heroin, you could be talking to someone and you
14 wouldn't even remember the next day even talking to
15 them or what happened to me, you know what I mean.
16 269 Q. Did you return to the scene the next morning?
17 A. I walked up that way the next morning. I was
18 actually going to the Navan Road to meet two girls
19 that live up the Navan Road, I was walking up to see
20 could I bump into them.
21 270 Q. And?
22 A. And as I was walking by I seen a few police cars and
23 a van, I think it said Garda on it, going around
24 271 Q. Cordoned and sealed off?
25 A. The road was sealed off.
26 272 Q. Outside the houses?
27 A. Yeah.
28 273 Q. Were these the same houses that you were in?
29 A. That's right, and I asked one of the Guards what was

1 after happening. He turned around and goes, "there's
2 a lost dog." I can't remember, I did make a smart
3 remark back to the Guard, I can't remember exactly
4 what remark I made.
5 274 Q. You knew all along that this was the house that you
6 were in and the ladies were murdered in?
7 A. That's what I thought, yes.
8 275 Q. You knew then that they were the same houses?
9 A. Yes. As I say, I wasn't taking any notice and the
10 lads out of the hostel, a couple of lads out of the
11 hostel started talking about it.
12 276 Q. What is your feeling about it now having admitted
13 your part in this?
14 A. To be honest with you now compared to what I was like
15 earlier on, I feel much better admitting to it.
16 277 Q. It's a weight off your mind?
17 A. It is. A few friends said to me in the last month,
18 two months that I've been, that there's something
19 going on in me mind, and these are best friends and I
20 haven't said anything to them, that there's something
21 going on in me mind and I've been going off the scene
22 for a while staying in different flats and wondering
23 why I keep disappearing. I just keep telling them
24 it's me, but they've noticed I've been acting very
25 strange lately.
26 278 Q. Have you kind of distanced yourself from people that
27 you normally hung around with?
28 A. I have, yes.
29 279 Q. Have you found yourself becoming a bit of a loner?

1 A. I have, yes. A few times I actually attempted to
2 commit suicide just to block it off. Twice last week
3 I attempted suicide, Monday and Tuesday.
4 280 Q. How did you do that?
5 A. I tried to overdose.
6 281 Q. On what?
7 A. On heroin. I knew I was taking too much but I didn't
8 mind, but I was found twice by the same person. On
9 Monday he snapped me out of it. On Tuesday some
10 girl, I don't know who the girl is, I've never seen
11 her before, she's one of me mate's girlfriends, she
12 had to give me mouth to mouth for 15 minutes and she
13 got an ambulance.
14 282 Q. **GARDA O'CONNOR:** Where was this?
15 A. All I know, I know her by Vikki.
16 283 Q. No, where did this happen?
17 A. Out in Inchicore.
18 284 Q. Out in Inchicore.
19 A. I was rushed into James's Hospital then, but I
20 discharged myself after a few minutes.
21 285 Q. **DET GARDIA MULLIS:** What happened to your hand?
22 you have an injury to your
23 hand there.
24 A. Yeah, I have a fracture in me hand from the smack of
25 a bar.
26 286 Q. From?
27 A. From a few travellers.
28 287 Q. This was a row you had?
29 A. A row, yeah.

1 288 Q. It had nothing to do with the murders?
2 A. No.
3 289 Q. Dean, about a week after this, the murders, did you
4 look for a travel pass to go to the country, to get
5 outside?
6 A. I was. To be honest with you now, I don't recall
7 asking for a travel pass, but I was talking about
8 going to England. I was actually planning on going
9 to England a few times and a friend of mine went over
10 last week asked me to go over with him.
11 290 Q. Yeah.
12 A. I know a bloke that was selling a travel pass. I
13 asked him had he still got it but he was after
14 selling it.
15 291 Q. What was the reason for going? Was it because of the
16 murders?
17 A. It was because of the murders, yes.
18 292 Q. How have you been living with it for the last almost
19 five weeks, how has it been affecting you?
20 **GARDA O'CONNOR:** Five months.
21 **DET GARDIA MULLIS:** Five months, sorry.
22 A. Well, at first it wasn't, I wasn't taking any notice
23 of it, but it was starting to build up on me all of a
24 sudden and I couldn't cope, you know what I mean. As
25 I says, I tried to commit suicide.
26 293 Q. **GARDA O'CONNOR:** What about immediately
27 after the murders, there
28 were a lot of articles in the papers in relation to
29 the murder, in relation to the two murders in

1 1 Orchard View?

2 A. Yeah.

3 294 Q. They described the viciousness and the injuries

4 inflicted on the victims or they speculated to them.

5 Did you read any of these articles?

6 A. I didn't, to be honest with you. I heard people

7 reading them like, as I say.

8 295 Q. How did that affect you?

9 A. I just tried to block it away from me. I was feeling

10 bad inside but I was just trying to block everything

11 away. There was a few times -- I was saying to a

12 friend of mine I have warrants, which I had no

13 warrants, I said to a friend of mine, "I think I'll

14 hand meself up on warrants." I was actually coming

15 to the police about this and he kept saying, "don't,

16 don't, don't."

17 296 Q. Who was this?

18 A. Frank Fagen.

19 297 Q. Frank Fagen?

20 A. Yeah. He said, "if you hand yourself in on warrants,

21 you'll wake up in The Joy tomorrow and you're going

22 to be wondering ...(INTERJECTION)."

23 298 Q. Did you tell Frank Fagen that you were going to hand

24 yourself in for the murders?

25 A. No, I told him the warrants.

26 299 Q. So he didn't know about the murders?

27 A. No, he had no notion of what happened with the

28 murders.

29 300 Q. DET GARDA MULLIS: So you were going to give

1 yourself up several times

2 for the murders?

3 A. Yes.

4 301 Q. And something else stopped you?

5 A. It's just I backed out of it at the last minute. One

6 time there about three weeks ago I got to the door of

7 Pearse Street Police Station and I ended up turning

8 away saying I'd regret it in the morning, you know

9 what I mean.

10 302 Q. So the whole thing has been getting worse?

11 A. It has been getting worse.

12 303 Q. The longer it has gone on, the worse it has got for

13 you?

14 A. Yes.

15 304 Q. Are you relieved now that you have spoken out about

16 it?

17 A. I am, yes, yes.

18 305 Q. And you have spoken out at your own freewill about

19 it?

20 A. I have.

21 306 Q. You are happy enough with that?

22 A. I feel ten times better to be honest with you.

23 307 Q. GARDA O'CONNOR: why?

24 A. Because I feel like it's a load off me chest, I have

25 no worries about it anymore. Every morning, even at

26 night if I seen a police car, I was always watching,

27 looking at the police cars saying, 'are the police

28 going to pull me?' I was always wondering when,

29 because I knew sooner or later I was going to be

1 pulled for it. I didn't know but I had a feeling.
2 308 Q. Why did you have a feeling?
3 A. I don't know, but I just got the feeling that I was
4 going to be pulled. Then last week I was down in
5 Charles Street and a chap I know to see turned around
6 to me and says, "you'd want to watch yourself,
7 Deano." I says, "what?" I was standing down there
8 with Frank Fagen, Frank Fagen was going in to get
9 paid. He says, "don't stand around here." I says,
10 "why?" He goes, "the police have been around here
11 Thursday and Friday looking for you." I says,
12 "what?" "I overheard," he says, "some Guard asking
13 about Dean Lyons." So that's, that's fine, I knew
14 something is after happening, you know what I mean, I
15 knew something was coming on top. As I says earlier
16 on, I was checking the window at 8 o'clock this
17 morning.
18 309 Q. **DET GARD A MULLIS:** Did you have a feeling
19 ... (INTERJECTION)?
20 A. I had a feeling.
21 310 Q. Did you have a feeling the Guards were going to come
22 for you at some stage?
23 A. I had.
24 311 Q. Did you feel you couldn't get away with this?
25 A. I knew I couldn't get away with it. I just kept
26 saying I'm going to go to England, but it was the
27 chance of getting the money to go to England. I knew
28 if I went over to Charles Street and asked for a
29 travel warrant, I wouldn't get it because I have no

1 reason to go to England. I couldn't say I'm on the
2 run, you know what I mean.
3 312 Q. Right.
4 A. And I had no excuse to go.
5 313 Q. **GARDA O'CONNOR:** Can we just go back to when
6 you committed the
7 burglaries, the first time you broke in and then you
8 came out and you had to go back in because you
9 thought or you realised you had dropped your labour
10 card.
11 A. Yeah.
12 314 Q. Did you think that is what was going to commit you to
13 the scene?
14 A. I did. When I noticed me labour card gone, I thought
15 I left it in the house, so I better go back for it.
16 If I don't and the police will come, they'll see my
17 labour card there and they're going to be wondering
18 what I was doing in the house and I'll be pulled for
19 it. So I went looking for the labour card and I
20 couldn't find it, it's not here. So I don't know,
21 from that day to this day I still don't know where
22 the labour card went.
23 315 Q. **DET GARD A MULLIS:** The purpose of your
24 going into the house in the
25 first place was for what?
26 A. For money.
27 316 Q. Was to burgle the place?
28 A. Burgle the place for money for heroin.
29 317 Q. What do you say happened? Did something go wrong

1 then? What made you turn to this?

2 A. Well, at first I thought, when I left, the first time

3 I left I found the chain and I couldn't really see

4 anything. I didn't want to stay in the house too

5 long.

6 318 Q. Sorry, you found what?

7 A. The chain.

8 319 Q. The necklace.

9 A. I didn't really want to stay in the house. I

10 couldn't see anything around that I'd be able to sell

11 very quick, you know what I mean. As I say, there's

12 no point taking tellies or anything like that because

13 trying to unload a television at that hour of the

14 morning, you'd never get away with it. But eh', I

15 just ended up getting out. I think the tablets had

16 me paranoid more than

17 320 Q. Had you taken tablets that day?

18 A. I had taken Roche tablets, as I said earlier, as well

19 as the heroin.

20 321 Q. Right.

21 A. I think I was more paranoid than anything else.

22 322 Q. Have you anything against women?

23 A. Sorry?

24 323 Q. Have you anything against women?

25 A. No, nothing at all.

26 324 Q. Do you have a relationship with a woman, with women?

27 A. I have, yes.

28 325 Q. A good one?

29 A. I'm actually going out with a girl at the moment and

1 she's expecting a babby next month.

2 326 Q. Who is that?

3 A. Mary-Ann Quilligan.

4 327 Q. Mary-Ann Quilligan?

5 A. Yeah.

6 328 Q. **GARDA O'CONNOR:** What age is she?

7 A. She's 17 at the moment.

8 329 Q. 17?

9 A. Yeah.

10 330 Q. **DET GARDA MULLIS:** Where is she living?

11 A. She is living in Walkinstown at the moment,

12 Walkinstown Road.

13 331 Q. **GARDA O'CONNOR:** Do you have anything

14 against old women?

15 A. No.

16 332 Q. So the reason why you stabbed this person was what,

17 or these people?

18 A. I don't, I don't really know, it was probably because

19 I was really out of me, as I say, out of me head that

20 much I panicked, you know what I mean.

21 333 Q. No, is that what you say?

22 A. That is basically what I put it down to, yes.

23 334 Q. You panicked?

24 A. I panicked.

25 335 Q. **DET GARDA MULLIS:** You've had a few months to

26 think about it, Dean. What

27 conclusion have you come to as to why you did this?

28 A. Each time I think about it the more it comes to me,

29 as I keep saying, the more it comes to me because I

1 panicked, you know what I mean. I'm not being smart
2 when I say this, I know if it was my granny, I
3 wouldn't like it to happen to my granny.
4 336 Q. Of course you wouldn't, no.
5 A. And I wouldn't like it to happen to me own mother
6 either, so why should I go and do it to other
7 peoples' mothers and grannies, you know what I mean.
8 337 Q. But you did?
9 A. I have done.
10 338 Q. **GARDA O'CONNOR:** Do you feel sad or
11 remorseful?
12 A. I do, yes, I do. There was a few times I was
13 actually sitting in the hostel and I broke down in
14 tears. The staff found me lying in the bed in tears
15 and they asked me what was wrong but I wouldn't tell
16 them, do you know what I mean.
17 339 Q. Are you a religious person?
18 A. I am religious.
19 340 Q. You believe in God?
20 A. I believe in God, I deeply believe in God, very
21 deeply.
22 341 Q. **DET GARDA MULLIS:** Have you been part of a
23 church or have you been
24 associated with a church?
25 A. I was associated with a church group for a couple of
26 year, it was about two year ago.
27 342 Q. What was that?
28 A. It was a prayer group, the Dominican Council of
29 Youths.

1 343 Q. Where were they?
2 A. That was in Tallaght. Well, it's all over. I used
3 to go to the one in Tallaght.
4 344 Q. Who used run that?
5 A. Brother Patrick Burke and Father Paul O'Shea.
6 345 Q. Do you have contact with them now?
7 A. I don't, no. They've left the priesthood at the
8 moment, so
9 346 Q. They have left the priesthood?
10 A. Yeah.
11 347 Q. Okay. Just the items you stole from the house was
12 25 quid?
13 A. Yes.
14 348 Q. And?
15 A. And the miraculous medal.
16 349 Q. Silver medal. Did you take any other items?
17 A. No.
18 350 Q. Nothing else?
19 A. Nothing else.
20 351 Q. They were taken the first time you went in?
21 A. Yes.
22 352 Q. So you didn't take anything the second time?
23 A. No.
24 353 Q. **GARDA O'CONNOR:** When you were coming out of
25 the house on either
26 occasion, either after the first time or the second
27 time, did you see anybody on the road or street?
28 A. When I was coming out the second time there was a man
29 on the far side. He was actually walking some dog.

1 354 Q. He was walking a dog?
2 A. A dog, yes.
3 355 Q. Can you describe him?
4 A. He was, I'd say, about 70 odd years of age, baldish
5 and glasses. He just said goodnight to me and I just
6 said goodnight to him, that was it.
7 356 Q. **DET GARDA MULLIS:** You were covered in blood
8 at this stage?
9 A. I was, but he was on the far side of the road like,
10 you know what I mean. I don't think he was taking
11 any notice.
12 357 Q. He was over the Grangegorman ...(INTERJECTION)?
13 A. On Grangegorman, yeah.
14 358 Q. **GARDA O'CONNOR:** Did you walk out of the
15 house or did you run out of
16 the house?
17 A. I mainly ran out of the house and then when I got out
18 on to the street I walked.
19 359 Q. **DET GARDA MULLIS:** In the direction of?
20 A. I walked in the direction going up towards Benburb
21 Street.
22 360 Q. **GARDA O'CONNOR:** When you walked down
23 towards the pub?
24 A. Yeah.
25 361 Q. The Grange?
26 A. The Grange, yeah, you know the corner pub?
27 362 Q. Yeah.
28 A. Yeah.
29 363 Q. **DET GARDA MULLIS:** You made your way down to

1 Benburb Street?
2 A. Benburb Street then and I met Tara then.
3 364 Q. **GARDA O'CONNOR:** So the second time you came
4 out then after the murders,
5 you met a man?
6 A. That's right.
7 365 Q. What age again?
8 A. About 70, 70 odd years of age.
9 366 Q. 70 odd years of age. He was walking a dog?
10 A. A dog.
11 367 Q. Do you know what type of dog?
12 A. It was either a German Shepherd -- I always get mixed
13 up with them. It was either a German Shepherd or an
14 Alsatian.
15 368 Q. **DET GARDA MULLIS:** That type of dog?
16 A. Yeah, a nice big dog.
17 369 Q. Could he have been a security man?
18 A. I don't remember to be honest with you.
19 370 Q. Was he in a uniform?
20 A. He wasn't, no.
21 371 Q. Did you see anybody else?
22 A. No.
23 372 Q. This would have been around one or two o'clock in the
24 morning?
25 A. Yeah, maybe a bit later.
26 373 Q. **GARDA O'CONNOR:** When you were going up the
27 first time, did you see
28 anyone?
29 A. Not that I can recall, no.

1 374 Q. **DET GARD MULLIS:** You are absolutely positive
2 you were only on this job
3 yourself?
4 A. Yes.
5 375 Q. No one else?
6 A. No one else.
7 376 Q. No one was keeping sketch for you, look out?
8 A. No.
9 377 Q. You went on your own?
10 A. I went on me own.
11 378 Q. Why did you pick this house?
12 A. To be honest with you I'm not too sure, do you know
13 what I mean.
14 379 Q. Did you ever break into this house before?
15 A. Them houses?
16 380 Q. Yeah.
17 A. No.
18 381 Q. That was the first time?
19 A. That was the first time. I have broke into houses
20 now, but not them houses.
21 382 Q. **GARDA O'CONNOR:** Did you break into this
22 house on 19th December
23 1996?
24 A. No.
25 383 Q. Are you sure about that?
26 A. I'm 100% sure about that.
27 384 Q. **DET GARD MULLIS:** Did you break in on that
28 occasion and you were
29 disturbed by these ladies, one of them who turned on

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1 a light or whatever?
2 A. On?
3 385 Q. On 19th.
4 A. On 19th, no, I was out in Tallaght on 19th.
5 386 Q. That is the first time you were in that house?
6 A. Yeah.
7 387 Q. That is the first time you ever saw those ladies?
8 A. Yes.
9 388 Q. In the house?
10 A. Yeah.
11 389 Q. Were they not in the house when you were in it a year
12 and a half ago?
13 A. No.
14 390 Q. They were different ladies?
15 A. No, well they could have been there, but meself and
16 (INAUDIBLE) only just went in for a few minutes, if
17 you know what I mean, we just went in to pass a
18 message. We had a quick cup of tea and then we left.
19 391 Q. So that was the first time?
20 A. Yeah.
21 392 Q. Okay.
22 393 Q. **GARDA O'CONNOR:** You were never in that
23 house again until the night
24 of the murders?
25 A. Until the night of the murder.
26 394 Q. Right.
27 395 Q. **DET GARD MULLIS:** Are you happy enough that
28 you were responsible for
29 the two murders?

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1 A. Yes.
2 396 Q. You are not saying that anyone else came along and
3 killed the second lady?
4 A. No, I am not, no.
5 397 Q. You are taking full responsibility for both murders?
6 A. Yes.
7 398 Q. Even though the second one, as you say, is a bit
8 vague?
9 A. Yeah.
10 399 Q. **GARDA O'CONNOR:** Can you remember anything
11 of the second one?
12 A. Not really, but, as I say, I was that out of it, you
13 know what I mean. I was very stoned that day. I'm
14 not being smart when I say this, I'd be out of it and
15 talk to you and you see me tomorrow and
16 ...(INTERJECTION).
17 400 Q. Just coming back here, just coming back. When you
18 were breaking into the house, when you were breaking
19 the window, you broke the window with what?
20 A. With me elbow.
21 401 Q. How many times did you hit the window?
22 A. I hit it twice.
23 402 Q. You hit it twice?
24 A. Yeah.
25
26
27 **GARDA O'CONNOR:** Sergeant Eddie Corry is
28 visiting the prisoner at
29 15:17:58.

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1 **SERGEANT CORRY:** Mr. Lyons, do you want
2 something to eat?
3 A. No thanks.
4 **SERGEANT CORRY:** You don't want any food,
5 no?
6 A. No.
7 **SERGEANT CORRY:** You're okay?
8 A. I'm grand.
9 **SERGEANT CORRY:** Thank you.
10
11 (SERGEANT CORRY LEAVES THE ROOM).
12
13
14 403 Q. **GARDA O'CONNOR:** How did you break the
15 window again?
16 A. With me elbow.
17 404 Q. How many times did you hit it?
18 A. The first time I had it cracked and then I hit it
19 again and that is when it smashed.
20 405 Q. Did you cut yourself?
21 A. I did, it grazed me arm as far as I remember.
22 406 Q. What?
23 A. I did cut a piece along the elbow.
24 407 Q. Is there any ...(INTERJECTION)?
25 A. I don't think there's a mark there.
26 408 Q. It wasn't a serious cut?
27 A. No.
28 409 Q. Was there much blood?
29 A. No.

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1 410 Q. No?
2 A. Not that I can recall anyway to be honest with you.
3 411 Q. Can you remember what was on the window, what was in
4 the window?
5 A. In the window?
6 412 Q. Yeah.
7 A. What do you mean now?
8 413 Q. If there were curtains, blinds or whatever?
9 A. As far as I know it was a curtain to be honest with
10 you.
11 414 Q. What type of curtain?
12 A. Yeah, it was a curtain as far as I remember. I'm not
13 too sure now.
14 415 Q. **DET GARDIA MULLIS:** Was it a net curtain?
15 A. Yeah.
16 416 Q. That type of net?
17 A. Yeah, more of a net curtain, yes.
18 417 Q. **GARDA O'CONNOR:** A heavy or a light curtain?
19 A. I'd say it was light.
20 418 Q. **DET GARDIA MULLIS:** There was no heavy curtains
21 like those there?
22 A. Not that I can recall, no.
23 419 Q. Just a kind of a net curtain?
24 A. Yeah.
25 420 Q. Was there anything on the window, on the window sill?
26 A. I think there was two statues, one on each side. I'm
27 not too sure now.
28 421 Q. **GARDA O'CONNOR:** Just inside the window,
29 what was there?

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1 A. Inside the window?
2 422 Q. Yeah.
3 A. On the ledge?
4 423 Q. No, just inside of the window, was there anything in
5 front of the window?
6 A. I'm not too sure, I can't recall that now.
7 424 Q. **DET GARDIA MULLIS:** You didn't trip over
8 anything when you got
9 through?
10 A. No.
11 425 Q. **GARDA O'CONNOR:** Can you remember how did
12 you get in through the
13 window?
14 A. I climbed in.
15 426 Q. Yeah, but how?
16 A. I put me head in first.
17 427 Q. Yeah.
18 A. And pulled meself through.
19 428 Q. What did you put your hands on to?
20 A. On the ledge sort of thing. As I got in, I took one
21 leg in first and dropped, and rolled on to the
22 ground. Then I just got up and walked around then.
23 429 Q. Right. So can you remember if there was anything
24 inside the window?
25 A. I can't recall at this stage. I wasn't taking any --
26 to be honest, I wasn't taking any notes.
27 430 Q. **DET GARDIA MULLIS:** Is there anything else you
28 want to say to us?
29 A. That's it basically.

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1 431 Q. That is how it happened?
2 A. Yeah.
3 432 Q. **GARDA O'CONNOR:** Is there anything you want
4 to say to us?
5 A. No.
6 433 Q. About the murders?
7 A. That's it, no. That's basically it.
8 434 Q. Do you wish it never happened?
9 A. Oh, I do wish it never happened, I deeply regret that
10 it did happen.
11 435 Q. You do regret it?
12 A. I do regret it, deeply regret it.
13 436 Q. Do you realise what you did?
14 A. I do, yes. There was a few times that I wanted to go
15 and talk but I was just afraid to confront people.
16 That is actually how I found out Brother Patrick
17 Burke and Father Paul O'Shea left the priesthood, I
18 went to speak to one of those.
19 437 Q. You made an appointment to speak to them?
20 A. You can drop in any time to see them.
21 438 Q. Where is this?
22 A. It's in Tallaght, Tallaght Priory.
23 439 Q. Tallaght Priory?
24 A. Yeah, in Tallaght Village, the church in Tallaght
25 Village.
26 440 Q. What days did you go there?
27 A. I'd say it would have been about two weeks after,
28 maybe three weeks after it happened.
29 441 Q. After the murders?

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1 A. Yeah.
2 442 Q. Did you talk to anyone there?
3 A. I didn't, no.
4 443 Q. So how did you know that they had left?
5 A. Well, I seen one of the women at the counter and I
6 asked her for Brother Patrick Burke.
7 444 Q. Did this woman know you?
8 A. She does, yes.
9 445 Q. What's her name?
10 A. I'm not too sure of her name. She's a small woman
11 with glasses. She works there every day. She knows
12 me from the group. She has glasses and grey hair.
13 She's originally from Bancroft in Tallaght. I asked
14 her for Brother Patrick Burke and she told me he's
15 not there.
16 446 Q. Why were you looking for Patrick Burke?
17 A. Well, he's that sort of a friend I can really trust.
18 447 Q. Yes, but did you want to confess to him?
19 A. I did, yes. She told me he wasn't available. I
20 asked for Father O'Shea and she told me he wasn't
21 available either.
22 448 Q. Yeah.
23 A. So I said, okay, I'd come back some other time.
24 449 Q. **DET GARDA MULLIS:** Did you speak to any priest
25 about it?
26 A. I haven't, no. I didn't speak to anybody at all, any
27 priest.
28 450 Q. Right. You are originally from (Address deleted)?
29 A. Yeah.

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1 451 Q. (Address deleted). Who lives there?
2 A. Me mother and father.
3 452 Q. Do you have some family?
4 A. Well, an odd time me sister stays there, one of my
5 sisters would stay there or she stays with one of me
6 other sisters. Me brother is with me other sister at
7 the moment.
8 453 Q. You're away from the house, are you?
9 A. I'm away from the house at the moment.
10 454 Q. Do you not get on with your parents or is there a
11 problem?
12 A. Well, I get on grand with the parents, just the drug
13 addiction, they don't want me there 'cos I keep
14 taking money from them, you know what I mean. A few
15 times they asked me to go to the ESB and pay the ESB
16 bill, and I ended up spending the money on drugs.
17 455 Q. **GARDA O'CONNOR:** Is this the first time you
18 have ever done anything
19 like this?
20 A. It is, yes.
21 456 Q. You have never killed anybody else?
22 A. No.
23 457 Q. When we met you this morning, Dean, when we came up
24 to see you this morning in the hostel, did you
25 realise what it was about?
26 A. I had a fair idea, but, as I say, there was so many
27 people wondering who it was for, we didn't know who.
28 Then it was one of the staff says, "Dean, there's
29 someone outside to see you."

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1 458 Q. Did you know then what we were looking for you for?
2 A. Well, there was two things going in me mind. It was
3 either that or it was over a car, breaking into a
4 car, 'cos I'm expecting a charge on a car.
5 459 Q. **DET GARDA MULLIS:** What do you mean by that,
6 it was either
7 ...(INTERJECTION)?
8 A. Either this here.
9 460 Q. The murder?
10 A. The murder case or it was over breaking into a car.
11 461 Q. **GARDA O'CONNOR:** Is that why you made the
12 comment, "I think I know
13 what this is about?"
14 A. Yes.
15 462 Q. You do remember saying that to us?
16 A. I do, yes. Well, it was to one of me cousins I made
17 a remark to. Yeah, I remember it.
18 463 Q. In the hostel?
19 A. In the hostel coming out through the doors.
20 464 Q. In our presence?
21 A. Yes.
22 465 Q. **DET GARDA MULLIS:** What were you talking about
23 when you said that, what
24 did you think it was about?
25 A. Well, as I say, I wasn't too sure if it was over the
26 murder case or if it was over breaking into a car.
27 466 Q. All right. It was either one of them?
28 A. I knew it was either one of them.
29 467 Q. Right.

55

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1 468 Q. GARDA O'CONNOR: Is there anything else you
2 want to tell us?

3 A. That's it.

4 469 Q. That's it, all right. I'll just finish this.

5 Dean Lyons, do you wish to clarify anything you said
6 or do you wish to add anything?

7 A. No.

8 470 Q. No. This interview is now being terminated at
9 15:25:52. I am now switching off the recorder.

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11

12 END OF INTERVIEW

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Appendix E

MEMO OF INTERVIEW OF DEAN LYONS, DOB 20/4/73 OF **[ADDRESS DELETED]**. D/GARDA DOMINIC J COX AND D/SERGEANT ROBBIE McNULTY PRESENT, DATED THE 26/7/97, TIME 6PM
AFTER CAUTION YOU ARE NOT OBLIGED TO SAY ANYTHING UNLESS YOU WISH TO DO SO BUT ANYTHING YOU DO SAY WILL BE TAKEN DOWN IN WRITING AND MAY BE GIVEN IN EVIDENCE.

DC: Do you understand the caution.

DL: Yes.

DC: Do you know what you have been arrested for.

DL: Yes.

DC: You have received a visit from you doctor and your mother, is that correct.

DL: Yes.

DC: You have declined the services of a solicitor, is that correct.

DL: Yes.

RMcN: Can you recall what you done on the 6th of march 1997 to the early morning of the 7th of March 1997 in other words can you account for your movements.

DL: Yes, from what I can remember.

RMcN: Well start from mid day on the 6th of March 1997.

DL: At 3pm I scored gear in the derelict building in Grangegorman with Robbie Kay and Keith Grace and then they went to the extension to play pool and I went off robbing. I stole two mobile phones from cars. One of the cars was in Henry Street and the second phone I took from a car at the Canal near Harcourt Terrace Garda Station and I sold them for £75.00. Went back to the Morning Star where I met Sean Green from Ballyfermot and we got the bus and went out to Inchicore and bought gear and banged up in the graveyard in Inchicore.

DC: What did you do then.

DL: I went back into town on my own and went up to the Army Hostel but I was refused entry as I was stoned out of my head.

RMcN: Where did you go then.

DL: I went down to Benburb Street and spoke to some of the girls.

DC: Who did you speak to.

DL: I spoke to Siobhan Sheehan and Pauline Keating and I shared a half bag of heroin with Pauline Keating

RMcN: What did you do then.

DL: I went up to Grangegorman to break into a gaff.

RMcN: Had you your mind made up at this stage what house you were going to break into.

DL: No I just went up to the Gorman.

DL: Can you describe where the house is situated in relation to Grangegorman.

DL: Yes, as you pass the Grangegorman pub the house is on the right hand side.

DC: Can you describe anything else about the house.

DL: No.

RMcN: Well how did you get into the house.

DL: I broke the glass with my elbow.

RMcN: Did all the glass in the window break.

DL: Not the first time, it cracked the first time and broke the second time.

RMcN: Did all the glass fall out.

DL: No, I had to pull out some of the glass with my hand.

DC: Did you cut your hand.

DL: No I was wearing gloves.

RMcN: What kind of gloves.

DL: Leather gloves.

DC: Where are the gloves now.

DL: Up in the Haven House.

DC: Is that not a hostel for women.

DL: Yes but I left my gear in a blue plastic bag with Isabelle who lives in the Haven.

DC: Who is Isabelle.

DL: She is Peter Cryans girlfriend.

DC: What else is in the bag.

DL: Jeans, jumper and a shirt.

RMcN: When you were breaking into the house in the Gorman what was inside the window.

DL: An ornament which I moved and a press and when I got in the window I fell on the floor.

RMcN: What did you do then.

DL: I searched a cupboard and found a miraculous medal on a silver chain.

DC: What did you do then.

DL: I had a look downstairs and then left the house again out the same window

RMcN: What happened then.

DL: When I climbed back out the window of the house I could not find my labour card so I went back into the house again to look for it.

RMcN: What did you do this time.

DL: I got back into the house and took a knife from the drawer and I went upstairs looking for money.

RMcN: What happened then.

DL: I met two women at the top of the stairs and I went mad because they started screaming and I stabbed them.

DC: I have to put it to you that you are not telling the truth at this stage, is that correct.

DL: It's months ago and it's not easy remember when you're on gear because it fucks your head up.

DC: Is it that you don't remember or is it that you don't want to remember.

DL: No reply.

DC: Can you describe the first woman that you met and what room she came out of.

DL: It was the second room from the top of the stairs and she was stout about one or two inches smaller than me and she had grey shoulder length hair. She was wearing a very light nightdress.

RMcN: What happened when you met her.

DL: I stabbed her a few times to stop her screaming.

DC: I put it to you that this did not happen in the hallway but happened in the bedroom, would you agree.

DL: Yes.

DC: Well why don't you tell us the full truth about what happened in that first bedroom you went into.

DL: When I went into the bedroom there was a woman asleep in the bed and I started to search the room and I found £25 under the carpet and then the woman woke up and started to scream. I panicked and stabbed her a few times to stop her screaming. I stabbed her three time before she stopped screaming and twice more after she stopped screaming.

RMcN: Where was the woman at this stage.

DL: Still on her bed and after that I looked around for another while and I went into another room and I found another woman in this room who was asleep when I opened the door but woke up straight away and started to get out of the bed. I pushed her and she fell on the floor and started to scream. I lost the head and stabbed her a few times. She stopped screaming after a few minutes but I kept stabbing her.

RMcN: What happened then.

DL: I am not sure, I lost the head and I cannot remember.

RMcN: What was the second lady wearing.

DL: I think a nightdress and she may have been wearing a bra and a knickers.

DC: Can you describe the second lady.

DL:: She seemed to be a tall woman, that's all I can remember.

DC: What room was this lady in.

DL: She was in a room beside the first woman at the top of the stairs.

DC: Did you get aroused while stabbing these ladies or did you rape the old ladies.

DL: No, I can't remember, I might have.

DC: Well did you masturbate in the rooms or in the hallway.

DL: No.

DC: Did you masturbate in any other room in the house or did you masturbate anywhere else after the murder.

DL: Not in the house but I did later at the skip.

DC: Was it the killings that turned you on.

DL: Yes

DC: What turned you on.

DL: Watching the blood on my clothing.

DC: Were you wearing the same clothing when you were masturbating as you were wearing at the scene.

DL: No but they were beside me at the time in the skip.

DC: How long after the murder did this happen.

DL: About two or three hours after the murder.

RMcN: Are you prepared to make a cautioned statement in relation to what you have told us about the murder.

DL: Yes, I want to get it over with.

RMcN:: Do you know what a cautioned statement is.

DL: Yes I know what it is.

RMcN: Are you prepared to make a cautioned statement now.

DL: Yes.

Memo of statement read over to Dean Lyons who stated that the contents were correct.

Signed: Dean Lyons

Witnessed: Dominic J Cox

Robert McNulty, D/Sgt

Date: 26/7/97

Appendix F

STATEMENT OF DEAN LYONS, DOB 20/4/73 OF **[DELETED ADDRESS]**
AFTER CAUTION "THAT YOU ARE NOT OBLIGED TO SAY ANYTHING
UNLESS YOU WISH TO DO SO BUT ANYTHING YOU SAY WILL BE TAKEN
DOWN IN WRITING AND MAY BE GIVEN IN EVIDENCE". DEAN LYONS.

I want to tell you about the two murders in Grangegorman.
God help me but I did those murders. I didn't set out to do
it. I just needed money for drugs and I decided to rob the
corner house in Grangegorman opposite the Grangegorman
Hospital. I am 24 years of age and I come from **[DELETED
ADDRESS]**. My mother Sheila and my father John live there.
I have two brothers John 29 years and Martin 9 years and
three sisters Michelle 28 years, Elizabeth 27, Rachel 21
years. Martin and Rachel live at home, the others have
their own houses. About 4 years ago I got involved with
gear (heroin) with my friends in the Tallaght area. I got
strung out on gear. I was thrown out of my house because of
my drug problem. I was robbing from my folks and family
and just upsetting everybody. My parents asked me to leave
the house. I slept rough for a while and then I started
staying in hostels. I then met new friends through the
hostels. Before I left home I was charged with burglary.
Since leaving home I do a lot of robbing, mainly from cars.
I also break into a lot of houses. I got on well with my
mother and father, the problem was me and my drug habit.
Anyway, I haven't got these killings out of my mind since I
did them. I have been waiting on you to catch me so I can
have some peace. I have to tell you about these killings so
I can get on with my life. I'm glad it's all out in the
open and that I can talk about it. I remember back to the
Thursday of the murders. I believe it was the 6th of March
97. I was staying in the Army Hostel in Grangegorman at the
time. At about 2pm in the afternoon I went to Pearse Street
Drugs Clinic. I got some rohypnol and roach tablets. I
then went out to Inchicore to Michaels Estate to get some

heroin. I was with Keith Grace and Robbie Kay both living in the army hostel. We came back to the skipper at the army hostel for a bang up. This was at about 3pm. We walked around town for a while. Keith Grace and Robbie Kay went down to the extension a place Focus Point runs for under 25's. I went off to do a bit of robbing to get money for more gear. I robbed two mobile phones. One in Henry Street and one in the Quays by the Liffey. some time after stealing these phones about a month or two I was arrested for a mugging. When I was in custody I admitted robbing these phones and was charged with robbing them. A Garda Robbie Heinze from Pearse Street charged me with these phones. I sold the two phones for seventy pounds to a fella down by the Anna Livia fountain in O'Connell Street. I don't know the name of the fella. I met up with Sean Green we went out to Inchicore again to get more gear. We banged up in the Grave Yard beside St Michaels Estate. I then came back into town with Sean Green. I left Sean somewhere around town.

Interview interrupted by Sgt Gerry Walsh at 7.40pm. Dean Lyons informed that he was been extended under Section 4 for a further period of six hours.

I then went up to Benburb Street, I was talking to a girl called Siobhan Sheehan for a while and then I met up with a Pauline Keating and shared a half a bag of heroin with her. I then went down to a field near the Army Barracks and fell asleep for a while. I then went looking for a house to rob when I woke up. This was at about mid night. I was walking around looking for somewhere to rob. I walked down through Smithfield up by the Grange Pub. I walked by the Grangegorman Hospital until I came to a corner house near a lane across from the hospital. I was walking on the right hand side of the road. I came up to the corner house. It was in darkness and it looked vacant. I got into the side

of the house in over a wall. I tried to break the window by whacking it with my elbow. It only cracked the first time. I then hit it again and it broke. I listened for a while to see if anybody heard the window break. Nobody came so I pulled out the glass from the window to make it easier to get in. I threw some of the glass away. But I stacked more of it in a pile so I wouldn't be heard. I got in through the window and routed around a press for a while. I found a miraculous medal in a press or cupboard. I walked around the room for a few minutes. It was dark and I couldn't see that well. I left the house through the window again. When I had left the house I noticed my labour card had gone. I was outside the house at this stage. I climbed back in and started looking for my card but I couldn't find it. I then went into the kitchen and opened the drawers and I seen some books. They looked like social welfare books or rent books. I checked to see if there was any money there. There was none so I picked up a knife and went upstairs. It was dark going upstairs. I came up the stairs and was facing a room. I bypassed this room. I passed the next room until I got to the last room on the right. The door of this room was open, I went into the room and found a woman asleep in the bed. I searched the room and found £25 under the carpet on your right hand side as you come in the door. The woman woke up and started screaming. She was still in the bed. I panicked and lost the head. I started stabbing her with the knife. I went into a frenzy. I kept stabbing her. I'm not sure what part of her body I stabbed her on. I wanted her to stop screaming. I stabbed her a few more times after she stopped screaming. She went very quiet. I would describe her as wearing a light night dress, grey coloured shoulder length hair and she was a stout woman. She looked an oldish type woman. I left her and went into the next room. As I entered the room the woman awoke. She tried to get out of bed and scream. I pushed her and she fell onto the floor. I then attacked her with the knife. I

lost the head with her to. I cut her up with the knife. I kept stabbing her after she stopped screaming. I would describe her as tallish, she wasn't as heavy as the first woman. Oldish and she wore a bra and panties. I realised what was after happening. I panicked a bit. I went down the stairs and cut through the front door. I didn't go into the third room because I realised what I'd done and I was sick with myself. I had to open the latch to let myself out. I can't remember if there was a key in the door. I left the house and walked down the road back past the Grange Pub. I walked up through Smithfield and up to Benburb Street. When I got to Benburb Street I met a friend called Tara who is a prostitute there. Tara Burke is her name. She asked me what happened. I tried to tell her I was in a fight. But she could see that I was in a panic, shaken and frightened. I told her what happened that I had killed the two women while doing a housebreaking. She asked if I wanted to go to the police. I said no. She told me if I ever wanted to talk to anybody about what happened that she would be there for me. I told her where the murders happened. She came with me up to the Skippers to get changed. I took off my clothes because they were covered in blood.

Statement suspended for Mr Dean Lyons to avail of a rest period. 20.45 hrs.

Statement recommenced at 10.10pm following rest period and a visit from father, John Lyons.

CAUTIONED "THAT YOU ARE NOT OBLIGED TO SAY ANYTHING UNLESS YOU WISH TO DO SO BUT ANYTHING YOU DO SAY WILL BE TAKEN DOWN IN WRITING AND MAY BE GIVEN IN EVIDENCE".

I want to tell you the whole truth about what happened in the house. It's all out now anyway. I've told my father I

killed the two women. The reason I didn't tell you earlier was because I hate to admit it to myself what happened. I've put it to the back of my mind but it's all over now and it's time to come out. First of all when I broke into the house I took the glass out piece by piece and piled it up neatly. I got in through the window. I landed on the floor. It was a very small room. I searched this room and found a miraculous medal. I thought I heard somebody and that's why I got out of the house again through the window. I thought I'd left my labour card behind me because I didn't have it on me and I knew I could be identified by it so I got back into the house through the window. I got into the kitchen and opened the drawers. They opened easily. I took four knives out of the drawer. I can describe them as a couple of electric carving knives. The other was a black handle steak knife. I also took a big fork, the type you stick into meat when you want to cut it. I then went into one room downstairs. All I found there was a bag with letters (a plastic bag). I then went upstairs past the room facing me. For no particular reason I went into the room last on the right. I searched around and found the money £25. The woman woke up and started to scream. That's when I attacked her. I smacked her in the face with my elbows. She went out. I pushed her off the bed onto the floor. she was lying on her back facing me. I sat on top of her. I meant to tell you that I stuck the steak knife into this woman but I'm not sure where I stuck it. Anyway when she was lying on the ground and I was sitting on her I put my left hand over her mouth to stop her from shouting. I think she was alive because she was breathing heavy and gurgling. I cut her throat with the electric carving knife blade. I pulled up her night dress and pulled off her panties. I also took off her bra. I started to cut off one of her tits. I think it was the left tit. I don't know why I did this. I also tried to cut her down around her waist with the steak knife. I stood up. There was a good bit of blood

about. Before I left the room I got the big fork and stuck it up between her legs into her vagina. I was wearing the gloves all the time. I meant to tell you I turned on the light when I came into her room. This might have woken her up. I only had a small cut on my hand after using the electric carving knives. They have no handles but there was white clip things that I could put my hand on to get a grip. When I used the fork to get it into her vagina I stuck the fork in and then thumped with my open palm like hammering a nail in so I got it right up. When I left the room I'm not sure whether the light was on or not. But she was definitely dead. I left the electric carving knives after me and the fork in this room. I opened the door into the next room. The woman in the bed awoke. She tried to scream. I then attacked her with the knife. I had two knives left. She tried to get out of bed. I pushed her back and knifed her. She was lying on her back with legs open. I took off her bra and panties. I can't remember what else she was wearing. She was looking up at me when I was stabbing her. She didn't say anything because I had my left hand over her mouth and used my right hand to stick the knife in her. I was very excited when I was doing this. I had an erection and was excited every way even sexually. I came in my pants I was so excited. I was still in a bit of a frenzy but I was realising what I had done. This woman was dead. There was more blood on the bottom part of her body than the top. I can't explain what came over to me I actually enjoyed killing them and got lots of pleasure out of doing it. That was at the time I killed them. But afterwards I felt terrible about it. I left the room and went down stairs and I turned on a light switch. I then left through the front door. To get out the front door I had to open the latch. There was a key in the lock with a tag on it. When I left this house I threw the key into the bushes in a house across from where I was. I will draw a map for you to show you. I made my way to Benburb Street as

I told you already and met Tara Burke. The rest that I told you already is the truth. I think I still have the gloves up with the rest of my clothes in Haven Hostel. Peter Cryan girlfriend is minding my bag of clothes up in the Haven. I left my clothes there because my fingers are fractured and I can't carry my bag around. I just want to say I'm sorry but this is a big relief to tell you the truth. I killed these women and I'm sorry for God rest their souls. This statement has been read over to me and it is correct. I have been invited to make any alterations or corrections to the statement.

Signed: Dean Lyons
Witnessed: Robert McNulty, D/Sergeant 21585F
Witnessed: Dominic J Cox, D/Garda
Date: 26/7/97
Time: 12 midnight.

Appendix G

MEMO OF CONVERSATION MADE DURING A CAR JOURNEY IN WHICH DINO LYONS DOB 20/4/73 OF SALVATION ARMY HOSTEL, DUBLIN 7 UNDERTOOK TO INDICATE TO D/SERGEANT MCNULTY, D/G BAILEY AND D/O COX THE ROUTE TO THE LOCATION AT NO 1 ORCHARD VIEW WHERE HE HAD COMMITTED THE MURDERS OF SYLVIA SHIELDS AND MARY CALLINAN ON THE 6TH /7TH MARCH 97 AND THE ROUTE HE TOOK FROM THE MURDER SCENE TO BENBURB STREET WHERE HE MET TARA BURKE (PROSTITUTE) AND THE ROUTE HE TOOK FROM BENBURB STREET BACK TO THE SKIPPER IN GRANGEGORMAN. CAUTIONED THAT YOU ARE NOT OBLIGED TO POINT OUT ANY LOCATION OR GO ON ANY CAR JOURNEY UNLESS YOU WISH TO DO SO BUT ANY LOCATION YOU POINT OUT OR ANY COMMENT MADE WILL BE TAKEN DOWN IN WRITING AND MAY BE GIVEN IN EVIDENCE. DEAN LYONS

Left Bridewell at 8.10 am. Directed to the skipper at Grangegorman.

Pointed out the front door of the skipper. Told us his room was in on the right down the corridor on the right down the corridor on the right hand side.

Directed us from the skipper up Morning Star Avenue right up Brunswick Street North, right up Grangegorman where he pointed out no.1 Orchard View.

Got out of car at the scene at no 1 Orchard View. He pointed out the wall he climbed over and also the window he broke into the house through. The window bedside the pipes. He then directed us from the murder scene back down through Grangegorman past the Grange Pub. Down into Brunswick Street North. He turned right into Stoneybatter. Turned left down Blackhall Street and turned right onto Benburb Street. Indicated a spot and half was down Benburb Street on the left hand side where he met Tara Burke and threw away the miraculous medal.

He then indicated the return journey back to the skipper.

The route was Benburb Street, Blackhall Street, North King Street, Church Street, Brunswick Street, Morning Star Avenue and into the skipper at Grangegorman.

He told us that he had burned his clothes which were covered in blood.

Signed: Dean Lyons
Witnessed: D/Sgt Robert Mc Nulty
Dominic J Cox, D/Garda
Alan Bailey, D/Garda
Date: 27/7/97

Appendix H

STATEMENT OF DEAN LYONS OF SALVATION ARMY HOSTEL,
GRANGEGORMAN TAKEN AT BRIDEWELL AT 9AM ON 27TH OF JULY 1997
BY D/GARDA ALAN BAILEY IN PRESENCE OF D/GARDA DAVID LYNCH.
I HAVE BEEN CAUTIONED THAT I AM NOT OBLIGED TO SAY ANYTING
UNLESS I WISH TO DO SO BUT THAT ANYTHING I DO SAY WILL BE
TAKEN DOWN IN WRITING AND MAY BE GIVEN IN EVIDENCE. I
UNDERSTAND THIS CAUTION. SIGNED DEAN LYONS

I want to tell you about what I did in the gaff in the
Gorman. I know you don't believe me but I'm telling the
truth. I done the two old women. There was more blood on
the woman on the bed than on the other woman. Most of the
blood was in the bottom half around the vagina. When I went
into the room to prowle about she woke up screaming and half
got out of the bed with her feet on the floor. I pounced
and put me hand over her mouth and gave her an elbow in the
side of the head. I stabbed her in the stomach area a good
few times and she stopped screaming. I think I slit her
throat. I took off her knickers I think I threw them on the
floor, I cut her in the vagina a few times, that's why
there was more blood. I know you don't believe me but I'm
telling you I did. Because youse don't believe me I'm
saying nothing more to you. I'm exercising my rights. This
statement has been read over to me and it is correct I
don't want to change anything.

Signed: Dean Lyons
Witnessed: Alan Bailey, D/Garda
Witnessed: David Lynch, D/Garda
Date: 27/7/97

Appendix I

SUSPECT PROFILE

<u>SEX:</u>	Male.
<u>AGE:</u>	Mid teens to early twenties.
<u>SOCIAL SKILLS:</u>	Poor, socially inadequate, unable to interact. Isolated, few friends, may be regarded as a weirdo, unable to cope with stress or discuss problems.
<u>SEXUAL EXPERIENCE:</u>	Very little, total lack of experience, fantasises, using facilitators, eg drugs, alcohol, pornography. May have a fear of sexual contact, little knowledge of sex & could be unable to ejaculate. Will engage in masturbation.
<u>SEXUAL RELATIONSHIPS:</u>	Not involved in consenting sexual relationship.
<u>ADDRESS:</u>	Lives and/or works locally – normally within 1 mile from scene. Victims and/or scene will be known to him.
<u>FAMILY CIRCUMSTANCES:</u>	Living either alone or with parents and may have or had a dominant female in his life. Unable to fend for himself.
<u>OCCUPATION:</u>	Will involve minimal contact with others, poor work history, poor time keeping and discipline. Considered as underachiever.
<u>EDUCATION:</u>	Average to high intelligence, underachiever academically.
<u>PREVIOUS CONVICTIONS:</u>	May have come to notice for burglaries of homes of vulnerable people. Items of minimal value taken. May have been disturbed in bedrooms. May have been a flasher, peeping tom, obscene phone caller, cruelty to animals.
<u>PERSONALITY SINCE MURDER:</u>	Minimal behaviour change, remain in area. May visit scene/graves. May have removed souvenirs (photos, underwear etc) from scene. Will have no remorse.
<u>N.B.</u>	<u>SHOULD BE CONSIDERED AS EXTREMELY DANGEROUS AND LIKELY TO RE OFFEND</u>
<u>HOW TO DEAL WITH:</u>	Respond to members accepting his behaviour as normal, appearing interested in his habits & ideas, his views of women. May become sexually aroused talking about murder.
<u>SEARCHES OF HOMES:</u>	Items of sexual orientation, pornography, female underwear (may be wearing them).

Appendix J

MEMO OF NOTES OF INTERVIEW WITH DEAN LYONS ON 26/7/97, 11AM
TO 1.40 PM

1. Q. Home address.
2. Q. Family.
3. Q. Reason for leaving home.
A. Drugs, fighting with dad.
4. Q. How long in hostels.
A. 3 years.
5. Q. 14/3/97 were you outside Model.
A. No.
6. 14/3/97 were you outside Model
A. Eventually agreed he was but can't remember the chat.
7. Q. Account for 6/3/97
A. Can't remember. Says he was in the Army Hostel.
8. Q. asked was he in house on 6/3/97
A. No.

General conversation, tells us he went to the Priory in
Tallaght regular. Bro Burke - Religious.

9. Q. Was he in house on 19/12/96
A. No.
10. Q. Asked to account for prints if found in house.

A. Doesn't know, tells us there 1 and a half years ago with Peter Buckley, visiting aunt.

11. Q. Which woman is aunt.

A. Paul Buckley tells him woman who survived is aunt (Ann Mernagh)

12. Q. She's only there since September. Told this couldn't be true.

A. Begins to get very nervous.

Starts shaking very badly. Starts crying, lip twitching very badly.

Breaks down crying, head in hands. Asks for forgiveness. Confesses.

Billy cautions him.

Witnessed: Joe O'Connor, Garda 24520H

Witnessed: Billy Mullis, Det Garda

Date: 26/7/97

Appendix K

TRANSCRIPT OF INTERVIEW OF MR. DEAN LYONS

BY DETECTIVE GARDA DOMINIC COX

& DETECTIVE SERGEANT ROBERT McNULTY

ON 26TH JULY 1997

HELD IN BRIDEWELL GARDA STATION

1 **DET GARDA COX:** This is an interview with
2 Dean Lyons and the date is
3 26th July 1997 in an interview room in the Bridewell
4 Garda Station. Present is Detective Garda Dominic
5 Cox of the Bridewell Garda Station, 21297M, and
6 Detective Sergeant Robbie McNulty, also of the
7 Bridewell Garda Station.
8
9 Dean, you have already been cautioned; you are not
10 obliged to say anything unless you wish to do so.
11 Whatever you do say will be taken down in writing and
12 may be given in evidence. Are you aware that this
13 interview is being taped?
14 A. I am.
15 1 Q. The tape may be used in evidence?
16 A. Yes.
17 2 Q. And that this interview is being recorded on
18 videotape and is being conducted in an interview room
19 at the Bridewell Garda Station. The time is 17:53
20 and the date is 26th July 1997. Would you explain to
21 me your full name and address, please, Dean?
22 A. Dean Lyons, (Address deleted).
23 3 Q. What is your date of birth?
24 A. 20/4/73.
25 4 Q. Do you wish to have these interviews continued on
26 videotape?
27 A. No.
28 5 Q. No. Have you received a visit from your mother
29 today?

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1 A. I have.
2 6 Q. Have you been attended to by a doctor?
3 A. I have.
4 7 Q. Have you declined the services of a solicitor?
5 A. I was asked did I want a solicitor but I didn't want
6 one.
7 8 Q. Does that still remain the same?
8 A. It does.
9 9 Q. So do you now wish to terminate this interview on
10 video? Do you wish to finish the video-taped
11 interview?
12 A. Yes.
13 10 Q. This minute?
14 A. Yeah.
15 11 Q. Right. The time is 17:54 and the date again is
16 26th July 1997. The interview is terminated.
17
18
19
20
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29

END OF INTERVIEW

3

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