

The Diary of a Court Artist

By Mike O'Donnell

Introduction

The Criminal Court of Justice stands elegantly like a modern-day Collesseum, standing in defiance of a fallen Irish empire. To some, it is their Temple of Doom, to others a theatre, to others a battle-ground, to others still a mere banal workplace. To this writer it is a teeming artist's studio – but the Criminal Courts of Justice is no ordinary studio.

Upon entry to this edifice, there are echoes of a great hall, its floors are marbled offering an ecclesiastical acoustic. Its ceiling stands eight stories tall and one wonders how its colossal structure can be so well supported. Behind its public visage it holds a labyrinthine structure of secret passages, lifts and holding areas out of the eye of the average visitor.

It there were a dress dance this fine building would be the one to show up in tuxedo, well manicured, well spoken and having an aristocratic air with unfathomable, erudite depth. Or perhaps it would inhabit the finest of ladies, with beautiful hue, soft shadows, fine lines and a delicacy of walk that would match that of the most exquisite dancers. It is not everyone with whom she would associate – only the great and the grand. In her company ordinary folk would become vulgar; one's favourite silken robe would take the countenance of a common table cloth.

Yet the Criminal Courts of Justice attract all kinds of parties – from the well-heeled to the unheeled. Each colludes to operate the complex operation that is the administration of justice.

The individuals who are most often the subject of my attention are there against their will. That being so they comprise a stunning cast of characters of all visual casts and creeds. Amidst the towering centre-piece of the state's criminal apparatus the accused sits alone within a glance of those whose lives he or she has allegedly altered if not ruined forever. In many of the most serious cases there is the distinct presence of the absence of the victim whose life is taken but whose spirit seems to inhabit the silent spaces between the whispers.

In the courtroom there is neither the smell of gun-powder, nor the stench of death. There is no empty cartridge, no broken glass, no cries of horror, no final, laboured breath of an innocent, no body of a defenceless maiden,

no tears of a defiled child. Instead there is the chill of a laboratory where evidence is assembled and its tricky components examined, tested, distilled, crystallised. This place becomes a battleground over which legions of lawyers wage war. No room here for sentimentality; no give; no compromise – only argument, persuasion and penetrating wit of the humourless kind.

Presiding over these unforgiving battles is the esteemed judge – who ensures the rules of engagement are meticulously observed. He sits as an overlord – alert, omniscient and imperious.

It is however the peers of the accused upon whom the force of argument is directed and not on the opposing legal side. It is this solemn and silent dozen who decide guilt or innocence where the tipping point of the scales of justice is reasonable doubt.

Throughout this captive episode that may last from days to weeks, the accused sits as though in naked poise. The narrative of the evidence can sculpt deeper shadow shapes – my interest as court artist – that can deepen and darken to create a vacant landscape in the countenance of my main subject. My depictions evolve in direct proportion to this evolution.

Yet this court artist is well conscious of what Duncan said in Shakespeare's Macbeth: 'there's no art to find the mind's construction in the face.'

Guilt and innocence is not my art but that of the jury.

How my work began

In a world full of statistics, the most important statistic for me on a certain December morning was the realisation that I still had my four limbs. These were my main concern after I picked myself up from the middle of the road having been knocked down from behind as I cycled between Causeway village and my hometown of Tralee. More importantly I had my drawing hand, torn, pained, but otherwise functional. Within a month or so it was doing what it was designed to do – drawing pictures assiduously, not in any ordinary artist's studio, but in the Central Criminal Court in Dublin amidst the theatre that was Eamonn Lillis' murder trial. So began my work as a court artist.

Learning from the Eamonn Lillis Case

Working in the Central Criminal Court, one is always aware of the highly-charged nature of proceedings. All kinds of emotions entangle and this was certainly the case in Lillis' trial. He was accused of the murder of his wife Celine Cawley. On bail during the trial, he entered the packed court each morning creating a hushed silence in the packed gallery. He adopted the same pose each day, sitting forward, appearing to write, study and re-study notes. He rarely lifted his head. This pattern was broken only when he gave evidence and stood to receive his sentence. His disposition was one of calm and an inalienable dignity at all times. Eamonn Lillis was my first of many subjects.

He taught me that a subject in the dock is far more than a mere collection of light and shadow shapes. While leaving the court after the jury retired I entered the lift alone to descend to the ground floor of the courts. The lift door re-opened. Enter Eamonn Lillis and his companion. Silence. Nearing the ground floor the words 'best of luck to you' broke from my mouth. This was met by a hearty 'thanks very much' from a man who was later found guilty of the manslaughter of his wife. I never regretted the micro-conversation as it confirmed for me that no matter who the accused is, notwithstanding the terrible things they may have done and the misery he or she may have inflicted, each is a human. In order to treat the work that lay before me faithfully, I had to be always conscious of this.

My subjects

My approach to my work is based on constant observation of my subjects. My subjects are not confined to the accused; they include practically all others who inhabit the court – judges, the legal counsel, court staff, witnesses and members of An Garda Síochána. Many of these I meet over breakfast. It is easy to identify who's who. The barrister is gowned. Solicitors, detectives, witnesses and the accused all wear their best. Solicitors are careful to wear leather-soled shoes but also appear to wear the countenance of playing second fiddle to their in-law barristers. Detectives congregate in throngs, those alone read newspapers and generally wear street shoes. Common witnesses wear ill-fitting suits of clothes, from which they pinch dust. They are in awe of their surroundings which gives them an aura of inelegance. Expert witnesses waste no time, come and go without any ceremony. The accused is the

most normal looking; that is the most chilling serving at breakfast. The paedophile, the rapist, the killer can ask to dine with you.

My preparation

To draw in an often frenzied environment such as a murder trial I have come to see requires preparation. Much like a protagonist goes through his or her notes, my preparatory work is mental and physical fitness. My required level of fitness is achieved through running for 5 miles about 5 days a week – normally in Kerry and always by the sea. This is my elixir and provides me with the dexterity of hand I desire for my court art. It is here that I connect with the elements and utter a simple sentence 'I give and I receive' which I believe provides me with the necessary equilibrium of mind and body to do what I love to do.

The Screwdriver Murder Case

A young man sits as a subject in the dock. He is wiry, ginger-haired, has an air of utter indifference to his surroundings. He reminds me of many an inattentive young man I have had before me in my teaching days. Beside him is a companion – engrossed in the drama. Both are accused of the sadistic murder of two Polish men in Clondalkin, Dublin. The State Pathologist is on the stand giving evidence of how both Poles were meticulously stabbed to death with a screwdriver– each in the temple - death being assured.

After half an hour or so, the ginger youth elbows his companion, draws his attention to me. They both look away. Later the companion on the right smiles at me and whispers if I am finished. The ginger-youth, David Curran, is later give a double-life sentence for both murders – described by the presiding judge as 'brutal and savage'. His companion Sean Keogh was sentenced to four years for kicking one of the dying Polish men – in the words of Judge MacKechnie showing 'utter contempt for a fellow human'.

Catherine Nevin

Sitting in the Court of Criminal Appeal is a woman. She could be any formidable Irish mother having arrived late for an appointment. She is

rather dishevelled and the blonde hair truly looks like a shock. As I take a seat in my normal position in the court, about 2 meters or so from the accused, she studies me as much as I study her. She settles. I settle. I draw her. She appears not very pleased that she is not presenting at her best. Nonetheless I proceed.

I note that she closes her eyes slowly and is in no rush to open them. She listens attentively to the matters before the court. As I emerge from the court a journalist friend asks me 'Did you get the evil eye?' Was Catherine Nevin, murderer of her husband whose body was found with his pen in his hand while doing the accounts of their pub, really capable of giving anyone an evil eye?

The Paedophile

One of paradoxes of evil is that it can present as completely benign. A typical Monday involves the listing of cases for mention or for assignment to a hearing at a later date. Sometimes the accused appears if even for a moment. A debonair gentleman emerges from a door into the dock of the Central Criminal Court. He is tall, distinguished looking and treats proceedings with a light-touch. He could be renewing his driving licence, clocking in for work, standing next in line to sympathise with the relatives of the dead. I sketch him within a minute; his lines are simple and strong. As I turn over the page of my sketch-pad I become vaguely conscious of Judge Carney's voice addressing me from the beehive that is Court 6 on such a morning. Wigs turn, my pen halts. He advises that I neither publish nor display this drawing. He acknowledges my work as continuing the age-old tradition of the work of the court-artist. The man being sentenced has raped of his children over many years and his identity is never to be known publicly. Like his identity, my work remains secret.

'Are you the guy who does the drawings?' I am gathering my pens outside the courtroom and look over my shoulder to find two young men in tracksuits and runners. 'Have you got me? Are they for sale?' I flick through my sketch pad. 'Very nice!....ah there I am! How much would that cost?' I recognise the face. He explains to me that the jury is out and he is awaiting verdict. 'How does it look for you?' I ask 'I dunno', he replies. 'We'll see tomorrow'. The young man is Warren Graham. The following morning the jury returns. He is convicted of a drugs-related murder where he stabbed a man four times in the back.

The Caroline O'Leary Brothel Case in Cork

Whenever a person enters the criminal courts in full disguise it is always a source of amusement to me. It is like they are saying to me 'I am yours!' I have come across several of these kinds of characters. Strangely their alleged crimes relate to matters of undress as they are invariably alleged to have been involved in brothel-keeping or some such criminality.

A *cause celebre* is the case of Caroline O'Leary from Cork who was on trial and convicted of brothel-keeping. I have described her as 'my biggest client' as practically all national newspapers carried my depiction of her when she appeared in Cork Courthouse last April. I became aware that she entered and exited the court in a manner designed to prevent her visual identification. On one particular morning she arrived into court, took off her scarf and coat, sat on the accused bench. When she saw me poised within a few meters of her with pen and paper poised, her sallow complexion departed as though the cold hand of death was suddenly placed on her shoulder. For me breakfast was served. If she had been a dish, she would have been fresh scallop from Banna beach served with lemon and hint of wine sauce. Her lines were tender and beautiful. I completed a few sketches of her taking care not to include the prison-officer behind her. The troubled looking gents on the same pew appeared like under-cover policemen wishing they were busy elsewhere. The morning session ended. Work completed, I descended from the press bench. A journalist tapped me on the shoulder: 'Did you draw the boyos?' 'What 'boyos'?' says I, thinking that I was subject to the indefatigable Cork wit. 'The boyos behind her – her clients!' Gone they were and I am sure as fast as they could caper.

The Martin Comney Appeal

In 1971 a young Civil Servant Una Lynskey is found murdered in the Dublin mountains. Murders are a rarity in and the public interest is huge. The tragedy makes headline news. Three men are suspected of having been involved. One is himself killed and his body found also in the Dublin mountains. The two others are convicted of manslaughter. One is Dick Donnelly who is jailed in the 1972 trial along with a certain Martin Comney. Donnelly's conviction is overturned the following year. Comney serves his sentence. He always maintains his innocence.

His appeal hearing eventually takes place almost forty years later; in the summer of 2010 at the Court of Criminal Appeal. Choice lawyers represent both sides - the state and appellant Comney. Among them is Brendan Grehan SC for the Director of Public Prosecutions; Hugh Hartnett SC and Michael O'Higgins SC for Comney. The gallery is made up of folk in the autumn of their years who have survived the tragedy surrounding this old case. I sit in the jury box - an unused sector of the Court of Criminal Appeal. I see the lawyers in action before me. To my left the three judges sit at a higher level. To my right I see the gallery - a woman who shares old yarns about the case with me smiles. Martin Comney is among the assembled. As decent looking as anyone you or I know. He takes the stand asserting his innocence, recanting with certitude the certitudes of truth. Having considered the case made, the court overturns his conviction. Not all my subjects who people the dock are criminals. It is gratifying to see justice in action. Better still to capture it with the precious hand I was given by posterity.

Patrick Hegarty

The propensity to assume that features somehow reveal one's character is a powerful and attractive one - and is a recurring theme in this book. This illusion of our nature is also not lost on the subject of our attention who will do all he or she can to express a benign nature. In the dock, beautiful suits are worn, shirts are white and ironed. The skin is cured with consummate attention. Rarely is a lock of hair out of place. Where I sit I am just about at the outer range of the scent field of the accused's perfume. The accused will generally sit reverently as though a well intentioned witness of some religious event.

Some time ago a man in his 60's from the body of the court, when a certain case was called, slipped effortlessly into the dock. At first it appeared to me that perhaps he was sitting in the wrong place. He was after all the most harmless looking man. He had the poise of a pillar of society - perhaps a retired school-teacher, an honorary president of the local golf-club, a seasoned member of a charitable organisation. Upon enquiry I discovered he was a fellow Kerryman. He was impressive to this

eye and was of the type of gentleman I expected my late father to be if he had been alive on that day. Enter the moment that justice finally came to the door of Killarney man Patrick Hegarty to put his innocence to the test. A resolute voice erupted with the conviction of delusion from this gentleman to say 'not guilty' to each of multiple counts of rape and sexual assault put before him. I was reminded of Oscar Wilde's powerful 'Remarkable Rocket' and recalled the words spoken of the Catherine Wheel - 'She was one of those people who think that, if you say the same thing over and over a great many times, it becomes true in the end.' So too it appeared was Mr. Hegarty. He was later convicted of 16 counts of rape and sexual assault. What made it particularly insidious, if more insidious these convictions could be, was that his victim was his 15 year old niece. This was what darkness lay beneath the respectability that entered the dock. Justice took its course some 20 years after these crimes were committed.

We all come across respectable looking people. The case of Hegarty was a reminder that appearances in some if not many cases are merely a veneer that can effectively manipulate our perceptions. It is one of the dark arts of deception at which humans are adept. Many years ago an acquaintance advised me that before befriending anyone one should try to discern his or her bad points. Her reasoning was that you can trust very few in a life-time. This advice was imponderably unattractive to me. Nonetheless the more I see criminals masquerade as solid citizens, the truer my friend's words ring.

Divine Charisma and the Dark Presence

The indefinible, intangible experience in the presence of a person with energising charisma is truly remarkable. Its converse is as remarkable. My work as a court artist invariably provides me with unimaginable proximity to some of the most dangerous people Ireland has ever seen. On the odd occasion I see the archetype holder of this dark presence. But I also have experience of its antithesis. I will recount this latter experience presently.

It is a typical autumnal afternoon in Kerry. The elements of the weather are at play - none getting the upper hand on the other for

long; showers succumb to sunshine which yield to a cloud which is blown away by an impatient wind. It is wise to bring a coat, oh it's to mild,I better bring it anyway! I bring my three year old daughter who has picked up a sniffle out for a drive somewhere where the car will take us both.

After a few moments I revisit in my mind the great speech by President Clinton in Limerick earlier that Saturday. I am reminded that he should be on his way to Ballybunion around that time. I direct my travels towards Ballybunion. With twenty minutes or so I meet a member of An Garda Siochana who waves me towards Lisselton and informs me that I should be able to catch a glimpse of him there. I proceed and within a few moments I park the car and find myself standing with a group of twenty people or so on the side of the road.

The first sign of the imminent arrival of the president is what appear to be a spotter-plane circling overhead. Convoys of various police cars begin to emerge from the distance and pass by at various speeds. The lights of motorbike outriders appear from down the road and they are soon upon us followed by heavy jeeps. Two Lincoln limousines are apparent with the flags of both Ireland and the USA adorning their bonnets. Suddenly the limousines and jeeps stop. The Garda Siochana seem taken aback. Detectives emerge from their cars and pace around the road. Big secret service men are out on the road. In contrast to the detectives these people are surprisingly good humoured. I notice the tall president step from his car about thirty paces to the left. He is somewhat occluded by press photographers. He proceeds into the nearby pub and re-emerges within seconds. A secret service member walks past us and appears to scan us with a metal detector. This indicated that the president was about to go walk about and shake our hands.

I am at the end of the queue on the side of the road, holding my daughter with one hand and clutching a camera in the other. Bill Clinton looks at me as he begins to press the flesh of the people. He looks at me a second, then a third time. He finally reaches me. We shake hands. His hand is large and soft. The man looks great in a white shirt and red polka-dot tie. I say 'thanks very much – great speech in Limerick!' He places his hand on my daughter's shoulder. 'Thank you very much!' he replies. 'Ok folks, gotta go' he says, and steps into his Lincoln that had pulled up in front of me.

Within moments the drama is over. The presidential cavalcade is gone. Twenty people stand on the side of the road looking at an empty country

road, they turn to each other. Had the most powerful man in the world come to shake hands with each of us? Suddenly an old jalopy appears; the driver is wearing a Clinton mask and waves at us. We laugh and the laughter provides us the necessary opportunity to share our remarkable experiences. I finally shared mine – that he looked at me several times before shaking my hands and I had this strange feeling that he really wanted to meet nobody but me. Everyone said the same!

Men of War

Blazing summer sunshine covers Dublin's Phoenix Park as I traverse its fine gardens. I think of how beautiful it must be on my beloved Banna Strand. Yet I know I am on a unique mission. Some weeks previously, I have been informed that a General Military Court Martial is to take place in McKee Barrack which adjoins Dublin's great park. The necessary permission is acquired through the military administration and I am pleased to learn that there is no record of a court artist ever attending a military hearing of this nature.

It appears to me that I am sharing a stage with a colourful cast of actors at a pantomime. All is colour and light. But there are no curtains and no applause. Instead there is the smell of boot polish, the smell of a variety of perfume, the feint smell of brass polish. Military uniforms abound, not costumes. All those present wear their majestic uniforms with pride. Many however appear to me to support the idea that the pen is mightier than the sword as few wear those uniforms with the fit body one would suspect of a man of war.

The dangle of medals are the most conspicuous sensation as a party of six military officers of various but exalted rank enter the room in unison and sit on a row of chairs along the wall to my left. They represent all three sectors of the defence forces – army, navy and air corps. The occasion is one of surreal tension – far more taut than I have ever witnessed in the most serious cases I have encountered in the Central Criminal Court.

Immediately in front of me are two uniformed officers who act for the Director of Military Prosecutions – whose leading light is Lt. Col. Gerry Lane who cuts a brash dash. To their right is Liam Kavanagh Senior Counsel who seems brings the foreign culture of civility to proceedings. Beside him is his junior, next a solicitor and sitting at right angles to this

group is the accused. He dons an officers uniform of the Irish Air Corps. He is Comdt. Niall (Nile) Donohue. He is pleasant looking, lacks the rigidity one would anticipate of a soldier and chats freely to me before proceedings begin.

Military police stand are located both inside and outside the court. These are guardians of order and one admonishes a journalist whose mobile phone has rung. Another journalist sits near me. I am given comfortable accommodation in the court room by the military police who have told me about their work and various interests before I enter the courtroom.

At the front of the courtroom sits a military administrator who appears to be chief organiser of the event. To his right is a pleasant but industrious stenographer whom I recognise from the criminal courts.

Presiding over formalities is a most imperious looking gentleman. He wears a black cape over an army uniform, has a stern expression and is well decorated. He speaks with a caution but has an imperious countenance that contrasts with the accused's counsel.

There is no telling what is on the charge sheet. The constellation of shining military brass, the tangible tension in the air, the oppressive silence in the room, where even one's thought is in danger of being overheard prepares the ground for all kinds of speculation in one's mind. Is this a case of murder, rape or even treason?

The charge sheet is handed by the military administrator to the judge, a copy to the defence. I halt my pastel drawing. The military judge reads the charge-sheet: 'that you, Comdt. Niall (Nile) Donohue, did, at your annual review, call your commanding officer a prick.'

The charge is pursued with conviction by the prosecution and Comdt. Donohue, who has 28 years of experience in the defence forces, who has been decorated for bravery, who rose up the ranks having entered the service at the lowest level, is eventually dismissed from the army having been found guilty by the panel that constitutes the military jury.

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