

## Three men found guilty of illegal practice of lamping to hunt animals



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Three men convicted of illegal lamping to hunt a wild animal were ordered to pay €1,500 to a wildlife rehabilitation charity.

One of the three, Noel O'Connor was also convicted to of using a rifle to hunt wild animals.

The three appeared at Glenties District Court this week. They each faced a series of charges relating to illegal hunting of foxes and the alleged illegal hunting of deer. However, Judge Paul Kelly dismissed the deer poaching charges.

The court heard that four men travelled to the Glenties/Gweebarra estuary area on a hunting trip on October 8, 2015. The men were Luigi Iafrate (62) of Dublin Street, Monasterevin, Co Kildare; Thomas Delaney (69), of

Coole, Monasterevin, Co Kildare; Noel O'Connor (55) of Courtwood, Ballybrittas, Co Laois; and Paul Kelly (27) of Old Grange, Monasterevin, Co Kildare. Kelly was not in court and charges against him were dismissed.

Delaney, O'Connor and lafrate each gave evidence that they had checked into a B&B on the date in question. They then went hunting deer on privately owned land for which lafrate had hunting rights.

Solicitor Frank Dorrian who represented all the defendants said these were men who hunted for sport, not greedy poachers. They had hunting rights in a number of counties and were not the type of people to engage in the practice of shooting an animal dazzled by a hunting lamp at night.

The defendants said they had shot one deer in the afternoon and taken it back to the B&B. They then changed into 'going out clothes' and had dinner in the Highlands Hotel. Afterwards, they went for a drive. lafrate said this was to digest his large dinner so he would not have nightmares.

Delaney admitted during this drive he used a lamp to see if he could see deer. He claimed it was only to see if there were animals in the area ahead of the following day's hunting. He added that he and his friends were in good clothes and shoes. They were not at all suitably dressed to hunt in the forestry along the Gweebarra estuary.

When asked if any animals had been shot, he said no.

O'Connor had a rifle in the car. He and his co-defendants told the court it was in the car because he had only recently purchased the firearm. He had no lockable hard case to store it safely in the B&B and therefore felt it was safer to keep it in his possession.

The court heard evidence from three men who were watching for poachers in the area that night. This was because they had found deer innards and heads on the road earlier in the week. It was they who spotted the lamplight on the remote forest road, took the registration of the vehicle and reported the matter to gardaí.

However, Judge Kelly said he was satisfied that the men had only arrived on the date they stated. He said they were clearly not the people who had poached deer and left the innards on the roadside earlier in the preceding days.

Furthermore, when gardaí stopped the men they found no evidence was found that an animal had been shot. Nor did they recover any carcass or cartridge.

## **Law**

In outlining the prosecution case, Superintendent Martin Walker explained that the legal definition of hunting included 'searching.' Given that the area searched with the lamp included privately owned land on which no-one had permission to hunt, the men were found guilty of the offence. However, the conviction applied only to the lesser charge of hunting foxes which did not have the same protected status as deer.

At the end of the four-and-a-half hour trial, Superintendent Walker asked for the rifle to be forfeited. The court had previously heard that O'Connor had only just bought the rifle and was still paying for it at the time of the hunting trip. It was seized by gardaí who stopped the men on the night in question and had been in garda possession ever since.

Superintendent Walker said: “We have to send out a strong message. People are coming up here to Donegal and destroying our natural heritage. It requires serious consideration.”

Judge Kelly said he believed that would be disproportionately severe.

“It would be unfair to impose punishment for acts of others not before the court,” he said.

In appealing to the judge for leniency, solicitor Frank Dorrian stressed: “This was not a wanton assault on the deer population of Donegal.”

None of the men had any previous convictions and they were otherwise of good character.

The judge said he would give them the benefit of the Probation of Offenders Act if they each paid €500 to a suitable charity. Superintendent Walker suggested [Wildlife Rehabilitation Ireland](#). This was accepted by all parties and a total of €1,500 was handed in to the court. €300 for witness expenses was also paid.