

MAPPA

30th November 2010 Provisional Judgment by Trial Judge

Provisional Grounds for Appeal

1. The Defendant's solicitors' unusual conduct throughout is an abuse of process. The arrest of the Claimant which was obtained by their MG11 20th June 2009 police statement of complaint, stating 'threat of criminal damage', but dropped quickly, is tantamount to criminal conduct.
2. Ordered by the civil trial judge to be disclosed, last summer, that statement is deliberately being withheld.
3. On the balance of probabilities, the delay to arrest a man, believed to be 'in possession of a machine gun and live ammunition', categorised as level 3 MAPPA, since 1st June or before, was to obtain the **lawful killing of the Claimant**. This was only prejudiced by the solicitors' knee jerk reaction that lead to the police heavily armed helicopter raid on the Claimant's home the following day. Attempts to obtain a witness statement from the Claimant's wife, under duress, were also planned by senior police officers with their psychiatrist and are deemed to be unlawful.
4. The January/ February 2010 criminal trial revealed evidence by the 'officer in charge', but only after severely restricted cross examination by HHJ Judge Peter Jacobs. The arrest was aborted as the Claimant was seen 'sitting in the garden drinking tea with his wife'. He had to be arrested 'away' from his house, thus causing the arrest for another day!
5. Once in custody, on the 22nd June, failure by the Welsh Authorities to inform the Claimant or his solicitor suggest further criminal offences may have been committed: see MAPPA 15th December 2009 letter and London solicitors and HM Prison documents, the latter denying all knowledge of MAPPA involvement, with no disclosed 'risk management plan' or reason for categorisation.
6. The 'Responsible Authority', as referred to in the letter, tries to avoid 'accountability', for **Remedy** by the Claimant, by the now disclosed 'executive summary'. Para 140 states that no one agency is liable for negligence when deciding the life of a British subject. This must be wrong.
7. The Defendant continues to withhold the identity of those at each MAPPA meeting, in order to prevent the Claimant and 3rd parties from obtaining the relevant information from those 'agencies' for this civil action. The minutes of the meetings are likely to reveal that the Defendant was in charge of each meeting.

8. **The 4th Action** must be included in this Remedy, as it more than doubles the incidents the Claimant had with police during the relevant period and supports such an extreme manner of bullying by senior police officers and agencies around the MAPPA table.
9. The 4th Action is relevant also, because police and their agents, present at MAPPA meetings, were deliberately delaying the civil trial on a fabricated psychiatric report based on the 1983 Mental Health Act, Section 35. It was obtained unlawfully by a section 12 forensic psychiatrist and contradicted at least four earlier psychiatric reports, some served during the 17th December 2009 bail application. Dr Tegwyn Williams not even examined the Claimant for his 3rd August 2009 Psychiatric Report that recommended the Claimant be sectioned under the 1983 Mental Health Act. The MAPPA meeting after that Newport Crown Court hearing, (see official transcript) caused the judge's favourable intervention.
10. The 4th Action is relevant also, because the very same doctor is currently withholding medical records, together with the National Health Service, the Crown Prosecution Service and HM Prison, which has incurred still further hardship and delay to the Claimant's detriment, both financially and health wise.
11. The Defendant's statement fails to disclose any objection by the other agencies to disclose, contrary to the trial judge's Order, for fear of revealing the identity of Dr Tegwyn Williams, Professor Roger Wood or HM prison representatives having been present at any of the preliminary police or MAPPA meetings, so far identified, for individual applications to be made for disclosure. To date the NHS has failed to answer the correspondence from the Claimant, his Member of Parliament and designated McKenzie Friend.
12. During the Claimant's custody, a civil Particulars of Claim for £50,000 for false imprisonment with a favourable judgement by HHJ Seys Llewelyn QC, created an audit trail that was ordered to be disclosed, substantively but has not, as yet, been disclosed. On the balance of probabilities both Cardiff prison staff and the HM Governor must have been aware of MAPPA surveillance of the Claimant, now fighting their own corner to avoid paying out damages.
13. HM Prison Cardiff have denied any knowledge of Claimant's MAPPA status, twice in writing, during the relevant period of this MAPPA category and ongoing civil claim, suggesting why they are withholding the information ordered by the civil trial judge.
14. The Cardiff civil court, using a district judge, has now accepted the word of court manager Neil Pring, that the court took the £360 court fee from the Claimant, refused to return it, but may not, 'as records are not clear', have served the Claim for damages on the prison, even though the co-defendant, the South Wales Police, admit good service! Criminal conduct, appears again to have been committed, reliant on Crown Act immunity, which does not stand, it is submitted, in such clear circumstances.

15. Paragraph 137. Sections 325 to 327 of the Criminal Justice Act 2003 have been seriously abused by the Defendant, HM Prison Service (Minister of the Crown) and Probationary Service requiring criminal investigation leading to the fact that unaccountable government bodies are undermining the basic principles of the British Judicial System.
16. The Claimant clearly appreciates the confidential nature in which MAPPA is formulated and the need for some Public Immunity Interest, PII, but the trial judge has the discretion to discriminate between the fundamental issues hindered by the Defendant failing to disclose.
17. The Defendant has not disclosed the criminal record upon which it relies, for MAPPA categorisation.
18. Quite the opposite has occurred: the fabrication of an 'Actual Bodily Harm' conviction in 1980.
19. On the 17th December 2009, MAPPA circumstances changed, and the Claimant was taken off the register. What caused it, if it was not the fact that the committee was 'better informed', now knowing the 'machine gun allegations' had been 'dead in the water'? After all, long before the Claimant was arrested, it had been sold a year earlier, when registered by the Civil Aviation Authority aircraft log books and four identical several other air display and museum aircraft as decommissioned. She was also covered under the exemptions within the 1968 Fire Arms Act, as amended, the Cardiff Crown Court refused to address.
20. The Claimant has evidence that the minutes of the MAPPA meetings should be disclosed to an alternative but appropriate authority, because the Defendant deliberately, and with much afore thought, planned to have the Claimant shot, if not jailed for life, contrary to the Human Rights Act. It is the Claimant's submission a criminal investigation takes precedent over these thoroughly abused civil proceedings and must be instigated immediately before further documents are destroyed.