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**IN THE CROWN COURT**  
**AT CARDIFF**

**Indictment No: T20097445**

The Law Courts  
Cathays Park  
Cardiff  
CF10 3PG

**25<sup>th</sup> January 2010**

Before:

**HIS HONOUR JUDGE THOMAS QC**

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**REGINA**

- v -

**MAURICE KIRK**

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**MR TWOMLOW** appeared for the Prosecution

Defendant appeared in person

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**ALL PROCEEDINGS**

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Tape transcription by **Mendip-Wordwave**  
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**PROCEEDINGS**

**(14.46)**

**JUDGE THOMAS:** Mr Kirk, you indicated when we last adjourned that you might be considering your pleas, is that the situation?

**DEFENDANT:** No, one plea only.

**JUDGE THOMAS:** One plea only.

**DEFENDANT:** Because of the late production of exhibits and statements of prosecution witness.

**JUDGE THOMAS:** Yes.

**DEFENDANT:** Only received this weekend from the prosecution service which has put a doubt in my mind about one of the remaining charges left in your original list of indictments.

**JUDGE THOMAS:** Yes.

**DEFENDANT:** The article from the April edition of 2002 highlights refers to police incidents and you will recall that you met with (inaudible). I am aware that two (inaudible) police officers are coming and three (inaudible) so it has now gone up to three, plus representatives from Dolman's who are lawyers for the police (inaudible) prosecution. The adjournment I hope that we would now have the (inaudible) number from the incident that is before the court so that my sister, I am trying to (inaudible) at the moment in her time is taken to the various places of incident in order to gather the material from the relevant police stations. (Inaudible) look at that article that has just been served as an exhibit. It is an exhibit from Detective Constable (inaudible) Williams identified as IPW/3.

**JUDGE THOMAS:** Yes.

**DEFENDANT:** If you have had time to see in the papers there are a number of issues relating to this case.

A **JUDGE THOMAS:** Yes I have.

**DEFENDANT:** So my first question is I am hopeful, most anxious, to get the (inaudible) number for the indictments that are recorded and, as I said, I seek an adjournment, well (inaudible) consider one of the indictments in the light of the fresh evidence but I still haven't  
B been given the fresh evidence because I haven't yet been given the (inaudible) numbers of the incidents that refer that I identify in the Pilot Magazine document that was only given to me this weekend.

C **JUDGE THOMAS:** Well I will ask the prosecution about that in a second or two. Have you had a notice of further evidence from an Andrew Nightingale?

**DEFENDANT:** Yes, I received that two days ago.

D **JUDGE THOMAS:** And have you had one from David Woodford and Andrew Huxtable?

**DEFENDANT:** No.

**JUDGE THOMAS:** One is from David Woodford who is the brother of the man from whom it appears the prosecution say you bought the aircraft.

E **DEFENDANT:** What is the, when you say, what is the form that ...?

**JUDGE THOMAS:** If I just hand you that perhaps you could have a look at it and see if you have seen a copy of it.

F **DEFENDANT:** No, I haven't. What I am aware of is that I (inaudible) accept documents from my friend who had acquired them from the Crown Prosecution Service, well, he said, purported, I don't know, but I said I was accepting nothing from someone who I hardly know and I took up the matter with those who are in charge of my custody and they said that I (inaudible) had them,  
G they had to be served on me in court.

**JUDGE THOMAS:** Would you like to sit there for a moment and read through that one? Please take your time.

H **DEFENDANT:** (Inaudible) confirm if your has eight pages.

A **JUDGE THOMAS:** Well you've got mine so if yours has got eight pages, mine has got eight pages.

**DEFENDANT:** Could I have a copy for my sister please? *(Pause)* Yes, I think I understand those (inaudible).

B **JUDGE THOMAS:** Now, does your sister sit in front of you?

**DEFENDANT:** Sorry?

**JUDGE THOMAS:** Does your sister sit in front of you?

C **DEFENDANT:** Yes.

**JUDGE THOMAS:** If you want to hand her that document please do so.

**DEFENDANT:** No, I would like to keep it because it may be important.

D **JUDGE THOMAS:** Right. Mr Twomlow, what is the position with the occurrence number?

**MR TWOMLOW:** I am sure that the occurrence numbers are included in the documents which Mr Kirk refused to accept this morning.

**JUDGE THOMAS:** Right. Could the occurrence ...

E **MR TWOMLOW:** When they were handed to his (inaudible) friend as we understood him to be, or his representative ...

**DEFENDANT:** (Inaudible).

F **MR TWOMLOW:** The documents which were handed to Mr Waring (?) this morning for, we hoped, onward transmission to Mr Kirk included documents which included the incident number which we believe he seeks but he refused to accept them, we understand from Mr Waring. We have them here, they can be passed to him with the jury bundle (inaudible) any other document.

G **JUDGE THOMAS:** Right. Now then, Mr Kirk, one of the problems about refusing to accept documents is that then when you complain that you haven't had them we are all rushing around and wasting your time as much as ours.

H

A **DEFENDANT:** (Inaudible).

**JUDGE THOMAS:** Now would you please take the occurrence number document and any other documents and would you please read those in the dock?

B **DEFENDANT:** The reason why the CPS handed them to a stranger is so that they can deny I ever got them in the first place ...

**JUDGE THOMAS:** May well be.

**DEFENDANT:** ... (inaudible) I did get them when I never get them.

C **JUDGE THOMAS:** That may well be, in which case you if you would sit down now, they will be handed to you, you will have them, you can read them and then there is going to be no mystery about it, is there.

D **DEFENDANT:** I believe we are in harmony on that one, Your Honour.

**JUDGE THOMAS:** Good.

**MR TWOMLOW:** What has been handed is a clean copy of the MG6Cs and the jury bundle, the proposed jury bundle.

E **JUDGE THOMAS:** So the occurrence number is in the MG6C.

**MR TWOMLOW:** So I am told.

**JUDGE THOMAS:** In order to save time can that entry be identified?

F **MR TWOMLOW:** I would have to take some instructions in relation to that. We are having some difficulty in identifying which particular occurrence that number is supposed to apply to. I have just heard Mr Kirk say, "In relation to this indictment," whether that is something that makes sense I am not sure.

G **JUDGE THOMAS:** Well I think, if I understand what Mr Kirk is saying, he wants to know for some reason the occurrence number relating to this arrest. Is that right?

**DEFENDANT:** I am grateful for your succinctness.

H

A **JUDGE THOMAS:** Do we have the occurrence number relating to this arrest that we can hand to Mr Kirk or at least enable him to identify it quickly please?

**MR TWOMLOW:** I will have to take instructions about that, I don't have it at my fingertips.

B **JUDGE THOMAS:** No, of course not.

**MR TWOMLOW:** I will see that that is done.

**JUDGE THOMAS:** Has that now been provided to Mr Kirk?

**MR TWOMLOW:** No, I meant something is being done to provide it.

C **JUDGE THOMAS:** Oh, I see. I see. Right, Mr Kirk, do you want time to consider the position with your sister in the light of those documents?

**DEFENDANT:** Well, it is a fascinating read if nothing else. I feel I am going to be asked a little time later, and I feel that on this occasion I had better let you get on with what is important.

D **JUDGE THOMAS:** Well let's get a jury sworn in in that case, thank you.

**MR TWOMLOW:** Your Honour, there is a question of what questions a jury panel ought to be asked in relation to matters before they are empanelled.

E **JUDGE THOMAS:** Thank you for reminding me. Mr Kirk, it is important I think for you to concentrate or a moment. It seems to me that in view of much of the material I have read, although it would not strictly disqualify anybody I think there may be prudence in asking if anyone is a serving South Wales police officer or the husband, wife or partner of such a serving officer. Would you agree?

**DEFENDANT:** Yes.

G **JUDGE THOMAS:** When the jury panel come in, Mr Kirk, I propose to ask them if any of them is a serving South Wales police officer or if their husband, wife or partner is such an officer in which case they will not serve on the jury.

**DEFENDANT:** I don't wish for you to do that but you are in charge, Your Honour.

H **JUDGE THOMAS:** Well I am going to make that decision. Thank you.

A **MR TWOMLOW:** There is also the fact that Mr Kirk has been a veterinary surgeon in the South Wales area.

**JUDGE THOMAS:** Yes.

B **MR TWOMLOW:** And it may be that people have had dealings with him, and indeed his wife, Kirsty Kirk is a veterinary surgeon in the (Inaudible) area based in the home where they lived.

C **JUDGE THOMAS:** Well I suspect that any instruction that they are given as a jury panel would cover knowing Mr Kirk, so we can reinforce that. Mr Kirk, we are going to have a jury in a moment. You are not entitled to object to them because you don't like the cut of their jib, alright? Tempting though that may be. You can only object to them if you know them or think you may know them, or have a good reason for objecting to them.

D **DEFENDANT:** Right. Thank you.

**JUDGE THOMAS:** Thank you.

E **MR TWOMLOW:** Would Your Honour require me to read the names of the witnesses who are going to give evidence and the areas they come from or ...?

F **JUDGE THOMAS:** Yes please. Mr Twomlow, I know it's difficult but I wonder if every time you address me you can do so at 90 degrees as it were so that Mr Kirk can hear? Thank you. I wonder, please, if the people sitting in the public gallery there can move across so that the jury can occupy those seats? Just for the moment. Yes, the three people in that, could you move over to the other side please?

G **MR TWOMLOW:** I am sure Your Honour has it in mind to mention the potential length of the trial to the jury.

H **JUDGE THOMAS:** Yes. Yes, members of the jury in waiting, good afternoon, I am sorry you have had a wait this morning. Can I, before a jury ballot is held for 12 of you to act as jurors, just say a couple of things at this stage? The first is that although jury service is normally for

A two weeks I am told that there is potential here for this case to go into a third week, so if any of  
you has any pressing commitment, and by that I mean a pre-booked holiday or a hospital  
appointment that can't be rearranged, please let us know if you are balloted when you come into  
B the jury box. There are certain other matters too that I need to tell you about. If any of you is a  
serving officer in the South Wales Police Force or if your husband, wife or partner is a serving  
officer would you please indicate at this stage please? No? I see nobody. Also, ... the  
gentlemen at the back?

C **MALE SPEAKER:** (Inaudible).

**JUDGE THOMAS:** In that case, sir, it is probably best you don't sit on this jury. Thank you  
for letting us know. Thank you. If you would just wait there for a moment. The other matter is  
D the defendant in this case, Mr Maurice Kirk, has over many years practiced as a veterinary  
surgeon in the Vale of Glamorgan area. If any of you have been to him in that capacity, or rather  
I should say your animals have been to him in that capacity, could you let us know please? Or  
indeed to his wife who I think operates out of the same practice. No? In that case then the ballot  
E will commence, thank you.

**(Jury empanelled)**

**JUDGE THOMAS:** Right, I am told that this potential juror has a pre-booked flight and  
therefore would not be able to serve for the period of time, so in that case madam, there is no  
F need for you to come to the jury box. Thank you.

**(Jury empanelling continues)**

**JUDGE THOMAS:** Yes, I am told that this lady has a family illness at the moment which may  
G mean that she wouldn't be able to concentrate fully on the issues in this case and therefore it  
seems to me that she should not be asked to serve on this jury. Thank you.

**(Jury empanelling continues)**

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A **JUDGE THOMAS:** Before this happens, sorry, I should have asked Mr Twomlow on behalf of  
the prosecution to read out the names of the witnesses who are to be called. I should have done  
that at an earlier stage I am afraid, but if those who are all in waiting and you, members of the  
proposed jury, if you know or recognise any of these names if you could let us know please.

B Sorry Mr Twomlow.

C **MR TWOMLOW:** Yes, ladies and gentlemen, the names of the witnesses are as follows, DC  
Parker based in South Wales, that is Detective Constable Parker, police officer. Detective  
Constable Derek Alsop based in South Wales. Miss Sarah Williams based in Bridgend. Police  
D Constable French based in South Wales. Mr Ronald Cooper, Mrs Jennifer Cooper and Mr  
Charles Page all of whom come from Lincolnshire. Mr Michael Scott who is from Newark in  
Nottinghamshire. Mr Nigel Brown based in Bridgend. Mr Andrew Huxtable, also based in  
Bridgend. Police Constable Adam Wrigley based in Nottinghamshire. DC, Detective Constable  
Donna Robinson and Detective Constable Gary Dixon who are both from Nottinghamshire.  
E Police Constable Myrig (?) Powell from South Wales. Detective Constable Burr from South  
Wales. Detective Constable Minto from South Wales. A Mr Phillip Ridyard from Manchester.  
Police Constable Richard Jones from South Wales. Detective Constable Christow (?) from  
South Wales and Detective Constable James Phillips from South Wales. Then Mr Maddit (?)  
F from London. Mr Perry from Birmingham. Detective Constable Dodge and Detective  
Constable Paul Williams and Detective Constable Erica Knight who are all from South Wales.  
Mr Woodford, Mr Sawyer who is from London. Detective Constable Dave Griffith from South  
Wales. Detective Constable Ian Williams from South Wales. And Detective Inspector Hughes  
G from South Wales. Those are the names of all the prosecution witnesses.

**JUDGE THOMAS:** Thank you.

**CLERK:** Would the defendant please stand?

H **DEFENDANT:** Can I have a copy (inaudible) please?

(Jury sworn)

**CLERK:** Members of the jury, the defendant Maurice Kirk is charged on the indictment containing two counts. On Count 1 the defendant is charged with possessing a prohibited weapon. The particulars of the offence being that between the 1<sup>st</sup> day of January 2008 and the 23<sup>rd</sup> day of June 2009 without the authority of the Secretary of State had in his possession a firearm, namely a Lewis machine gun which was so designed or adapted that two or more missiles could be successfully discharged without repeated pressure on the trigger. On Count 2 the defendant is charged with selling or transferring a prohibited weapon, the particulars of the offence being that between the 1<sup>st</sup> day of January of 2008 and the 23<sup>rd</sup> day of June 2009 without the authority of the Secretary of State sold or transferred a firearm, namely a Lewis machine gun which was so designed or adapted that two or more missiles could be successfully discharged without repeated pressure on the trigger. To each of these counts the defendant has pleaded not guilty. It is your (inaudible) guilty or not guilty. Your Honour, I now (inaudible) the jurors.

**JUDGE THOMAS:** Thank you.

**CLERK:** The remaining (inaudible) please go out to the (inaudible) area. Thank you.

**JUDGE THOMAS:** Members of the jury, before I ask Mr Twomlow to outline the prosecution case to you it may help you at this stage if I make one or two preliminary remarks. We will be sitting generally speaking from about ten o'clock in the morning until about one o'clock, we break off then until about two or ten past two depending on the circumstances. I will try, if I can, to give you a morning break because it is a cramped jury box and if I'm in a good mood I'll give you a break in the afternoon as well, you'll know what my mood is like by that (inaudible), and we will sit then until about 4.15 or 4.30 every evening.

Can I ask you please to bear this very much in mind, when you go home tonight and in subsequent nights I am sure that someone will ask you what you have been doing. Please don't discuss the case with anyone. The reason I am sure is obvious, because they may say something

A or express an opinion or a view which will not be based on the evidence that you have heard and  
may subconsciously affect your views. It is very important not to discuss the case with anyone.  
And can I suggest that you don't discuss the case at all, even among yourselves, in public where  
B people can overhear you. It is probably best that if you do discuss it that you do so when all of  
you are present and in your jury room. It may well be a case, I don't know, that attracts some  
media attention. If it does then can I ask you please not to let that have any influence on you. It  
will inevitably be at best a very short summary of what is said in court, you will have heard all of  
C the evidence and as I express to you, it is you and you 12 alone who decide the facts of the  
evidence in this case.

Now, Mr Kirk represents himself in this case and as a result I will give him such  
D assistance as I can to present his case properly to you but it may also mean that we will all have  
to be perhaps rather more patient than usual within, of course, reasonable bounds, but I am  
conscious that you give up your time to serve on a jury and it is important that that time is not  
unduly wasted; the quicker we get on with it. There may be of course, as there are in any given  
E case, times where there will be interruptions for legal argument or otherwise, but those times I  
will ask you to leave court and perhaps you will bear with us if we aren't as swift as you may  
wish us to be. It is usually a good idea to bring a book if you are on jury service, but we will do  
our best, or I will do my best to make sure that interruptions are kept to a bare minimum.

Finally, although there is no reason to believe that this will occur in this particular case,  
if anyone approaches you or if anything happens outside this court or even within your own  
number that causes you any disquiet or concern please let a member of the court staff know  
G about it immediately and we will take steps to remedy it. That, I think, is enough from me for  
the moment and the next stage is that Mr Twomlow, if he is in a position to do so, will outline  
the prosecution case.

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A **MR TWOMLOW:** Your Honour, I am reluctant to invite the court to have one of those interruptions that Your Honour just spoke about to the ladies and gentlemen of the jury already, but there are one or two matters which I would like to raise with Your Honour before I open the case which I am afraid it would be necessary for the jury to retire while that is done.

B **JUDGE THOMAS:** Well, are we realistically going to get into a position to start and complete your opening this afternoon?

C **MR TWOMLOW:** It is a matter that I have considered. I think there is likely to be an interruption of some length now for these matters to be discussed and dealt with and so it may well be that it would be better to open the case first thing in the morning.

D **JUDGE THOMAS:** Right. Members of the jury, it means an early afternoon and you will have to put up with that as best you can and could I ask you please to be back to start the case tomorrow at 10.30. Thank you very much.

(15.19)

(Jury out)

E **JUDGE THOMAS:** Yes, Mr Twomlow?

**MR TWOMLOW:** May I first of all say that the occurrence number has been handed to Mr Kirk's sister I believe now.

F **JUDGE THOMAS:** Mr Kirk, did you hear that?

**DEFENDANT:** I think (inaudible) which I was arrested is now available.

**JUDGE THOMAS:** Good.

**DEFENDANT:** Thank you.

G **JUDGE THOMAS:** Yes, Mr Twomlow?

**MR TWOMLOW:** Your Honour, there are these matters. First of all Mr Kirk has not had an opportunity I know because he was only given it this afternoon to see the jury bundle.

H **JUDGE THOMAS:** Right.

A **MR TWOMLOW:** In the course of my opening I wish to refer to the jury bundle and it seemed  
to me that it wouldn't be right to do that without Mr Kirk having an opportunity to comment on  
the bundle if he wished to and to make any representations he wishes to about what ought to be  
in it.

B **JUDGE THOMAS:** Yes.

**MR TWOMLOW:** And so that is the first reason. Secondly the machine gun is here in court  
and will be on the bench so the jury can see it during the course of my opening. That would only  
C have taken a few moments to deal with, but that was the second matter.

**JUDGE THOMAS:** Second concern, yes.

**MR TWOMLOW:** And I wondered whether Mr Kirk was in a position to proceed without the  
information that he has just had and whether he required any further time to discuss matters with  
D his sister or his (inaudible).

**JUDGE THOMAS:** I am certainly going to give him all that opportunity ...

**MR TWOMLOW:** Yes.

E **JUDGE THOMAS:** At the end of prosecution opening, but I take your point that if there are  
potentially contentious matters in the jury bundle they should be addressed.

**MR TWOMLOW:** And there is one other matter, there are two video clips which were taken  
F from his website which the prosecution propose to play to the jury, not in opening but early on in  
the evidence. They have been subtitled because it is not very easy to make out some of the  
words on them. Now, Mr Kirk has not seen those, and they can be played, they are not very  
long, they can be played on this equipment and it may be that there is other material in them he  
G might object to, I don't know, but the prosecution feel that he ought at some point, either today  
or first thing tomorrow, to be able to see those and make his representations if he has any, he  
might not have, about them before they are shown to the jury and that is something which also  
H perhaps ought to be done before the evidence begins.

A **JUDGE THOMAS:** Yes, I agree. Now, Mr Kirk, what is going to happen now is this, we're  
going to adjourn until tomorrow morning. In the meantime if you want to discuss the new  
documentation or any other matter with your sister please do so, I am sure the facilities will be  
B available this afternoon and tomorrow morning for you to do so. What I think is important now  
is that you see the clips of the website which the prosecution, I am told, have subtitled. Now, if  
you take issue with what they have subtitled we need to know that at an early opportunity, so I  
am going to rise, the prosecution will play the website to you. If you have any objections let the  
C prosecution know and then I will rule on it if necessary tomorrow morning.

**MR KIRK:** There are (inaudible) far more important things than my bits of film.

**JUDGE THOMAS:** There may be but that is what we need to deal with at this point.

D **MR KIRK:** Yes, but what is urgent is my application this morning about whether I should  
consider my plea for one specific indictment.

**JUDGE THOMAS:** Yes, well I am very much ...

E **MR KIRK:** Still I am awaiting information from the prosecution and I can't even consider  
changing anything.

**JUDGE THOMAS:** What information is that, Mr Kirk?

F **MR KIRK:** The occurrence number that has now been submitted to me is (inaudible) the one  
that is attached to my arrest sheet. That is the first point (inaudible) fortunately for me the very  
reason of the need for police occurrence numbers, for example if your house is burgled you  
could ring them up a week later and say, "I wish to refer to a burglary," "Oh, can you give us the  
reference number?" you give them the occurrence number and they look on the computer and  
G say, "Well we've caught the burglars and we found a settee and a (inaudible)." (Inaudible) the  
person that has created of course the occurrence number (inaudible).

**JUDGE THOMAS:** Right.

H

A **MR KIRK:** Getting back to the reason that it is (inaudible) late service, deliberately, to pervert  
the course of justice, the document which is the April Pilot Magazine article which refers to a  
number of police incidents and I refer to one of them which has a picture of the aircraft it  
concerns landing at (inaudible) when I broke a propeller, well, let's say we separated company,  
B and I (inaudible) the occurrence number for that incident in order to pursue my own searches  
with my family who are out there trying to preserve evidence while I am in custody. Now, I  
need that and I need it immediately. I have been asking for this sort of information for some  
C time.

**JUDGE THOMAS:** Mr Kirk, let me just say this to you, I am sure that if there are occurrence  
numbers that are readily available I see no reason, I haven't been told any reason, why you  
should not be given them. But whatever may or may not have happened in (inaudible) on the  
D way back from the Farnborough Air Show has, it seems to me, absolutely nothing at all to do  
with the issue that you face. The issues that you face are first of all did you possess the Lewis  
gun. Secondly, was that a prohibited weapon, and thirdly, did you then transfer that on? Now  
E by all means have as much time as you need with your sister to decide what you want to do  
about those charges, that is your right, but you must address yourself to that, it seems to me, in  
isolation from what may or may not be an occurrence number from the crash landing in  
F (Inaudible).

**MR KIRK:** But the prosecution have served witness statements by the police officers relating  
to that and their information is of gross variance to other information from people in the village  
and I wish (inaudible) those police officers who give evidence (inaudible) for the relevance, the  
G relevance to the charges.

**JUDGE THOMAS:** What I suspect, although no one has addressed me on it, but having read  
that article, Mr Kirk, it seems to me that the prosecution are looking at the passage on the final  
H

A page about asking for support in putting the live machine gun on (inaudible), that I suspect is the reason for that. That has got nothing to do with (inaudible) has it?

**MR KIRK:** I had just left Farnborough Air Show (inaudible) and if you read that article just there in that paragraph it refers to the Civil Aviation Authority. They (inaudible) on the Civil Aviation Authority (inaudible) and I have had statements relating to the alleged offence and they were not (inaudible) the CAA if they hadn't wanted their evidence to support their case. That (inaudible) article there has caused me to identify a reference number, I have several, I have two here, EA009637 and EA/9990958 and I need the information from the police for those two incidents relating to the article, let's put it that way, and you have directed me to two examples where they have the (inaudible) information, they are (inaudible) disclosure. I have asked for this information some months ago.

**JUDGE THOMAS:** And every time that you have asked for it it has been explained to you that they are only obliged to give a disclosure if it is relevant or undermines the case. Now, that is something that the prosecution have a duty to keep under review. What I need to know at this moment is really two things. I want to know what is going to happen about your plea. If you wish to change your plea then you must be given the opportunity to do so, and if you wish to speak to your sister in the meantime please do so, but I fail to see the relevance of occurrence numbers to that conversation. The second and more immediate matter is the prosecution, before they can open the case against you, wants to know two things. Firstly if you agree the contents of the jury bundle, if not, why not.

**MR KIRK:** I'm sorry, I didn't hear that. Say that again.

**JUDGE THOMAS:** You have been handed a jury bundle. If you accept the contents of it, let the prosecution know. If you do not, say what you do not accept and the reasons why and it can be dealt with. The other matter is that the prosecution need to find out whether you object to the

H

A way in which they are presenting your website. Now, in a moment I will rise, that will be put on  
the ... are you listening to me Mr Kirk? Mr Kirk?

**MR KIRK:** Yes, I am hearing you.

B **JUDGE THOMAS:** Would you do me the courtesy of looking at me then please when I am  
speaking to you?

**MR KIRK:** Well, Your Honour, I am trying to find the letters from the CPS dated last week  
and the 22<sup>nd</sup> of January and the 20<sup>th</sup> of January and the 12<sup>th</sup> of January which they seem to be  
C reluctant to put before you and this is fresh information under the 1996 Act I am being given a  
further 14 days to prepare my case.

**JUDGE THOMAS:** No, you are not.

D **MR KIRK:** Ah, thank you for (inaudible).

**JUDGE THOMAS:** You are not. You should have put in that defence statement beforehand.  
If you put in a defence statement then they will have to look again at the question of disclosure.  
If you don't put it in then they are under no obligation to do so, that has been explained to you by  
E me and others.

**MR KIRK:** Do you mean I need to hand in another defence statement?

**JUDGE THOMAS:** Well I haven't seen anything that gets near a defence statement.

F **MR KIRK:** Well no (inaudible) ...

**JUDGE THOMAS:** The defence statement ... no don't, don't talk over me please Mr Kirk.  
What you need to put in the defence statement are these things, first of all do you accept that you  
were in possession of the Lewis gun, yes or no. If no, why you say the prosecution are wrong in  
G saying that you were in possession. The second thing you need to put in the defence statement is  
if it was in your possession do you accept that it was a prohibited weapon? If you say it was,  
fine, if you say it was not you must explain the reasons why you say it was not. Thirdly, did you  
transfer that to a third party? Again, yes or no. Those are three simple propositions. I hope  
H

A someone is writing them down on your behalf, because unless we know what your answers are  
to those basic questions the next stage of disclosure does not occur, by law, so you need just to  
read that, you need to tell the prosecution, do you accept that you were in possession of the  
Lewis gun?

B **MR KIRK:** Well I have answered that?

**JUDGE THOMAS:** What is the answer?

**MR KIRK:** Well it is ...

C **JUDGE THOMAS:** Yes or no?

**MR KIRK:** ... it is in the prosecution documentation when I was under interrogation after being  
examined by the psychiatrist on the 22<sup>nd</sup> or 23<sup>rd</sup> of June (inaudible) what is it, what year are we  
in now? 2009.

D **JUDGE THOMAS:** Mr Kirk, I don't think I can put this question any clearer. The question  
that you need to answer, if you are prepared to answer it, is this, were you in possession at any  
stage of that Lewis gun, yes or no or I don't want to answer?

E **MR KIRK:** Just now you said prohibited weapon so I have answered what was required when I  
was under arrest which I thought was sufficient information that a normal person, the person on  
(inaudible).

F **JUDGE THOMAS:** So I will take that as, "I am not prepared to answer." Fair enough, in that  
case there is no defence statement (inaudible).

**MR KIRK:** There is no defence statement?

G **JUDGE THOMAS:** If you are not prepared to answer the simple question whether or not you  
were in possession of the Lewis gun then nothing can happen thereafter because no one knows  
what your case is.

H **MR KIRK:** But I have put it, I was tape recorded by (inaudible) and Mrs Knight in the  
presence of an appropriate adult (inaudible) and I answered them.

A **JUDGE THOMAS:** Well let's just answer them again if you can. The first question is were you ever in possession of the Lewis gun, yes or no?

**MR KIRK:** Why am I obliged to repeat the prosecution's case?

B **JUDGE THOMAS:** Alright. I have got the message, Mr Kirk, you aren't prepared to give details in which case, as I have said, the next stage of disclosure is not triggered.

**MR KIRK:** Yes, but that (inaudible) article six, I have given them sufficient information under (inaudible) 1996 unless you can persuade me otherwise but at the moment you haven't.

C **JUDGE THOMAS:** I don't have to persuade you of anything, Mr Kirk. I asked you the simple question, you refused to give me a straight forward answer in which case the next stage of disclosure is not triggered.

D **MR KIRK:** But they have just written to say I have another 14 days to do it. You say that that is incorrect.

**JUDGE THOMAS:** I have just told you how you can get the next stage of disclosure by simply answering that simple question now you have had ...

E **MR KIRK:** So can I do this next week sometime?

**JUDGE THOMAS:** No, no, no you can either do it now ...

**MR KIRK:** Why not?

F **JUDGE THOMAS:** Because it is a simple question. Either you were in possession or not in possession of the Lewis gun.

**MR KIRK:** Can I serve another defence statement to your liking sometime next week?

**JUDGE THOMAS:** No.

G **MR KIRK:** Why not?

**JUDGE THOMAS:** Because I have asked you a straight forward question, that is all that is required of the defence statement.

H

A **MR KIRK:** So therefore the letter of the 20<sup>th</sup> and the 22<sup>nd</sup> and the 12<sup>th</sup> of this month from the CPS (inaudible). They are saying I have 14 days to serve another defence statement. How many have I sent so far? About four or five?

B **JUDGE THOMAS:** And none of those have you answered the question I have just posed to you and that is the important question.

**MR KIRK:** And you are denying me the right to do it before the 14 days are up.

**JUDGE THOMAS:** I am simply asking you now to tell us what the answer is.

C **MR KIRK:** (Inaudible). It appears (inaudible) to me, I am sorry but (inaudible) ...

**JUDGE THOMAS:** Well the point is this, you see, if you ...

**MR KIRK:** Can I put in another defence statement before the 14 days runs out?

D **JUDGE THOMAS:** If you put it in 14 days ...

**MR KIRK:** Yes.

**JUDGE THOMAS:** ... you won't get disclosure until after 14 days. Who does that help, Mr Kirk?

E **MR KIRK:** Right, so if I put in one to suit you ...

**JUDGE THOMAS:** It's not suiting me, Mr Kirk, one way or the other. The point is if you put it in in ...

F **MR KIRK:** Who do I have to satisfy, you or the CPS?

**JUDGE THOMAS:** If you put it in in 14 days ...

**MR KIRK:** Yes.

**JUDGE THOMAS:** ... then you won't get any disclosure for 14 days will you?

G **MR KIRK:** Is that a problem?

**JUDGE THOMAS:** Not for the prosecution I suspect but it may be for you.

**MR KIRK:** Is it a problem for you?

H

A **JUDGE THOMAS:** Mr Kirk, the point is this, this trial is continuing, what information you are entitled to depends as I say on you giving answers to simple questions. Now, what I am going to do is I am going to rise, I am going to ask the prosecution to play to you the ...

B **MR TWOMLOW:** Two video clips.

**JUDGE THOMAS:** ... two video clips. I would like you, please, to stay in court and watch them and to tell us whether you agree with the way in which they are being presented.

**MR KIRK:** Am I obliged to stay in court?

C **JUDGE THOMAS:** You are not but then again you wouldn't be able to complain would you if the documents were presented in that form to the jury. The next thing ...

**MR KIRK:** (Inaudible).

D **JUDGE THOMAS:** ... please, please don't interrupt me for a moment. The next thing then is you can speak to your sister as long as the Reliance authorities are prepared to keep you in this building, and tomorrow morning when you arrive. Your sister can have an unfettered conversation with you then, I hope that she has understood what I hope is a simple proposition as to what triggers the next stage of disclosure.

E **MR KIRK:** I ask you to ask the police to return what property of mine they took from my house on the 22<sup>nd</sup> and 23<sup>rd</sup> of June. They are required to prepare the defence statement.

F **JUDGE THOMAS:** Well I have explained and I am not going through it again. Thank you.

**MR KIRK:** And it includes my computer please. I cannot serve (inaudible) ...

**(Adjourned)**

**(15.37)**

G

H

A We hereby certify that the above is an accurate and complete record of the proceedings, or part thereof.

B

Signed: Mendip-Wordwave Partnership

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