

**IN THE CARDIFF COUNTY COURT**

The Law Courts  
Cathays Park  
Cardiff  
South Wales  
Wales  
CF10 3PG

Date : 11 July 2011

BEFORE:

**HIS HONOUR JUDGE SEYS LLEWELYN**

BETWEEN:

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**Mr Maurice Kirk**

**Claimant**

**- and -**

**South Wales Police**

**Defendant**

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The Claimant appeared as a litigant in person  
Mr Lloyd-Williams appeared on behalf of the Defendant

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**TRANSCRIPT**

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HHJ Seys Llewelyn Yes, good afternoon to you all. Mr Kirk, Mr Lloyd-Williams. Mr Kirk, I hope that I have read every email that has been sent. You have had your surgery in France, is that right?

Mr Kirk Yes.

HHJ Seys Llewelyn All I saw in the translation was surgery to the hip arthroplasty, etcetera.

Mr Kirk Yes.

HHJ Seys Llewelyn Is that all of the treatment completed?

Mr Kirk Yes. I am now off the morphine. I have been on forced(?) morphine for nine months.

HHJ Seys Llewelyn Yes, you look a little better. There are really I think comparatively few matters that need to be dealt with in these listing proceedings. Mr Kirk, I have seen, I am afraid I refused you permission to appeal my rulings and so did the judge on first consideration but I think that is due for hearing at the end of this month, is it?

Mr Kirk I was given the date over the phone. I have not received it in writing at all.

HHJ Seys Llewelyn Oh right. Well, we will ensure that you have that. It is still the same email address is it, for communication with you? I know it (inaudible) to you?

Mr Kirk Yes, yes.

HHJ Seys Llewelyn Well, we will ensure that the dates for the oral hearing is sent afresh to you, all right?

Mr Kirk I have just been given a 29 July date for a hearing here.

HHJ Seys Llewelyn Yes, that is the one that I was expecting.

Mr Kirk I am wondering if it is the same day.

HHJ Seys Llewelyn My understanding that, you have jogged(?) my memory. My understanding is it is 29 July to deal with appeal in respect of two matters, one is your appeal from my judgment and so that is the date for that, on the preliminary rulings which we had the hearings in September and October about, and the other matter is your application, fairly informal one but in writing to me that the case should be removed, firstly to the High Court and secondly out of Wales where I was not in favour and as you know on paper that was refused, the permission to appeal in respect of that, but that also if I understand correctly, is to be dealt with on 29 July by way of oral hearing so that is an important date for you.

Mr Kirk Yes.

HHJ Seys Llewelyn All right. Next, you need not go on standing, Mr Kirk. So far as the general directions in the case are concerned, we have had long since the dates by which witness statements were to have been disclosed. So far as I am concerned those dates stand. They have already passed, and if as I suspect may be the case Mr Kirk finds that he has witness statements coming into his hands between now and any trial, if he were to make an application to the Court to adduce that evidence and to be treated on the merits.

- Mr Lloyd-Williams  
HHJ Seys Llewelyn Your Honour, yes.  
Mr Kirk, can I just share with you these thoughts? Strictly speaking of course, any witness statement from now on from somebody else who is out of time but the Court will look at any individual witness statement on the merits, but the one thing that will not be in your favour is if we get into a hearing, I have heard half of the evidence in the case from the Defendants and then you start to put witness statements in because it takes away from the credit of the people who have put it in. So that is all very much common sense but I did not want you to miss that. Next we need to deal with the MAPPA of disclosure point. In my preliminary ruling given out in writing at the end of November, I indicated that the executive summary should be disclosed to Mr Kirk and I take it that that was dealt with?
- Mr Lloyd-Williams  
HHJ Seys Llewelyn Yes.  
In strict terms I gave directions that if Mr Kirk wished to see the minutes themselves he should make an application and make an application by a certain date. In terms of formal application I am not aware of any. In terms of informal application, at least one email within the relevant dates said “Yes of course I want to see them.”
- Mr Kirk  
HHJ Seys Llewelyn Yes.  
Can you help me as to the process of production? I am satisfied, this is a sensitive and frankly difficult area for a judge but it seems to me provisionally that I ought to see the minutes. What is the position so far as the Defendant is concerned? I know that the Defendant is bound to have a representative on the relevant agency, but does the Defendant, represented by you and your solicitors, have a copy of those minutes?
- Mr Lloyd-Williams No. I do not have a copy, so far as I know my instructing solicitor, neither the young lady who sits behind me nor Mr Oliver has sight of such copies or have it within their control. My understanding is that if the Court were to indicate that you would wish to see the document that Officer Nigel Rhys who is the keeper of the documents, he is the coordinator, will turn up at Court and produce the documents to your Honour so that your Honour can look at them and reach a view on those documents.
- HHJ Seys Llewelyn  
Mr Lloyd-Williams Yes.  
Certainly at the moment I would prefer not to see the documents, not that I have been allowed to see them anyway but not to see them until after the Court has. A slightly unusual process but it is a slightly unusual action for various reasons.
- HHJ Seys Llewelyn  
Mr Lloyd-Williams Yes. Well, anything to do with public interest immunity is curious...  
Yes.  
...in the way that it has to be approached, putting it neutrally.
- HHJ Seys Llewelyn  
Mr Lloyd-Williams Your Honour, may I just touch upon that for one moment as the process?  
Yes of course.  
I certainly do not disagree with that as a process. Your Honour will

know, because your Honour mentions it in the preliminary judgment that this Court gave last year that the suggested way of dealing with things really from the case of Errans(?) is that until, I will not call it relevancy for the matter, but until it has been established that a document might be disclosable and falling within the appropriate category then the Court should not view the documents unless it is with a view to seeing whether it falls within the PII category. Your Honour has already concluded that this case or these documents fall within the PII category so normally the Court would not go on to view the documents until a case on disclosability had been made out.

HHJ Seys Llewelyn Well, I appreciate that but on your side, apart from public interest immunity arguments full stop because of the class of documents, you would also argue that it is not relevant...

Mr Lloyd-Williams Yes.

HHJ Seys Llewelyn ...because it is 2009 and I am dealing with 1992 to 2002. Mr Kirk argues that it is relevant because if I see those minutes they will disclose the fact that it is part of an ongoing process which is, putting it neutrally, to his disadvantage. If I see the minutes I can start to take a view as to whether they are relevant in the case. Mr Kirk of course says they are bound to be relevant even if they are entirely after the events...

Mr Lloyd-Williams Yes.

HHJ Seys Llewelyn ...because they reveal a mindset or a motivation on the part of the Defendant.

Mr Lloyd-Williams Your Honour, I simply raise it as an issue as to make it clear that I do not object to your Honour seeing those documents without having resolved the issue of whether the documents are disclosable so out of the usual order of things where the Court normally decides whether they are, on the face of it disclosable documents and then goes on to consider PII, but the Defendants are content for the Court to look at the documents...

HHJ Seys Llewelyn Yes.

Mr Lloyd-Williams ...as part of the process of deciding whether or not the documents are disclosable.

HHJ Seys Llewelyn Yes. Traditionally it is dealt with the other way round. It is just I think that the interests of justice demand that one tailors the approach appropriately to an individual case...

Mr Lloyd-Williams Your Honour, yes.

HHJ Seys Llewelyn ...and in this case, that is the view that I take. That is actually the reason why, because the rest of the matters are not going to take us a day and a half...

Mr Lloyd-Williams No.

HHJ Seys Llewelyn ...but why the matter was listed for 2pm this afternoon and to resume tomorrow to give the opportunity for, you say the coordinator...

Mr Lloyd-Williams Yes.

HHJ Seys Llewelyn ...to come and for me to see those minutes.

Mr Lloyd-Williams Yes.

- HHJ Seys Llewelyn And then I can reflect on them and I shall just have to take it step by step. If there is something which it seems to me ought to be disclosed to Mr Kirk then I will give that ruling in principle. If I can see nothing which ought to be disclosed to Mr Kirk I will give that ruling in principle. I suspect whichever way it is, the party who is unsuccessful in the ruling will want to appeal it and in this area, if it is adverse to Mr Kirk he will want to appeal, I have not the slightest doubt and if (inaudible) go off to the appeal, he not having seen the minutes, if it were in his favour then at least on the authorities if you were appealing on your side then since once it is gone it is gone, to be colloquial, one would have to defer the disclosure until the appeal judge had ruled on it.
- Mr Lloyd-Williams Yes.
- HHJ Seys Llewelyn That is the way that I see it.
- Mr Lloyd-Williams Your Honour, yes.
- HHJ Seys Llewelyn Yes. And Mr Kirk I have been teasing this out so that you can at least try to follow the Court's approach and reasoning, and is there any difficulty in you attending tomorrow?
- Mr Kirk No. The difficulties I have been having is that I have been trying to get an application before you. You have mentioned that you have not received a formal application with respect to my seeing the MAPPAs documents. That must be a fault in hindsight on my part but I know I have written more than once saying "I must see them".
- HHJ Seys Llewelyn That is right.
- Mr Kirk And if I were to fill in an application form and pay a fee and I have failed to do it this is the problem I have today with I was coming to Court with an application due to the outcome of what you have just been talking about and that is, when it suits you, if I have the chance, well, now I can put an application in this afternoon and pay the money so that it could possibly be dealt with tomorrow and that is that fresh evidence before you since you made decisions to strike out certain incidents...
- HHJ Seys Llewelyn Right, let me deal with the two separately. The first, which is whether there should be MAPPAs disclosure, strictly I think you have failed to make the formal application that you should. Practically I want to get on and get this dealt with and I am not going to require that you issue an application to say the same thing that you have said in the email and pay a fee. In relation to something else, an application to hear fresh evidence, then yes, that is a new step and you do need to make an application and pay your fee, and then I will consider the matters in it.
- Mr Kirk The document I sent to the Court (inaudible), and it has given you a printed copy this afternoon, apparently the one that I sent to Dolmans couldn't be opened or it was the wrong document, is actually an application relating to MAPPAs.
- HHJ Seys Llewelyn This one, right.
- Mr Kirk Exactly. Relating, but I think it will fall into place with your

HHJ Seys Llewelyn schedule for the next two days.

HHJ Seys Llewelyn Yes, yes. Well, this afternoon and tomorrow morning at any rate. I hope it will not take as long as all of tomorrow by a long chalk. So I am going to have to wait, am I not, until tomorrow morning assuming that the arrangements have been properly made for the MAPPAs minutes to be placed before me.

Mr Kirk Yes. May I send my solicitor outside to make enquiries immediately for the time when your officer can attend Court, presumably your Honour would wish the office here, if possible, about half past nine or thereabouts, or ten.

HHJ Seys Llewelyn Exactly, yes. As early as possible, because I do not know what volume they are but I do wish to read them with care.

Mr Kirk Yes of course.

HHJ Seys Llewelyn And he will have to sit silently in his chair in the corner of the room not saying anything whilst I do it.

Mr Kirk Yes.

HHJ Seys Llewelyn Listing this case for trial, I have seen a letter from your solicitors via email, Mr Lloyd-Williams, reporting your view that since subject to Mr Kirk's appeal on 29 July, some matters have gone out of that which has to be tried, your considered view of eight weeks would suffice, not ten?

Mr Lloyd-Williams Yes. Can I just expand upon that time estimate so your Honour understands the thinking behind it.

HHJ Seys Llewelyn Yes.

Mr Lloyd-Williams Doing the best we can and as I think we have indicated previously in order to assist Mr Kirk and this Court we are content to call our witnesses first which will enable Mr Kirk to have first go, so to speak, at cross-examination. We had thought that it would take about six weeks to get to the police witnesses, that is in chief so far as there is any in chief. There is not likely to be very much cross-examination. We then allowed a week for Mr Kirk's evidence. That might be an overestimation. I simply do not know but I thought we had better build something in, and a week for legal arguments. We have already filed a lengthy skeleton argument on the main issues which set out the law as we understood it to be, it may have to be updated slightly from more recent authorities. That will set out our case. The primary matters will be issues of fact for your Honour, rather than issues of law. The law seemed relatively straightforward. Issues on the, submissions on the fact may not take too long. But that is how we come to eight weeks. Six weeks of police witnesses, a week for Mr Kirk and his witnesses and a week of submissions from both parties.

HHJ Seys Llewelyn Yes.

Mr Lloyd-Williams So that is our time estimate.

HHJ Seys Llewelyn Mr Kirk, I have already explained that there have been dates for service of witness statements and you are going to have to make application if there are witness statements to come, and I am not

- going to go into the individual witnesses. I remember trying to assist at the outset of my management of this case by identifying which witnesses you might actually be wanting to call but are you able to assist today with whether you are calling any witnesses or, subject of course to permission from me, some witnesses and if so what sort of number you are talking about.
- Mr Kirk Well, a new witness is of course the man I saw in Ferry(?) post office when I was on sticks and unable to apprehend him. This is the struck out...
- HHJ Seys Llewelyn The cheques?
- Mr Kirk (Inaudible) that was stolen. The mindset of the police continues to divert the course of justice and they have, they are in the position to name that witness and I wanted him as a prosecution witness but if you are saying that I cannot because you have struck out the incident to which it relates I wish to call him because he will indicate to you the mindset that the South Wales Police are continuing to interfere with my access to the rule of law and in all my court cases there have been a number of incidents, since I have been released from prison, which continues to give the clear indication that this case should be dealt with in a different way but I will deal with that later, when I give you an application form.
- HHJ Seys Llewelyn At the moment, to say the least, it looks pretty unlikely that the evidence of that witness, if you can track him down and produce him is going to assist because the very subject matter of your claim is one where I have ruled that it is not maintainable in law and so it is difficult to see what relevance his evidence has but the short answer is if, underlined if, you produce a witness statement from him and apply to the Court so that his evidence be heard, then I will look and see what is in the witness statement. If it appears to me that there is something there which is relevant and not so minute in the order of things that it is a waste of time, then I will look at it but without seeing a witness statement I am not going to rule him in or rule him out.
- Mr Kirk The police have his name and address. He is a known criminal. He is on the PNC. He is linked with a number of burglaries that took place in my surgeries over the ten year period of action one, two and three and he has information relating to witnesses that are yet to be traced; police are refusing to give me their home addresses in order to serve witness summonses. I will not get, I have little chance of getting a statement out of him unless I bribe him with a large sum of money.
- HHJ Seys Llewelyn Well, I would not do that for all the obvious reasons including that it would be contrary to law. Right, well, I had better, whilst we are dealing with listing, that is the only witness that you yet identify, Mr Kirk, is it?
- Mr Kirk There are others but I am not in a position to name them today because I did not realise that might arise today.

HHJ Seys Llewelyn Well...  
Mr Kirk Tomorrow.  
HHJ Seys Llewelyn ...I have said it so many times. Either you produce the witnesses names and statements from them or you do not and the later it goes off the less likely it is that the evidence will go in, and I am asking those questions for the simple practical purpose of getting a feel of how long the trial may take.

Mr Kirk Some are dying off, some have gone to mental homes since this started so I can assure you my list is actually on the decrease.

HHJ Seys Llewelyn Yes. Well provisionally I think it ought to go into the listing officers with a time estimate of eight to nine weeks. I will reflect on that but certainly I do not presently, I see as through a (inaudible) compared with either Mr Kirk or yourself, Mr Lloyd-Williams.

Mr Lloyd-Williams Yes.  
HHJ Seys Llewelyn I will try to take a view, looking at my own notes of what is involved in each instance just to form a view and if I can vouch(?) to eight weeks then that is what it will be. To find eight weeks at a stretch is not going to be achievable early. As with the last effort and the one before that, I will indicate that, if in other words the trial which could not take place because you were in custody and the trial that could not take place because you were medically struggling.

Mr Kirk I was subjected to it by design by the Defendant.  
HHJ Seys Llewelyn Whichever, on the last two occasions I indicated that if, during a period, there was a week of planned sitting either in North Wales where I have responsibilities or in Swansea where I have responsibilities, I would wish to keep that. If I can keep it to one week which interrupts you then I will but I cannot make a promise as to that. The preliminary indications, you will not be surprised to know, in a busy court with cases listed well ahead, are that really we are looking into the new year. Whether that is January...

Mr Kirk Which year?  
HHJ Seys Llewelyn 2012.  
Mr Kirk Oh right. I see that six weeks for the police to give evidence, one week for me only to give evidence or me and all my witnesses?

HHJ Seys Llewelyn Well at the moment we do not know as to any witnesses of yours. That is why I have been asking...

Mr Kirk Well (inaudible) my witness statement.  
HHJ Seys Llewelyn I have had nothing from you which gives me a list of names of witnesses whom you wish to call.

Mr Kirk Oh, but you have had a file of my witnesses' statements. I had enough trouble...

HHJ Seys Llewelyn Oh the yellow bundle, the yellow bundle?  
Mr Kirk Yes, serving it on (inaudible) the Defendant.  
HHJ Seys Llewelyn Yes. We had a great (inaudible) with it identifying the yellow bundle and then having it copied and made available to you. Yes, I have seen those, but that is different from knowing which witnesses you expect to or hope to call. That is why I am asking you.



Mr Kirk I am wishing to call all of them but I will achieve getting 50%, I expect, because many of them will be hostile and will hide because it is against the state.

HHJ Seys Llewelyn Well I shall have then to go and look at your yellow bundle...

Mr Kirk Yes.

HHJ Seys Llewelyn ... and try to take a view as to how many witnesses there are there and what they go to, and made my way through the bundle reflected on whether eight weeks is sufficient.

Mr Kirk I am sorry, I do not know the number in that bundle. I have never counted. The number for the police would be roughly?

HHJ Seys Llewelyn Well Mr Williams has made an estimate of the sort of time that it is likely to take to get through them all of six weeks. As an experienced advocate, it is not a science, it is an art really, so I will take that as a reliable estimate for the police witnesses and I shall just have to, you also have seen the yellow bundle, Mr Williams. At the moment this is hitting in the air because a number of the, it is difficult to work out which are witness statements even in embryo, which are equivalent to a full witness statement and which are pieces of paper which look as though they might lead to a witness statement.

Mr Lloyd-Williams Yes. All I can say is it is difficult to work out from that what might be relied upon by Mr Kirk and how far it may be relevant to cross-examine what is in those statements bearing in mind as I have obliquely indicated already, I assume your Honour's approach will be to treat the statements as evidence in chief, or for the most part.

HHJ Seys Llewelyn Yes.

Mr Lloyd-Williams So it is difficult, unless we know precisely which witnesses they are relying upon how much cross-examine there will be of Mr Kirk's witnesses but I suspect for the most part on relevance, what I hope are relevant issues, not very much cross-examination.

HHJ Seys Llewelyn Well there we are. I shall take a view and I shall indicate it by the time that we finish tomorrow.

Mr Lloyd-Williams Your Honour, can I indicate whilst you are dealing with witnesses, we have approached this so that your Honour understands fully the background. This is the position we indicated to his Honour Judge Chambers QC probably three years ago now when we originally gave time estimates, we will try and call the witnesses in sensible order although some of them are no longer police officers and we will need to fit in with their availability, some of them will be serving and some with leave and so...

HHJ Seys Llewelyn Well, we have had this discussion and...

Mr Lloyd-Williams We have.

HHJ Seys Llewelyn ...I am not going to go round that wheel again.

Mr Lloyd-Williams I realise.

HHJ Seys Llewelyn I can see that the idea which I did have of trying to group the witnesses neatly according to bundles of instance and times may not be the best in the interest of justice, not least that, and I am not going

to pick them out, but there are some officers that reoccur...

Mr Lloyd-Williams: Indeed.

HHJ Seys Llewelyn: ...by way of complaint from Mr Kirk and...

Mr Lloyd-Williams: Yes.

HHJ Seys Llewelyn: ...and to separate them out and recall them four weeks later would be absurd and it would also lessen the force of any questions that Mr Kirk may wish to put to them.

Mr Lloyd-Williams: Your Honour, yes.

HHJ Seys Llewelyn: So I am not in that sense going to dictate a timetable. As we get closer I think it will be of high importance that an order of witnesses be produced...

Mr Lloyd-Williams: Yes.

HHJ Seys Llewelyn: ...but I think that we are looking at a pre-trial review, possibly in October or November if this matter is likely to be listed in the new year. Right. I am just looking at what was put before me.

Mr Lloyd-Williams: Your Honour, I think there are two outstanding issues...

HHJ Seys Llewelyn: Yes.

Mr Lloyd-Williams: ...if I might assist the Court. One relates to the three actions if I can call them that.

HHJ Seys Llewelyn: Yes.

Mr Lloyd-Williams: There is the costs issues on the preliminary trial and your Honour should have an argument that was filed entitled "Defendant's submissions on costs pursuant to paragraph seven of the order of 30 November 2010".

HHJ Seys Llewelyn: Yes.

Mr Lloyd-Williams: (Inaudible) the costs issue, I do not know if your Honour would wish to consider that after your Honour has resolved the MAPPa matter. It does not strictly impact upon it but the costs usually come at the end.

HHJ Seys Llewelyn: It does not strictly impact on it but I would be glad to do that, not least because since early this morning I have been reading myself back into this case and I think I need to read myself in further to deal with that.

Mr Lloyd-Williams: Your Honour, that is the remaining issue on the three actions. There is a freestanding application in respect of the most recent action...

HHJ Seys Llewelyn: I am going to come to that after I have dealt with any other matters to deal with the present action.

Mr Lloyd-Williams: Right.

HHJ Seys Llewelyn: Yes. Mr Kirk, subject to you, if appropriate, what I need from you is an undertaking, a promise, that if this does properly require an application that you will issue a formal application and pay the fee.

Mr Kirk: I am filling one out here while we talk.

HHJ Seys Llewelyn: Yes. But if it becomes obvious to me that these are really ongoing matters...

Mr Kirk: They are, yes.

HHJ Seys Llewelyn: ...which fall within what has already been discussed then I will take a view and rule on whether it is a new application or not. I think that

Mr Kirk I need to deal with this (inaudible). It is headed “Applications” and it starts “A can of worms, or a can of worms.” Do you have that?  
Yes.

HHJ Seys Llewelyn It seems to me that three, right, a can of worms or a can of worms is an introductory phrase. Three, (inaudible) transfer all litigation to England. You have already made that application to me. I have been against you and on 29 July you will be able to put all the arguments to the High Court judge.

Mr Kirk You appear to have overlooked paragraph two which...  
HHJ Seys Llewelyn I am going to come back to that.  
Mr Kirk That is the application.  
HHJ Seys Llewelyn Oh right, well, transfer it to the High Court outside Wales, the same applies as to what I have just said, does it not?

Mr Kirk Yes, paragraph two. It is because the last two years have not been before the High Court judge and they have not been before you because I spent a year trying to find lawyers when I got out of prison on 9 February 2009, my whole family were trying to get the machine gun case into trial for damages and I have had to do it myself in a fairly amateurish way but I have now paid my fee and it is now before Court and it is on the list for the Defence to address you on it. Whether he addresses you on it now or then this document comes into play but if you want me to speak first then that is fine.

HHJ Seys Llewelyn Well, it is your application. “The last three years of mindset of South Wales Police forced me to reconsider my 2010 judgments currently subject to appeal.” Well, what is it that I did not have before me on 30 November 2010 that you want me to look at afresh.

Mr Kirk You did not have the machine gun claim, Particulars of Claim. You were aware personally because you saw me coming from the prison, I was being severely interfered by being unlawfully detained for nearly eight months, by the Defendant in this case for the pure reason of wishing to prejudice my position in prosecuting through the rule of law compensation appropriate to the harassment and bullying that I have had. The bullying has continued since November but those matters, because they have not been completed in Court, some of them had, I only referred to them like the machine gun case, I asked that it be joined with them and that if you look at it, the bullying aspect and the extreme and unusual case of (inaudible) police making previous case law relied on (inaudible) as totally irrelevant. The bullying continues and I give information, well, paragraph six. The machine gun case, and now I have established, since November, that the psychiatric report detained me, for the police to keep me detained in prison for an extra three months in casual clinic, have been proved to be false. The NHS here when I got out of the prison, my practice, my general practice of 18 years washed their hands of me because they knew it was politically a hot potato. No South Wales NHS department, and I have got a lot of audit(?) trail of this recorded, would allow a brain scan. Now you have seen the transcript of 2

December 2009 in front of his Honour Judge Bidder...

HHJ Seys Llewelyn Yes.

Mr Kirk ...where the prosecution are saying that Tegwin(?)-Williams, the police psychiatrist, believed that I had a brain tumour. No-one told me this. I did not find out about this until just before the trial and even during the trial the trial judge refused to raise the issue because overnight where on the day before I was not fit to go out on the street and they applied for me to go to Ashworth high security prison, IPP, that means for life, because of permanent brain damage as written in four, in two or three psychiatric reports. The trial judge refused to use that in my favour...

HHJ Seys Llewelyn Just to be clear, IPP would only have applied if you had been convicted.

Mr Kirk Well, they had no intention of me being convicted because they knew they would lose the case before I was even arrested because the evidence was overwhelming, as a conspiracy. Now the information I have received on medical points...

HHJ Seys Llewelyn Where do you say, you say that the psychiatric reports have been proved to be false.

Mr Kirk I had to go to France to get a brain scan because no-one would do a brain scan and the hospitals here locally refused to operate on me because they said they believed I had a brain tumour because that is what was on the records of the medical records. No-one had told me this and there was no follow-up brain scan during an eight month imprisonment which further indicates a malpractice and I had to go abroad to get a brain scan in order to get an anaesthetic in order to have a total hip replacement. That is just part of what I put in this letter of a few pages and I am trying to refer you back to the track record of the South Wales Police after the three actions, well, you were considering the four actions, whether the fourth action was to be joined with the three because it was stayed until the first three were heard and my applications back in September, October, was that the whole lot should be consolidated due to the mindset of the South Wales Police with an extreme case of bullying. I have now given you, if you look at the latest fifth or sixth action against the police, we will call it the machine gun case, I have linked a number of false prosecutions throughout the summer and one still outstanding, to indicate that their bullying has actually increased statistically on a day by day basis. The classic one of course was being arrested and them coming to my house and them trying to get my daughter put into care because they knew that that would further jeopardise my brain cells to fight a very complicated case without a lawyer. All aspects of all the cases against me by the Defendant have been, have mostly been proved false and fabricated and that is the main reason why I am asking that you reconsider your decision which is now, I know, pending with the Court of Appeal that the cases should be consolidated and taken out of Wales, the reason

being and I have listed on page two of that document, no, on the first page, the conduct of HM Court Service. They have deliberately interfered. I cannot come into this building (inaudible) court case. I can no longer ring up and pay court fees on the phone. They have blocked my emails so I am having to send them to your secretary to give her the burden of having to dissipate them out through the building for other court cases.

HHJ Seys Llewelyn

The information which I have been given is that your emails habitually bounce back by the system. No steps were taken by the Court Service here to block your emails and it would appear most likely, although nobody I think has finally made the diagnosis of the problem, most likely that because it was from a service provider which was marked one of those which the system is programmed to recognise as reliable, secure and not given to problems with viruses, that is why they were bouncing back. I am assured and I have no reason to doubt this, that no step has been taken by the Cardiff Civil Justice Centre or the Court Service more generally deliberately to block your emails. Indeed I know perfectly well from the efforts of Mrs Parr that she has gone out of her way to try to assist you in communications with the Court so I do not find that the most helpful suggestion.

Mr Kirk

Page two, paragraph nine.

HHJ Seys Llewelyn

Yes.

Mr Kirk

My (inaudible) MP, his wife is a radiologist, sent on 1 December to HM Court Service Wales a very expensive psychiatric medical report that I had obtained from the phone(?) inside the police, er, prison, which takes a bit of doing and they deliberately did not put it in front of Judge Bidder and I went before ten Cardiff Crown Court Judges who had been told that I was too dangerous, I was on MAPPA level three, no-one told me I was on MAPPA level three. They had a duty to tell a prisoner. I have been told this now by a number of officials throughout the system and this was deliberately withheld, and the HM Court Service withheld that medical report castigating the false documents that Dr Tegwin-Williams wrote. He was not even legally qualified to write those reports.

HHJ Seys Llewelyn

Who is the author of the report which you say...

Mr Kirk

Dr Kemp of Southampton University, dated 1 December. I was denied access to the 2 December hearing where Dr Tegwin-Williams told the prosecution that he now believed that I had a brain tumour. Dr Bidder remembered the law under section, for section 41 under the Mental Health Act that he needed two signed level twelve psychiatric surgeons to get me to Ashworth. It was their last ditch attempt to prevent the trial of the machine gun case from starting. They knew, like the jury said to my relations immediately after the trial when they pulled me into the Ha Ha restaurant next to the CPS building that they had made their minds up on the first day and that the first four policemen cross-examined were lying.

HHJ Seys Llewelyn Just help me, Dr Silver whose report who was that he saw no difficulty...

Mr Kirk Yes, he was from Ashworth.

HHJ Seys Llewelyn ...in your fitness, he was instructed by the Court?

Mr Kirk He was instructed by the Court. He never finished his examination because I would not let him into my cell.

HHJ Seys Llewelyn Yes, he says that but he also said that in his view you were fit to (inaudible).

Mr Kirk Yes, but he asked the standard question and I said "I am not answering them because I am not going to let you finish the standard required legal performance that you have to maintain for a court document to go before a court of law." Do you hear sounds at night, have you tried to commit suicide, all the usual standard questions at the end of a one and a half hour interrogation.

HHJ Seys Llewelyn Right.

Mr Kirk That is an example of HM, Welsh HM Court Service interference. Let me remind you of the internal memos that you have seen. In fact it was his Honour Judge Nicholas Chambers who said "Where on earth did you get these from?" As I politely said it is on a need to know basis. Did he really need to know where they came from? They were authentic and they have been signed as authentic by a clerk in this building and it showed that the HM Court Service Wales had lost files of mine. They sent over 300 files to the treasury solicitors in London over a period of five years.

HHJ Seys Llewelyn All of this is material which you placed before me before and which I considered so may I please come back to what material it is that you say it is the fact of the...

Mr Kirk The machine gun trial.

HHJ Seys Llewelyn ...machine gun prosecution which you say was fated to fail.

Mr Kirk Yes.

HHJ Seys Llewelyn And you complained as I now remember, you had complained before in relation to the report of Dr Kent. What else is there which you say should make me...

Mr Kirk The details of the particulars...

HHJ Seys Llewelyn ...decide otherwise?

Mr Kirk The details of the Particulars of Claim against the Doctor Tegwin-Williams who falsified reports. That is now lodged with this Court in the last six weeks.

HHJ Seys Llewelyn And by falsify the report, you are referring to the reference to a possible brain tumour.

Mr Kirk He said I had significant brain damage when he had in his hand when he was writing his report the Princess of Wales 28 August brain scan survey by an expert saying there was absolutely nothing abnormal to be seen on the brain scan relevant to why I was in custody or whether it would be relevant to the future. He deliberately, he did not have the medical qualifications to write that and Professor Wood wrote a report expecting me to be in for ten years and I did a data protection

- thing in October 2009 and it was deliberately left out but when I got out I made them produce it and he rewrote it. He backdated it to 28 September 2009 and it was a different report to the one that the doctors had shown me the year earlier.
- HHJ Seys Llewelyn Right. All of these are matters which you have referred to before. The machine gun, I have got that point. What I want to know is what there is which is fresh that I should consider so as to reach a different view than I did on 30 November in relation to the preliminary rulings and in relation to your request or application that I should send the case to the High Court or out of Wales. What is fresh? I have got the machine gun point. What else is fresh?
- Mr Kirk That you did not have Particulars of Claim detailing exact detail of their conduct because I only wrote them a few weeks ago and served them on the Court.
- HHJ Seys Llewelyn Do you have a copy because I see no, (inaudible) in the file which has got your claim form. There are quite a lot of files with the name Kirk upon them and the Particulars of Claim which plainly there must be I at the moment do not have them under my hand so from either side, if a copy of the Particulars of Claim could be given I would be very grateful. **(Document handed up)**. Thank you.
- Mr Kirk In there are incidents of last year that you have not heard about where I was arrested and found not guilty.
- HHJ Seys Llewelyn As I am reading this by the way, I have seen this. This must have been emailed for my information, just it was not under my hands this morning. Thank you. I will continue to read it.
- Mr Kirk I do not wish to interfere but I have a list of criminal charges currently before the criminal court in England relating to issues that are raised in the Particulars of Claim.
- HHJ Seys Llewelyn Well, if you would hand them up. **(Document handed up)**. Yes, again you have sent this in by email before, have you not Mr Kirk?
- Mr Kirk Oh did I?
- HHJ Seys Llewelyn Yes. Right, well I have read all of that. Mr Kirk, on their own these points do not persuade me that I ought to reach a different conclusion but it seems to me that before I finalise that judgment I ought to see these MAPPAs minutes. If there is some time bomb ticking there which changes the view then I ought, before I rule on this, to see them. The only...
- Mr Kirk They will not be the ones that were being used on 8 June and in July and in August and in September and October and December when they quashed everything of 2009 because they would have rewritten them like they did for the executive department in that document. If you look at that executive document it was written for this Court and this Court only. They will be doing exactly the same things with the MAPPAs documents.
- HHJ Seys Llewelyn At the moment I do not see a reason to call on Mr Lloyd-Williams. I am just going to retire for five minutes in case there is something that I can persuade myself that I am missing.

**Judgment follows**