



### PARTICULARS OF “REASONABLE GROUNDS”

- (1) During the Appellant’s trial at Cardiff Magistrates Court for alleged Harassment contrary to section 1(1)(a)(b) and 2(1) of the Protection from Harassment Act 1997, Mr. David Gareth Evans who appeared as prosecuting counsel, handed up in front of witnesses a draft restraining order to District Judge Charles, who had added in pen some amendments for consideration.
  - (2) Mr. David Gareth Evans on or about 4 May 2012 at Cardiff Crown Court informed the Appellant in front of witnesses at the end of proceedings for that day that he believed that a copy of the original restraining order was still in the case file at CPS Headquarters at Bridgend and that he would produce it at the following day’s hearing.
  - (3) No original draft of the restraining order was produced at all at the following morning’s hearing on 5 May 2012, when the said Mr. David Gareth Evans informed the court that the original couldn’t be located.
  - (4) The Appellant believes that the said Mr. David Gareth Evans was involved in a conspiracy with the CPS to deliberately mislead the court and thereby pervert the course of public justice.
5. The Appellant had “reasonable grounds” for believing that it was necessary to arrest Mr. David Gareth Evans in order to thereby prevent Mr. David Gareth Evans “making off before a constable could assume responsibility for him”, and/or that it appears to the Appellant that “it was not reasonably practicable for a constable to make an arrest” instead and it was therefore “necessary to arrest” Mr. David Gareth Evans accordingly.

### PARTICULARS OF “REASONABLE GROUNDS”

- (1) The Appellant believed that it was necessary to arrest Mr. David Gareth Evans in order to prevent him making off before he could be handed over and arrested by a constable.
  - (2) There were no constables immediately in the vicinity to which the Appellant could have requested that Mr. David Gareth Evans should be arrested for Attempting to Pervert the Course of Public Justice and/or Criminal Contempt of Court by misleading the court in relation to the trial for an alleged Breach of a Restraining Order contrary to section 5(5) of the Protection from Harassment Act 1997 at Cardiff Crown Court on 4 and 5 May 2012.
6. In the premises, the Appellant’s appeal should therefore be allowed and his conviction for Common Assault against Mr. David Gareth Evans at Cardiff and the Vale Magistrates’

Court on 25 June 2013 should be therefore reversed under section 48(2)(a) and (c) of the Senior Courts Act 1980.

**Dated 27 December 2013**

Signed

A handwritten signature in blue ink, appearing to read 'Maurice John Kirk', with a horizontal line underneath.

**MAURICE JOHN KIRK**  
Appellant

**IN THE CARDIFF CROWN COURT**

**Case Ref: A20130139**

**B E T W E E N:**

**MAURICE JOHN KIRK** Appellant

- and -

**DIRECTOR OF PUBLIC PROSECUTIONS**  
Respondent

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**DEFENCE STATEMENT**

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Maurice John Kirk,  
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Knox Road,  
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CF24 0UG  
**Appellant**