



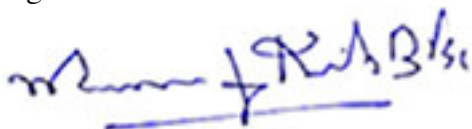
5. Any previous purported conviction by the Cardiff Crown Court before His Honour Judge Curran in May 2012 doesn't create any *issue estoppel* or *res judicata* in respect of the present proceedings, and such doctrines are only applicable to civil proceedings.

**COUNT FOR MAKING THREAT TO DAMAGE PROPERTY CONTRARY TO SECTION 2(A) OF THE CRIMINAL DAMAGE ACT 1971**

6. The Defendant is not guilty of the charge of Making a Threat to Damage Property contrary to section 2(a) of the Criminal Damage Act 1971, in connection with the allegation that he threatened to burn down the house of Dr. Tegwin Williams.
7. The Defendant alleges and avers if found as of fact to have made the alleged threat, that he didn't therefore intend that the recipient of the alleged threat would fear that the threat would be carried out, as required by section 2(a) of the Criminal Damage Act 1971.
8. Further, the alleged statement made by the Defendant didn't amount to a direct threat to damage property as a matter of law.
9. The alleged statement allegedly made by the Defendant, taken at its highest, amounted to a hypothetical statement of possible intention and/or a question as to how the South Wales police would react if the Defendant were to burn down Dr. Tegwin Williams's house, thereby not constituting a direct or immediate threat to damage property which is what is clearly contemplated by section 2(a) of the Criminal Damage Act 1971.
10. (See R. v. Cakmak [2002] 2 Cr. App. R. 10.)
11. The Defendant therefore moves to quash the said charge of Making a Threat to Damage Property contrary to section 2(a) of the Criminal Damage Act 1971.
12. In the premises, the charge of Making a Threat to Damage Property contrary to section 2(a) of the Criminal Damage Act 1971 should either be quashed or withdrawn from the jury, as in all of the circumstances as a matter of law, it would be unsafe for the said charge to be considered by the jury accordingly.

**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**  
Defendant

**IN THE CARDIFF CROWN COURT**

**Case Ref: T20131144**

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

**THE QUEEN**

- v -

**MAURICE JOHN KIRK**

---

**DEFENCE STATEMENT AND/OR MOTION  
TO QUASH AND/OR PLEA OF DEMURRER**

---

Maurice John Kirk,  
Number A7306AT  
HMP Cardiff,  
Knox Road,  
Cardiff  
South Glamorgan  
CF24 0UG  
**Defendant**