

A (inaudible) as I call it, wrote to my niece from prison so that trial last week was a (inaudible).
Now, sorry (inaudible) your Honour, thank you.

JUDGE CROWTHER: Not at all. You must have ...

B **THE APPELLANT:** (inaudible) yes, sorry. In this case, at the end of this I (inaudible) bail.

JUDGE CROWTHER: ... well you must have your say Mr Kirk and I will listen to all the
circumstances but let us do what we can with timing these appeals first shall we? If ...

THE APPELLANT: Yes.

C **JUDGE CROWTHER:** ... if you are, if not content, then if you understand that the appeal
can be heard on 7th or 8th April but that Police Constable Young will not be there to be cross-
examined, we will list it then. Otherwise, I will list it on 22nd/23rd. It is a matter for you bluntly.

D **THE APPELLANT:** (inaudible) 24 hours to consider. The difficulty is I cannot (inaudible) I
can't write very well. It is very slow. But could I have a 24 hour (inaudible) at the moment it
looks as if I have to take 7th April but there are friends who may (inaudible) to what is going on.

MR SMYTH: Can I point out for Mr Kirk's benefit, I hope for his benefit ...

E **JUDGE CROWTHER:** Yes, Mr Smyth.

MR SMYTH: ... that PC Young simply interviewed you about the allegation. He does not give
any evidence about ...

THE APPELLANT: Oh, oh ...

F **MR SMYTH:** ... the actual incident.

THE APPELLANT: ... oh I see. I am terribly sorry. (inaudible) Mr Smyth, as good as ever
...

G **MR SMYTH:** So you might ...

H

A **THE APPELLANT:** ... (inaudible) week, yes in that case there need be no delay (inaudible) one of the officers who arrested me (inaudible).

JUDGE CROWTHER: No. Well ...

THE APPELLANT: In which case, I do not need him.

B **JUDGE CROWTHER:** ... no, well that is good news so it means we can list it quickly. You will appreciate, Mr Kirk, in an appeal the judge does not get the statements in advance so as to keep the judge uncontaminated to decide the case. So I did not know that and I could not have
C advised you of that. Alright? Now, let us ...

THE APPELLANT: (inaudible) your Honour, please do not ask me to agree with that information, but we will (inaudible) thank you for your (inaudible).

D **JUDGE CROWTHER:** Alright. Now let us see if we can help with the Bristol case to any extent. If I were to list it for this mention in Bristol next Monday, you appearing over the video link, that really is as fast as we could get that case on.

THE APPELLANT: (inaudible)

E **JUDGE CROWTHER:** Alright. Well I will say the case involving the Cardiff barrister Mr Evans, will be listed for mention at the Bristol Crown Court, Monday 31st March. Mr Kirk, you and I will meet again on 7th April for the hearing of the other appeal and those are the only two cases of which I am seized.

F **THE APPELLANT:** Your Honour I would ask that the, my application is that your Honour, that I have the contemporaneous records and the court records of the case of harassment that finished on 1st December. That relates to an alleged restraining order that caused me to arrest the
G prosecutor David Gareth Evans which is now the subject of appeal to be heard in Bristol. There has been nefarious comments by those with (inaudible) interest and extra outside (inaudible) rules of justice and the rule of law and I would ask you, if you get Mr Smyth to expedite the
H disclosure (a) of their depositions relating to the two things we are dealing with, and also for the full court record of the (inaudible) trial, that is to say the depositions and the copy of the, not

A necessarily the copy, but the identity, the copy of the court exhibits and the jury notes which I
only obtained by appealing to the Crown Court up here in London, two years later. Then I have
to (inaudible) court record of the lower court as is so well described and I think (inaudible) Mr
B Smyth and whoever is dealing with it in Bristol, and yourself or whoever picks your case, to look
at the transcripts that I have bought and paid for, namely 17th, the second, for example the 2nd
December '11, 2nd December '12, the 2nd December 2009, the transcripts of 17th October 2013
and the transcripts of 3rd December and 23rd January this year which cover the argument that I
C have suffered over the serious miscarriage of justice recently and that there is abuse of process
to, that has now been compounded in the manner in the way that the, her orders from the
Recorder of Cardiff last summer, that I was to cross-examine Mr Evans has been played out. In
D particular, your Honour, the prosecutor (inaudible) their Section 36 of whichever (inaudible)
justice it is, 37, 38 I am not allowed in the library so I am having to guess what part it is, that is
whether he successfully time after time to obtain a successful harassment conviction to obtain a
dismissal of my appeal on 1st March in 2012, to prevent me from cross-examining (inaudible) Dr
E (inaudible) Williams and now the prosecutor. They have succeeded in putting off this
(inaudible) for six months on the legal argument that I (inaudible) contactable. I (inaudible) or
for some other reason. Because we heard on 14th October '12, '13, (inaudible) when I was on my
F way to the court, (inaudible) police station and that is where I have been detained yesterday and
ever since, that Mr Smyth has with him that legal argument which was handed to His Honour
Judge (inaudible) who insisted that I had a copy of it. I was anxious that I get that document
very quickly in order that I can prepare for 7th April hearing before yourself. I am most grateful
G for your patience, your Honour.

H **JUDGE CROWTHER:** Well not at all. I am going to ask, of course, that Mr Smyth sees
to any orders for disclosure that have previously been made in these cases and if any orders made
for disclosure which have gone unfulfilled, are outstanding, they must be fulfilled, Mr Smyth.
That is what I am going to say.

A **MR SMYTH:** Your Honour, can I answer ...

THE APPELLANT: The matter, the matter ... sorry.

JUDGE CROWTHER: No, it is alright. You carry on Mr Kirk.

B **THE APPELLANT:** (inaudible) the letter that I need to (inaudible) will be whether or not many documents (inaudible) quickly as possible (inaudible) getting into (inaudible).

JUDGE CROWTHER: Yes. Well so far as the appeals are concerned, if there are notes of the clerk in the court below I would expect those to have been obtained in the usual way. Am I right about that Mr Smyth?

C **MR SMYTH:** The position about the hearing on, that culminated on 1st December 2011 is that, as I understand it, a copy of the court file was disclosed sometime back to Mr Kirk.

JUDGE CROWTHER: Yes.

D **MR SMYTH:** Because he produced during the course of the recent trial a copy of one page.

JUDGE CROWTHER: Yes.

E **MR SMYTH:** What has not been disclosed, but what does exist are the clerk's handwritten notes of the evidence.

JUDGE CROWTHER: Yes.

F **MR SMYTH:** Now previously the court, that is to say the magistrates' court had taken the view that as the magistrates' court is not a court of record, then those notes were not required to be disclosed. But I know from my dealings over the last three weeks, that they are in existence. Whilst ...

G **JUDGE CROWTHER:** It is not unusual for such notes to be available in an appeal hearing is it?

H **MR SMYTH:** But this is an appeal ... no, but of course this is an appeal in somewhat removed circumstances because effectively the potential relevance is that Mr Kirk wants to argue that the prosecutor's conduct of that hearing amounted to an attempt to pervert the course of justice which justified him in affecting a citizen's arrest.

A **JUDGE CROWTHER:** Well the prosecution is to obtain those notes and to apply the ordinary disclosure tests to them.

MR SMYTH: Yes.

B **JUDGE CROWTHER:** That is what I am going to say. I am going to say no more than that, because it is not my job to order disclosure but to ask and to ensure that the prosecution has done its job. I would ask, Mr Smyth, given that you have had conduct of recent cases and that Mr Kirk has some confidence in your conduct of recent cases, that you see those documents and
C you make your assessment of their disclosability.

MR SMYTH: Certainly.

JUDGE CROWTHER: Does that suit you, Mr Kirk?

D **THE APPELLANT:** I am almost speechless, your Honour. There is one last, I might as well go (inaudible) learned in prison you ask for (inaudible) what you want and therefore I would ask that in particular the ruling by his Honour Judge Llewellyn Jones QC dated 20th, 14th or 21st November be authenticated because his Honour Judge Llewellyn Jones (inaudible) that it was to
E do with another case. This was defence exhibit two, two weeks ago and because (inaudible) if it were true that the conviction and sentence had been agreed by the what I call the (inaudible) your Honour, to those whose faces fit the Cardiff (inaudible) and that is the, the ruling (inaudible) to
F be opened once the case is heard and it says in this ruling here, that (inaudible) sentenced (inaudible) to be opened. I would like Mr Smyth personally ensure that I have not (inaudible) and that the full record that led to harassment that caused me to, caused me to make a private person's arrest (inaudible) to make sure that there was clear evidence that I was not assaulting
G him.

JUDGE CROWTHER: Yes. Alright. Well you have heard what I have said and I task Mr Smyth to ensure that any previous orders for disclosure are fulfilled and that in respect of ...

H **THE APPELLANT:** (inaudible)

A **JUDGE CROWTHER:** ... and in respect of other information that he has considered it
and that is the notes of which he has spoken. So there we are. I do not think I can do any more
with respect to preparation of these cases Mr Kirk. You had an application for bail. Of course I
B will hear it, but another judge has remanded you in custody, Judge Rowlands, following your
conviction earlier this week and in those circumstances ...

THE APPELLANT: (inaudible)

JUDGE CROWTHER: ... in those circumstances, I cannot grant you actual bail. What I
C would say though is that if you make an application before Judge Rowlands which is successful,
or if Judge Rowlands seeks to give you a non-custodial sentence I will hear a bail application on
your behalf very quickly indeed.

THE APPELLANT: That is your problem, your Honour. Is, is, apart from my (inaudible) this
D (inaudible) is that his Honour Judge Rowlands has, has indicated that he has deferred sentence. I
have been in prison now for nearly six months.

JUDGE CROWTHER: Yes. I know.

E **THE APPELLANT:** (inaudible)

MR SMYTH: Your Honour, can I assist on this?

THE APPELLANT: (inaudible) I am sorry for that. I keep getting my (inaudible) which
sometimes very, very (inaudible).

F **JUDGE CROWTHER:** Well let me hear Mr ...

THE APPELLANT: (inaudible)

JUDGE CROWTHER: ... let me hear Mr Smyth who has got something to say and I
G think is trying to assist.

MR SMYTH: His Honour Judge Rowlands adjourned sentence in relation to the breach of the
restraining order and threats to cause damage to next week.

H **JUDGE CROWTHER:** Yes.

MR SMYTH: On the assumption that one appeal at least would have been concluded.