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

**Indictment No. T20120090**

The Law Courts  
Cathays Park  
Cardiff  
CF10 3PG

**22<sup>nd</sup> February 2012**

Before:

**HIS HONOUR JUDGE CURRAN**

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**REGINA**

- v -

**MAURICE KIRK**  
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**Mr G EVANS** appeared for the Prosecution

The Defendant to represent himself but refused to attend court on this day

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**ALL PROCEEDINGS**  
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Tape transcription by **Mendip-Wordwave**  
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22<sup>nd</sup> February 2012

ALL PROCEEDINGS

(9.30 am)

**MALE SPEAKER:** Good morning, your Honour. Mr Kirk has refused to attend this morning.

**JUDGE CURRAN:** Has he?

**MALE SPEAKER:** Yes, your Honour.

**JUDGE CURRAN:** Has he provided any reason for that?

**MALE SPEAKER:** Not as far as I am aware, your Honour, no.

**JUDGE CURRAN:** All right.

**MALE SPEAKER:** We did explain to him it was video linked but he has just refused to attend.

**JUDGE CURRAN:** Thank you very much.

**MR EVANS:** May it please your Honour I appear on behalf of the Crown and prosecute. I have my officer in place now alongside me. Because Mr Kirk is defending in person I have filled in as best as I can the development form and it seems that all witnesses the Crown will rely on have to be called as a result. The, there is an additional witness to be added to the bundle of documents that were served. The, his name is Detective Constable Minto, (inaudible). He will provide additional evidence as to the interrogation of the laptop found in Mr Kirk's possession.

**JUDGE CURRAN:** What is the name of that officer please?

**MR EVANS:** Detective Constable Minto. Minto.

**JUDGE CURRAN:** Yes and when are you proposing to serve that?

**MR EVANS:** I have asked for 28 days, your Honour. The officer has made enquiries with him and he has not got back to him as yet.

**JUDGE CURRAN:** Well, why do you need 28 days?

A **MR EVANS:** To ensure that it is done within a reasonable timescale.

**JUDGE CURRAN:** Well, has there not been an attempt to do it before now?

**MR EVANS:** There has been, yes.

**JUDGE CURRAN:** When was that done?

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**MALE SPEAKER:** I have been on annual leave for two weeks, your Honour. There has been a request (inaudible), it is my first day back today, I will duly chase it up with the officer today.

**JUDGE CURRAN:** When is the custody time limit expire in this case please?

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**MR EVANS:** 11<sup>th</sup> May, your Honour.

**JUDGE CURRAN:** The?

**MR EVANS:** 11<sup>th</sup> May.

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**JUDGE CURRAN:** Thank you. Well, have we got a trial date?

**MR EVANS:** I have not seen anyone from listings yet.

**JUDGE CURRAN:** We have got the witness, we have got the, have we got the witness availability?

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**MR EVANS:** Your Honour.

**JUDGE CURRAN:** How long is this case likely to take?

**MR EVANS:** I have put a day on the form, your Honour. The witness ...

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**JUDGE CURRAN:** Well, I would allow two days for the fact that we may be confronted with the difficulty in the defendant wanting to represent himself in which case the court will have to arrange certainly as far as Dr Tagwin Williams is concerned for the defendant, if he refuses to nominate somebody to act for him, an advocate to conduct any cross examination of Dr Tagwin

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Williams on the defendant's behalf.

Well, can I be given a trial date when the witnesses are available?

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A **MR EVANS:** Your Honour, whilst we wait for that date, in terms of the record of tape interview that, those are back copies I understand it in the typing pool. They have started it today and so it is hoped that that will be able to be served in the next ten days or so.

**JUDGE CURRAN:** What is 14 days from today?

B **MR EVANS:** 7<sup>th</sup> March, your Honour, yes. Your Honour, I do not know if it has made its way to the court file but Mr Kirk has provided a document that is titled, 'Defence Statement,' whether in fact it complies with the requirements of such a statement. I do not think it does.

C Your Honour, DC Minto, I do not have his availability I am afraid but if there is an issue with the court ...

**JUDGE CURRAN:** He is what?

D **MR EVANS:** I do not have the availability of DC Minto, this additional officer that I have mentioned this morning.

**JUDGE CURRAN:** Well, that officer is going to have to be available on 2<sup>nd</sup> May. That is lengthy of notice.

E **MALE SPEAKER:** If it is 9 to 5, your Honour, then there will not be a problem.

**JUDGE CURRAN:** Right.

F Right. Well, a copy of the record of interview is to be served on the defendant by 9<sup>th</sup> March which is 14 days from now. By 23<sup>rd</sup> March, that is 28 days from now, the prosecution are to serve a notice of additional evidence, again upon the defendant in person, dealing with the evidence of Detective Constable Minto and the computer examination. The case is listed for trial on 2<sup>nd</sup> May. Now, that is within the custody time limit and for that reason the trial date is not going to be vacated unless there really is some very pressing reason. So, if there is any difficulty about the availability of Detective Constable Minto or anybody else the prosecution must let the court know within the next seven days so that we can adjust the time within the custody time limit.

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A The court will serve a notice upon the defendant in accordance with the provisions of the  
Youth Justice and Criminal Evidence Act giving him until 9<sup>th</sup> March to nominate an advocate to  
conduct any examination of Dr Williams that maybe necessary on his behalf as this is a case  
B where the court would not permit the defendant to be examining Dr Williams in person in the  
light of the history of this and Dr Williams, again, is an absolute witness and that is on the  
understanding that if the defendant chooses not to nominate anybody by that date the court will  
take the usual steps under the Act to nominate an advocate to represent the court or rather to  
C conduct the examination on the court's behalf.

I think there is a gentleman who has already done this in cases previously involving Mr  
Kirk and we would intend to instruct the same individual. I shall also, I have added on the form  
and the court will communicate this when it sends a copy of the directions to me Mr Kirk that if  
D he wishes to be represented he should make an application for legal aid forthwith.

There it is.

**MR EVANS:** Your Honour, I would ask for 14 days for a notice, for the intention to adduce  
E bad character evidence.

**JUDGE CURRAN:** Yes. A bad character application please, that is to be served again by 9<sup>th</sup>  
March and of course you will have to direct everything to Cardiff Prison.

**MR EVANS:** Yes.

**JUDGE CURRAN:** I do not know how much of that you were able to hear but what I will do  
is to arrange for a copy of the directions that I have made in this case to be sent in to the prison  
or faxed across so that they can be given to Mr Kirk and his case is now listed for trial on 2<sup>nd</sup>  
G May. I have assumed, since he refused to attend the Plea and Case Management Hearing, and  
having seen correspondence from him that he is pleading not guilty to the charge so the case will  
be listed for trial on 2<sup>nd</sup> May. If you would be kind enough to tell him that I would be grateful.

**MALE SPEAKER:** Thank you, your Honour.

A **JUDGE CURRAN:** Thank you very much. Good morning.

**MALE SPEAKER:** Thank you.

(9.46 am)

(Court rises)

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