





ALL PROCEEDINGS

(10.25 am)

**DEFENDANT:** Sorry, with respect, am I entitled to know what you put on your record?

**CLERK:** Are you Maurice Kirk? Yes or no.

**DEFENDANT:** I do not wish to be offensive, cause any offence but am I entitled to know what name is causing me to be here.

**JUDGE HUGHES:** Mr Kirk, you are Maurice Kirk. Will you please sit down?

**MR HEMMINGS:** May it please, your Honour, ...

**DEFENDANT:** Know what address, home address ...

**JUDGE HUGHES:** Do sit down please.

**MR HEMMINGS:** May it please, your Honour and your Honour's colleagues, I appear on behalf of the Crown. My friend, Mr Vince Williams appears on behalf of, well, he does not in fact, he appears as a cross examiner, legal representative. In other respects, Mr Maurice Kirk, is in person. This is an appeal by way of a manuscript notice of appeal dated 2<sup>nd</sup> December 2011 to a conviction of 1<sup>st</sup> December 2011, conviction recorded by District Judge John Charles in the Cardiff Magistrates Court for one offence of harassment contrary to Section 2 of The Protection from Harassment Act 1997 which is in short an offence of harassment against, a course of harassment against a Dr [REDACTED]

Your Honour, there is a, I will put it this way, a large copy of the charge as in the appeal, the Memorandum of Conviction which maybe of assistance and certainly clearer than the (inaudible) conviction is.

**JUDGE HUGHES:** Thank you. Has Mr Kirk seen this?

**MR HEMMINGS:** This is the, the charge that he was handed in the Magistrates Court. I have enough copies for him here if he wishes to have that now .

A **JUDGE HUGHES:** Yes. Pass it through to him or have someone pass it to him. Yes.

**MR HEMMINGS:** The, the charge, the course of conduct consists of seven discreet actions or activities and they are listed one to seven for ease of reference in the charge. Of course, the Crown need prove only two of them as your Honour ...

B **JUDGE HUGHES:** Yes.

**MR HEMMINGS:** On the, item 1, it is said that on 13<sup>th</sup> May of last year, Mr Maurice Kirk contacted the Caswell Clinic, a mental health facility requesting an up to date image of Dr [REDACTED] On the second incident, is that on 1<sup>st</sup> July 2011 he was in Barry Town Centre and in the front windows of his motor vehicle being a landrover he had displayed a poster with the image of Dr [REDACTED] on it saying, "Wanted – Dead of Alive." One of these wild west posters, if I can put it in those words.

D Then, item 3, between 4<sup>th</sup> and 6<sup>th</sup> July of last year it is said that he, Mr Maurice Kirk, sent to Dr [REDACTED] at his work a poster with his image on it and "Wanted - Dead or Alive" again. The same type of poster that has been previously referred to. Item 4, is that on 5<sup>th</sup> July of last year, he attended at Cardiff Central Police Station and handed in a poster of Dr [REDACTED] the same "Wanted," type poster. Item 5 relates to publishing on the internet the same type of poster on 6<sup>th</sup> July 2011 on his website, kirkflyingvet.com, a website the Crown says is controlled and operated by Dr, forgive me, by Mr Kirk, there was displayed a poster, "Wanted – Dead or Alive."

E The evidence for that will come from a police officer who has interrogated that website to provide screen grab information. Item 6 is that on 24<sup>th</sup> August of last year, he attended at the [REDACTED] Public House just outside Bridgend and publicly sought in the bar the address of Dr [REDACTED] That is by a public announcement in the bar that he was searching for Dr [REDACTED] home address and then lastly, there is on 1<sup>st</sup> September of last year, he attended at the Caswell Clinic with posters displayed on his vehicle of Dr [REDACTED] in the "Wanted" type

H

A format and it is those seven instances taken as a course of conduct that amount to harassment the Crown say.

**JUDGE HUGHES:** Are you able to tell us anything about the background to why this appellant is interested in the psychiatrist?

**MR HEMMING:** Yes. I was very careful about how I explained that, your Honour ...

**JUDGE HUGHES:** Yes, of course but if you can just give us a little ...

**MR HEMMING:** Of course. Dr [REDACTED] has undertaken in the past a psychiatric assessment of Mr Kirk and it seems Mr Kirk has formed a view about that assessment, a negative view about it and the conduct of Dr [REDACTED] as well.

**JUDGE HUGHES:** Yes. Thank you very much.

**MR HEMMING:** I cannot go any further than that.

**JUDGE HUGHES:** That is all right.

**MR HEMMING:** I should say ...

**JUDGE HUGHES:** Is Mr [REDACTED] aware of that? Do you know about that?

**MALE SPEAKER:** I do, yes.

**JUDGE HUGHES:** Yes. Thank you very much.

**MR HEMMING:** Mr Kirk was arrested on 21<sup>st</sup> September 2011. He was charged. His reply to charge was, "The sooner he," referring to Dr [REDACTED] "is arrested for perverting the course of justice the better." Your Honour, there are three lay witnesses and six police witnesses consisting of police officers and a member of the police staff. They are all here with the exception of Police Sergeant Louise Lucas because a very short piece of evidence and unfortunately she is on leave today with (inaudible) commitment. It is asked that she be heard tomorrow and she is available for tomorrow.

**JUDGE HUGHES:** Very well.

A **MR HEMMINGS:** The remainder of the Crown's witnesses have attended and there is a  
batting order which Mr Williams, had that known, I do not know if your Honour would like to  
know that at all.

B **JUDGE HUGHES:** No, I have not, agree this and it is convenient for you, that will be fine.

**DEFENDANT:** (inaudible).

**JUDGE HUGHES:** Certainly, Mr Kirk. You are quite right to say if you cannot hear. I am  
just discussing with counsel the witnesses who are going to be giving evidence and I have just  
C been told that one of them cannot come until tomorrow. Yes. Carry on, Mr Williams.

**MR HEMMINGS:** Thank you. Your Honour, your, then a legal advisor was at the time  
mindset as myself that because a hearing loop maybe of use to Mr Kirk. If he is struggling  
D already I wonder whether that ...

**JUDGE HUGHES:** I thought it was, is it set up already?

**MALE SPEAKER:** I have, your Honour. I have handed Mr Kirk ...

**JUDGE HUGHES:** He is not using the headphones.

E **MALE SPEAKER:** No. There are headphones but he seems to have by them the side.

**JUDGE HUGHES:** Mr Kirk, you have been given some headphones and if you were to put  
them on you might be able to hear a little better.

F **DEFENDANT:** Your Honour, with respect, I repeat again (inaudible) when the  
restrictions were put on me on the orders of the then Recorder of Cardiff, Nicholas Cook QC,  
that I was to be incarcerated in such a manner as a defendant in what is supposed to be a de novo  
hearing. Do I understand that it is de novo?

G **JUDGE HUGHES:** Yes, that is right.

**DEFENDANT:** It is. Can I ask not wishing to cause offence that no one on the bench or  
H anyone in the prosecution system have or will be or are members of Secret Society or Masons?

A **JUDGE HUGHES:** You may ask that but you will not be given an answer I am afraid. If you would like to put your headphones on you will hear a little better.

**DEFENDANT:** Am I entitled to have my legal papers?

B **JUDGE HUGHES:** Just put your headphones on for the moment please and we will press on.

**DEFENDANT:** As an Englishman on 1<sup>st</sup> March in the Cardiff Crown Court am I entitled please to have confidence in the rule of law will be paramount in these proceedings?

C **JUDGE HUGHES:** Absolutely. Put your headphones on and if you prefer to sit you may sit down.

**MR HEMMINGS:** Dr [REDACTED] please, your Honour.

**JUDGE HUGHES:** Yes.

D **DEFENDANT:** Is there an opportunity to sit a little nearer ...

**JUDGE HUGHES:** No. You must sit there, I am afraid. You can put your headphones on. You will hear better if you do that.

**DEFENDANT:** Am I entitled to have pen and paper and a table and my legal papers ...

E **JUDGE HUGHES:** You may have a pen and paper if you wish, yes.

(10.35 am)

**DR [REDACTED] (Sworn)**

**Examination in chief by MR HEMMINGS**

F **JUDGE HUGHES:** Dr [REDACTED] if you would prefer to sit down you may sit, of course but stand or sit, whichever you chose.

**WITNESS:** I would prefer to stand.

G **JUDGE HUGHES:** Very well.

**MR HEMMINGS:** Your Honour, I will just wait until the paper and pen is provided to Mr Kirk.

H **JUDGE HUGHES:** Yes, certainly. Pencil to Mr Kirk.

A **DEFENDANT:** Your Honour, would it be inconvenient to ask for (inaudible)?

**JUDGE HUGHES:** Yes. Why do you want to?

**DEFENDANT:** Well, am I entitled to have witnesses?

B **JUDGE HUGHES:** Yes. Later on you can call your witnesses but not now.

**DEFENDANT:** Well, if, really need to know in advance for the defence. This witness has at last given evidence on oath, he gave evidence on oath in the lower court and it was properly recorded and there is some (inaudible) and the way that I conduct my defence will be according to what my witnesses are prepared to say in court. I have witnesses in court who wish to give evidence and I ask for an adjournment to see what, he was a witness to the perjury in a lower court conducted by District Judge John Charles and had (inaudible) information that he is part of a secret society which is causing me to have to embarrassingly ask this court whether or not the prosecution team or those adjudicating this de novo hearing where the law of rule is paramount that I seek a brief adjournment to speak to at least one of my defence witnesses in order to assess whether he needs to be called because if he is not to be called I am going to push him to stay in court ...

C

D

E **JUDGE HUGHES:** If you think he might, if you think he might be called he should leave court ...

F **DEFENDANT:** Well, how can I unless I can (inaudible) with him? I have been refused that system to (inaudible) in prison. The lower court judge, District Judge Charles, refused me pen and paper, refused me my papers, refused me the right to interview my witnesses, he, he refused to let me have my papers from my lawyer, he allowed me to have the legal documents from my lawyer, I was refused the right to even see the exhibits. Now, are you going to let me examine exhibits before I cross examine this witness ...

G

H **JUDGE HUGHES:** You are not going to cross examine him. You are going to sit down and you are going to listen. Sit.



A **DEFENDANT:** Are you going to ...

**JUDGE HUGHES:** No.

**DEFENDANT:** ... give me the rights ...

B **JUDGE HUGHES:** No. Will you sit down and listen?

**DEFENDANT:** **Am I entitled to cross examine him?**

**JUDGE HUGHES:** **No.**

**DEFENDANT:** Can I call a lawyer to do it?

C **JUDGE HUGHES:** The lawyer is here already.

**DEFENDANT:** Whom?

**JUDGE HUGHES:** Mr Williams is here to do it.

**DEFENDANT:** All right.

D **JUDGE HUGHES:** Now, please sit down.

**DEFENDANT:** **(inaudible), I have given no instructions ...**

**JUDGE HUGHES:** No. The court has appointed him for you, I am afraid. Please sit down

E ...

**DEFENDANT:** Is the same one as last time?

**JUDGE HUGHES:** I do not know who was here last. Yes, he is.

**DEFENDANT:** So, it is not, they know about this.

F **JUDGE HUGHES:** It is de novo. Mr Kirk, please sit down and listen.

**DEFENDANT:** **So, you are using the same lawyer against the express wishes of a defendant?**

G **JUDGE HUGHES:** Yes. Sit down and listen.

**DEFENDANT:** So, I therefore have to ask will he be a member of a secret society?

**JUDGE HUGHES:** You may ask. You will not be told. Please sit down and listen.

H **DEFENDANT:** But he has not been ...

A **JUDGE HUGHES:** Mr Kirk, if this continues I will have you removed and ...

**DEFENDANT:** But he has no idea what my defence is.

**JUDGE HUGHES:** Mr Kirk, if this continues I will have you removed. Your appeal will  
B continue in your absence. Now please sit down and listen.

**DEFENDANT:** With respect, in order to cross examine you need to know the defendant's  
defences under the rule of law ...

**JUDGE HUGHES:** Mr Kirk, the court has appointed someone to cross examine on behalf of  
C the court, not representing you. Now, please sit down for the last time and listen otherwise I will  
have you removed.

**DEFENDANT:** There are exceptions to the law.

**JUDGE HUGHES:** Right. Remove him.

D (10.39 am)

**(Defendant removed from court)**

**JUDGE HUGHES:** Now, we will just take a short ten minute break and I am hoping he might  
E just calm down a little and then we will come back. If he is still in the same mood then we will  
press on I am afraid with him not being in court.

**MR HEMMINGS:** Yes.

**JUDGE HUGHES:** Sorry, Mr Williams. Anything you want to say about that?

F **MR HEMMINGS:** No.

**JUDGE HUGHES:** No. We will just raise for ten minutes.

**MR HEMMINGS:** I should say your Honour, forgive me, Dr [REDACTED] is now on oath of  
G course. He will be kept from the, ...

**JUDGE HUGHES:** Oh, yes. You know that the rules on it.

**MR HEMMINGS:** Thank you very much.

H (10.39 am)

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**(A short adjournment)**

**(10.55 am)**

**JUDGE HUGHES:** Mr Hemmings and Mr Williams, I have had a message from the cells to the effect that Mr Kirk prefers not come back and join us in court. The court cannot be interrupted by him like that but on the other hand I am more, I am pretty anxious he should be playing a part in his own appeal if we can persuade him to do so which is why I had this short break now. What I have said is that he does not have to join us, of course but in an hour's time, we will pause again and see if he wants to change his mind and then he can come up and in any event when the times come when he might want to give evidence to the appeal then again he will be given a chance to join us but apart from that we can do nothing more but to press ahead without him I am afraid.

**MR HEMMINGS:** Your Honour, yes. The relevant passage in Archbold is paragraph 3205 which provides a defendant in custody who refuses to come to court should not be compelled to do so either by use of force or by threat of force even though he may be in the course of giving evidence. The only remedies for a judge to punish for contempt and to continue the trial in his absence and that is *Regina v O'Boyle* 1992 CAR 202 CAR.

**JUDGE HUGHES:** That is very helpful. Thank you very much indeed. Anything you want to say, Mr Williams? Anything you want to add? No.

Right. Well, let us hear from Mr, Dr [REDACTED] then.

**Examination in chief by MR HEMMINGS**

**MR HEMMINGS:** Dr [REDACTED] can I have your full name and your professional address please?

**WITNESS:** [REDACTED] and I am a Consultant Forensic Psychiatrist and Clinical Director at the Caswell Clinic in Bridgend.

A Q: Thank you very much. Dr [REDACTED] can you keep your voice up as loud as you can please?

A: Yes.

B Q: Because I am having some trouble hearing you at the moment. I am going to ask you a series of questions first and then my friend, Mr Williams will ask you some questions on behalf of Mr Kirk. How long have you worked at the Caswell Clinic?

A: Approximately 20 years.

C Q: And in what capacity?

A: I started off as a Consultant Forensic Psychiatrist and then became a Clinical Director of the Caswell Clinic and later the Director of Mental Health for the Health Board, ABMU LGB.

D Q: Mr Maurice Kirk, do you know that gentleman?

A: I do.

Q: How long have you known him for?

E A: I think since 2009 when I assessed him at the request of the court.

Q: Where was that, where did that assessment take place?

A: Initially in Cardiff Prison and later within the Caswell Clinic.

F Q: On Wednesday 6<sup>th</sup> July 2011, would you have been at work on that day?

A: Yes.

Q: And did you receive anything from Mr Kirk on that day to your knowledge?

A: I received something on that day. I' not sure from where it came.

G Q: I see. If I hand forward this document please. First of all, can you first identify whether that is the document received by you?

A: Yes.

H Q: And when was it received?

A A: The date we mentioned. It was ...  
Q: 6<sup>th</sup> July.  
A: Yes and it came posted to me with my title.  
B Q: And what does that title say?  
A: Clinical Director, Caswell Clinic, Bridgend.  
Q: Did you open it?  
A: Probably not. It would have been opened by my secretary.  
C Q: Did you have sight of it?  
A: Yes.  
Q: And what did it contain that envelope?  
D A: For want of a better description, a "Wanted – Dead of Alive" poster.  
Q: Yes. Could that be handed forward please. I think Mr Williams has seen that before.  
Thank you. Could that be Exhibit 1 please, your Honour?  
A: Dr [REDACTED] how did that poster make you feel?  
E Q: Uncomfortable, anxious and there were other issues going on which increased my anxiety around the time.  
A: You mentioned other issues, what did you understand was going on?  
F Q: Well, Mr Kirk was making repeated attempts to access me coming to the Caswell Clinic and behaving in a way that cause concern to the extent that my employer said that I was not allowed to attend my place of work so my patients did not get seen ...  
A: Can I just pause you there please? So for clarity, the Caswell Clinic said you were not  
G to attend at the Caswell Clinic?  
Q: Yes. Did that have any effect on the practice?  
A: Yes. That is where my patients are. There were repeated requests for medical records  
H which ...

A Q: From whom?

A: From Mr Kirk which we had provided on several occasions. There were numerous complaints about me working in collaboration with the police which were made to my employer, politicians, my professional defence organisation ...

B Q: I should pause you at this stage. How were you aware of those?

A: Because I would get contacted by those organisations and have to explain my actions and whilst the process within the GMC did not lead anywhere they are incredible stressful proceedings to go through. There was, I was getting my, frequent, well not, regular telephone calls from colleagues both in mental health, in health, friends and colleagues in the legal profession ...

C Q: I have to say, do you have experience of these or are these things that have been told to you?

A: No, this was the environment. These were things that were told to me.

D Q: Right.

E A: And they increased my anxiety.

Q: So if I can generalise, you were, your understanding therefore was that there were other events in the surrounding circumstances.

F A: Yes and it was ...

Q: Is that, forgive me, is that the only poster that you have seen like that?

A: No. No, there was a slightly different one which we, we received from colleagues in Bristol that was slightly different to that.

G Q: Okay...

A: I also had reported back to me statements that would be considered threats that made me concerned as to the safety of my family.

H Q: For clarity, were those threats made to you directly?

A **A:** They were not made to me because I was organisationally kept away from Mr Kirk when he, when he did arrive at the clinic and I would be there I was told not to get involved but it got fed back to me what had occurred in these incidents.

B **JUDGE HUGHES:** So he would arrive at the clinic, would he, see somebody ...

**A:** Yes.

**JUDGE HUGHES:** ... on purpose rather than see you and then you would be told what had happened when he arrived.

C **A:** He would, he would come to see me, the organisation would sensibly say, "No" and would send someone else to see him and they would feed back to me what had occurred.

D **JUDGE HUGHES:** I see. So, as a result of what you were told and you are quite properly not being asked to repeat what you said by anyone else but as a result of what you were told it raised your anxiety about your family, is that right?

**A:** I have to say that was my biggest concern; myself and my family, yes.

**MR HEMMINGS:** Thank you, Dr [REDACTED] if you could stay there please.

E **JUDGE HUGHES:** Yes?

(11.05 am)

**Cross examination by MR WILLIAMS**

F **MR WILLIAMS:** Dr [REDACTED] you are an experienced psychiatrist ...

**WITNESS:** I am.

**Q:** The nature of the work that you do means that you deal with difficult and troubled people, if I could put it like that.

G **A:** Yes.

**Q:** Thank you and your first contact with Kirk, Mr Kirk, was as a result of a request from the court to repair a report.

H **A:** Yes.

A Q: Is that right? Yes.

A: And also because of his clinical condition.

Q: Thank you and that assessment was undertaken by you in 2009.

B A: Yes.

Q: And am I right in saying that your report was then sent to the court?

A: Yes.

Q: Is it fair to say, Dr Kirk (?), that since you made that report that there were then  
C potential problems with Mr Kirk?

A: I think there were potential problems with Mr Kirk from when I first assessed him  
however I must say I have assessed many people for the criminal justice system and I have, I  
D have not had this problem with other individuals.

Q: One of those problems was, you touched upon it in your evidence, of him requesting  
his medical records, is that correct?

A: Yes.

E Q: Is it fair to say, Doctor, that there was an issue certainly with Mr Kirk about him  
attaining those medical records?

A: No. That is incorrect. They were made available to him on five separate occasions,  
F they were handed to him within Cardiff prison the minute he requested them. The problem  
has been as Mr Kirk believes there are some records that we are not disclosing and we cannot  
prove a negative.

Q: You have, thank you, even though you say that medical records have been given to Mr  
G Kirk at his request, there is a suggestion and if he still comes back because he is not satisfied  
with what he has been given, is that right?

H



A **A:** In spite of all the evidence to the contrary record and gone through the courts to disclose the medical records he still believes that for some reason we are keeping them from him and I think he believes that that justifies his behaviour.

B **Q:** And I think you have said in your evidence that there was an increasing anxiety with you concerning his behaviour probably prior to you receiving that letter of 6<sup>th</sup> July, is that right?

**A:** Yes, I think my own personal anxiety increased but also my concern for my family.

C **Q:** Is it fair to say that there has never been any direct contact between Mr Kirk and yourself since these problems started to formulate?

**A:** I think that is probably correct but I cannot be absolutely certain.

D **Q:** Thank you and a lot of what you said is what clearly you have been advised what to do by colleagues and professional bodies about certain actions that Mr Kirk may have been undertaking.

**A:** Yes.

E **Q:** Okay. Notwithstanding that, doctor, are you saying that the trigger for your complaint was the letter that you had received on 6<sup>th</sup> July with the exhibit that I think you have referred to?

F **A:** I think that was part of the trigger. The real trigger for me was when the threat when beyond myself because I can accept that Mr Kirk has difference of view from me, I cannot accept threats to myself nor my families.

**Q:** Was the letter that you received the turning point?

G **A:** I think that was the point when I involved the police.

**Q:** Yes. Thank you. That is what I was getting to eventually, yes. That is the point you had involved the police.

H

A A: Yes. Before that we had explored other avenues which I was advised were not available to me and I have to say I came to the police with reluctance. All I wanted is for it to stop.

B Q: Is it fair to say that notwithstanding the fact that Mr Kirk had been given his medical records on more than one occasion he was not happy or satisfied with what he had got?

A: I think that is obvious.

Q: Thank you.

C A: That does not mean that belief is based on that.

Q: Have you given all of the information including his medical records to Mr Kirk?

A: Yes.

D Q: Thank you. Have you knowingly withheld any information about Mr Kirk and have not provided that to him?

A: No and they have also been provided by my employer directly.

E Q: When you made a report which you sent to the court which I understand was in September 2009, my understanding is that part of the conclusion of that report was that the defendant, Mr Kirk, had suffered brain damage, can you recall that?

A: Yes.

F Q: Could I ask you whether or not you are professionally qualified to come to that conclusion?

A: Yes.

G Q: Am I right, doctor, in saying that you have never seen Mr Kirk at the hospital when there has been a threat or communication direct to you directly?

A: He was making more general threats when he was an inpatient.

Q: Yes but since he was discharged and left ...

H A: I've, I've had as little deals with Mr Kirk as possible to try and diffuse the situation.

A Q: Other than what has been a general surrounding ...

A: Yes.

Q: ... information if I could put it like that and of course the trigger that I would say is the letter of 6<sup>th</sup> July which is the exhibit?

B A: Yes.

Q: Dr Williams, thank you very much indeed.

**JUDGE HUGHES:** Have you any re examination?

C **MR HEMMINGS:** No, thank you, your Honour.

**JUDGE HUGHES:** Thank you, doctor, you are free to go.

A: Thank you.

**(Witness released)**

D **MR HEMMINGS:** Mr Andy Davis please.

(11.13 am)

**ANDY DAVIS (Affirmed)**

E **Examination in chief by MR HEMMINGS**

**JUDGE HUGHES:** Mr Davis, if you would prefer to sit down by all means sit, if you want to ...

F **WITNESS:** I am happy standing.

**JUDGE HUGHES:** All right.

**MR HEMMINGS:** Thank you very much. Mr Davis, can I have your full name and your place of employment please?

G A: Andrew Keith Davis and I work in the Caswell Clinic which is the South Wales Forensic Mental Health Services.

H Q: I am going to ask you a series of questions first and then my friend, Mr Williams is going to ask you some questions of Mr Kirk but at any time you do not understand the

A question please let us know and we will rephrase it. It is quite a big room and the windows are open and there are seagulls outside. Keep your voice as loud as you can please and direct what you have to say to his Honour and his Honour's colleagues.

B A: Certainly.

Q: You mentioned you are employed at the Caswell Clinic, what do you do at the Caswell Clinic?

A: I'm the clinical risk coordinator at the Caswell Clinic.

C **JUDGE HUGHES:** Clinical risk?

A: Coordinator, sir.

**MR WILLIAMS:** And in lay terms what does that mean?

D A: I assist the organisation to manage risk whether it be clinical, corporate or governance in all its realms really.

Q: And what is your background?

A: My background is as a psychiatric nurse, your Honour.

E Q: How long have you been employed by the Caswell Clinic?

A: About 20 years, sir.

Q: The case concerns Mr Maurice Kirk, do you know that gentleman?

F A: I know Mr Maurice Kirk, yes.

Q: How long have you known him for?

A: A number of years since he was an inpatient.

Q: Can you say how many years?

G A: Approximately four years, your Honour.

Q: You say since when he was an inpatient, have you had personal dealings with Mr Kirk?

H A: Yes, I have.

A Q: The court is concerned first with 13<sup>th</sup> May 2011, were you at work that day?  
A: I was in work on 13<sup>th</sup> May.  
Q: And did you come in to contact with Mr Kirk that day?  
B A: I did come in to contact with Mr Kirk that day.  
Q: Can you explain how that happened?  
A: I attended the reception in Caswell Clinic, it has two glass electronically controlled doors, through those doors I could see a red jeep like vehicle parked in an area that is normally reserved for emergency vehicles.  
C Q: I am going to pause you there. I said about 13<sup>th</sup> May. The, have you made a statement to the police, Mr Davis?  
D A: I have made a statement to the police, yes.  
Q: And when did you make that statement?  
A: Shortly after the events with the jeep.  
Q: At the time you made that statement, was your memory of what happened better than it is now or worse would you say?  
E A: Better than it is now, yes.  
Q: Would it assist you to see your statement?  
F A: Yes, it would, sir.  
Q: Your Honour, I would ask that the witness be shown his statement please.  
A: Thank you.  
Q: First of all, identify that as your statement please.  
G A: That is my statement, yes, sir.  
Q: When was it made? Date is in right hand corner.  
A: 1<sup>st</sup> September 2011, sir.  
H Q: Okay and is that statement true to the best of your knowledge and belief?

A  
A: Yes, it is.  
Q: Right. Turn to the second page of it please.  
A: Yes.

B  
Q: And read it to yourself not out loud, to yourself please, the first part of that page.  
A: I have done so.  
Q: Does that assist you in your memory?  
A: Yes, it does.

C  
Q: You have said about 13<sup>th</sup> May 2011, were you in that work that day?  
A: I was in work on that day.  
Q: And did you come in to contact with Mr Kirk?  
A: I had a telephone call from Mr Kirk on that day.

D  
Q: How did it come to you, do you know that?  
A: Reception in Caswell Clinic were in the habit of referring most of Mr Kirk's enquiries to me because they were generally of a contentious nature.

E  
Q: And on 13<sup>th</sup> May did you speak to Mr Kirk?  
A: I did.  
Q: Firstly, how did you know it was Mr Kirk?  
A: He identified himself as Mr Maurice Kirk.

F  
Q: How familiar are you with his voice?  
A: I am familiar with Mr Kirk's voice. I met him on a number of occasions, I have had contact with him on a number of occasions whilst he was in Caswell Clinic.

G  
Q: And who was the person on the phone?  
A: It was Mr Maurice Kirk on the telephone.  
Q: What did he say?

H

A **A:** He advised me that he had an image of Dr [REDACTED] our clinical director, but he wanted an up to date image of Mr, Dr [REDACTED] because he intended to use this image to portray him as somebody who had committed crimes against psychiatry.

B **Q:** How did you respond to that request?

**A:** I advised Mr Kirk that neither I nor anybody else in the Caswell Clinic would cooperate with such a request and that I no longer wished to speak with him and I put the telephone down.

C **Q:** Having had that telephone call what did you do?

**A:** I then telephoned the police to say I had received this call from Mr Maurice Kirk and they logged it and afforded it an incident number.

D **Q:** How clear is your recollection of that conversation, Mr Davis?

**A:** I'd say it's very clear.

**Q:** If I could turn now please to 1<sup>st</sup> September 2011, were you in work that day?

**A:** I was in work on 1<sup>st</sup> September.

E **Q:** With as much detail as you can describe the incident on that day.

**A:** I attended the reception in Caswell Clinic. It has two electronic, glass doors and through these doors I could see a red jeep like vehicle, 4 x 4 vehicle, parked outside the Caswell Clinic in an area that is normally kept for emergency vehicle access. I approached the vehicle together with a colleague, Dr Roger Thomas, to ask the driver if he would move the vehicle out of the way ...

**Q:** Can I pause you there please? A note is being taken of what you say.

G **JUDGE HUGHES:** So you approached, who did you approach did you say?

**A:** I approached the vehicle to ask the driver if he would be prepared to move the vehicle.

**MR WILLIAMS:** Who was the driver?

H **A:** It was Mr Maurice Kirk sitting behind the driver's seat.

A Q: Was anyone with him?

A: There was nobody with Mr Kirk but I was accompanied by Dr Roger Thomas, one of our medical staff.

B Q: What was the state of the vehicle?

A: The outside of the vehicle was covered in a number of posters. They appeared to be mock up pictures of Wanted posters. They all had Wanted at the top of the poster and then the pictures of various people amongst whom were Dr [REDACTED] our clinical director,

C Barbara Wilding, former senior officer with the South Wales Police and a number of judges whose names I cannot recall, I am sorry. Each of these Wanted posters attested that these people were wanted for alleged crimes amongst which were crimes against psychiatry, fraud, perjury, perversion of the cause of justice, things of that nature.

D Q: What was the size of these posters?

A: I would say about a foot and a half high and about a foot wide, your Honour.

Q: Was that each poster?

E A: Each poster was a substantial size, yes, approximately that size.

Q: Where were they on the vehicle?

A: On the sides and on the rear of the vehicle.

F Q: You mentioned Dr [REDACTED] ...

A: Yes.

Q: ... how did you know a poster related to him?

A: There was a picture of Dr [REDACTED] on the poster, his name was on the poster,

G I recognised it the instant I saw it, sir.

Q: So I think we left off that you had asked him to move because he was blocking some sort of emergency parking area ...

H A: Yes.



A Q: ... did he move?

A: He didn't move and told me he had no intention of moving.

Q: Did you have a conversation with him?

B A: I asked Mr Kirk what he was doing there and he gave me to believe that he felt there were medical records within Caswell Clinic that he was entitled to and he told me that he intended to obtain these medical records through either lawful or other unlawful means.

Q: Are those the words he used?

C A: Yes. 'Lawful or unlawful means.'

Q: How did you react to that?

A: I advised Mr Kirk that a protocol had been put in place whereby he could access his medical records without having to attend the Caswell Clinic would make these arrangements because of prior difficulties and that if he were to go to the Trust headquarters they would facilitate his request.

D Q: Did that satisfy him?

E A: He repeated that his medical records were within the Caswell Clinic and he was going to get access to them, your Honour.

Q: What did you do then?

A: I advised Mr Kirk that I was giving him one last opportunity to remove his vehicle and if he failed to do so I would have to contact the police, sir.

F Q: How did he react to that?

A: He replied to the effect of, "You do what you have to do?"

G Q: So did you?

A: I did phone the police, yes.

Q: And did they attend?

H A: Yes, the police attended approximately 30 minutes later, sir.

A Q: During that time where was Mr Kirk, do you know?

A: For most of the time Mr Kirk remained in the vehicle though towards the end of it he left the vehicle and appeared to go through a stroll through the grounds of the hospital.

B Q: You say the police attended about 30 minutes later ...

A: Yes.

Q: ... what did they do?

A: I explained the situation to the police and they explained that it would be helpful if I were to request Mr Kirk move the vehicle again in their presence, sir.

C Q: And did you?

A: I did make that request of Mr Kirk in the presence of the officers.

D Q: And did he?

A: He replied that he believed he had lost his vehicle keys but that if he retraced his steps he was sure he would find those keys eventually, sir.

Q: And did he find his keys?

E A: I advised Mr Kirk that 'eventually' wasn't acceptable because as long as the vehicle remained where it was it was blocking emergency vehicle access and we needed to have the vehicle moved.

F Q: And did he move his vehicle then?

A: At that point, I returned to the Caswell Clinic as the police officers indicated to me that my request had been satisfactorily made. Some time later, Mr Kirk did indeed move the vehicle from its placement at that time in to a disabled parking bay.

G Q: Did the police stay beyond that point?

A: For a few moments after Mr Kirk had moved the vehicle they remained and then they left. I would say within five minutes of Mr Kirk moving the vehicle, your Honour.

H

A **JUDGE HUGHES:** How long did this all take from when you first saw it until it was eventually moved?

A: Until it was eventually moved, about two hours.

B **Q:** So with the police gone and Mr Kirk's vehicle in the disabled bay, was that the end of the incident?

A: The moment that the police left the grounds, Mr Kirk returned the vehicle to its prior position in the area usually reserved for emergency vehicles.

C **Q:** So with the vehicle back where it was what did you do?

A: I then telephoned our clinical director and advised him that the police had advised me that as the vehicle was on Trust premises we could lawfully get a vehicle to tow it away if that was our choice.

D **Q:** Was the decision to have the vehicle towed?

A: Mr Williams, Dr [REDACTED] I beg your pardon, was of the opinion that we should not waste any more time or give any more publicity to Mr Kirk. We should simply wait and he would leave of his own volition at some stage, your Honour.

E **Q:** And do you know when he in fact left?

A: I received a phone call from reception at Caswell Clinic after about two and a half hours following his initial sighting saying that he had just left.

F **Q:** Thank you, Mr Davis, would you stay there please?

(11.28 am)

**Cross examination by MR WILLIAMS**

G **MR WILLIAMS:** Mr Davis, remind us, how long did you say that you had known Mr Kirk?

A: About four years, sir.

H

A Q: Okay. Is it fair to say, Mr Davis, that as far as you are aware there was an ongoing problem between Mr Kirk and the hospital?

A: I'm aware that since his time of detention in the Caswell Clinic Mr Kirk had harboured hostility towards our services and towards Dr [REDACTED] in particular.

B Q: Thank you. Do you know, to use your words, what that hostility was about?

A: Mr Kirk believed that we had in our possession medical records which we had not given him access to and which he wished to see, sir.

C Q: Thank you. You have been asked to cast your mind back to 13<sup>th</sup> May and a telephone call when you spoke to Mr Kirk ...

A: Yes.

D Q: ... you said that he was requesting an updated photograph of Dr Williams, correct?

A: Yes, that's correct, yes.

Q: And you spoke to him about that?

A: I did, sir.

E Q: Thank you. Is that the first time of request he has ever made if you are aware of that?

A: It's the first time Mr Kirk had contacted me with a request of that nature.

F Q: Thank you. When you had the conversation with Mr Kirk how was he, if you can recall, over the phone? Was it a like conversation, 'Can I have an updated photograph?' did he seem passive or, or to be aggressive in any way? Can you remember?

A: In truth it would be difficult for me to draw inference from a voice on the phone. There was no foul language, there was no high expressed emotion. It was a businesslike proposition that was put to me in a matter of fact manner, sir.

G Q: Thank you for that. So the conversation was if I use (inaudible), a fairly normal conversation?

H A: Yes, sir.

A Q: And the conversation centred about a request for a photograph or an updated photograph of Dr [REDACTED]?

A: Yes, sir.

B Q: Thank you. As the result of that conversation, you decided to report the matter to the police, is that right?

A: I did, sir, yes.

C Q: Remind again, Mr Davis, why, why did you decide having had a conversation along those lines to report the matter to the police?

A: Because Mr Kirk said he intended to use the imagery to demonstrate that Dr [REDACTED] [REDACTED] had committed crimes against psychiatry and that he was a fraudster, sir.

D Q: You have had previous dealings with Mr Kirk but is it fair to say that these comments would be unusual in any way for Mr Kirk knowing the background, what type of person you are dealing with?

A: These views were not atypical of Mr Kirk's usual views, sir.

E **JUDGE HUGHES:** They were not typical?

A: Not atypical.

F **MR WILLIAMS:** Mr Davis, can I take you now to 1st September, I think this is the incident when you said that Mr Kirk's vehicle was outside the hospital, is that right?

A: Yes, sir.

Q: And he, he was sitting in that vehicle when you first saw him?

A: Sitting behind the driving wheel, yes, sir.

G Q: And apart from the fact that you say there were posters on the vehicle ...

A: Yes.

Q: ... he was sitting there quite passively and the vehicle was parked?

H A: Yes, sir.

A Q: Was he shouting at anybody passing by to get their attention?

A: No, sir.

B Q: No. Clearly your concern was where the vehicle was parked because it was in an emergency area where ambulances I assume park, is that right?

A: At the time of approaching the vehicle that was my concern, sir. I had additional concerns when I saw the literature pasted to the outside of the vehicle, your Honour.

C Q: Was Mr Kirk showing any intention or had he attempted in any way to gain entry in to the hospital?

A: Not on that occasion, sir.

D Q: Thank you. When you spoke to him, did he appear to be aggressive?

A: No, sir.

E Q: Thank you but clearly the conversation along the basis that he would have to move the vehicle?

A: Yes, sir.

F Q: And he has commented, has he not to you, about the fact that he wishes to obtain his medical records?

A: He did, sir.

G Q: There was nothing new in that request?

A: No, sir.

H Q: This was part of an ongoing problem if I can use those words carefully?

A: Yes, sir.

G Q: Thank you. You advised Mr Kirk of a particular protocol he would have to follow to get those records, correct?

A: Correct, sir.

H Q: Eventually, Mr Davis, Mr Kirk vacated or left the premises in his vehicle?

A A: Eventually, yes, sir.

Q: I think you said some two to two and a half hours later.

A: Yes, sir.

B Q: During that time, Mr Davis, apart from parking the vehicle and having a conversation with you he made no attempt to enter or gain entry in to the hospital?

A: He was already in the grounds of the hospital, sir. He did not attempt to enter the building.

C Q: The building, that is what I mean.

A: Yes, sir.

Q: Thank you and I think you confirmed that during this time, when you saw him, apart from attracting attention by what was displayed on the vehicle there were no other attempts to attract attention by him?

D A: No, sir.

Q: Thank you. Are you aware that the issue over his medical records has been resolved, Mr Davis?

E A: I'm sorry I have no knowledge of that situation now, sir.

Q: Thank you. Mr Davis, thank you very much indeed.

A: Thank you.

F MR HEMMING: I have no further questions.

JUDGE HUGHES: Thank you very much. You can go now.

(11.36 am)

G **(Witness released)**

**DETECTIVE CHIEF INSPECTOR MARK LAMPTON (Sworn)**

**Examination in chief by MR HEMMING**

H MR HEMMING: Officer, can I have your number, rank, name and station please?

A **WITNESS:** I am Detective Chief Inspector 2976 Mark Anthony Lampton of South Wales  
Police currently stationed at the Barry Police Station.

Q: Thank you. Cause concern with 1<sup>st</sup> July of last year, a Friday, were you on duty that  
day?

B A: I was, sir.

Q: And what were your lunch arrangements for that day?

A: On that particular day at 2 pm I made my way down to Holton Road in Barry which is  
C the sort of town centre, main shopping area of Barry Town Centre.

Q: Were you in uniform?

A: No, I was in plain clothes as I am today.

D Q: And whilst you were in Holton Road, what did you see?

A: Having bought my lunch on the way back up Holton Road at Kings Square which is  
next to the town hall I came across a red landrover vehicle.

Q: Do you know the index number of it?

E A: No, I don't. If I could refer to my statement.

Q: Firstly, do you know when your statement was made?

A: It was made I believe in the middle of September, 16<sup>th</sup> September.

F Q: And was your, is your memory better at the time you made the statement or now?

A: After I made the statement. Thank you very much. I can confirm that is the statement I  
made.

Q: Is that your signature?

G A: It is, yes.

Q: And what is the date of the statement?

A: It is 16<sup>th</sup> September of last year.

H Q: What was the index number please?



A: Index was November 279 Juliet Lima Romeo.

Q: What type of vehicle was it?

A: It was a landrover vehicle.

Q: Colour?

A: Red in colour.

Q: Do you know who was driving that vehicle?

A: The vehicle was stationary but the person in the driver's, the front driver's seat was a person known to be Mr Maurice Kirk.

Q: What was the state of the vehicle?

A: The vehicle as I say was parked in the centre of Kings Square which is a pedestrian area and as I say it was stationary and on the vehicle was a banner which had the words, 'Corruption in our courts' and there was also a Welsh flag, the red dragon flag of Wales on top of the vehicle. When I saw the vehicle I sort of made my way to have a look at it and I came across two yellow posters and I would describe them as being the sort of Wild West format, the Wanted, one bore a picture of my former Chief Constable, Miss Barbara Wilding and the other was a person I know to be [REDACTED]

Q: How did you know it was [REDACTED]

A: Because I saw his picture and I also saw his name underneath it.

Q: So it was a picture of a gentleman and the name [REDACTED]

A: And the name. After I saw the vehicle I did not speak with Mr Maurice Kirk and I returned to the police station and I made contact with neighbourhood officers for that particular area whose name escape me and I ask that they would patrol the area and ensure that there was no breach of the peace within that area and that was my involvement in relation to this particular incident.

**JUDGE HUGHES:** You say it was parked in Queens Square, the pedestrian bit ...

A **A:** Kings Square.

**JUDGE HUGHES:** Kings Square, right, pedestrianised area ...

**A:** Yes, sir.

B **JUDGE HUGHES:** ... should it have been parked there or not?

**A:** No, no, it should not have been parked there.

**JUDGE HUGHES:** Right.

**MR HEMMING:** Was any action taken in relation to that by you?

C **A:** I was in plain clothes without a radio so I did not want to engage with Mr Kirk but I spoke with my neighbourhood officers to ask them if they would go along and they also informed CCTV to monitor the, the area to ensure there was no breach of the peace.

D **Q:** You have identified the person with the vehicle as Maurice Kirk. Without any, without giving any specifics of how you know, how do you know it was Maurice Kirk?

**A:** I've currently got 17 years police service, I initially joined the Vale of Glamorgan Division in Barry in 1995 ...

E **Q:** If I could pause you there, Chief Inspector, forgive me. Perhaps if I deal with it in this way, have you met Maurice Kirk before?

**A:** I've met Mr Kirk both on and off duty.

F **Q:** The poster concerning [REDACTED] you have mentioned the photograph, you have mentioned the name [REDACTED] was there anything else on the poster?

**A:** Wanted.

**Q:** Anything else?

G **A:** No, I didn't, as I say just noted, I didn't, nothing occurred, (inaudible) Wanted. I didn't want to draw my attention to Mr Kirk.

**Q:** Thank you. Can you stay there please?

H **(11.42 am)**

**Cross examination by MR WILLIAMS**

**MR WILLIAMS:** Just a few questions, officer. The vehicle you saw was parked in a pedestrianised area illegally, yes?

**A:** It would be illegally if there's no ...

**Q:** I am afraid I do not, are there yellow lines?

**A:** If you can, if you can imagine Queens Street in Cardiff City Centre, it's a pedestrian area where the only access would be for vehicles that would be going to the local shops.

**Q:** Delivery ...

**A:** Delivering at a certain time. Obviously I couldn't give specific details but during the time of the day at 2 o'clock there would be a completely pedestrianised zone.

**Q:** Yes. Mr Kirk was in the vehicle, I mean, apart from the posters you have described was he making himself known in any other way or was he ...

**A:** No, he was, he was sat in the vehicle ...

**Q:** Thank you.

**A:** ... looking out, no gestures, no, no, sleeping.

**Q:** So apart from where the vehicle was parked, it was simply parked in, in town with a number of posters on it ...

**A:** And obviously the banner on the top of his car saying about the corruption in our courts and the Welsh flag which obviously brought avid attention to the vehicle that was parked in Kings Square.

**Q:** Yes. You would then say that you went back to the station and then informed neighbourhood officers. Are you aware of anything that happened beyond that incident?

**A:** No. As I say nothing else brought our attention.

A **Q:** So, basically as I understand your evidence, you have seen the vehicle parked, it has got some posters on it, you return and inform some neighbourhood officers and that effectively is what happened and what you saw in person?

B **A:** Yes.

**Q:** Thank you very much indeed, officer.

**MR HEMMING:** Do you have any questions ...

**JUDGE HUGHES:** No. Thank you very much.

C **A:** Okay. Thank you.

**JUDGE HUGHES:** You can go.

**A:** Thank you very much.

D **MR HEMMING:** Thank you.

**(Witness released)**

**(11.44 am)**

**MR HEMMING:** Can I call please, Miss Amanda Watkins?

E **AMANDA WATKINS (Sworn)**

**Examination in chief by MR HEMMING**

F **JUDGE HUGHES:** Miss Watkins, if you want to sit down you can sit if you prefer or stand, whichever you want to do.

**WITNESS:** No, I would prefer to sit down.

**JUDGE HUGHES:** Right.

**MR HEMMING:** Are you okay to stand, Miss Watkins?

G **A:** Yes. I'm fine.

**Q:** Thank you. Can I have your full name and your professional address please?

**A:** Amanda Jane Watkins and my professional address is Caswell Clinic, Bridgend.

H

A Q: You have got a soft voice. Can you keep your voice up as loud as you can and direct what you have to say please to his Honour and his Honour's colleagues? I am going to ask you a series of questions first and then my friend, Mr Williams, will ask you some questions on behalf of Mr Kirk. Okay? As I say please direct what you have to say to the learned judge.

B You mentioned that you were employed at the Caswell Clinic. What do you do there?

A: I'm a social worker.

C Q: The court is first concerned with 16<sup>th</sup> or 17<sup>th</sup> August 2011. What did you do that evening?

A: I went to [REDACTED] with my partner (inaudible) and his wife.

D Q: Can I ask you to keep your voice up as loud as you can please?

A: Sorry.

Q: I had real trouble hearing that. You said you went to?

A: [REDACTED]

E Q: [REDACTED]

A: Yes.

Q: Just wait for a moment. Yes, please. Thank you. Did you go there alone?

F A: No. I was with my partner and my brother and his wife.

Q: I see. Do you know which day it was you went?

A: I wasn't actually quite sure. It was either the Tuesday or the Wednesday of that week.

Q: And when you arrived at the pub what did you do?

G A: We just, I can't remember that night, if we went in to the beer garden, no, when we arrived at the pub that night there were vehicles parked alongside the road and on each of the vehicles was an A4 poster and it said, "Wanted – Dead or Alive" and there was a picture of Dr [REDACTED] on it with Maurice Kirk's contact details.

H

A **Q:** Having seen those posters what did you do with them?

**A:** I took one of them because I knew the person involved and I took it in to the, the following morning and gave it to my line manager.

B **Q:** Can I hand that forward please? I know Mr Williams has seen it. What do we have there?

**A:** That is a copy of the poster, yes.

**Q:** I wonder if that could be Exhibit 2 please, your Honour. Can I hand that forward?

C **JUDGE HUGHES:** It is exactly the same as Exhibit 1 in fact, is it not? It is just found at a different place.

**MR HEMMINGS:** Yes.

**JUDGE HUGHES:** Right. Yes.

D **MR HEMMINGS:** So, you took that in to work?

**A:** I did.

**Q:** We now move to 24<sup>th</sup> August ...

E **JUDGE HUGHES:** Before you do that, these posters, there was more than one of them was there?

**A:** There was one on every car. There's not actually a car park as such at [REDACTED]

F [REDACTED] it was just alongside the road and there was a poster on them on the windscreen of every car.

**JUDGE HUGHES:** It looked as if someone had been there, put a poster on everybody's wiper or something of that kind?

G **A:** Yeah, just put under the wipers of the cars.

**JUDGE HUGHES:** Yes. I see.

**MR HEMMINGS:** Thank you. We move to 24<sup>th</sup> August now. That evening where did you go?

H

A **A:** We went to the same public house and same group of people.

**Q:** Same people as well. What time did you get there? Do you know?

**A:** That evening, it was definitely about 8 o'clock because I'd been working late and went straight from work.

B **Q:** Do you go in to the pub or stay outside?

**A:** We stayed outside initially because it was a lovely summer's evening and when it got colder went in to the bar of the pub.

C **Q:** When did you go inside?

**A:** Sorry?

**Q:** You said you went inside, where did you go?

D **A:** We went in to the bar which is on the right hand side as you go through the door.

**Q:** Did you stay by the bar or did you sit down? What did you do?

**A:** We sat down and when you go in to the bar there's a fireplace to your left and there's a couple of tables there and we sat on the table nearest the bar by the fire.

E **Q:** Was anyone else other than your group in the bar?

**A:** There was about ten or so people, just different couples dotted around and there was also the defendant and two other people stood at the bar.

F **Q:** You say, 'the defendant,' who are you talking about?

**A:** Mr Kirk.

**Q:** Did you know the other two men?

**A:** No, I didn't.

G **Q:** What was Mr Kirk doing?

**A:** When we went in he was just standing having a drink and we just sat down and carried on chatting, having a drink and didn't actually take any notice of him at that point.

H **JUDGE HUGHES:** So you knew him before did you, before this occasion?

A **A:** I only knew who he was. I'd seen his picture in the clinic ...

**JUDGE HUGHES:** Right.

**A:** ... because he had been at the clinic a lot.

B **JUDGE HUGHES:** So, when you saw him you knew it was Maurice Kirk?

**A:** Yes. When we had been out in the beer garden my partner had seen him walk in, I had my back to the pathway where you walk in to the pub and my partner had seen him walk in and just said, "Oh, it's, it's Maurice."

C **JUDGE HUGHES:** Right.

**MR HEMMINGS:** You mentioned a photograph, ...

**A:** Of [REDACTED]

D **Q:** Forgive me. Of Mr Kirk?

**A:** Yes.

**Q:** Where have you seen that photograph?

**A:** I've seen a photograph of Mr Kirk actually in the clinic.

E **Q:** And the person who described as Mr Kirk in the pub, how sure are you that it was him from the photograph?

**A:** Definitely sure.

F **Q:** Okay. So you said he was talking to two men ...

**A:** Mmm.

**Q:** How long was he talking to them for?

**A:** He was talking to them the whole time that we were in the pub. I mean I haven't got

G an exact timescale because I didn't realise there was any need to, to recall it, you know.

**Q:** I understand. What did Mr Kirk do during the evening?

**A:** After we had been in there for a while he just turned round to the people in the pub,

H like I said it wasn't full, there wasn't that many people in there and he said to someone, I think



A his words were, "Does anyone have the address or know the address of T [REDACTED]  
and he offered £1,000 if anybody provided him with that information and nobody took any  
notice and just carried on talking and ...

B **Q:** I will pause you there. You can see a note is being taken. You said he turned around,  
who was he addressing?

**A:** Just seemed to be addressing, I mean if the bar was here and he had been stood at the  
bar drinking he was turning round and addressed the room generally. Not any particular  
C person, just the room.

**Q:** Just the room generally?

**A:** Yeah.

D **Q:** How loud was his voice?

**A:** How loud?

**Q:** How loud was his voice?

**A:** Everybody in the pub could hear him but people just looked up. I think people thought  
E he must have been drinking because they just looked up and just ignored it. I think you could  
hear what he was saying.

**Q:** Was there any reaction at all to that?

F **A:** No.

**Q:** Was that the only thing you noticed about Mr Kirk that evening?

**A:** What do you mean? Is that the only thing he said?

**Q:** Yes.

G **A:** No. He turned round, he carried on then talking with the people at the bar for some  
time. Again I don't know how long and then during the course of the evening he said the  
same thing again but increased the amount of money until he reached £30,000 which is what  
H he said as he was actually leaving the pub later in the evening.

A **Q:** Okay.

**JUDGE HUGHES:** So he was increasing the amount he was going to pay?

B **A:** Yeah, yeah. He started off and he said, “Does anyone know the address?” and offered, “I’ll pay £1,000” and then he increased it. I can’t remember the exact increments but ...

**JUDGE HUGHES:** No. Right but he was incrementally increasing until the end of the evening the maximum was £30,000.

C **A:** Yes.

**JUDGE HUGHES:** All right.

D **MR HEMMING:** You mentioned he was incrementally increasing the, the monies offered, how was that communicated? How did you know that?

**A:** Because each time he turned round he’d say again, “Does anyone know the address and I’ll pay”, you know, it went up each time until he was leaving and it went up to the £30.

**Q:** Do you know how many times this happened?

E **A:** I can’t be precise on that. I mean it started at £1, ended £30. Possibly three times in between. I, you know, that’s difficult (inaudible).

**Q:** Were there any reactions to any of those invitations by Mr Kirk by anyone in the pub?

F **A:** Raised eyebrows, sort of shrugs, that was it. Nobody said anything. I mean the guy that, one of the guys that he was talking to at the bar did actually say to him, “Maurice, you could get in to trouble saying things like that” and that was it. They turned back towards the bar and I couldn’t hear what they were saying then. I could only hear the conversation when  
G he turned round and addressed it to the room.

**Q:** Yes. Was that the only time that you have seen Mr Kirk?

H **A:** Once following that when I was actually working in the clinic and I was leaving to go out and visit an outpatient and as I came out of the clinic his landrover was parked right

A outside with the Wanted posters displayed again and apparently the police had been informed  
and he was just sitting there and I just carried on with what I was doing.

Q: Do you know when that was?

B A: I don't. I don't have a date for that, I am sorry.

**JUDGE HUGHES:** Was that before or ...

A: No, that was after. That was ...

**JUDGE HUGHES:** After the pub incident?

C A: Yes. Yes.

**JUDGE HUGHES:** Yes.

D **MR HEMMING:** I suppose lastly, you have mentioned Mr Kirk's increasing offers  
through the course of the evening, when did it end? What time did his evening end? When  
did he leave the pub?

E A: Again I'm not, I can't be a hundred percent sure on that. I mean we didn't stay that  
long. On that particular evening we'd got there at 8 o'clock. We wouldn't have been there  
later than 9.30, you know it was a work night so ...

Q: Did he leave before you?

A: Yeah.

F Q: So we are talking about over the course of about an hour, hour and a half?

A: Yes.

Q: These invitations by Mr Kirk, solicited by anyone, did you see anyone speak to him  
before he said these comments?

G A: No, I didn't. No.

Q: If you could stay there please.

**JUDGE HUGHES:** Yes, Mr Williams?

H (11.58 am)

**Cross examination by MR WILLIAMS**

**MR WILLIAMS:** Miss, Mrs? Miss. Miss Watkins, the incident on 16<sup>th</sup> or 17<sup>th</sup> August that is when you had seen, the cars parked outside the pub with a number of posters on them, is that right?

**WITNESS:** Mmm.

**Q:** You did not see anyone put those posters up?

**A:** No, I didn't. They were there before I got there.

**Q:** Thank you. Am I right in thinking that there was one poster per car?

**A:** There was.

**Q:** Can you remember how many cars?

**A:** Where you parked there was full so I would say about a dozen.

**Q:** You have had no dealings with Mr Kirk himself, have you?

**A:** I haven't, no.

**Q:** If you do not know the answer to this say, are you aware of any issues that Mr Kirk has with the hospital?

**A:** Yes, I am aware that there is issues.

**Q:** Thank you but on 16<sup>th</sup> or 17<sup>th</sup> you decided to keep one of those posters and then take it to work and I think you handed it to one of your colleagues.

**A:** I handed it to my line manager, yes.

**Q:** A reporting type of matter, would you say that?

**A:** Yes, I was concerned about the content of the wording.

**Q:** Thank you for that. I want you to, no, I will ask you one more question, you do not know who put the posters on the cars?

**A:** No, I don't. They were there already.

A Q: Thank you. If I take you now to 24<sup>th</sup> August. I think that is the incident when you say that you see Mr Kirk in the pub that night. You have said that he was talking to two men at the bar ...

B A: Yes, he was.

Q: ... nothing untoward about that.

A: No. It was just three men stood at the bar, I mean I didn't take any notice. I wasn't interested in conversation. I was with other people.

C Q: Other people in the bar in couples of having a drink?

A: Sorry?

Q: Other people in the bar present.

D A: Yeah.

Q: And what you say then is that he seems to turn around and talk in a loud voice when you say that he is offering money for Mr Williams' address, is that right?

A: Yes, he was.

E Q: That comment was not directed at anyone in particular was it?

A: No. It was just, as I say, he was talking with two men at the bar, he turned round, faced the room and addressed the comment just generally to the room.

F Q: Did anybody pay any attention to that comment?

A: No.

Q: No. Thank you and as the evening went on I think you said other comments were made by him about this figure increasing.

G A: Yes.

Q: Did the same thing happen again? Was he turning around and just talking generally in to the ...

H

A **A:** Yes. Each time he turned round and spoke in a much louder voice and addressed the room and as I said before I think people just thought he was, you know, he'd been drinking. Just raised eyebrows and just thought he was generally being a nuisance and that was it.

B **Q:** Is it fair to say that nobody paid any attention to what he was saying as the evening went on about these particular comments?

**A:** I think people were irritated more than anything. I mean if you go out for a quiet drink with friends it is annoying if there is somebody who is being very, very loud and persistently talk, I mean I wouldn't've thought, I don't know, that people knew what he was on about, who the person was.

**Q:** Is it fair to say that people ignored what he was saying?

D **A:** I think people took more notice as the evening went on. As it kept going on I think they just thought he was becoming a nuisance, he was drunk. Obviously the people I was with took more notice.

**Q:** Yes and am I right in saying that he left the public house before you?

E **A:** He did, yes.

**Q:** And notwithstanding what you heard that night, you did not see fit to report that to your line manager?

F **A:** No, because I was aware that the posters were already in circulation. I'd just never seen one actually myself before so it wasn't as though they were completely new.

**Q:** What I asked you, sorry, was on this particular night what you had seen, heard, you decided not to report that to your line manager, that was the question.

G **A:** No, sorry. I ...

**Q:** Thank you.

**A:** I reported it first thing next morning.

H

A **JUDGE HUGHES:** Sorry, what? You reported 24<sup>th</sup> August incident the next morning did you?

A: No.

B **JUDGE HUGHES:** Right. You saw no poster on that second occasion did you? Just the request for ...

A: The second occasion was when he was offering money. The first occasion was the poster.

C **JUDGE HUGHES:** I realise that.

A: Yes.

D **JUDGE HUGHES:** Are you saying that you reported the second incident where he was offering the money to your line manager the next day?

A: Yeah.

**JUDGE HUGHES:** As you had reported to him the finding of the poster.

A: Yeah.

E **JUDGE HUGHES:** Right.

MR WILLIAMS: I am sorry. My understanding was I thought, the question was you had not but you say on the second incident, 24<sup>th</sup>, you had reported that to your line manager?

F A: Yes, I did.

Q: Right.

A: Sorry, I ...

**JUDGE HUGHES:** The next day, you say?

G A: Yes. Yes.

**JUDGE HUGHES:** So, what I have noted Mr Williams is that on both occasions the first when the posters were found under the wipers of the cars and you took one of those and took

H

A it in the next day to your line manager and then a week later on 24<sup>th</sup> August although there was no poster you reported what you had heard.

A: I actually, I wasn't in work on Thursday and I actually rang my line manager the next morning and told her what I had heard ...

B **JUDGE HUGHES:** About the offering of money in the bar, yes.

A: Yes.

C **MR WILLIAMS:** And I think finally, Miss Watkins, you say that you had seen Mr Kirk sometime later when he is parked outside the hospital, in the hospital grounds in his red landrover?

A: I did, yes. He was parked right outside the main entrance.

D **Q:** Thank you very much indeed.

**(Witness released)**

E **JUDGE HUGHES:** Thank you, yes. Mr Hemmings, Mr Williams, it is just a little over an hour now since the appellant left us. I am going to just rise and have an enquiry made as to whether he wants to join us again and if he does of course he will be very welcome, if he does not then we will carry on.

**(12.05 pm)**

**(A short adjournment)**

F **(12.21pm)**

**JUDGE HUGHES:** Yes, Mr Williams. I am glad to see Mr Kirk has rejoined us.

G **MR WILLIAMS:** Yes.

**MR GARETH EVANS:** Can I call please, DC Brinkworth?

**JUDGE HUGHES:** Yes.

H **DEFENDANT:** Will you speak up please?



A **JUDGE HUGHES:** Yes, we will try and keep our voices up for you. But if you have that  
headphone you might be able to hear a bit better, you know?

**DEFENDANT:** Am I entitled to know why I am in prison?

B **JUDGE HUGHES:** You are always entitled to know that, but other matters outstanding, have  
you a trial coming up in May?

**MR WILLIAMS:** He does, your Honour, yes.

**JUDGE HUGHES:** Is he remanded ...

C **MR WILLIAMS:** He is remanded in custody until 2<sup>nd</sup> May.

**JUDGE HUGHES:** You are awaiting trial on a separate matter, Mr Kirk which does not  
concern us at all, a different matter, different reason.

D **DEFENDANT:** Why am I in prison?

**JUDGE HUGHES:** Because a Judge has remanded you in custody on that other matter. Do  
you want to wear your headphone again? You might hear better.

**DEFENDANT:** (No reply heard)

E Yes.

**DC 4267 KAY BRINKWORTH**  
**Examination-in-chief by MR WILLIAMS**

F **MR GARETH EVANS:** Thank you. Can I have your number, rank, name and station please?

**WITNESS:** Yes, DC 4267 Kate Brinkworth. And at the time of this I was stationed, the field  
intelligence office at Barry Police Station.

**JUDGE HUGHES:** Just a little bit slower ... Kate Brinkworth?

G **A:** Kate Brinkworth.

**JUDGE HUGHES:** Yes, all right.

H **MR GARETH EVANS:** You said that you were the field intelligence officer; what does that  
mean?

A A: My main business each day was dealing with intelligence rather than evidence.

Q: I see. In terms of your training about internet interrogation and website interrogation, do you have any?

B A: Yes, I did a two day course in police headquarters, where we were shown how to evidence anything that we found on the internet on a (inaudible).

Q: Thank you. The court is concerned with 6<sup>th</sup> July 2011; were you on duty that day?

A: Yes I was, your Honour.

C Q: Did you undertake a search on that day?

A: Yes I did.

Q: What about?

D A: I was asked to look at a website called, I believe it was “The Flying Vet” and I was asked to look to see if there was anything on there regarding a “Wanted” poster in relation to Mr [REDACTED]  
[REDACTED]

Q: Thank you. If I can hand forward these documents ... and again I know Mr Williams has seen these.

E

**(Handed)**

A: Thank you.

F Q: Just to give you a moment to go through those yourself. Thank you. Holding one up in turn as we go, can you explain what you have there, and firstly, who produced them?

A: I produced all of these documents.

Q: Are they screen type documents ...

G A: Yes they are, through er, I think it's Camtasia which is a application police use to capture the image.

Q: Thank you. Now, in terms of what is shown on those documents, how does that relate to what an individual can see by accessing the internet on their personal computer?

H

A **A:** Any one would be able to view this. There's no password protection, it's, I'd just gone onto an open source which is, well it's a Google search, I guess anybody would be able to see anything of this.

B **Q:** I see. Well if you could deal with these documents in turn and explain to the court what they show?

**A:** The first page I just typed in onto Google, and that was the first page that come up with the result of the search. ... on that very first one.

C **Q:** What did that show?

**A:** Just different website which would have like related to the Flying Vet, which is what I was looking for.

D **Q:** Can you show that to the court please?

**A:** Yes I will. That is the result of that, that one.

**Q:** Thank you. (Inaudible).

**(Counsel discuss)**

E Will you excuse me, your Honour, while I just ...

**JUDGE HUGHES:** Yes. Right, well we are all familiar with how this works, I think?

**MR GARETH EVANS:** Yes.

F **JUDGE HUGHES:** You Googled a particular phrase in and it has produced various ...

**A:** Yes, your Honour, it has.

**JUDGE HUGHES:** ... possibilities for you to investigate further. All right, thank you.

**MR WILLIAMS:** (Inaudible).

G **JUDGE HUGHES:** Have you not seen it, Mr Williams?

**MR WILLIAMS:** I have not, your Honour, sorry. I am satisfied, if she just shows them ...

H **JUDGE HUGHES:** Yes, when you see it, it will be very obvious what it is, it is just a Google page. Right.

A **MR GARETH EVANS:** Thank you. If we deal with the next in sequence then, what do we have there?

**A:** From the results page that has come up I looked for the “Flying Vet”. I clicked on that and then that web page came up. So that’s the one that I looked at. That was my next screen shot.

B **JUDGE HUGHES:** Yes.

**MR GARETH EVANS:** Thank you. Yes, if we hand it this way, I think Mr Williams wishes to see it. Thank you.

C **A:** From that website I checked into ...

**JUDGE HUGHES:** Well just do one at a time so that we can see this one first.

**A:** Sorry.

D **MR GARETH EVANS:** Sorry.

**JUDGE HUGHES:** And meanwhile that can go down to Mr Williams, who has not seen the first page.

**(Handed to Mr Williams)**

E **(Pause)**

All right. There is another one is there?

**A:** Yes, your Honour. From the front page of the website I clicked on the icon which said “Wanted Posters” and then that screen has come up ...

F **JUDGE HUGHES:** Thank you.

**A:** ... from the next screen.

**(Pause)**

G **JUDGE HUGHES:** Thank you.

**A:** I guess you struggled with that. Because the “Wanted” poster on there was so small, not very legible, I actually increased the font just to take capture of the poster on that page. If that makes sense to you?

H

A **MR GARETH EVANS:** I understand.

**JUDGE HUGHES:** Well what we were actually struggling with was the blacked out bits to the right of the poster?

B **A:** Well that is as exactly as it was on the screen and you just couldn't read what was on that poster, the little square bit, so I just increased the font. The next one, I'm not jumping ahead ...

**JUDGE HUGHES:** No, no, I am sorry, I think you misunderstand us. You made that bigger, have you not?

C **A:** Yes.

**JUDGE HUGHES:** Yes. Well what we could not read was these bits in the black?

**A:** That was legible on the screen at the time.

D **JUDGE HUGHES:** What did it say?

**A:** Sorry, I need to read it.

**JUDGE HUGHES:** I will pass it back. I do not think it is very important for us to understand, but we have got the gist of it.

E **(Handed)**

**A:** I am sorry I can't see this ...

**JUDGE HUGHES:** No.

F **A:** .. either. But ...

**JUDGE HUGHES:** It does not matter.

**A:** ... what I was asked to do was to get that poster ....

**JUDGE HUGHES:** That is all right.

G **A:** ... which was what I asked for. But that is what I was saying, is what is on the screen then in that poster I couldn't read, which is why I've blown it up.

**JUDGE HUGHES:** All right. Well let us have a look at the poster.

H **MR GARETH EVANS:** Just for clarity, your Honour, it might assist if we do this.

A **A:** Because that is the actual poster then from that, that I've clicked on ...

**Q:** I see. So if you clicked this icon, which is enlarged, you get that poster, do you?

**A:** Yes.

B **JUDGE HUGHES:** Right.

**MR GARETH EVANS:** So if they stay together ...

**A:** Yes, that was, yes. It was just the way I was like trying to capture every screen so you can see where I got to in the end. If that makes sense?

C **JUDGE HUGHES:** Thank you.

**MR GARETH EVANS :** I understand.

**(Pause)**

D **JUDGE HUGHES:** All right, thank you very much.

Has Mr Williams seen all this?

**MR WILLIAMS:** I have seen it, yes.

**MR GARETH EVANS:** Yes, thank you. Can that be Exhibit, I think we are on 3 now, your

E Honour.

**JUDGE HUGHES:** What, the whole lot do you mean?

**MR GARETH EVANS:** Yes. I think we can go altogether as 3, and that document should

F properly form part of that exhibit as well.

**DEFENDANT:** Could I please have the content read out so that the members of public can hear exactly which Wanted sign is in fact relevant to the defence case?

**JUDGE HUGHES:** Can you pass this back to the witness please? Just be kind enough to read

G it out from top to bottom.

**(Handed)**

**A:** Yes certainly.

H **DEFENDANT:** I am obliged, your Honour.

A **WITNESS:** It says ... it is a “Wanted” poster. It says “Dr [REDACTED] forensic  
psychiatrist, director of Caswell Clinic Bridgend South Wales”. And there is a picture.  
“Accused of falsifying medical report and forensic history to obtain imprisonment without trial”.  
B And then in inverted commas it says “ Maurice Kirk has evidence of significant brain damage to  
an area of his brain specifically related to self awareness judgment decision making, self  
regulation of behaviour and control of emotions. Maurice Kirk presents with symptoms entirely  
consistent with a mental illness, namely paranoid delusional disorder”. And in brackets [Fixed  
C false beliefs amenable to ... [sorry] published by Maurice J Kirk BBSC”. And it has got an  
address in Brittany, France, which I can’t read, sorry. I can’t read French. And then [www.kirk  
flyingvet.com](http://www.kirkflyingvet.com). I assume a link.

D **JUDGE HUGHES:** Thank you very much.

**MR GARETH EVANS:** Thank you.

**JUDGE HUGHES:** Yes.

E **MR GARETH EVANS:** There are some brief ancillary questions, your Honour, if you permit  
me?

**JUDGE HUGHES:** Yes, go ahead.

F **MR GARETH EVANS:** The website, “Kirkflyingvet.com” ... are you able to tell the court  
who owns it or operates that website?

**A:** I didn’t look at that, I’m sorry. I don’t know.

**Q:** I see. In terms of accessibility to that document, that poster, who can access that poster?

**A:** Anybody could access it. It’s open to anyone who clicked into that website.

G **Q:** No restrictions or passwords?

**A:** No restrictions whatsoever.

**MR GARETH EVANS:** Thank you, officer. Would you stay there please?

H **JUDGE HUGHES:** Yes, Mr Williams.

**Cross-examination by MR WILLIAMS**

**MR WILLIAMS:** Just two questions I think, officer. When you look at the website you can see what is the small poster initially; yes?

**WITNESS:** Yes.

**Q:** And I think you said you had to enlarge that?

**A:** I enlarged that screen just so you could see what was written on that screen, because it was just too small, once I'd printed it, it was too small to read.

**Q:** Right, I see. And is it easy to enlarge that?

**A:** Yes, you just increase the screen size, it's almost like zooming into one particular point on that screen.

**Q:** Thank you. And when you printed that poster out we have seen, what (inaudible) size that the court has seen today?

**A:** Once I'd gone onto that page with the poster on it, you then would click onto the poster which would bring up the actual poster, which was the last one.

**MR WILLIAMS:** Officer, thank you very much. No further questions.

**MR GARETH EVANS:** Your Honour, I have no further questions of this officer.

**JUDGE HUGHES:** Thank you very much, you can go.

**WITNESS:** Thank you, your Honour.

**DEFENDANT:** Your Honour, my solicitor has made it known to the prosecution what my defence is, and it is of course Section 37 of the Youth Justice and Criminal Evidence Act 1999 as amended. And if you look down to Paragraph (4) and a few others that you referred to last time, last month, in order to be properly cross-examined in a British court room, of course my defences need to be put to each prosecution witness, I would submit, in rebuttal to the rather one sided information that has been given to you, whilst I was told to go down to the cells.



A            Could I ask that the court representative, who has spoken to my solicitors ... my  
solicitors, by the way, have written and faxed to the court, the prison, I never get my faxes that  
are sent to the prison. And last week there was a court ruling overruling your current refusal to  
B prevent me from cross-examining witnesses. It is a Court Order by a Judge, His Honour Judge J  
Curran. And I took it upon myself to have the transcript produced and thanks to the prison  
yesterday, the prison refused to hand it over. It is produced and prepared, as well as of course,  
C the voice CD's of your court case in February, because it's suggested that I am suffering from a  
mental disorder, which is why of course I am being detained in custody. The South Wales  
Police arranged for me to be arrested under the Mental Health Act on 18<sup>th</sup> September at  
D Tottenham Police Station, where Dr [REDACTED] had sent the very part of that "Wanted"  
poster that has just been put before these Magistrates as being the reason that I be sectioned and  
be sent to St Anne's Psychiatric Prison in North East London.

Now, I am currently on the MAPPA registration as a victim, which was ordered by  
E Barbara Wilding on 1<sup>st</sup> June 2009, which led to Dr [REDACTED] writing that piece that was  
read out on the "Wanted" sign, being the exhibit of somebody who was instructed in the police  
station to look at my website. The defence case of course needs 15 police officers who were  
interviewed by me filmed and notes taken by independent police officers as to the legality of  
F whether I was entitled to conduct a course of conduct. And if you look at Paragraph 4, no it's  
not it's Paragraph 3(A) (C) there are exemptions, and that's where I am afraid I was misbehaved  
(?) and you caused me to leave the court, because I was anxious that you knew that in order that  
I can call witnesses to support this, and be given the opportunity to hear my own representatives  
G cross-examining the police, based on the defence.

The court last week said that I was entitled to have Legal Aid free of charge. When these  
H proceedings of preventing me from cross-examining anybody was introduced on 16<sup>th</sup> July 2009,  
by his Honour ... Mr Nicholas Cook QC, it was made clear that I would be allowed the

A facilities, which I don't seem to be having now, and one was that the transcripts would be paid  
for. I've paid over £6000 in preparation for today's trial in transcripts alone. Now, I need those  
transcripts and I wish to refer to some of them which relate to the, even the limited bit of cross  
... sorry, evidence-in-chief that I've heard. Now, am I entitled to these things? Because under  
B the rule of law, under the Criminal Evidence Act 1999, it, it states that each time the restrictions  
on a defendant to cross-examine police officers in the court, there must be written record. That  
means (inaudible) record here it has to be properly recorded. And even if a Magistrate identify,  
C the Magistrate has to write it in the book.

Now I said to you last time that all the local, the criminal courts of Cardiff for over 18  
months have been refusing to reply to my letters for disclosure. Section 8 disclosure, basic  
disclosure. One of them relates directly to what I am referring to at the moment, and that is, last  
D week in the Crown Court, the rules that you were going by in February have been changed for a  
trial in May. I'm not sure which year they had in mind, but whatever it is, you've just stated  
incorrectly, because you do not, or you appear not to know, why I am in prison. I'm in prison  
E because the records state that I am under the Mental Health Act and that I have interfered with  
witnesses and I have failed to attend court. When I have failed to attend court I've been in  
police station lock ups in London, and when I was found guilty of a FTS, failed to surrender, in  
London, I was in Cardiff Prison. And the appeals relating to this are months, months older than  
F this that you're dealing with today. And the one that really matters is the 2<sup>nd</sup> November. I have  
someone in the gallery who was a witness, where the same rules were being applied that you are  
relying on to prevent me from cross-examining witnesses, and the instructed lawyer from  
G Newport, whose name, a complete strange, I've never met him on any earth, did not cross-  
examine any of the witnesses. He simply attended, because he'd been Ordered to in order  
because he was an officer of the court.

H

A I feel, apart from, am I entitled to the full name of the Magistrates, because there will be  
people around the world wishing to know whether (inaudible) mileage in the suggestion ... not  
my suggestion, I've been asked to ask. My own views about (inaudible) is to me just another  
B (inaudible). But I've been asked particularly, am I entitled to the full names of the two  
Magistrates? I....

**JUDGE HUGHES:** (Discusses with clerk) Yes. Mr Kirk, I think you are missing the point,  
because the names of the court are published; they are on the court list outside the court room.  
C There is no secret about who the court consists of.

**DEFENDANT:** They don't seem to be published in my cell, sir.

**JUDGE HUGHES:** Well, had you asked in your cells? I am sure this could have been brought  
to you.

**DEFENDANT:** Yes I have but I ...

**JUDGE HUGHES:** May I just make this point as well? You, it seems to me, maybe mixing up  
the procedures which are, at the present time, extant. That is to say, amongst others, this appeal  
E which we are dealing with today, and also your criminal trial, which is to be heard in May,  
where Judge Curran has been presiding recently over an appointment at which you did not  
intend, and in respect of which a transcript was made, which no doubt you have seen. It was  
sent to you in the prison. It is nothing to do with today's case at all.

**DEFENDANT:** I've just said, I, I arranged to have the transcript made and the prison had  
refused to hand it over. I therefore took the precaution of getting the transcribers in Devon, who  
know me well, I've spent, must be £10,000 with them over the years since I've had to be, suffer  
G my experiences in Cardiff Court, and they said, I said "Make sure you send a copy quietly to the  
Crown Court, because there will be an argument tomorrow that I've already got it in the prison".

And may I raise that matter on the fact that under the statute law on which my defence is based,  
it is based on the fact that I am pursuing ... and preventing further crime ... and pursuing a

H

A doctor, who knowingly falsified mental records, and that the medical experts that I have identified and informed the court of in writing, in advance, including a Dr Paul Kemp and a Dr Gaynor William Jones, and three other doctors, they will all confirm that his medical evidence is false. He does not have the qualification.

And Dr Kemp, who was found by my ex member (inaudible) Walter Sweeney, another son of a famous vet, found through his wife, a consultant radiologist of great reputation, to find the most important man she considered to be a cross exam ... a defence witness today, in the fact that the doctor not only knew he didn't have the qualification to write what was read out on that "Wanted" sign, but he was told by doctors at the Princess of Wales Hospital, on 30<sup>th</sup> August ... one being a Dr Tula (?) that there was nothing significant in the brain scan that caused me to be considered to have brain damage. But Dr Kemp says, which I have arranged in advance to be sent to you, your Honour, it was sent to your court on 1<sup>st</sup> December '09 and it was before his Honour Judge Bidder. And I managed to get my sister, then a Magistrate, outside your jurisdiction thank God, to quickly get the transcript before somebody in this building had it shredded. Or the word you normally use is "corrupted". Now, I have that and I've also taken the opportunity of serving that on this court previously, because in there the prosecution state to his Honour Judge Bidder, who has emailed my civil Judge his Honour Mr Justice Llewellyn, on the issues which I raise, and on the transcript paper Line Number 9 of Page 2, the CPS barrister is telling the Judge ... I'm grateful for your patience, your Honour ... that Dr [REDACTED] feared that I had cancer.

Now, since 2<sup>nd</sup> December I, I was put on MAPPA Level 3, that is the top five percent (inaudible) in our community, on or about 1<sup>st</sup> June '09, and at this moment in time I have no evidence to suggest that I am no longer on it. The South Wales Police yesterday, the day before yesterday, have ordered the prison to prevent me from phoning my McKenzie friends and other helpers, some of which have managed to get here today. I cannot see them in court because I am

A deliberately behind bullet proof glass ... whether that is to protect you, your Honour, or it is to  
protect me, but it means I can't even see who's in the public gallery. If you feel I'm digressing, I  
feel, I'm hoping, I'm really grateful that you've allowed me to speak. But there are matters  
B there on statute law, and please when I retire, sorry, whenever I'm told, sorry, sent down for  
lunch, could I please have a copy of the laws upon which you referred in the previous Hearing?  
Because I am confident that because the rules have changed last week in a Crown Court, that I'm  
not allowed to cross-examine the police officers, and I'm now allowed to have witnesses, and  
C you confirmed that this morning by telling my witness to leave the court, so you'll have  
difficulty withdrawing from that idea, could I please do that? Have a copy?

**JUDGE HUGHES:** Well, Mr Kirk, I am very anxious that you should feel that you are having  
D an opportunity of saying what you want to say. I am letting you do it now, although this is not  
the proper time for you to be addressing the court ...

**DEFENDANT:** But I tried last time and you said it was not the proper time.

**JUDGE HUGHES:** Well it still is not the proper time.

E **DEFENDANT:** So when would be the proper time?

**JUDGE HUGHES:** When the respondent has finished its case you will then be given a chance  
to give evidence yourself, and then will be the time to tell us all the things you have been telling  
us about in the last ten minutes or so.

F I just am concerned that because there are so many things that are floating about, so far  
as your litigation is concerned ... you have been mentioning now, civil litigation. I am just  
focusing on the criminal litigation. But as I said to you ...

G **DEFENDANT:** Sir, with all respect, this is all to do with the civil litigation ...

**JUDGE HUGHES:** No ...

**DEFENDANT:** ... trying to (inaudible). I'm in my 20<sup>th</sup> year trying to get it before the civil  
H courts and for the case to be heard outside South Wales.

A **JUDGE HUGHES:** Yes, will you just listen to me for a moment, Mr Kirk?

**DEFENDANT:** I apologise.

**JUDGE HUGHES:** The transcript which you arranged to be sent to the court has arrived. I have looked at it.

B **DEFENDANT:** Well is there any chance of me having it?

**JUDGE HUGHES:** Well, you have not seen it at all yourself?

C **DEFENDANT:** I ... oh dear ... oh dear, I do feel a little exasperated. I arranged for it to be sent to the prison yesterday. The prison refused, like the, my solicitor spoke to the suspected, er, ordered lawyer, to give evidence to cross-examine ...

D **JUDGE HUGHES:** Well, Mr Kirk can I just cut across you? If you have not seen it, I understand that you may not be given it in prison, it only came in very recently. But as far as I am concerned you can see it. It is a transcript, quite a short transcript, of what happened in a different court before a different Judge concerning different proceedings. It is nothing to do with this appeal. If you want to look at it over lunch you are welcome to do so.

E **DEFENDANT:** So why is this case leap frogged an appeal of 16 months ago that's been transferred to Bristol and it's the reasons why I'm in custody for, what the case is in Bristol Crown Court, as to why I am being detained in custody thereby interfering with my preparation with over a 100 police officers having to give evidence in the civil action.

F **JUDGE HUGHES:** Right, let us try and take stock.

Mr Evans, how many more witnesses are there to be called? One of them I think cannot come until tomorrow, you mentioned earlier?

G **MR GARETH EVANS:** That is right, your Honour, yes. There are two here today.

**JUDGE HUGHES:** Is there a short one we can do before lunch?

**MR GARETH EVANS:** Yes there is.

H **JUDGE HUGHES:** Right, let's call that witness now.

A **MR GARETH EVANS:** Susan Weeks please.

**DEFENDANT:** Can I have the transcript before?

**JUDGE HUGHES:** You can have, what I have been talking about (inaudible) lunch later on, yes.

B **DEFENDANT:** I would like a transcript before (inaudible) gives evidence, if that's alright ...

**JUDGE HUGHES:** No, it is not all right. We have one more witness, then we are going to stop for lunch, and you can read this during lunch.

C **MR GARETH EVANS:** Your Honour, a bit of housekeeping, that there is Susan Weeks, and there is one other officer to give evidence. And there is one tomorrow as well.

**JUDGE HUGHES:** Yes.

D **MR GARETH EVANS:** And then I have the officer in the case, currently that I propose to call, but it maybe that he is required to tidy up some matters at the end.

**JUDGE HUGHES:** Yes all right, thank you very much.

E

**SUSAN WEEKS (Sworn)**  
**Examination-in-chief by MR GARETH EVANS**

**MR GARETH EVANS:** Thank you very much. Can I have your full name and where you are employed?

F **WITNESS:** Susan Weeks, employed by South Wales Police, currently based at Roath Police Station.

**JUDGE HUGHES:** That is very softly spoken ....

**WITNESS:** Sorry.

G **JUDGE HUGHES:** You are Susan Weeks and what else did you say?

**A:** I'm employed by South Wales Police, currently based at Roath Police Station.

**JUDGE HUGHES:** Thank you. Yes.

H

A **MR GARETH EVANS:** In what capacity are you employed?

A: I'm a station enquiry clerk, and I work the front desk.

Q: As a member of the police staff do you have an identifying number?

A: 53362.

B Q: We are concerned with 5<sup>th</sup> July of last year. Were you on duty that day?

A: I believe so, yes.

Q: Where were you on duty?

C A: I was on duty at Cardiff Central front desk.

Q: At about 1 o'clock can you explain to the court about any enquiries made at your desk?

D A: One in particular that comes to mind, was a gentleman that came in. If memory serves me correctly he'd come from this building and I believe that he wanted to make a complaint about somebody from the court.

Q: Do you know who this person was?

A: I didn't at the time.

E Q: Do you know who it is now?

A: I believe his name is Maurice Kirk.

Q: So this person said that he wanted to make a complaint?

F A: Yes. So I started to ask questions to try and get the nature of the complaint, but it was all quite confusing.

Q: I see. Did you try and deal with the complaint yourself?

G A: It was hard to, he wasn't very forthcoming with what he was trying to complain about, and asked to speak to a police officer. So I asked for his name and he didn't say it very clearly, so I wrote down what I thought that he'd said, and then I went to speak to the acting sergeant that day.

H Q: What name was given to you?



A **A:** I can't remember, but it was something that sounded like Maurice Kirk; I wrote it down on a piece of paper, but I can't remember what I wrote down. But as soon as I said the name that I'd written down to the acting sergeant, he knew straight away who it was.

B **Q:** I see. So you spoke to the acting sergeant?

**A:** Yes.

**Q:** And did the acting sergeant then take over?

C **A:** No, he said "PC Tony Melina is going to be dealing with that". And he proceeded to get in touch with that officer, and I went back out to the front desk.

**Q:** PC Tony?

**A:** Melina.

D **DEFENDANT:** Sorry, sorry what was that name?

**JUDGE HUGHES:** Tony Melina. PC Tony Melina.

Yes, carry on.

E **MR GARETH EVANS:** So whilst this officer is sought, what does the gentleman, who had approached you at the desk, what does he do?

F **A:** I went back out to the front desk area and the gentleman, who I know as Maurice Kirk, was sat down on the public seats. And I noticed that a poster had been slipped, there's like a flap mechanism on the front counter, quite a large poster.

**Q:** Do you know who put that there?

**A:** I didn't see who put it there, no. But there was only one person in the front office at the time.

G **Q:** How long were you away from your desk?

**A:** Three or four minutes.

**Q:** And that poster, what did it show?

H

A **A:** There was a photograph of a man on it, who I didn't recognise. And it appeared to be a "Wanted" poster. And then the picture of this man, a Dr [REDACTED] I think it was, [REDACTED]

**Q:** You say "A Wanted poster"... what do you mean by that?

B **A:** Well it, it said, "I'm sure if memory serves me correctly, I'm sure that it said "Wanted" and then this picture, and then there was a lot of words underneath, but I can't remember what it said.

**Q:** I see. So what did you do with that poster?

C **A:** I left it on my desk and then Sergeant Louise Lucas came down to the front desk, and I gave it to her. And that was the last I saw of it.

**Q:** Thank you very much. Would you wait there?

**Cross-examination by MR WILLIAMS**

D **MR WILLIAMS:** Officer, just one or two questions. When you first spoke to Mr Kirk, when he came into the police station, can you recall what his mannerism was like?

E **WITNESS:** Er ... he had lots of papers in his hand and he was a little bit agitated, I guess, and he had his glasses on and he was flicking through the papers, and he was quite dismissive of me, and when I asked him his name he sort of gave me a look, as though I should've known who he was, but I didn't.

F **Q:** You said the purpose of his attendance there was to make a complaint?

**A:** I believe so, yes.

**Q:** And you then spoke to people with a view to assisting Mr Kirk; is that right?

**A:** Yes.

G **Q:** Yes. When you came back to your desk, a poster had been put under the flap?

**A:** Yes.

**Q:** Which you have described?

H **A:** Yes.

A **Q:** And Mr Kirk was sitting waiting to be seen?

**A:** Yes.

**Q:** Did you ask Mr Kirk, had he put that poster there?

B **A:** I didn't, no.

**Q:** When you went back to your front desk and he was sitting there, had his demeanour changed in any way?

C **A:** He was just sat there, shuffling through his papers, and then PC Tony Melina came out then and he sat with him and they were having just a conversation, and it was, there were no raised voices or anything, it was just a general conversation back and fore, and it was all calm and under control.

D **MR WILLIAMS:** Yes. Officer thank you very much indeed.

**MR GARETH EVANS:** Your Honour, do you have any questions?

**JUDGE HUGHES:** No. Thank you very much indeed, you are free to go now.

**WITNESS:** Thank you.

E **(Witness released)**

**JUDGE HUGHES:** We will stop for lunch now and come back at 2.15pm.

**DEFENDANT:** May I interview my witnesses please? May I have access to my legal papers?

F **JUDGE HUGHES:** I am going to give you a copy of this, Mr Kirk and we will come back at 2.15pm.

**DEFENDANT:** Yes, but could I interview my witnesses? They need to be called this afternoon?

G **JUDGE HUGHES:** No, I am afraid that should have been done before today. This case has been listed for many, many weeks.

Right, 2.15pm.

H **MR GARETH EVANS:** Thank you.

A (Court rise 1.00pm)

(Court reconvened 2.20pm)

Good afternoon, your Honour.

B **JUDGE HUGHES:** Yes.

**MR GARETH EVANS:** Can I call please, DC Andrew Price?

**JUDGE HUGHES:** Yes, of course.

**DEFENDANT:** Could I withdraw this appeal?

C **JUDGE HUGHES:** You can make an application if you wanted to withdraw it.

**DEFENDANT:** When could I do that?

**JUDGE HUGHES:** You can do it now if you want to?

D **DEFENDANT:** I haven't been able to read, other than the first part of this transcript from the Crown Court last week, but a) It relies in stating that they found a laptop on my (inaudible) ... I got it when I was arrested, and they're relying on it, and it's being used in this court Hearing. Now, under the 1897 Police Property Act, I actually have ongoing proceedings in the Criminal  
E Court to get that laptop, because of course my defences are on it, and the identity of all the 15 police officers that confirmed that what I was doing, or some of which I didn't do, but that most of what the defence will say by these police officers, was in their opinion not in breach of the Protection Harassment Act 1997, Section 2.  
F

Further, it was noted that the prosecution didn't seem to answer your question as to why I'm in custody. The answer was that it was to do with some other trial. Well unfortunately, the trial is a breach of the Restraining Order, following a conviction which is now subject to appeal  
G again. And the prosecution are aware that the information that's keeping me in custody was obtained unlawfully, and what has been ticked off (inaudible) which is court register, which of course I refer back to Section 37, I am entitled to have the court records.  
H

A Now, if you Order the lower court, and in particular the court solicitor, who acted for me,  
who happens to be quite fortunately here in court today, another Mr Williams, to hand over his  
records of the lower court, and then I have the records of the register of the lower court, I of  
course seriously as part of my deal with you, then I will ... because you see, I did, did stop  
B (inaudible) give evidence today?

**JUDGE HUGHES:** Yes.

**DEFENDANT:** He did. Well you would've been committing perjury again, so I've got all I  
C want. We had a civil action, and my lawyers contacted this Mr Williams, who is, I've been  
ordered to act for me. I'm very worried, he's been ordered to act for me in the Restraining Order  
Trial by jury on 2<sup>nd</sup> May. He knows that the purpose of him was that to cross-examine is to set  
D up the evidence that was deliberately not tendered by the prosecution when they got them to give  
evidence. The whole purpose is to set up the reason why I have a defence. And as I took up  
your time, and again I apologise, your Worships, this morning, the defence is known, not to you,  
but it is known to the prosecution that I rely on, as I said earlier, (a) and (c) of Paragraph 3 of the  
E 1997 Protection from Harassment Act. That is to detect crime and to prevent crime. I, the prison  
have now seen that "Wanted" sign the "Wanted" exhibit, and because of what's on it, that I have  
a possible brain tumour, they, I am fortunate that at last the prison have agreed to organise a  
F brain scan. I'm wondering whether, should I have an adjournment, because at the moment I am  
registered under the '83 Mental Health Act, and therefore I am neither competent nor  
compellable as a defendant to give evidence.

**JUDGE HUGHES:** Mr Kirk you began your remarks by asking me whether you could  
G withdraw your appeal. You are ending them by asking me whether I might consider you  
adjourning your appeal. Which of the two do you want to do?

**DEFENDANT:** Well I'm asking you to take the choice. I want to make sure that you are aware  
H of some of ... so that, you will notice that in the transcript that was in the possession of the

A prison and this court without my knowledge, even though I paid for it, states that the other Crown Court has granted me Legal Aid. Now, the lower court District Judge John Charles, refused me (inaudible) he refused me everything, other than I could sit down in his presence. I think that's the best way to sum up the lower court. And I wish to get a pair of glasses in order to read the rest, because my glasses were broken last time I was in court, and when you're a prisoner you cannot get them sent in because parcels are not allowed. And I have spent seven weeks now trying to get a pair of glasses.

**JUDGE HUGHES:** Right. Just let me consult with my colleagues.

**(Pause)**

Mr Kirk, having considered what you have just been saying to us now, since we resumed after lunch, although you have not been entirely clear, we are going to treat your submission as an application to adjourn the appeal, for reasons which you have been outlining. But we are going to refuse the application and the appeal must continue.

**MR GARETH EVANS:** Can I call please, DC Price?

**JUDGE HUGHES:** Yes

**DEFENDANT:** So I am refused again?

**JUDGE HUGHES:** I have just explained, we are refusing your application to adjourn the appeal.

**DEFENDANT:** And you are refusing (inaudible)?

**JUDGE HUGHES:** I am not considering an application (inaudible). .

**DC ANDREW PRICE (Sworn)**  
**Examination-in-chief by MR GARETH EVANS**

**WITNESS:** I am DC Andrew Price of Cardiff CID.

**MR GARETH EVANS:** Officer, the court is concerned with the defendant, Maurice John Kirk. What has been your involvement with that defendant?

H

A **Q:** I was the interviewing officer, your Honour.

**JUDGE HUGHES:** In these proceedings, presumably?

**Q:** Yes.

**JUDGE HUGHES:** Yes.

B **MR GARETH EVANS:** I can deal with that now?

**JUDGE HUGHES:** Yes.

**MR GARETH EVANS:** For what did you interview Mr Kirk?

C **A:** It was for the posting of notices in various locations.

**JUDGE HUGHES:** Could I just invite you to answer to us please?

**A:** My apologies, your Honour.

**MR GARETH EVANS:** Posting of notices in various locations?

D **A:** That's correct, yes.

**Q:** In relation to whom?

**A:** Dr [REDACTED] and various other people, including the Chief Constable of South Wales,

E at the time, if I remember correctly.

**Q:** Can you recall when you interviewed him?

**A:** I would have to refer to my pocket notebook ...

**Q:** Do you have that notebook with you?

F **A:** I do have it with me.

**Q:** Is your memory better now, or at the time you made the notes?

**A:** It would be if I manage to look at my pocket notebook, yes.

G **JUDGE HUGHES:** Well the answer must be that, your memory would be better when you made the note presumably than it is now.

**A:** Oh, my apologies, yes, yes.

H

A **MR GARETH EVANS:** I was not quite clear in my question. When did you write the notes in your notebook?

**A:** As soon as I got back to the station, which was (inaudible) at the time, yeah.

B **MR GARETH EVANS:** Your Honour, may he refer to his notebook?

**JUDGE HUGHES:** Yes.

**MR GARETH EVANS:** Thank you.

**DEFENDANT:** Am I allowed to object?

C **JUDGE HUGHES:** You can say what you would like to say, Mr Kirk and I will hear it?

**DEFENDANT:** I'm just here to say I wasn't consulted on the matter (inaudible).

**JUDGE HUGHES:** Right, thank you.

D **WITNESS:** My note is of 23<sup>rd</sup> August 2011.

**MR GARETH EVANS:** Where did it take place please?

**A:** Cardiff Bay Police Station.

**Q:** Were there any answers to your questions?

E **A:** There was one. I seem to recall that Mr Kirk made no comment to all the questions, apart from one, which was, I asked him what Dr [REDACTED] had ever done to him to make him so angry, and I think he replied "A lot". If my memory serves me correctly. Two words.

F **Q:** Two words?

**A:** "A lot" yes.

**Q:** You say he answered "No comments" to all questions; does that mean he said the words "No comment"?

G **A:** No. My apologies, he didn't make no comment. He didn't say "No comment". He said nothing.

**Q:** Thank you, officer. If you could stay there please?

H **WITNESS:** Thank you.



A **JUDGE HUGHES:** Yes, Mr Williams.

**Cross-examination by MR WILLIAMS**

B **MR WILLIAMS:** I do not want to be too pedantic, officer, but you said that he was silent in interview, apart from one comment?

**WITNESS:** As I say, it was a long time ago. If you say (inaudible).

C **Q:** I have looked at the record and I found one other short comment which was made by him towards the end of the interview.

**A:** Yes.

**Q:** So for the sake of completeness, there were two answers given ...

D **A:** Right.

**Q:** ... by Mr Kirk in 77 minutes worth of interview?

**A:** If you say so, sir. I can't recall.

E **MR WILLIAMS:** Officer, thank you.

**JUDGE HUGHES:** Thank you very much indeed.

**MR GARETH EVANS:** Your Honour, do you have any questions.

**JUDGE HUGHES:** No, thank you very much. You are free to go.

F **(Witness released 2.30pm)**

**MR GARETH EVANS:** Your Honour, for clarity, I do not propose to play the tape or to go through the record of interview, but that is as far as I take that interview.

G **JUDGE HUGHES:** Yes.

**MR GARETH EVANS:** There is lastly, the officer in the case, the last officer we can deal with today. He is unavailable tomorrow, your Honour, so I proposed to call him today?

**JUDGE HUGHES:** Yes, very well.

H

A **MR GARETH EVANS:** Can I call please DS David Thomas?

**DC DAVID THOMAS (Sworn)**  
**Examination-in-chief by MR GARETH EVANS**

B **MR GARETH EVANS:** Would you give your rank, name and station please, officer?

**WITNESS:** I am DS 2762 David Thomas from Barry Police Station/

C **Q:** Thank you in answering questions can you please direct what you have to say to his Honour and his Honour's colleagues? Thank you.

Are you the officer in the case?

D **A:** That is so.

**Q:** Can I refer you to Tuesday 20<sup>th</sup> September 2011? Were you on duty that day?

**A:** Yes I was.

**Q:** And where were you that day?

E **A:** I was at Cardiff Bay Police Station in the afternoon.

**JUDGE HUGHES:** Which one, Cardiff Bay?

**A:** Cardiff Bay Police Station, sir, yes.

F **MR GARETH EVANS:** In the afternoon, why were you at Cardiff Bay Police Station?

**A:** On the afternoon in question I was there to meet Mr Maurice Kirk, who was due to answer his bail for this offence. I was there to meet him, and to charge him with the offence.

**Q:** Did he attend?

G **A:** He did not, sir.

**Q:** Did you receive any communication from him?

H **A:** I didn't at all, no, I waited for over an hour, passed his bail time, and we received no communication at all from Mr Kirk or anybody else to explain the reason he hadn't attended.

A **MR GARETH EVANS:** I have no further questions for you. Can you wait there please, Mr Williams may have questions.

**MR WILLIAMS:** No questions.

B **JUDGE HUGHES:** That is it, thank you very much. You can go officer.

**WITNESS:** Thank you, sir.

**(Witness released 2.33pm)**

C **MR GARETH EVANS:** Your Honour there is one statement by way of Section 9 of the Criminal Justice Act 1967. It is a statement that was served on Mr Kirk before the Magistrates' Court proceedings. No objection was taken to it being read. In short it is the arrest statement. It comes from police officer MPS 618 YR Wilkins.

D He says that on Wednesday 21<sup>st</sup> September 2011 he was on duty in full uniform when shortly after 1800 hours a male dressed in a dark grey suit, an IC1 male, attended at the station office of Tottenham Police Station. He appeared to be about 70 years of age, thinning white hair, gave his name as Mr Maurice Kirk, born 12<sup>th</sup> March 1945. He was making enquiries about  
E property had been retained by the police when he was released. A check was made against Mr Kirk, and found that he was wanted by South Wales Police for failing to appear at Cardiff Bay Police Station on 20<sup>th</sup> September, to answer charge of harassment. So at 1834 hours Mr Kirk was arrested and the words "I am arresting you, as you failed to appear at Cardiff Bay Police  
F Station on 20<sup>th</sup> September 2011, yesterday, to be charged with harassment". He replied "Okay".

I cautioned him, to which he made no reply. I explained the reason for his arrest so he could be charged. He was walked through to custody, where his detention was authorised by a PS 74YR  
G Roberts. At 2007 hours the officer was present when Mr Kirk was charged with harassment. The charge was read over to him, to which he replied, "The sooner he's arrested for perverting the course of justice, the better"".

H That is the conclusion of that officer's statement.

A As previously indicated, your Honour, there is one very short witness remaining for the Crown. That is PS Louise Lucas and she deals with the incident on 5<sup>th</sup> July. She is unavailable today, so unfortunately that is as far as I can take the Crown's case today.

B There is one additional piece of housekeeping that may sensibly be dealt with at this stage, and that is the potential for defence witnesses. The defence statement, such as it is, or the notice of appeal, forgive me, does not make any mention of any defence witnesses; there has been no notification given to the Crown of any intention to call defence witnesses. I raise that as  
C an issue now, because we do have time to sensibly deal with that.

**JUDGE HUGHES:** Yes. And the rules require that to happen, do they not?

**MR GARETH EVANS:** Section (C) your Honour, yes of the Criminal Procedure and  
D Investigation Act.

**JUDGE HUGHES:** Mr Kirk the prosecution case has nearly finished now. There is one more witness to give evidence. I am told quite a short witness. And then you have an opportunity of coming into the witness box and giving us your side of all this if you want to. And if you, as I  
E think you do, wish to call witnesses, then you are required by the rules to have given notice of the names and addresses of those witnesses to the court and to the prosecution in advance. You have not yet done that, as I am told. Is that right?

**DEFENDANT:** The Crown, they knew about (inaudible).  
F

**JUDGE HUGHES:** I do not have names of the witnesses that you want to call.

**DEFENDANT:** I asked for witness summonses to be served on a previous Magistrates' case, and I've repeated them to the Crown ...

**JUDGE HUGHES:** No. The notice of your appeal should have within it the names and addresses of witnesses that you want to call. Now...  
G

**DEFENDANT:** You mean if I don't give you the names of my witnesses I can't have them?  
H

A **JUDGE HUGHES:** Well you have to apply for permission for them to be called. I think the short way around this, is for you to tell me now who the witnesses are and what their addresses are, and then I can make sure the prosecution are informed of that before we resume tomorrow.

B **DEFENDANT:** Yes, well I did anticipate this, which is why I raised the matter earlier, your Honour ...

**JUDGE HUGHES:** Right.

C **DEFENDANT:** ... your Worships. That's why I started criminal proceedings against the police under the Police Property Act 1897 to obtain my legal papers back that were seized at Tottenham Police Station and in other incidents with the police. And I notice on the front page of that transcript they're saying that they, they found a laptop in my possession. (Inaudible) I realise that they didn't want it because they knew that I had the evidence that the police had repainted a machine gun in order to fool the jury in the machine gun case, which was where all this, this matter of me being restricted in a British Court to properly cross-examine.

E Now, the million pound damages claim against [REDACTED] is in the conduct of another solicitor, who has spoken to the (inaudible) solicitor, Williams, and I am disappointed, to put it mildly, that he is not cross-examined on the aspects that you would expect in order for a man to prove that a) I am innocent of harassment under Section 2 and b) More to the point, I relied very much on the, the, the bit of it where one is excused for having a course of conduct.

F Now, the witnesses you want, of course, are the 15, but now I realise there are 16. I am very disappointed that the main witness in the case you seem to have accepted a statement, where I wanted him cross-examined. At Tottenham Police Station I was sectioned under G Section 136 of the Mental Health Act on the direct instructions of the prosecution. Mr Evans knows this, Barrister Evans knows this, it was recorded in the custody record, which of course is on the laptop which they have seized, along with the witness statements of Lincolnshire Museum, where they said the police confiscated the machine gun in July of '09 and found that it

H

A was painted a different colour other than black. And they painted it to fool the jury, but I won  
the court case, and therefore don't have to give it back, so they frantically painted it silver again,  
but couldn't even get the colour right. Now, those witness statements were seized by the police  
B on 5<sup>th</sup>, 6<sup>th</sup>, no 23<sup>rd</sup> of August, which is when I was in the police station pursuing my complaint  
about the content that was on the Wanted site.

And to finish, your Honour, if you feel I'm wandering, the lower court disallowed that  
Wanted sign, because everybody (inaudible) Human Rights people and all the lawyers for the  
C NHS, the private lawyers for the chief constable, the private lawyers for Dr [REDACTED] in  
the 17 civil action (inaudible) relating to this court case, were in court taking copious notes.  
Now, I have been detained in custody since 24<sup>th</sup> December and I've been denied access to the  
D computer. They are using it and referring to it in this case. They've introduced late, a man  
called Linto (?) in the next court case. And of course that evidence I need for this case, because  
should I be .... er, not that I'm particularly that worried now about winning this, I'm out for the  
evidence to show the conduct of Cardiff Law Courts, who are currently trying to get their own  
E judicial system no longer under the control of the Ministry of Justice in London. You know that.

I know that. And everybody in the world of court know that. And at my age I'm damned if I'm  
going to waste my spare time over some trivial corrupt little doctor who's in the pockets of the  
F local South Wales Police who bullied me and my family, has caused a divorce, has caused me to  
be locked away ... this false medical report has caused me to serve the equivalent of two years in  
prison already, already, and each time I come ... you are the twelfth Judge to believe Dr [REDACTED]

[REDACTED] You are the twelfth Judge. I don't need to name them because I've all the transcripts.

G And I was locked away for nearly eight months for that machine gun trial, under MAPPA Level  
3. Under MAPPA regulations I should have been informed, the prison have put in writing that  
no local lawyer will act for me. The local prison have put in writing twice that they should have  
H been informed that I was a MAPPA Level 3 dangerous prisoner, and I have now got through

A civil proceedings before ... I am very grateful to his Honour Judge Llewellyn Jones, (Inaudible) Llewellyn QC, that in August '09, sorry '10 he Ordered the police, and the barrister pretended that he had not seen the MAPPA records... (inaudible) for the police and Caswell Clinic were the only parties in a seven monthly MAPPA meetings at Caswell Clinic or in Barry Police Station, when other agents under the law should have been made aware or been present. And I mean the probation service, the prison service, the social services.

I have now had put into my possession minutes of those meetings where it was setting it up for me to be shot and it's there in the records, and I wish to call witnesses to confirm the authenticity. I've had a Court Order that the minutes, that the executive summary which was eventually signed in August, late August '10, of the '09 MAPPA minutes ... this, this and this. They are false. And you can tell they're false because of the way it's written.

And the same thing with Dr [REDACTED] he has frantically withheld the evidence. I have asked my lawyers and I've asked Judges in the past and I'm anxious that you take this last statement very clearly. If I can get a court to persuade Dr [REDACTED] to correct or clarify what you had read out to you by that police officer, a) I could avoid the need for me pursuing this criminal appeal. I believe in that I have the right to know what evidence ... I've been veterinary surgeon (inaudible) veterinary surgeon, I come from the enquiry (inaudible). I wouldn't dream of telling a client that a dog had a broken leg if I didn't first examine it. Dr [REDACTED] churned out a psychiatric report without not even seeing me. And he is not qualified, he was dependant upon brain scans and other things and none of those, that information, has been relayed to me, other than the brain scan, and the man who looked at it, who said "There is nothing wrong with the brain scan relevant to having significant brain damage or a (inaudible) mental disorder. I am grateful for you taking up my time, your Honour.

**JUDGE HUGHES:** It is all right, I ...

**DEFENDANT:** Sorry, me taking up your time.

A **JUDGE HUGHES:** I know what you mean. It is just that you have not begun to answer my question, which is quite a simple one at the beginning. I just want you to tell me who you are going to call as witnesses tomorrow?

B **DEFENDANT:** Well the names are on that laptop.

**JUDGE HUGHES:** Well tell me what they are?

**DEFENDANT:** The police have my evidence.

C **JUDGE HUGHES:** Well you need to tell me the names of the witnesses; you must know who they are?

**DEFENDANT:** I have 19 court cases running at this moment. I think it is 11 of them relate to these proceedings.

D **JUDGE HUGHES:** No. Just give me the names of those who are going to be witnesses in your case tomorrow?

**DEFENDANT:** Well I will give some that I can remember ...

**JUDGE HUGHES:** Good.

E **DEFENDANT:** ... at least. There are, the prosecution witnesses that would've given evidence that was relevant to it. They haven't been cross-examined, so can they be recalled?

**JUDGE HUGHES:** No.

F **DEFENDANT:** So, so the fact that they weren't cross-examined on the defence's case, you won't now let me have them recalled? The fact that I went to the police station, videoed, and I was interviewed, I was on tape about ... I think this all started, your Honour, on 16<sup>th</sup> February 2010 when I was interviewed ...

G **JUDGE HUGHES:** No, can I just cut across you? Simply because we are occupying quite a lot of court time and I am doing it quite deliberately ...

**DEFENDANT:** Oh I do apologise ...

H **JUDGE HUGHES:** I am doing it quite ...



A **DEFENDANT:** ... for taking up court time, I'm sure I could be busier doing other things.

**JUDGE HUGHES:** Well maybe you could be, but I am doing my very best, as you are not represented, to make sure you do not feel ...

B **DEFENDANT:** Yes, but you refused me Legal Aid.

**JUDGE HUGHES:** Just listen to me for a moment, do not get excited, just listen ...

**DEFENDANT:** I am not excited.

**JUDGE HUGHES:** ... calmly to what I am saying. You are using up a lot of time, while I am giving you the opportunity of speaking to me, and to my colleagues, because I appreciate you feel very strongly about this. But I am afraid I am only concerned with this one discreet case, the appeal, and I need to know who your witnesses are going to be. If you cannot tell me, then tomorrow I may hear an application from the prosecution that you are not allowed to call them. If you know who they are, just give me their names please?

C

D **DEFENDANT:** The police know that I went to England and took advice with the English Police in around about June '10 as soon as I came out of prison, found acquitted on all charges. And they advised me, and with the information they gave me concerning the poster, which I showed them ...

E **JUDGE HUGHES:** Can I have some names ...

**DEFENDANT:** ... I went to the ...

F **JUDGE HUGHES:** ... all I want is the names of people you want to call as witnesses?

**DEFENDANT:** The police know the name, I don't, it's referred to in the lower court that they were aware of the police that looked at the web, the posters, and I then went to the Magistrates' Court and they referred it to his Honour Judge Cook QC, and the papers were then sent to the Magistrates' Court. And for over a year I've been trying to progress my private prosecution and the names are in those papers. The other way of getting the names is a) they are the police officers that you've already heard from, where each time I went to a police station I went there

G

H

A with the purpose of taking advice. The ones ... there were three of them, at least, at ... did you  
get an Inspector in Barry Centre, give evidence, Inspector Lamerton, was it?

**JUDGE HUGHES:** Yes.

B **DEFENDANT:** He did. Well, you referred to police officers (inaudible) and I went up to them  
and on the CCTV ... did you see the CCTV this morning?

**JUDGE HUGHES:** No we have not seen the CCTV. I do not ...

**DEFENDANT:** It is a prosecution exhibit ...

C **JUDGE HUGHES:** Mr Kirk, can I just, for about the fourth time, ask you, if you want to call  
witnesses tomorrow, presumably you know who they are? Please tell me who they are?

D **DEFENDANT:** The, the, Inspector Lamerton spoke to the two police officers and when he  
heard what I'd consulted them about, its all on CCTV, and the police deliberately retrieved the  
CCTV, it's on a statement MG11, and those two police officers plus Lamerton, plus Dixon ...  
did Dixon give evidence today?

**JUDGE HUGHES:** I do not think so.

E **DEFENDANT:** Well I went to Dixon first, and he was filmed and interviewed by me in the  
forecourt in the, what do you call it? the foyer of Barry Police Station ... where he allowed me to  
put up a poster, after I took advice about, would it be (inaudible) ... I used the word "public  
F order". I must admit I wasn't entirely sure, but it was then I think I went to Bristol and then I got  
to understand the case fully, and then after that all the rest of the prisoners, I was aware that it  
was relative ... it could be related to the Harassment Act. And it was clearly given to me that  
under the, what's the word they use? The part that I am, (inaudible) and that you can't be done  
G for harassment if you are pursuing to detect crime.

**JUDGE HUGHES:** You can tell us all about that tomorrow. ...

**DEFENDANT:** I know, the other police ...

H **JUDGE HUGHES:** ... as part of your defence.

A **DEFENDANT:** ... officers that had (inaudible) was named today, and that is the one in  
Tottenham ...

**JUDGE HUGHES:** Yes, well Mr Kirk I am trying my best ...

B **DEFENDANT:** ... and was ...

**JUDGE HUGHES:** ... I am trying my best, trying my best to be as patient with you as I can be,  
and this is going to be the very last time I give you a chance to do that. Give me the names of  
C people you want to call as witnesses tomorrow? If you cannot do so, just tell me you cannot. If  
you can ...

**DEFENDANT:** (Inaudible).

**JUDGE HUGHES:** .... if you can do so, then please do so?

D **DEFENDANT:** Well at least I can add three or four more by 9 o'clock tomorrow morning. Is  
that alright?

**JUDGE HUGHES:** No, I want to hear what they are now. Why can you not ...

**DEFENDANT:** Yes, but I have, you won't allow me my legal papers

E **JUDGE HUGHES:** But you must know who people are going to be giving evidence for you  
without having papers to look at?

F **DEFENDANT:** I am currently sectioned under the Mental Health Act, and you do not let me  
have my legal papers, you've refused me Legal Aid, you've refused me the right to (inaudible)  
witnesses now. You won't let me interview them.

**JUDGE HUGHES:** No, no. The prosecution witnesses have been very ably cross-examined  
on your behalf

G **DEFENDANT:** Well Lucas, Lucas is one of them. (Inaudible) PC is one of them. Staff of the  
Professional Standards, because that's where I went, we had a two hour, nearly a three hour  
interview on this matter on 5<sup>th</sup> or 6<sup>th</sup> July, which is the one that the witness (inaudible) a witness,  
H when the main matter was the poster, to which she referred, and I got you to read out, got her to

A read out. Now that was (inaudible) that is the, the IPCC have sent an Inspector Holder, who has  
now been sent back by the ITCC, last week or the week before, to take further witness  
statements from me to do with all this, and there is somebody who has seen the record of my  
B complaint and enquiry. And if you give me, if you Order them to disclose all under Section 8 or,  
specific disclosure, I will withdraw my appeal. But you won't because you know ...

**JUDGE HUGHES:** Well I am afraid you may not be given permission to withdraw it. You  
can only ask for permission, you cannot ...

C **DEFENDANT:** (Inaudible).

**JUDGE HUGHES:** ... you cannot automatically ...

**DEFENDANT:** I've heard, I have to smile, your Honour. You mean I can't even withdraw my  
D appeal if I ask?

**JUDGE HUGHES:** No, not without a court's permission. As you yourself pointed out, this is  
a (inaudible) Hearing. If you apply to withdraw it, it may carry on regardless.

**DEFENDANT:** Right, so we obtain ... sorry, sorry that may sound disrespectful .... If you're  
E saying this is (inaudible) am I entitled to know why I am refused bail?

**JUDGE HUGHES:** A different Judge has Ordered you to be remanded in custody for a  
different case.

F **DEFENDANT:** Yes . . . .

**JUDGE HUGHES:** It is no good asking me about that.

**DEFENDANT:** Yes but you remanded me in custody and you refuse to consider.

**JUDGE HUGHES:** Judge Curran remanded you in custody on the last occasion, did he not?

G **DEFENDANT:** I wasn't even there.

**JUDGE HUGHES:** Well that is because you would not come.

**DEFENDANT:** Well, he didn't hear, but the CPS today have deliberately avoided bringing the  
H police officer from Tottenham, because I was Ordered to be arrested under the Mental Health

A Act and I have got, and I was sectioned under that, by two Level 12 forensic psychiatrists to be  
transferred with the, with the psychiatrist, psycholo ... er, nurse, by an Elaine Carr, to St Anne's  
Psychiatric Prison in North West London. I'm sorry, I am repeating myself. But that is why I'm  
B in custody, and I'm neither competent or comparable if any of that is true. If it is not true, on the  
Remand Warrant it states I'm in prison, refused bail, because of the mental health issues. Would  
you like to read it? It's there in the bundle?

**JUDGE HUGHES:** There are a great deal of things I have been reading already about your  
C case, Mr Kirk ...

**DEFENDANT:** Ah (inaudible).

**JUDGE HUGHES:** ... most of which have nothing at all to do with this case.

D Now, Mr Evans, is there anything more we can do this afternoon with this case?

**MR GARETH EVANS:** No, your Honour.

**JUDGE HUGHES:** Well in other circumstances I might suggest we might use the time by  
taking it out of order, but I do not think it is an appropriate course to consider on this occasion.  
E So we will resume tomorrow at 10 o'clock gentlemen. Thank you both very much ...

**DEFENDANT:** (Inaudible) Inspector Lucas will be giving evidence?

**JUDGE HUGHES:** If you call her as a witness...

**DEFENDANT:** No, no, she's still a prosecution witness.

**JUDGE HUGHES:** Is she...

**MR GARETH EVANS:** She is my last witness.

**JUDGE HUGHES:** She is the last witness, yes.

G **DEFENDANT:** You've heard .... she will name the other 14. Are you going to let this be  
allowed tomorrow? Because she knows, she's investigating which led to the IPCC enquiry. I  
had files, I had to Lever Arch Files on Miss Lucas alone ... lovely lady she is.

H **JUDGE HUGHES:** Good well

A **DEFENDANT:** (Inaudible).

**JUDGE HUGHES:** I have no idea what she is going to say ...

**DEFENDANT:** But I (inaudible) once she (inaudible) ...

B **JUDGE HUGHES:** Just listen to what I am saying. I have no idea what she is going to say.

**DEFENDANT:** I'm telling you what she's going to say.

**JUDGE HUGHES:** Mr Williams will be able to ask her questions ...

**DEFENDANT:** No, he will refuse to ask because he's in the pockets of this court.

C **JUDGE HUGHES:** I am not going to hear you ...

**DEFENDANT:** My solicitor (inaudible).

**JUDGE HUGHES:** I am not going to listen to you abusing members of the court. I am going to rise now ...

D **DEFENDANT:** Will you please ask Mr Williams that what I say about my instructing lawyer is correct?

**JUDGE HUGHES:** I am rising now, we will resume at 10.00 tomorrow.

E **DEFENDANT:** I (inaudible).

**(Court rise 2.56pm)**

F \_\_\_\_\_

G

H

A We hereby certify that the above is an accurate and complete record of the proceedings, or part thereof.

B

Signed: Mendip-Wordwave Partnership

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