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IN THE CROWN COURT
AT CARDIFF
(APPEALS)

Indictment No. A20110290

The Law Courts
Cathays Park
Cardiff
CF10 3PG

Friday, 2nd March 2012

Before:

HIS HONOUR JUDGE R P HUGHES
(and a Bench of Justices)

CROWN PROSECUTION SERVICE

Respondent

-v-

MAURICE KIRK

Appellant

MR G EVANS appeared for the Respondent

MR V WILLIAMS appeared for the Appellant

PROCEEDINGS

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(10.10 am)

(The sound quality from the dock was poor throughout the proceedings)

JUDGE HUGHES: Yes, Mr Evans.

MR WILLIAMS: Your Honour, good morning. There is one witness left for the Crown, and that is Police Sergeant Louise Lucas, who has attended. Can I call her, please.

JUDGE HUGHES: Yes.

MR KIRK: Your Honour, I don't wish to appear rude, but could I ask, why was I called back to court last time, because apparently I was told to leave the court, and then - I don't know what time it was - but I heard one of the last witnesses for the prosecution. Am I entitled to know why ... you told me why I was taken from the court.

JUDGE HUGHES: Yes. Mr Kirk, what happened was that, because you were being disruptive, you were told to leave the court, and had to go back to the cells. The court then adjourned, in case you changed your mind and decided you wanted to come back to join us, and we were told that you did not want to come back. We then resumed without you, and an hour later we adjourned again to give you a second opportunity to come back, and then you decided to come back; so the choice was yours.

MR KIRK: No it's not; you've been given false information. I did not wish to be withdrawn from this case; an awful lot of planning for this case takes place (inaudible). For me to actually miss certain witnesses giving evidence would be to completely defeat the object of the exercise. Whatever information you were given that I did not wish to attend my own appeal is utter nonsense.

JUDGE HUGHES: All right; thank you very much. **(To prosecution counsel)** Call your witness, please.

MR EVANS: Thank you; Police Sergeant Lucas, please.

(The evidence of Police Sergeant Lucas was heard at this point)

MR EVANS: That completes the Crown's case, your Honour.

JUDGE HUGHES: Mr Williams, where does that leave you? Where does that leave you now?

MR WILLIAMS: Well, your Honour, I consider that my functions, for which I have been appointed, now to be concluded. They were limited because I could not cross-examine witnesses; once the Crown's case is concluded there are not any witnesses to cross-examine; and unless your Honour specifically wishes me to remain here, I consider my functions, at this stage, concluded.

JUDGE HUGHES: I think they have been concluded, and I am very grateful to you for the help you have given the court. .

MR WILLIAMS: Thank you very much indeed.

JUDGE HUGHES: You may leave; thank you very much indeed.

Mr Kirk, that concludes the respondent's case. The time has come now when, if you wish to, you may come and give evidence before us and tell us your side of things. Do you want to do that?

MR KIRK: I would like the instructed lawyer from Swansea to leave the notes of the lower court, and of what evidence was given in my absence, written down in my absence yesterday, in order to decide what is relevant should I choose to give evidence.

JUDGE HUGHES: Right. Mr Williams, what about evidence of what was given yesterday? Do you have any note of that, or not?

MR WILLIAMS: I have notes of that, your Honour. I have to tell you that, as I read the rules, there is no duty owed to the defendant; I put it like that. There are notes there; they are my original notes that I have taken.

JUDGE HUGHES: Are there any notes which you feel might assist him, or not?

A **MR WILLIAMS:** If he can decipher my handwriting, is the answer to that.

JUDGE HUGHES: You have no objection to him seeing them if ----

MR WILLIAMS: I can make arrangements for those to be copied, if he wishes to have them, in order to assist him.

B **JUDGE HUGHES:** I would be very grateful if you could do that.

MR WILLIAMS: That may take a few minutes whilst they are processed and photocopied.

C **JUDGE HUGHES:** Yes; all right. Mr Kirk, we are going to do our best to get you a copy of what Mr Williams has noted. Of course, he has just been explaining to us that it is in his own handwriting. I do not know Mr Williams, whether he writes neatly or not, but we will have to do our best to see what he has written down; but if it is of any help to you, you may have them, with his kind permission.

D **MR KIRK:** Your Honour, it is the discussion in the magistrates' hearing, because I heard very little of what went on in that court.

E **JUDGE HUGHES:** We do not have the notes of that, I am afraid, and we will not be having those.

F **MR KIRK:** No, but he has. My specific request for his notes of evidence taken ... you have given me permission to have what he was involved in today. They are the same witnesses, and I specifically stood up and made this application for the magistrates' notes that he took. I (?) will have to pay for the transcript of the judicial review application and the European Court application to find out what I missed, because I wasn't brought back into court. What I really want is the notes that he has, and I find it ... I find it intriguing that you will allow me to have the notes that you have for this hearing, but you will not let me have them for the magistrates; or did I misunderstand?

G **JUDGE HUGHES:** No, you did not misunderstand; that is exactly what you are going to be given, the notes of what Mr Williams took during this hearing. Do you want them, or not?

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A **MR KIRK:** I want the ones from the previous hearing.

JUDGE HUGHES: I am to ask you whether you want the ones he has taken on this occasion. Do you want them or not?

B **MR KIRK:** Yes, I do, but I don't need the court ----

JUDGE HUGHES: We will take a short adjournment ----

MR KIRK: No, there's no need to adjourn for this ----

JUDGE HUGHES: There is. Will you kindly be quiet.

C **MR KIRK:** I'm sorry.

JUDGE HUGHES: We will have a short adjournment for them to be copied, and then Mr Kirk can be given a copy. Thank you, Mr Williams, for your help.

D (10.24 am)

(Adjourned for a short time)

(10.43 am)

E **JUDGE HUGHES:** Yes, Mr Kirk; have you decided whether you want to give evidence or not?

MR KIRK: No, your Honour, but you may be able to assist, and I am grateful for your help. If I withdraw my right to have any defence witnesses, would you be prepared to order D

F **[REDACTED]** to correct or clarify his psychiatric reports ----

JUDGE HUGHES: No.

MR KIRK: ---- that prevent me from having my professional pilot's licence? This seriously could cause the break-up of my family, and the fact that I can no longer get near my 12 year-old daughter. It has affected a lot of other personal matters. All I need is for a High Court judge, or a court judge, in Cardiff to order - because I have 16 doctors I wish to call as witnesses who have already stated that there is nothing wrong with the brain scans that were taken, and that they were ... he was not qualified to so interpret, but unfortunately he had

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A orders from Barbara Wilding at the time to assist me in maintaining my current status of being
a MAPPA victim; so could I just ask, then, if you ... if I cannot withdraw the appeal, would
you ... would you consider asking ... no, ordering the specific doctor to alter his medical
records accordingly, and I will not call any defence witnesses.

B **JUDGE HUGHES:** I am afraid the court has no power to do that. We are not ----

MR KIRK: Oh, I don't believe it!

JUDGE HUGHES: Well, you may believe it or not.

C **MR KIRK:** I just don't ... I'm sorry to interrupt.

JUDGE HUGHES: You are interrupting me. Mr Kirk, I am afraid I am not prepared to get
involved in your wider grievances. Your time has come now to decide whether you want to
give evidence in your own appeal. Very shortly your opportunity will be lost. If you want to
give evidence you can come forward and do so now; if you don't want to, we will move to the
concluding part of the appeal.

MR KIRK: Could you, with respect, tell me who can order, through the court ----

E **JUDGE HUGHES:** No, I am not prepared to enter into this concern you have about your
grievances with the doctor. We are just concerned with the appeal which concerns the
particular offence of which you have been convicted by the Cardiff Magistrates' Court. If you
want to give evidence in your appeal, now is your chance to do so; if you do not do so, you
will lose the chance.

F **MR KIRK: (Pause)** So then, as I understand it, you are the ... not the 12th judge, you are the
11th judge, the 11th judge that has accepted that his psychiatric reports are knowingly true,
G and that therefore there is no legal process on which I can turn in order for the doctor to
reconsider his false information that led to my imprisonment for 8 months, and has caused
serious family problems, and will continue through the rest of my short life, because my life is
now short; I am 67 next week; but if there is no legal process to cause that doctor to correct

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A those seven, eight psychiatric reports, and the information that was heard on oath before Judge Bidder, QC - Neil Bidder, QC - on 2nd December, I have nowhere else to turn other than to harass and threaten him by way of breaking the law. Is this the game you are playing?

B **JUDGE HUGHES:** Look, Mr Kirk, for the third or fourth time I will repeat, now is the chance, if you want to take it, to come into the witness box and give your evidence in your own appeal. If you choose not to take that opportunity you will have nobody but yourself to blame if we never hear your side of the story.

C **MR KIRK:** Your Honour, your Worships, it is a rare event for me to give evidence in my cause (?). I suspect it was 12 or 15 years ago that I had considered even to waste the time. Now I am in custody, I will only go back to a cell below; there's nothing to read (?). **(Pause)** I will therefore give evidence.

D **JUDGE HUGHES:** Thank you. Come forward, then, please.

(10.49 am)

MAURICE KIRK, Sworn
Examined by JUDGE HUGHES

E **JUDGE HUGHES:** Mr Kirk, please sit down and make yourself comfortable. If a chair can be provided for you; you can sit.

A. No, I think I will stand at the moment, your Honour.

F **JUDGE HUGHES:** If you change your mind and you want to sit, you may do so; just tell me, and you can sit down.

G Mr Kirk, we are concerned with, as I said to you before, just the offence for which you were convicted by the magistrates' court. You will be aware that there are seven particular incidents which the respondent, or the prosecution, rely upon. It will be very helpful to us if you could endeavour, please, to focus on those seven incidents without, as I know you will be tempted to, embarking on an account of your own grievances about what has happened in this

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A case and in previous litigation; so with that in mind, I wonder whether he can have a copy of the charges, the seven of them. Is there one that can be provided to him or not? **(Pause while a copy of the charges were handed to the witness)**

B **A.** I think, your Honour, you ought to be made aware that I have been given at least four variations, and it has been the practice of Cardiff courts to change and amend and add charges as I walk into court ----

C **JUDGE HUGHES:** Well, that is not happening today. If you look at that document which I have just had passed to you - I hope it is on ... where is it?

A. It is there.

D **JUDGE HUGHES:** Right; you will see it called an "amended charge", and you will see there are seven paragraphs on it. Would you like to ----

A. Do you want my evidence, or what you want to hear from me?

JUDGE HUGHES: I want what I want to hear from you, but I am prepared to let you speak your ...

E **MR KIRK:** I am entitled to give evidence on oath about truth, about the conspiracy ----

JUDGE HUGHES: Just calm your ----

A. ---- that was started by Barbara Wilding falsifying an affidavit on 26th February.

F **JUDGE HUGHES:** I will not take any ----

A. ---- 2009.

JUDGE HUGHES: I will not listen to any irrelevant evidence.

A. How do you know it's not irrelevant (sic)?

G **JUDGE HUGHES:** Will you please listen, and calm yourself, Mr Kirk.

A. That police officer Lucas know it is.

H **JUDGE HUGHES:** Just calm yourself, please; you are not helping yourself, or anybody else, by getting excited. Listen carefully to what I am saying to you. On the document that you

A have been given there are seven allegations; we are concerned as to whether or not they have
B been proved against you or not. Your chance now is to tell us about those. If you tell us about
other things, it will not help us to address the issues which we are obliged to face. Look at the
document, and take us through it. If you want to add to anything, you are free to do that,
providing it is within the realms of relevance; so pick the document up and look at it, please.

A. Please don't insult a Kirk's intelligence, that whatever I say in this box is going to have an
iota of difference as to what was decided by those that run the courts before I first came here
C at 10 o'clock yesterday morning. I mean, you know, I haven't just crawled out from under a
stone; I've had 20 years of conspiracy in this building. I have watched jury people hand notes
D saying "senior police officers in the well of the court, please could the police officer under
cross-examination ... stop; the police officers in the well of the court stop nodding to the
police officers under my cross-examination". That was Mr Nicholas Cooke's court case, as I
remember.

JUDGE HUGHES: All right.

E A. I've have 20 years of it, so please don't think that I am ... I am trying to maintain my
education, and the way I was brought up, on how to behave and conduct myself in court, and
the only way I appear to behave at all is because I still have respect for the Crest, and, like
F Norman Scarth, I still have respect for this British system. This is not the British system; this
is the Welsh ... sorry, the Cardiff system. North Wales, West Wales; I am hoping the courts
are not the same.

JUDGE HUGHES: I am trying to guide you to give evidence which we all find helpful in
G considering your appeal; that is why I have drawn your attention to those seven particular
paragraphs. It would help us if we could hear from you about those seven paragraphs. You
can answer the points in whatever way you want to, providing it is relevant; but that is the

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A template against which you should try and fit your evidence around so that it is of greatest help to us. If you want to do that, do it; if you don't, then it is your choice.

A. Your Honour, as you well know, to win against the South Wales Police, if I can make them, under the laws of disclosure, especially specific Section 8 disclosure, for example, I always win my court cases. Remember, I had a 96 ... 90 per cent success rate in the Crown Courts and the magistrates' courts for 10 years before I eventually decided that we had to go to civil courts to stop them, to get them off my back. They then, with only a 10 per cent success rate, went to the Royal College, and a bunch of Welsh police officers - sorry, South Wales Police officers - committed perjury and I was struck off for life. There was nothing, very little. 35 times I've been made to produce my driving licence on the ... insurance, and on the 35th occasion in the magistrates I refused, and a Mr Dobson, an eminent solicitor in the business, clerk of the court, turned round to the magistrates and said "your Worships, I believe that Mr Kirk is referring to Section 10 of the Magistrates' Act" - or 11, is it, of this Magistrates' Act? - "that if he has produced valid insurance 34 times, on the 35th, case dismissed".

Now, that is the background, and my, unfortunately, mens rea, the state of my mind today. I have again spent months and months in prison on trumped-up charges that I interfere with witnesses, fail to turn up to court; I will go out and commit again. I have pleaded not guilty to this offence because I took intricate trouble to take legal advice, study the Section 2 of the 1997 Harassment Act, and in particular, having heard other judges refuse to order Dr [REDACTED] to correct that a false psychiatric report that has caused me trouble ... even now the prison records say that I am a mental patient, now as I stand here. Until those records are corrected you will see an awful lot more of me, because if you think this minor skirmish in a war against the cancer that this inherent ... this inherent culture of deceit and avarice that runs within Cardiff courts. I represent the next generation here in the Vale of

A Glamorgan, where I work as a practising veterinary surgeon, despite the harassment that I had for 10 years. Now, you want me to just refer to the seven points.

JUDGE HUGHES: Well ----

B A. I will do that.

JUDGE HUGHES: I am trying to help you ----

A. I will do that once I'm furnished with the exhibits, with the evidence that was given relating to them, and, in particular, what were the cross-examination questions and the examiner questions by you, because you knew before this case started that I set this up because I was ultra vires ... I was intra vires; I was outside the piece of law that you want - sorry, not you, sorry, the prosecution want - which is Section 1. I was reliant on paragraph ... subsection (3), which I think ought to be read out for the record. Sorry, I have one lens; I've managed to get one lens back in, and I've only got one side of my glasses, but I expect it says - this is Protection from Harassment Act 1997, subsection 2:

E "For the purposes of this section, the person whose course of conduct is in question ... " -

by the way, let's make that straight. I accept there was a course of conduct, so you can tick that one off on your box -

F " ... is in question ought to know that it amounts to, or involves, harassment of another if a reasonable person in possession of the same information would think the course of conduct amounted to harassment of the other".

Now, that is what I am here for.

G "Subsection (1) or (1)(a) does not apply to a course of conduct if the person who pursued it shows that it was pursued for the purposes of preventing or detecting crime".

JUDGE HUGHES: I think that is ... I think you are now going to the kernel of it, are you not

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A **A.** That is my defence.

JUDGE HUGHES: I understand that, and I have understood that before, because you mentioned that when you were in the dock.

B **A.** No, no; I'm on oath now, and I feel I have to repeat things.

JUDGE HUGHES: Yes, but am I right in thinking that your position is this - and it may explain why you are dismissive of my suggestion that you should go through the seven paragraphs ----

C **A.** We'll get there; we'll get there.

JUDGE HUGHES: Just a minute; let me just make my point so that you can have a chance to deal with it.

D **A.** I'm sorry.

JUDGE HUGHES: As I understand your case, you accept you have done all this.

A. No, no.

JUDGE HUGHES: You accept ----

E **A.** Not all of it.

JUDGE HUGHES: Well, in a minute you can tell me about that, but by and large you are not so concerned with the detail of that; you have just told me you accept there was a course of conduct ----

F **A.** Yes.

JUDGE HUGHES: ---- but that your defence is that you think that you were addressing what you regard as criminal activity by the doctor, who has produced false and untruthful evidence which has blighted your life, because it concerns your mental health, and he has painted you as being someone who has mental health problems when you say you have not; and for that reason you think what you have been doing is justified. Is that right, or not?

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A A. It's a pleasure to hear ... listen to a judge, despite my views ... you have put it, of course, perfectly.

B **JUDGE HUGHES:** Right. Then having done that, if you would not be ... if you would not mind going through the seven items, it would help us to know whether ... you just said that it is not all agreed; I would just like to know which bits of it you are objecting to and which bits you feel that you accept, so if you could at this stage look at the seven points, that might be helpful.

C A. But you used the word "think"; it is not "think"; I know he committed ...

JUDGE HUGHES: All right.

D A. For that I need professional witnesses and expert witnesses. I have written to the court in advance in anticipation of your refusal using Section 6 of the appeal system and the suggestion that I have not conducted my appeal documents to the prosecution correctly. My appeal went in at least three times in three different forms; are you aware of that?

JUDGE HUGHES: I have seen the various correspondence about it.

E A. Ah, but have you ... ah ... I'm an old hand at the nefarious conduct of Cardiff court officials ----

JUDGE HUGHES: Mmm.

F A. ---- and therefore I sent it in three times from the prison and outside the prison ----

JUDGE HUGHES: Yes.

G A. ---- in order that I can get the professional witnesses, doctors, who have already put pen to paper that Dr [REDACTED] evidence is false, and if you allow me to call the police officers that gave me advice that what I was doing in what we call a course of conduct was not, in their view, unlawful under this specific Act ... of course the last witness we have heard, a Sergeant Lucas, a lot of that is in her notes, and I was a bit surprised that for the first time something has happened overnight; the so-called court-appointed defence lawyer actually

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A pushed to try and get them. Now, are you going to let me call expert witnesses to show that
Dr [REDACTED] is an f-ing liar?

JUDGE HUGHES: I explained to you last night that I needed the names of the witnesses
you intended to call today ----

B **A.** I named those in advance by recorded delivery from the prison, anticipating your blocking.
One is Dr [REDACTED] one is Kemp. The police officers ----

JUDGE HUGHES: Williams. Who else did you say? "Kemp"? Who is Kemp?

C **A.** No, Dr Gaynor Jones, Dr Gaynor Jones. Ah, no; the list we were dealing with yesterday
was the police officer's that I took advice from.

JUDGE HUGHES: Yes.

D **A.** You will recall that the one we heard today, Lucas, was on 1st July.

JUDGE HUGHES: Yes.

E **A.** Well, I'd already been to the police station in June to see a Dixon and another police
officer, where information was given for them to keep the video, as I spoke to them and took
advice, and put the notice up on the police notice board. Now, that is two or three months
before they decided to arrest me. There is one, Dixon, and I need the police officer that was
with him, who was a senior person, I believe. Now, there are two, if we just deal with the 15
police officers. Then there was ... what's the next date? Are these in date, this list?

F **JUDGE HUGHES:** There are dates on there.

A. I can't read very well because of this single glass lens; you tell me what the next one is.

G **JUDGE HUGHES:** Well, I will just go through them. The first one on the list is 13th May
of last year, when ... what it says is that you contacted Caswell Clinic requesting an up-to-date
image photograph of Dr [REDACTED]

H **A.** No police involved there; in fact I'm not sure about that, whether that's valid, that one.
That one I may not put my name to; I don't know.

A **JUDGE HUGHES:** Well, we will ----

A. Of course there was one before that; of course, I went to Bristol in early June, and went to the police, and spoke to a senior detective; fortunately, his name, of course, is on my computer, and in my computers outside this country, for obvious reason, as this case has so
B proven; and based on the advice from Bristol police I took it to Bristol magistrates under the laws of private prosecution, which I commenced in February 2009 within days of Barbara Wilding falsifying an affidavit denying that there had been magistrates' court cases where I
C had been acquitted; because the police officers were covert police who, day and night, had my veterinary hospital at Tynewydd Road under 24/7 surveillance. That was a breach of the order of his Honour Nicholas Chambers, QC, from a court order in November 2009, and the fact that ... oh, that's because it was six weeks late, and the fact that it was false is not Nicholas'
D problem; it is for the next court judge who took over at that point, Mr Seys-Llewellyn, QC. Because of that I went to the police station in Barry, where I was filmed, interviewed, about the issue; and I have repeatedly asked for them to give evidence on these matters; but we will
E move on, because there's a lot to get through.

On 1st June 2009, [REDACTED] became involved ... no, sorry, 4th, 5th January I went to see the ... His Highness the Prince of Wales at Highgrove with a letter drafted very, very similar to the one I wrote to Mr Cameron last week, almost word for word, that if
F something isn't done within the principality about the state of our courts in Cardiff, the cancer will reach across the Severn and pollute the English courts. Now, because of my visit to Highgrove I was ... where I left amicably with the police, and I was not aware that FTAC, in
G London, Whitehall, were contacted - what's that? Fixated Threat Assessment Centre - and they caused a lovely man, a high-ranking psychiatrist, a Welshman - Mr Phillips, I think his name was - who chatted with me for nearly two hours on the phone, and wrote a long letter to
H the authorities in South Wales, stating quite clearly that there was absolutely no threat of any

A nature, or any sign of mental disorder. That is written - it's in my medical records - but I can't
get it to you because I'm not allowed access to my papers.

B That led to my GP being contacted by the South Wales Police to get a forensic
psychiatrist in Wales to interrogate me - his name was a Dr Metters at the Prince of Wales
Hospital - and I spoke at length with my lovely wife, and I said "he's a shrink. What is this
about?", and curiosity killed the cat; I stupidly went; but once I was with him for 20 minutes
or so I realised it was a South Wales Police conspiracy to get me sectioned; remember Nazi
C ... you will remember Mr Stalin, the practice with political animals like myself. They rely on
ignoring; if he keeps making a noise, ridicule him in public; and if that doesn't work, get him
into a mental home; and if he keeps wriggling out of the Mental Health Act, kill him; and
that's exactly what Barbara Wilding conspired with Dr ██████████ to do, and I have the
D proof; I have it here with me. We will come to it; I will be as quick as I can.

E I then asked for the records relating to my very brief meeting with Dr Metters, who
seemed a very concerned man doing his job right, and I've never been able to get them; and
then on 21st June they had a meeting from psychiatric people from Caswell and high-ranking
police officers at the IAP meeting at Police HQ called Independent Advisory Group; and of
course my 8 ... 15-year, 18-year running civil action for damages against South Wales Police
was listed for trial - for the third time, by the way; the third time; it's due next month, as you
F very well know, requiring 75 police officers to give evidence; and they had me put on
MAPPAs register. Now, the rules and regulations, you, your Honour, know, mean that the
agencies, MAPPAs - Multi-Agency ... Multi MATTA ... Multi-Agency Public Protection
G Agencies; whatever it is - that it ... and a very good system it is. I was listed not just as a
MAPPAs level 1 or 2; I was actually registered as a MAPPAs level 3, which is the top 5 per
cent most dangerous people at large or in prison in the British Isles; but no-one told me.

H

A Now, the regulations state that I should have been given that Health and Safety document
- what do you call it? - a risk assessment form document so that I could be told what I am
"and this is how you behave so that you can get off it"; but of course they wanted to kill me,
B so they had a meeting on 8th June, and there was only two psychiatric staff from Caswell.
You can guess who they were; one was Elizabeth Paul, and her - and the mama (?) ... and the
C memos that the medical - what do you call them? - the ... the minutes of that meeting were
sent to me by an unusual route, and they are exhibits in this case. By the way, I've smuggled
D this paperwork, this little short bit of paperwork, into the court, because you unfortunately
forgot to take the transcript off me yesterday, so I broke the chain all the way through the
system from that goldfish bowl which you kept me in. Once I was holding an envelope with
E paper I managed to get through the system downstairs - where you're not allowed pen and
paper, nothing - right through into the prison, right into my cell, pick up a pile of papers that
are for the European Court and for the judicial review ... oh, by the way, you are aware I put a
judicial review in last week? You must have been made aware of that, because this delay of
F this hearing was, of course, on purpose to be outside the three months, so you waited; this is
why this GPS guy - what do you call him, a CPS guy - deliberately, for the trial in 2nd May,
deliberately has not gone near the interrogation of me, and getting the tape sorted, until you
went to court last week ----

JUDGE HUGHES: Now, Mr Kirk ----

A. For three months he has not even started to process for me to get out of prison ----

JUDGE HUGHES: Mr Kirk, can I try and bring you to the point. I understand, and am
G becoming familiar with, the way in which you deal with things, and I understand that you are

A. Are you? That's better than I am.

H

A **JUDGE HUGHES:** ---- very frustrated by the way in which you feel you have been dealt by
all sorts of people in the past; this I now am coming to understand; but I do need you to realise
that we, in this Crown Court on this occasion, dealing with this appeal, are just having to
B focus on a single offence for which you were convicted by the magistrates back in December,
and to decide whether or not the prosecution have proved its case against you, which is why I
began by inviting you to focus on those seven points. As I understand it - and I will repeat
what I said earlier - you appear to be acknowledging most of those seven points ----

C **A.** No I don't.

JUDGE HUGHES: Well, I did give you a chance a minute ago to tell me which ones did not
admit ----

D **A.** I haven't even got to those yet.

JUDGE HUGHES: Well ----

A. A course of conduct was carried out; that is ... tick that off your box.

JUDGE HUGHES: Just listen to me. I am going to repeat my request that you focus on
E those seven points. I am quite prepared to listen to you answering questions that may ... or
giving your evidence in a way that you feel you want to give it, but I am bound to ensure that
the court's time is not wasted by listening to irrelevant material, and I am afraid, although it
may be very important to you, much of what you have said to us in the last 15 minutes has
F been irrelevant to the appeal; so, once again, I invite you, please, to consider dealing, for our
assistance, with those seven points.

A. I believe in the rule of law - that's the way I was educated, the way I was brought up - and I
G don't give a damn what this court ... the way they deal with it, because I already know in
advance that that has gone out the window years ago. It started in England in the mid-80s,
and I've witnessed it here in this building time and time again; it's all politics from now
onwards; and I'm entitled, under the rule of law that I read out, to bring to the notice of the
H

A future courts with this evidence that I'm giving. I'm not interested in your verdict, and all that; that's already been decided. The rule of law states that I need to show you the course of conduct of the harassed - me - harassed by [REDACTED] He is the one that should be standing in this dock for harassing me, and that because of his conduct of crime, I wish to just keep it of when he first came involved with me to when he's finished. I could go back 20 years, but I ... so I'm grateful for your patience; I really am.

On 8th June, Dr [REDACTED] was witness to the fact that the South Wales Police had been told by the CPS that my conduct up to that time was not ... appeared ... did not appear to be unlawful - did not appear to be unlawful - and that Mr Kirk was entitled to approach the Chief Constable to do what you call a mutual exchange of witness statements. After that date - after that date - I gained entrance to their headquarters for the second time through the front barrier into the main block, which of course is all electrified, and everything else; and when I came to do mutual exchange I was surrounded by police officers in tin hats, canisters of stun grenades and automatic machine gun firearms. They couldn't shoot me then because there were too many cameras, and the high-ranking police officer said "no"; so I walked away, even though that date, which was 18th June - I'm arrested on the 22nd; right - the meeting at Caswell Clinic ... sorry, at Barry Police Station with Caswell Clinic ... and no other agents were there, quite breach of the regulations.

The ... where is it? Yes; this is an exhibit, "Extract from MAPPAs Minutes 8", and it was explained - this is the official minute - it was explained that "the subject of the MAPPAs was deemed to be level 3, partly because of the risk of attracting media attention" - got that? - "but also because of the risk he posed to himself and others by his actions. The meeting was informed that Maurice Kirk has a long history with the law enforcement agency, with a number of criminal convictions, together with a large number of civil actions, complaints being instigated against relevant forces. Currently he has just over 100 civil actions pending

A against the South Wales Police focused on a variety of individuals. In considering who was
at risk, it was established that the South Wales Police view is that he poses a definite risk to
the Chief Constable and her family, who all have enhanced protection currently; also a level
B of protection currently being provided towards various others (members of South Wales
Police, solicitors, etcetera)"; they mean Dolmans, of course, who actually made the MG/11
statement on 19th June 2009 to have me arrested and detained in custody for 8 months; they
are the private lawyers who represent the Chief Constable in the forthcoming trial, and of
C course had their agents in on 10th November along with the NHS firm of lawyers, and also
[REDACTED] firm of lawyers. There were no seats left for the general public, and
therefore very few of the members of public were allowed in; and on the 15th, of course, they
D made sure they took away the six seats that are available, I notice, only in this court for the
general public; they actually took the seats away so that they could reduce the number of the
general public.

E It goes on: "Police" ... "It was also reviewed that the Police Wales Police (sic) have a
firearms response, which would mean that the MAPPA subject would be shot if he attempted
to make an approach to the Chief Constable. Police spoke about their serious concerns that Mr
Kirk had information about the whereabouts and family circumstances of various members of
F the police, court staff, etcetera." It gets more serious. "It was reviewed that Mr Kirk has a
criminal history, mostly minor offences; does not have a criminal history which includes
previous use of firearms; five offences against the person, public orders. This meeting was
informed that in recent discussion with the Crown Prosecution Service this court has Her
G Majesty the Queen's representative here, a Mr E Evans. It was being clarified that several of
Mr Kirk's recent actions" - one of which I have just described - "do not constitute an offence.
Even his approach to the Chief Constable could not" ... "could be seen as his right to request
H an interview with her necessary for a procedure for his civil court case."

A **JUDGE HUGHES:** Can you bring your point to a close. You are reading a document now,
which is not really giving us evidence. Just tell us what point it is you want to extract from
what you have been reading to us; what is the point you want us to bear in mind?

B **A.** It is this; it is one line: "Police intend to take certain action which they anticipate may
result ... his remand in custody". They waited three, four weeks to try and get me shot before
they decided they had to arrest me, because everybody was talking within the police force,
especially old clients of mine; so on 21st June, based ... reliant on Dr [REDACTED]
C medical reports - not all his reports, sorry, sorry - the medical evidence of a psychiatric nature;
Texas State Psychiatric Hospital was one they relied on, Austin, Texas; police helicopter,
arms, gunship; a Trojan team - that means a thing for breaking a door down - and guns
D blazing. 25 police officers surrounded our house. I was drinking a cup of tea in the garden
with my lovely wife and pretty little daughter, and up there they were filming me, and I said "I
think they want to talk to me". I got up; I went into my office, and I laid automatic
E ammunition on top of very important legal documents, knowing full well that I was about to
be arrested for something - I didn't have a clue what it was, not an inkling - and that they
would have to film before they searched the house and take away my legal papers. To this day
they have refused, and his Honour Judge Paul Thomas, QC, the prosecuting - the judge in the
F machine gun trial that followed - repeatedly behaved exactly like you, refused to let me call
witnesses, cross-examine, or have someone cross-examine on my behalf, the critical questions
that are needed to get to the truth. Truth; there is only one truth; we can all have variations of
lies, but there is only one truth. That is the purpose of the Bible; that is the purpose that I have
G left that goldfish bowl and faced cross-examination.

JUDGE HUGHES: Shall we hear what Mr Evans wants to ask you now in
cross-examination?

H **A.** No. Come on, I haven't got there yet.

A **JUDGE HUGHES:** Well, Mr ----

A. No, no, no, no, no; oh, no, no, no.

JUDGE HUGHES: ---- Kirk ... Mr Kirk just ----

B A. I intend to work my way through ----

JUDGE HUGHES: No, I am afraid you will not be allowed to do that. You have 10 minutes more in order to complete your evidence, and then you will finish, and you will be cross-examined. I will stop your examination-in-chief ----

C A. I submit these ----

JUDGE HUGHES: ---- in 10 minutes' time.

A. ---- as defence exhibits.

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

A. The whole lot.

JUDGE HUGHES: Thank you.

E A. And the important ones are the amended ... the letter from ... "The court would be aware that Mr Kirk has yet to be provided with any medical reports making reference to an alleged brain tumour. Although Dr [REDACTED] made extensive reference to this alleged condition at court hearing, where seemingly Dr [REDACTED] was proposing that Mr Kirk be sectioned under the Mental Health Act" ... this, by the way, was the second time round; the
F doctor, on 2nd November 2009, asked the court that I be sectioned and sent to high-security Ashworth IPP - that is imprisonment for public protection - and he relied on the fact, contrary to my having been released under Section 35, that I be released ... that I go back into
G (inaudible).

H The police were in panic because the machine gun trial was about to start, and they knew they were going to lose it, and they were doing everything in their power to stop me from winning that case; and he perjured himself, and the transcript is there, because a

A quick-thinking magistrate quickly got hold of the transcript, because I managed to get a
message from leaving the court, before they locked me up, to get the transcript and pay double
time for it; and the magistrate got the bit ... because the judge didn't know, didn't know. He
B told ... they didn't want any recording, so they switched the tape recorder off, and they kept me
locked up down below, and I was trying to beat my way out of the doors downstairs, 'cos I
knew something very dirty was going on; and on that transcript, which I have in full
downstairs - or it's in the prison; I'm sure it's in the prison - and I had one page of it, because I
C knew I could smuggle it into the dock ... sorry, this isn't the dock; witness box; it's in here
somewhere. Anyway, in their page 9, Mr Tomlow, the prosecutor, told the judge that Dr
██████████ who was standing beside him, that they feared that I had cancer, brain tumour. To
D this day no-one will confirm it. The NHS refuse to investigate me on that matter, because it's
a can of worms; because whatever the NHS come up with, ██████████ ... it's not ██████████. I'm
not interested in that trivial, slimy thing out of Maesteg; I'm interested in the people who run
the law courts and who are in charge of the courts in 20 years' time.

E The urgent things in here ... there are here ... there are internal minutes from the Attorney
General, the Solicitor General, the Solicitor Treasury, Solicitor to the Cardiff Courts, seizing
all my civil court case documents, over 100 files, trying to get me sectioned, registered as a
F vexatious litigant. They have come my way from grateful clients who work within your
system. Here is a MAPPA letter from solicitors I have employed in London dated the 15th of
the 12th 2009, where they have admitted, for the first time, that I am MAPPA-registered, and I
am MAPPA-registered 3. To be MAPPA-registered 3, the most dangerous, you have to have
G something pretty wicked behind you. They have still refused to say what wicked background
I've got; so when I hear that they're getting a bad character reference for this next nonsense,
the restraining order, I'm really looking forward to see what it is, because there must be
H something on there that I know nothing about; and, by the way, the forensic history that was

A used in all the courts and today - the one he's got in front of him - is false; it was prepared and
obtained by a man called Derek Hassan, and that is why his appeal - my appeal against him -
has been put off to Bristol on the back-burner; and it is that matter which is what they are
B using to keep me in custody. I have served this sentence. Your refusal to let me withdraw is
to increase my sentence; there can be no other reason. I don't give a damn; I won't let go of
what's going on, and what I have personally witnessed with my education and academic
ability; I have a duty to keep going, and that is what a lot of people don't understand.

C Other documents to bring to your notice is the actual opinions written by ██████████
██████████ in September 2009, where he says: "Maurice Kirk has evidence of significant brain
damage to an area of his brain specifically", so on and so on ... oh, sorry, it's written on a
D poster, which I signed and dated to make sure that it didn't go walkabout. His other ... I've got
the last few pages of his October 2009 statement, where he says there is no treatment for my
anatomical problem of my brain; there is no treatment. Today there is no evidence to
E contradict that I am still a MAPPA level 3; I am still as ill as I was, and yet you are allowing
me, as a competent and compellable witness ... sorry, defendant ... I cannot be competent and
compellable under the law as a defendant to give evidence on oath if what Dr ██████████
██████████ has written is possibly true.

F Right; I have conclusions of a gentleman who is the leading authority on the brain scans
that Dr ██████████ ordered on late August 2009, and it's ... I brought the least of the ...
least of it: "I believe there are major shortcomings in the visual assessment of these spect
scans studies, and the interpretation of these scans should be supported by appropriate
G computer software". Not only is it the wrong scan, but the hospital in Bridgend does not even
have the sophisticated equipment of software for the computer. "Spect brain imaging is a
powerful tool in the investigation of patients with dementia, epilepsy and vascular brain
H disease; however, it is not advocated as a clinical tool in patients with proven or suspected

A head injury." They use the premise that I had head injury because I had been ... this is in
writing on a report written by a Professor Roger Wood of Swansea University, and it was
numbered "(1)" "(2)", "(3)", (1) because I was a drinking partner of Oliver Reed; Oliver Reed
B was a personal client of mine, with their horse and dogs and cats, for some years when I was a
veterinary surgeon in Guernsey; (2), I crashed my aircraft in the Caribbean, and therefore
deceleration damages caused my ... and to top it off, he relied on the fact that he had heard that
I'd flown to Australia without a map; and that was his conclusion, which [REDACTED]
C stated in court, a leading expert in brain surgery, to support his argument that I am dangerous,
and shouldn't be this free; there should be two prison officers there all the time.

Other documents to which I have ... oh, of course, this letter I read out about ... was from
D a solicitor on 15th November. 1, 2, 3 ... there are 3, 4 people in that public gallery who were
there, and watched the district judge, John Charles, receive this letter. I had no knowledge of
it, no ... no ... no making of it, or ... and it starts "although we are not instructed to act for Mr
Kirk", which is sufficient for me to support what I have just said, he says a lot other things in
E this letter, which you don't have the time for, which are extremely relevant; so that's part of it;
and Judge Charles refused to let me have it, refused to let me hand it to my McKenzie friend
sitting out there on the right in order that I might get it sent to me through the post. I have had
F an abuse of process, not just in this court, but I had a complete abuse of process in the lower
court, and there has been repetition of what went on in the machine gun case. Fortunately it
was before a jury, so I was acquitted. You can't quite plan everything when you have a jury.

JUDGE HUGHES: Thank you, Mr Kirk. Your ten minutes----

G **A.** But you are working on it.

JUDGE HUGHES: Your 10 minutes is up now.

A. I wish to refer to the seven points.

H

A **JUDGE HUGHES:** No, you have lost your chance to do that, I am afraid. Yes, Mr Evans,
do you have any ----

B **A.** In that case, I have accepted there was a course of conduct, but I haven't, at the moment,
agreed to any of those incidents happening, unless we can persuade the prosecution to raise
them.

JUDGE HUGHES: You have been given the chance more than once to deal with them, and
you have refused. It is time for cross-examination, Mr Evans ----

C **A.** Yes, but he has to raise them, or I haven't been able to give an explanation.

JUDGE HUGHES: Just let us see what he has to ask you, and then perhaps you can deal
with them if he asks you about them.

D **Cross-Examination by MR EVANS**

Q. Mr Kirk, you have accepted a course of conduct - you have just said that - have you not?

A. Yes.

E **Q.** You have targeted Dr [REDACTED] last year, have you not? You have targeted him for
pestering by you, have you not?

A. I started it whilst I was in custody in 2009, and sent the reports of complaint to the NHS
and to the GMC in 2009. Carry on.

F **Q.** Course of complaint to the NHS and GMC?

A. Yes, a year before you're referring to.

Q. Because you know that that is the way to settle a difference of opinion ----

A. Yes.

G **Q.** ---- with Dr [REDACTED] do you not?

A. Yes.

Q. You know that through the NHS, and through the GMC, you take issue ----

H

A A. Yes.

Q. ---- with Dr [REDACTED] and his conclusions.

A. I did that.

B Q. Yes?

A. Yes.

Q. You know, do you not, that you should not have been harassing, in the way that you did, Dr [REDACTED]?

C A. I was not harassing; he was harassing me.

Q. On 13th May of last year you phoned Andrew Williams at the Caswell Clinic and asked for a photograph of Dr [REDACTED] did you not?

D A. I regularly ... sorry, I regularly rang the clinic for my ... the medical records, some of which I've touched on so you ... about the brain tumour, and it was quite often I would write and ring up and speak to various people.

Q. Listen to what I am asking you, please, Mr Kirk. You phoned Andrew Williams on 13th

E May and asked for a photograph, an image, of Dr [REDACTED] so that you could expose him on the Internet as a fraudster?

A. I cannot confirm that, but I'm prepared to accept that may have happened. I cannot confirm it, because I was using every form in order to get my medical records corrected.

F Q. On 1st July you were in Barry town centre, in the square - pedestrianised square in the centre of Barry - in your red Land Rover, were you not?

A. I don't know, but ask me later on; tell me what else.

G Q. And that on that Land Rover was a "Wanted" poster displayed visibly for the public to see.

A. Yes, Barbara Wilding and ----

H Q. And [REDACTED]

A A. ---- and [REDACTED]

Q. So you accept that. Did you send to the clinical director, Dr [REDACTED] clinical director of the Caswell Clinic, did you send to him in the post, addressed to the clinical director, a "Wanted" poster?

B A. No.

Q. That was not you?

A. No, correction; I sent a lot of letters. They were talking about an envelope. **Could I see the envelope?**

C Q. Can I have that exhibit then, your Honour, please? I think it is exhibit ----

A. Oh, am I now going to be allowed to see prosecution exhibits?

D **JUDGE HUGHES:** I think you are going to be asked to look at something, yes.

MR EVANS: It is exhibit 1.

A. No, no; no; no. I've been refused throughout the magistrates' court to be allowed to see any ----

E **JUDGE HUGHES:** You are going to be shown an exhibit now, Mr Kirk.

A. Am I now going to be allowed to see ----

JUDGE HUGHES: Yes, it is coming to you.

F A. No, I wish to see all of the prosecution exhibits.

JUDGE HUGHES: You just listen to the questions.

MR EVANS: I will take them in turn. Exhibit 1, please.

G A. Am I allowed to have a list of the exhibits? They are calling it "1", so you've obviously got a list. Can I at least have a list ----

JUDGE HUGHES: There are only about four, I think, are there not, Mr Evans? **(Pause)**

MR EVANS: Exhibit 1 is the envelope. Mr Kirk, can I ask you to look at that document, please.

H

- A
- A. Now, hang on; I wanted to see the envelope.
- Q. This is exhibit 2; the envelope is on the back.
- A. Thank you.
- B
- Q. You can see, can you not, that the poster ... Mr Kirk, the poster contains your contact details, does it not? **(Pause)** Did you send that letter, that poster?
- A. Why was this incident introduced at the very last moment in front of these three witnesses?
- C
- Q. Listen carefully to what I am asking you, Mr Kirk. Did you send that poster?
- A. No ... well, I'm sorry, sorry. Why is it all folded up like this?
- Q. It is a very simple question ----
- D
- A. It's very creased.
- Q. Did you ----
- A. No.
- Q. ---- send that poster?
- E
- A. No. I have no reason to ... sorry, I have no reason to believe I did.
- Q. No reason to believe you did? Does that mean you may have done?
- A. I sent a lot of letters, but I don't believe I ever sent a "Wanted" ... this similar thing ----
- F
- Q. Yes.
- A. ---- to the Clinical Director, Caswell Clinic.
- Q. You know the clinical director of Caswell Clinic is Dr [REDACTED] do you not?
- (Pause)** Mr Kirk, you know that he, [REDACTED] is the clinical director of the Caswell
- G
- Clinic, do you not?
- A. Yes, but I'm ... you see, I was ... ah, it's dated 5th July. Sorry, when was this?
- Q. Between 4th and 6th July.
- H

A **JUDGE HUGHES:** It is No 3 on the list we were looking at before, Mr Kirk, if that is helpful to you.

A. Yes; I've lost the list. We need that list, don't we?

B **MR EVANS:** It must be in your papers. **(Pause)**

A. I've got it; I've got it; I've got it.

Q. That is item 3.

A. Yes.

C **Q.** So between 4th and 6th July; the post mark on the envelope says "5th July", does it not? You have the envelope in front of you right there, Mr Kirk.

D **A.** No, no, no, that's not that the ... that's not a Royal Mail post mark. I don't believe ... this is why you slipped it in and I threw the amended stuff at the ground in front of ... when ... and I said "here they are" (?); this was the fourth time, and the amended list I had before that didn't have this incident at all on it, and now I'm beginning to realise what's going on. This ... this envelope has got an automatic "paid in advance" franking on it. Was I in prison at the time?

E Am I in or out of prison at the time? What date? July.

Q. 4th and 6th July; between that date.

A. Was I in France?

F **Q.** It is a very simple question, Mr Kirk. Did you send it or not?

A. No.

Q. So the fact that your contact details are on that poster ...

A. Yes.

G **Q.** The fact that it is towards ... that it is addressed to somebody who you have targeted for a grievance, you are saying that you did not send that to him?

H **A.** But in the magistrates' case you made great play on the envelope, but I wasn't allowed to see it. Now I'm seeing it for the first time ----

A Q. Mr Kirk, I am asking you a very simple question.
A. This has been fabricated, this whole incident ----

Q. That is a fabricated document?

B A. Yes. Oh, no, no; no, no. No, that is identical to the ones that I know were in my possession about that time; that is not in dispute.
Q. Just so I am clear, your evidence is you did not send that one to the clinical director ----
A. No.

C Q. ---- at Bridgend?
A. No, I didn't send any.
Q. I see; if you put that down ----

D A. No, no; no, we haven't ... well, hang on, this is re-examination, isn't it? I've got to make a note. **(Pause)** So have their Worships and their Honour seen this envelope?
Q. Yes, that is an exhibited document.
A. No, have they examined it when you gave evidence-in-chief?

E **JUDGE HUGHES:** Have you seen it before?
A MALE VOICE: They haven't.
A. You offered it this morning when I was asleep downstairs?

F **MR EVANS:** Mr Kirk, will you just return the exhibit ----
A. Yes or no?
Q. I am asking you the questions, Mr Kirk; return the exhibit.
A. Have you seen it before?

G **JUDGE HUGHES:** Yes, we saw it yesterday. Just answer the questions, please. You chose to spend this part of the time away from us yesterday; that is when it happened, I think.
A. Yes, but I want to know if you've already seen this.

H

A **JUDGE HUGHES:** Yes, we have seen that, thank you very much, and we will look at it again later on. Yes, Mr Evans, carry on.

MR EVANS: Thank you.

B **A.** Well, this has been slipped in deliberately.

JUDGE HUGHES: Mr Kirk, it is simply part of the respondent's case, and the fact that you were not here to watch it being handed in to us is not ----

A. No, no, no, no; it went on in the lower court.

C **JUDGE HUGHES:** I daresay it did, and I am looking at the ----

A. And they made great play of the envelope. I had 10 human rights workers from all over Europe who were there; they took up 10 seats, and they took copious notes, and they all very carefully made sure that I had the summary of all their evidence; and they made great play of this envelope, and nothing was said that it's not even my writing; it's a frank that comes from an automatic ... that means like an office, or someone, that they have the machine where it's automatically franked; that means I ... excuse me, I am supposed to have done that; but more to the point, he starts saying that it was sent on 5th July. I don't know a lot about these things; I don't know whether that is a postal frank; I am afraid I don't have the knowledge for that, because in prison they deliberately tear off all that so that prisoners can't prove that their mail has been stopped. Because I am MAPPA level 3 at the moment, until I am told otherwise, my post from my solicitors, from my 19 court cases, sometimes take over a week from within the prison to come to me.

JUDGE HUGHES: Anyway, the point is you deny sending that; that is the important ----

G **A.** Yes.

JUDGE HUGHES: ---- answer; right.

MR EVANS: You might be able to hand that back to the usher; thank you very much. **(To the witness)** So we now move to 5th July of last year, Mr Kirk, and I am going to suggest to

H

A you that you attended at Cardiff Central Police Station, and handed over a poster, a "Wanted" poster; is that right?

A. Yes.

B Q. So you accept that?

A. Yes.

Q. Item 5 on the list ----

C A. No, hang on; that was disallowed by the magistrate. The CPS tried to introduce that poster, because in the lower ... in the previous charges it was called "Wanted Dead or Alive", and at the last moment you wanted to introduce the "Wanted" signs to be part of harassment, and as the case ----

D Q. Is this the poster?

A. Isn't that correct? You were the same guy.

Q. Mr Kirk, is that the poster that you handed in? It is a "Wanted" poster, isn't it?

E A. The one that you wished to introduce as evidence, and the judge - the district judge - by then he'd had enough of me ...

Q. Mr Kirk ----

A. It was the closing stages; he wouldn't allow that to be an exhibit ----

F Q. You can make ----

A. ---- isn't that correct?

Q. Mr Kirk, you can make these points.

Q. Have I got that wrong, Boys?

G **JUDGE HUGHES:** No, no, no, no, no; don't start talking to your "boys" at the back; just answer the questions.

H **MR EVANS:** Did you hand in this "Wanted" poster at the police station on 5th July to Sergeant Lucas?

A A. Well, let's see some of it ... now I've seen an original exhibit 1, which is clearly fabricated, falsified, introduced by the police at the ... just as I'm walking into court for trial, let's have ... let's see the ... under ... it's under Archbold, paragraph 1001, the right ... the 39th edition, old one, "Laws of Best Evidence". Let's see the original document.

B Q. Mr Kirk ----

A. That is not an original document.

Q. ---- I am asking you a question.

C A. Is that an original document?

Q. Did you ----

JUDGE HUGHES: Just answer the question; listen to it. It is quite a simple question.

D **MR EVANS:** Did you hand in a "Wanted" poster at Cardiff Central Police Station on 5th July?

JUDGE HUGHES: He said he did; he's already given the answer to that.

A. I said all that; I said that at the very beginning. Well, let's see it. Where is it?

E Q. Did you display on your website, Mr Kirk - well, let us deal with this first: kirkflyingvet.com; that is your website, is it not?

A. What makes you think that?

F Q. I am asking you a question. Is that your website?

A. Meaning ... meaning that I pay for it, or what?

Q. Are you in control of that website?

A. No.

G Q. Is it a website about you?

A. Apparently my name appears on it, yes.

Q. Do you post matters on that website?

H A. At the moment I don't, but I ... outside I have the ability to post, yes.

A **JUDGE HUGHES:** Mr Kirk, it is your website, is it not?

A. I have a number of websites, a number of laptops ----

JUDGE HUGHES: But the one ----

B A. I am dealing with a very corrupt judicial system; I have to plan well ahead.

JUDGE HUGHES: But the website is given a name, the "world-wide web dot kirkflyingvet.com"; that is you, is it not? There is no other flying vet, is there, as far as the court ----

C A. Well ...

JUDGE HUGHES: Or is there?

D A. As you are aware, but your Worships may not be aware, that on the prosecution charge sheet document they have given me a ... in order to maintain my custody they have given me an address in West Wales which I have never owned nor lived in, and they give me aliases of names, so that when it went before Judge Charles they were saying "this man has these addresses, and he has aliases, one of the reasons for keeping him in custody". This is just an example of the way they play. I want to see ... sorry, I forgot what you asked me.

JUDGE HUGHES: I just asked you whether the website www.kirkflyingvet.com ----

A. Oh yes, that's one of my aliases.

F **JUDGE HUGHES:** ---- that is you?

A. Yes, that's one of my aliases.

JUDGE HUGHES: It is no good beating about the bush; that is your website, is it not?

A. It's one of many of my websites.

G **JUDGE HUGHES:** "One of my many"; all right.

MR EVANS: Can I show Mr Kirk, please, exhibit 3, which is a series of "screen grabs", I think they are called. Exhibit 3 is a series of prints from the Internet. In fact, your Honour, for preference it is the yellow-coloured document.

H

A **JUDGE HUGHES:** Oh, this one? Is that 3, is it?

MR EVANS: That is part of exhibit 3, which is a bundle of (inaudible). Mr Kirk, can you have a look at this, please.

B **A.** Sorry?

Q. Can you have a look at that, please.

A. Yes, yes, I know it.

Q. The officer gave evidence yesterday that that was published, or available on line, through

C kirkflyingvet.com.

A. That was what?

Q. That document that you have just been handed there was available on kirkflyingvet.com.

A. I'm prepared to believe that, yes.

D **Q.** Yes? Can you have a look at it, please.

A. I don't need to ... yes, carry on.

Q. It says on it "published by Maurice Kirk", does it not?

E **A.** The piece of paper, yes.

Q. Yes; so was it published by you?

A. I went to Bristol, and an expert in screen painting, screen ... whatever they call it ----

F **Q.** Is this expert here to give evidence?

A. Sorry?

Q. The expert is not going to give evidence, is he?

A. Well, I'm not allowed any witnesses, am I? Of course he can. Oh, you'll let him come,

G will you?

Q. It is obvious (?) he is not here, is he?

A. Yes; his name is John ... John ... I have his name downstairs.

H **Q.** Have you warned this witness to attend?

A A. I have told him of the possibilities ----
Q. So you are expecting him to come today?
A. He ... these are circulated in Bristol as works of art.

B Q. Works of art?
A. Works of art.
Q. It says on there in clear type, does it not, "published by Maurice Kirk"?
A. "Maurice Kirk has evidence of significant brain damage"; yes. You mean further down?

C Q. No, further down, "published by Maurice Kirk"; I think it even gives a qualification as well.
A. "Fixated false beliefs and unamenable to reason". You mean further down?
Q. Yes.

D A. "Sandoa Myedinac Umbridine (?)" Yes.
Q. Can I have a look at that document, please.
A. But this isn't the one I delivered on the 5th ----

E Q. Mr Kirk, can you hand over the document to the usher, please.
A. I delivered a signed one.
JUDGE HUGHES: Just give it to the usher, please.

F A. Where has it gone?
JUDGE HUGHES: It is your hand; just give it ----
A. No; I signed one as part of an exhibit of my complaint.
JUDGE HUGHES: No, no; just give that poster to the usher, please; if you can just show

G him where ...
MR EVANS: Mr Kirk, here it says "published by Maurice J Kirk BVSc".
A. Yes.

H Q. That is you, is it not?

- A A. Yes.
- Q. So it was published by you, was it not?
- A. Published? You mean "created", do you mean?
- B Q. It says "published" by you.
- A. Well, what do you mean by "published"?
- Q. So did you put that on the Internet?
- A. No, I created the wording.
- C Q. So you created this document?
- A. Yes.
- Q. And you put it on your website, did you not?
- A. I would have done, yes.
- D Q. We are now moving to 24th August 2011. Do you know the [REDACTED]
[REDACTED]
- A. Yes.
- E Q. Did you go there on that day? Do you remember going there in the evening of 24th August?
- A. I far prefer The Shoes (?) down the road, but ----
- F Q. That might be right, but did you go there?
- A. The food was better as well. Um ... I may well have done, yes. I'd come straight from the police station, hadn't I? What date was that?
- A. 24th August, I am talking about.
- G A. Yes, that's another time I went to the police station that day, and they took evidence ----
- Q. Mr Kirk, please focus.
- A. ---- on the tape recorder.
- H Q. The evening of 24th August; did you go to that pub?

A A. 17 police officers I reported this to.

Q. Did you go to the pub on the evening of the 24th?

A. I am prepared to accept the dates.

B Q. And did you repeatedly ask for the address of [REDACTED] Did you ask the pub for the address of [REDACTED] repeatedly?

A. I recall offering £30,000.

Q. So you accept that you offered money for his address?

C A. No. It was ... I asked ... I asked for ... I think I started at a thousand, and thought "well, all right, then"; but it was to do with the medical records.

Q. You were asking a pub, generally asking a pub, announcing to the pub that you wanted to seek the address, and you were offering money?

D A. No, I ----

Q. Is that right?

A. There were staff from where I had been incarcerated, the most frightening three months of my life. Kirks don't get frightened very easily. I was petrified for three months under Article ... under the section that [REDACTED] caused me to spend three months of my life in Caswell Clinic. What did Dryden say? "For a" ... "it's a pleasure sure in being mad that none but madmen know". I wasn't mad; I was in a very serious, dangerous situation. I knew that Williams got me in there with the view of getting me sectioned under - what is it? 47, or is it No 2, or does it ... to get me to Broadmoor for life; and if you read one of my exhibits, you will see that it wasn't because I was dangerous, it's because I attracted very dangerous people; and the three people that had written to me were older than me, one being a Norman Scarth, who I think is now 98 years old now - sorry, 87 years old now - a war hero in the Navy, watched the Scharnhorst go down; and of course they were terrified of media coverage, which is why, of course, the local paper here in Cardiff - controlled by you, your Honour, as you

E

F

G

H

A know - has printed none of what has happened to me in the last 20 years in South Wales of perpetual bullying by the South Wales Police, false imprisonments, malicious prosecutions, of which this is just one ----

B Q. Mr Kirk, I asked you a very simple question. You asked a pub - the general pub - for the address of Dr [REDACTED] did you not?

A. No; I was talking to staff in front of me from Caswell Clinic.

Q. So it was directed at the members of staff, was it?

C A. Yes.

Q. And you were offering money to find out the home address of [REDACTED]

D A. Yes. Come on; you have a short memory. We have already heard from his ... the learned judge ----

Q. Did you accept that? You accept that?

A. ---- that there is no other way of getting ... getting my medical records altered.

Q. Do you accept that?

E A. Accept what?

Q. That you were seeking the home address of [REDACTED] ----

A. No, no. I already knew his home address; there was no need for that.

F **JUDGE HUGHES:** Well, what were you offering the money for, then?

A. To get ... for God's sake; what am I here for? What am I here for?

JUDGE HUGHES: Just answer the question.

G A. To get my medical records. I have been refused the right to fly professionally. I went down to Caswell ... I went down to Gatwick as soon as I left prison ----

JUDGE HUGHES: Sorry; did you expect the members of staff in the pub to give you the records because you were offering them £30,000?

H A. Yes.

A **JUDGE HUGHES:** I see.

A. Obliquely, but I allow you to make interpretation or inferences from that.

JUDGE HUGHES: Well, what inference is there to be drawn, apart from the fact you were offering them money for your records?

B
C
D
E
F
A. I was wanting ... yes, the outcome wanted was that my false medical records could ... you see, I've spent my life as a veterinary surgeon, and as I said, now I'm on oath, I have a dog coming in, and I say "that dog has a broken femur". I have to usually examine the dog and keep record of my evidence. Now, that's a subject you are the expert on. This doctor stated that I had these disorders, especially the second paragraph on that "Wanted" sign, having never seen me. He saw me when he wrote the top paragraph, but the bottom one saying that I had fixated whatever, whatever, delusional disorder, he hadn't even examined me; outrageous behaviour; but he has the protection of the Chief Constable, Barbara Wilding, who, through the charity, was diverting money to Williams, who was in partnership with high-ranking people in the NHS at Port Talbot, and they're running private clinics, and I, whilst I was in the clinic, was watching him grooming people who I considered - and I'm not qualified, of course - were ... should be continued to be detained in custody as mental patients under the Act, to these private clinics where he had a financial interest, and was in business partnership with certain people, two of them, at Port Talbot, Bega, Bagan, Bagan, is it called? Bagan, the main place of ... no wonder I wasn't going to get any ... anybody higher up to make him relook at his records; but the bottom line is, he had to have evidence that I had a brain tumour, evidence that I had a fixated mental disorder ----

G **JUDGE HUGHES:** So you were offering them money to get these records from the pub; that is the question you were asked. That is what you were doing, offering money, starting at £1,000, may have gone up to £30,000 ----

H A. No, no, it went up to 30.

A **JUDGE HUGHES:** The purpose to get the records from the staff that you were addressing;
is that right?

A. Yes; yes.

B **JUDGE HUGHES:** Right.

MR EVANS: But Mr Kirk, you were not seeking the records; you were seeking the address
of [REDACTED] were you not?

A. No, no, no; no. While I was in custody in Caswell Clinic I got a phone call from Scotland
C - because, as you know, I did ... I've been pushed to raise the subject of secret societies and
devil worship; it's a subject I have ... to me it's a golf course, a golf club. I mean, they all
know this, but there are a lot of people who seriously think that the Masonic system have
seriously taken hold in our law courts, and I am fast relooking at the situation and reassessing.

D I had a phone call from someone who has dedicated his life studying this, and he gave me - he
was searching the conduct of [REDACTED] and his doctor wife - told me, and I didn't
want it, his name and address, and I knew that he lived within four miles of me (?) and had
E just moved. I only needed to go into the pub four miles away, and they would have told me
where he'd moved to. Where he lived was irrelevant to me. Now, of course, what's
interesting is that on his ... her statement - what's her MG/11 say? Does it say "home
address"?

F **Q.** What I am asking you is ----

A. No; well ----

Q. ---- you sought the address of [REDACTED] not medical records, for money, did you
G not? You wanted the address of [REDACTED] for cash. That is what you were seeking.

A. No, I wanted from the member of staff in front of me information that we could proceed
with serving court documents through the civil court ----

H **Q.** So what did you ask, then?

A A. ---- one of them was an address.
Q. What did you ask, then?
A. (Inaudible) address.

B Q. Say again; sorry?
A. I wanted an address for service.
Q. You wanted an address for service.
A. Which is exactly what the CPS told the MAPPA meetings in relation to Barbara Wilding.

C Q. Those were your words ----
A. And it was the final ----
Q. ---- "I would like an address for service".

D A. It was the final conclusion to support all this by His Honour Judge Nicholas Bidder, QC, just before he threw certain people out of my court, me included - I was a prisoner - on 1st October 2009, when he concluded - and it's confirmed in e-mails between his Honour Judge Bidder, QC, and Cooke, Mr Cooke ... Judge Cooke, or the e-mails to ----

E Q. Mr Kirk----
A. ---- HM Courts ... let me finish; let me finish; very important ... that I was fit to give evidence for the machine gun case, but I had to be legally represented; and at that stage, because I had got people working for me - Norman Scarth, and various other people - whilst I was in custody in the summer of 2009 I knew - I didn't let on, because I'm being tape-recorded, like I'm being tape-recorded in the prison all the time - that they are trying to get me to Ashworth for life; so people like Norman Scarth wrote to [REDACTED] and I was asked for his home address. I refused to give his home address; this is, I think, I think, relevant. I refused to give his home address to anybody, because there is a limit to which standards within our professional society go, and I knew that there was no need; and because I do attract some people who can't see the wood for the trees, it would have been irresponsible of me to

H

A have put his address ... I mean, I notice that in his statement he refers to another place,
Wortling (?); he suggests in that statement, MG/11, that I went there, and so on. I don't even
know where it is; I'm not interested. I've now got a place of service, and I've now used that
place of service for ... for civil actions for damages.

B **JUDGE HUGHES:** All right; thank you.

MR EVANS: So just so I am clear, you sought an address for service, and you used that
terminology when you were addressing the pub ----

C **A.** That was minor. I actually ... the staff that were there knew ... I had a lot of friends in
Caswell Clinic, some very able and very good doctors there.

Q. Mr Kirk, we are concerned with the words you used ----

D **A.** ---- and they knew that all I wanted was for the doctor to correct what he knew was false.

Q. What words did you use?

A. Oh, God; suggest what I said, and I'll say "yes" or "no"; I can't remember.

E **Q.** "Does anyone know the address of [REDACTED] I'll pay £1,000", then it went up to
30,000.

A. I would have only have said something like that to the staff in front of me; it would have
been of such a volume that no-one else would have heard, other than somebody who was
standing beside me who was there on purpose to witness what I was ----

F **Q.** So you said those words.

A. No, I don't accept ... that is, I asked for an address, not his home address, his address for
service. The person I was speaking to knew that it was to do with address for service; the
word "home" was never mentioned.

G **Q.** The words ----

A. Has she come and said this in my absence ----

H **Q.** The words "for service" were not used, were they?

A A. I need to know whether ... did she give evidence to say that I said "home"?

Q. The words "for service" were not used, were they?

A. They would have been, yes.

B Q. Lastly, can we deal with 1st September of last year. You ----

A. Where have they gone?

Q. They are just here, Mr Kirk; 1st September of last year, you attended at the Caswell Clinic in your red Land Rover, did you not, and parked in the emergency bay outside the front

C doors; is that right?

A. Yes.

Q. And on that Land Rover were "Wanted" posters again, were they not?

A. (Pause) Yes.

D Q. What is that you are looking at? What do you have there?

A. Mind your own business.

JUDGE HUGHES: It is no good producing it, and showing it to him, and then being

E offensive, Mr Kirk.

A. No, this is for re-examination.

JUDGE HUGHES: Yes, well, just ... you are producing a document; you have shown it ----

F A. No I'm not.

JUDGE HUGHES: Very well; you just drop it to the floor, so let us move on.

A. I am introducing it at re-examination.

JUDGE HUGHES: No, you cannot do that unless it arises out of cross-examination, and it is

G not going to arise if you are not going to put it to counsel. Carry on; next question.

A. But I've got it on the computer that they won't give me.

MR EVANS: Do you wish to rely on that photograph, Mr Kirk?

H A. Yes.

A Q. Then I need to see it.

A. That's why I need the computer; that's why I'm in the magistrates' court next week, to get the documents that you need. I know, because I remember, but it's you to come to a just decision.

B Q. What does this show, Mr Kirk?

JUDGE HUGHES: What do you want to show us on this?

A. Sorry, you want me to talk about it?

C **MR EVANS:** You are introducing a photograph ----

A. Oh, that's a photograph of the day in question, sorry; the day in question.

Q. This is 1st September, is it?

D A. **(Pause)** How many times did I go there?

Q. You tell me.

A. I went, and Andy Davis; did he give evidence?

JUDGE HUGHES: I am just talking about 1st September now; just answer the question.

E A. Did Andy Davis give evidence?

JUDGE HUGHES: Do not talk to people in the back.

A. Well, I'm entitled to know what the prosecution evidence is.

JUDGE HUGHES: You are entitled to stand there and answer questions for the time being; nothing more, nothing less.

F A. Andy Davis gave evidence that I was attempting burglary and trying to get on the roof of the ... did he give any evidence about that today?

G **JUDGE HUGHES:** No, we have not heard about that. That is interesting, but ----

A. Well, am I not entitled to know?

JUDGE HUGHES: Tell us about this photograph. You ----

H A. Well, that's what he told the lower court.

A **JUDGE HUGHES:** Mr Kirk, you have produced a photograph; you want to give evidence about it. Tell us what you want us to see from the photograph. What does it show us?

MR EVANS: Who took the photograph, Mr Kirk?

B **A.** I was arrested for attempted burglary, and they dropped all charges when they had to admit that I'd been invited into the building by way of my GP on the phone, with me standing beside him - her - and she's saying "yes, if you go straight down to the porter's lodge they will give you the medical records" to which I refer to you, the evidence that I have a brain tumour.

C **Q.** Mr Kirk ----

A. Is that the incident that you are on about?

D **Q.** No, we are concerned with 1st September, where you parked your red Land Rover in an emergency bay, and on that Land Rover displayed "Wanted" posters, and one of those "Wanted" posters was [REDACTED] face; that was a "Wanted" poster for [REDACTED] [REDACTED] Is that right?

A. That is ... when you say "Wanted", what do you mean? Which one?

E **Q.** We only have an oral description of it; it was a "Wanted"-type poster, a Wild West-type poster. Was there one on there?

A. Was that the best you got from Andy Davis?

F **Q.** Was there such a poster on your Land Rover?

A. In the lower court he said there was only one poster.

Q. Was there such a poster, Mr Kirk?

G **A.** In the lower court he - and we all recorded it accurately - he said there was only one poster with the name "Dr [REDACTED]" on it. Now, was it exhibit 1 or was it exhibit 2?

JUDGE HUGHES: As you were quick to remind the court earlier, Mr Kirk, this is a rehearing. I am not a bit concerned what happened in the magistrates' court; just answer counsel's question, if you will.

H

A A. No, but this evidence has been given in my absence.

JUDGE HUGHES: Well, that is because you chose to be absent.

A. Yes; that doesn't mean you can't tell me that ... that ... what Andy Davis said in my absence.

B **JUDGE HUGHES:** Just answer the question.

A. I was tricked into missing his evidence; you threw me out because you knew I must not be there because I would affect the veracity of Dr [REDACTED] and no-one asked me to come back to court until the time I came; I ran up the stairs.

C **JUDGE HUGHES:** I see.

MR EVANS: Mr Kirk, on 1st September your red Land Rover, with a "Wanted" poster of [REDACTED] was parked outside the Caswell Clinic, was it not?

D A. Yes.

Q. And it took police intervention to make you remove it, did it not?

A. No.

E Q. The police were called, were they not?

A. Yes.

Q. Because you would not move it from the emergency ----

F A. Oh, sorry, sorry; I moved it 10 yards, because they said it was a place ... there was no evidence to that effect, and if there was any possibility I moved the vehicle about from here to that corner to park it.

Q. You moved it to a disabled bay, effectively.

G A. Yes, yes; oh, it was disabled, was it?

Q. And once the police had left, you moved it back to its obstructing an emergency bay's position, did you not?

H

A A. I sat in it, didn't I? I stayed in it in case they wanted it moved. Yes, I did go back to it, and I sat in it.

Q. You moved back to the emergency bay?

B A. That's not relevant to what his Honour wants to hear, and their Worships; they want to hear about this state (?). There was the evidence in the lower court. I want to know what this man, Andy Davis ... he was proved a liar in the lower court, and he was proved a liar by the police, and a Mr Tudor, who was a CPS officer, rang me saying "we've established, now (?) we have jailed you for attempted burglary, that you in fact had permission to enter the building, and you entered the building lawfully".

Q. We are not talking about that case.

D A. No, of course you aren't, because it undermines your case.

Q. Mr Kirk, you targeted [REDACTED] did you not? You phoned his place of work; you attended at his place of work in your Land Rover; in the local town centre you positioned yourself, in a publicly prominent place, with a "Wanted" poster for him; you posted such a poster, or handed such a poster in, at the local police station, at Cardiff Central Police Station; and you sent one in the post to him, did you not?

A. No.

F Q. And you displayed, on your website, the "Wanted" poster.

A. Yes.

Q. You did do that?

A. Yes.

G Q. Do you understand that that would cause harassment to Dr [REDACTED] that would cause him anxiety and distress? Do you understand that?

H A. Let's ... let's move into the real world. As a 20-year seasoned forensic psychiatrist, he spends his time in prison very often dealing with hardened criminals; he is dealing with

A mentally deranged people throughout most days of his working life, because that is the part of
his case. Some people wonder how veterinary surgeons in country practice can do the things
they do. It ... once you've been up to here trying to put a womb back on Christmas Eve, in the
B snow, stripped to the waist in a dung heap, of a womb of a cow which can be as wide as this,
once you've done it a few times it's just part of your job; other people can't imagine it; but to
suggest that [REDACTED] ... he's the clinical director, for Pete's sake; he is familiar with
all aspects that you have tried to introduce into this that I am harassing him. Nonsense.

C Q. So you do not understand that this would cause anxiety and distress to him?

A. Of course it didn't; he is anxious because he knows he's falsely written psychiatrist reports
knowing they are false; that's what he is worrying about, and the ----

D Q. So when you mentioned "course of conduct" during your examination-in-chief, when you
were telling the learned judge about your conduct, and you said "you can tick that box; there is
a course of conduct", did you mean that there was a course of harassing conduct? Was that
what you meant?

E A. No, it was a course of conduct that it was pursued for the purpose of preventing or
detecting crime.

F Q. But in accepting that, you are saying that your course of conduct could have amounted to
harassment; is that what you are saying?

A. Not with Williams, but if ... let's say I was going for the staff that was in that pub you
mentioned.

Q. Yes.

G A. That - I know the background and everything - that one didn't have the gravitas, or the
background; and if I had conducted my enquiries into that lady the way that you have heard
from the prosecution, I mean, I would start ... I'd say "well, there could be some question of
harassment must at least be considered" ----

H

A Q. Ah; so it is because it is Dr [REDACTED]-----

A. But we are dealing ... we are dealing with somebody who had knowingly broken the law, was the boss of the building, and had this sort of problems to deal with on a day-to-day basis. It's absolute nonsense.

B Q. So I am clear about this, Mr Kirk, you are saying that if all of this had been about that member of staff rather than Dr [REDACTED], then it probably was harassment, but because it is Dr Williams ----

C A. No, I didn't say that at all.

Q. ---- it is not?

D A. I'm saying it would be irresponsible not ... for a magistrate not to at least consider, and it would then be based on the facts; but you can't even consider it when you're dealing with [REDACTED]

Q. And you say that you entered into this course of conduct because you were preventing, or detecting, crime?

E A. Yes.

Q. And you are saying preventing crime; is that right?

F A. Well ... well, the thing is, I am involved with trying to rescue six Nigerian children who've been snatched by Haringey Council, and on my birthday, on the 12th, there is a court case, I am told, where they are likely to be adopted. The parents are locked up in two jails in prison in London, and one of the ladies trying to do it, a Sabine McNeil, has got the phone call from the Masonic Lodge that's terrified her, has absolutely put her into sounding like a gibbering
G idiot; and if you knew the lady we're talking about you wouldn't believe ... you couldn't believe it. She had the phone call I got in Guernsey that caused me to leave in the boot of a car and into my rubber boat at night, and I never went back to Guernsey again for 19 years; because the power of the Masonic system is real, and my life was threatened, and I believe her
H

A life was threatened a few weeks ago. The prison have now been ordered by the police to cut her phone numbers and her related friends so that I cannot ring her at all to prepare ... she's a McKenzie friend, a seasoned lady, a representative for victims of what the people in the gallery today are witnessing.

B Q. But you have said you understand that there is a proper process to take up a grievance with Dr [REDACTED]

A. Yes.

C Q. There is, is there not? You know about it.

A. I exhausted every conceivable measure.

Q. You still have a civil action against him, have you not?

D A. That doesn't change my medical records. I was due to be flying in Northern ... in Southern Sudan an ancient Russian aircraft; very few people can fly Yap ... radio Yak-12s - sorry, the bigger ones, a twin - the biplane - for famine relief this winter. The French boys rang me saying "there are very few people left", and I contacted the CAA, and they said "if you get involved with any form of commercial work and carrying passengers, you ... we will not return your commercial licence until your question mark" ... and in here there's a question mark from lots of doctors' records where the second brain scan that was apparently done in December 2009, a Dr Anzani of the Vale Hospital - you all know where the Vale Hospital is, the brand-new hospital, private; I'm on private insurance ... well, I was then; because I couldn't get a brain scan done in the prison, if somebody's got a suspected tumour, it is to be followed up, and of course with this I would have had an X-ray, as I was told in the hospital, an X-ray in two or three months.

Q. It was a very small question, Mr Kirk. There is an ongoing civil ----

A. Dr Anzani refused to operate on my hip, because he said "we can't give you an anaesthetics because the records state ... until the records are clarified, we cannot give you a

H

A hip. I had to stay on morphine sulphate for 9 months per os (?) and - by injection - and it caused me serious mental pain - disorder; sorry, disorder - and severe pain. I had to travel abroad in order to get the operation done.

B Q. There is an outstanding civil matter against Dr [REDACTED] already, is there not, still?

A. Er, that is not going to, because, getting back to the Nigerian children ----

Q. It is a "yes" or "no" question, Mr Kirk.

C A. Getting back to the Nigerian children, in Tottenham Police Station on 18th September last year - I have the custody records here as part of my exhibits - the police, South Wales Police - phoned, phoned - the police saying - and it is written in the court record - "as the detained person is a high-profile patient, to section him and take him to St Anne's", which is a psychiatric prison, "and it's not suitable, then he is to attend and explain why in the custody sergeant ... " and so and so on, and they refer to Elaine Carr. In here is the psychiatric ... where I got sectioned, and at 136 of the 1983 Act, in order that the police could detain me, and they detained me; and when that expired, they then did me for criminal damage. They locked a glass door, a bit like that over there, and I said "if you don't unlock that door I'm going to break it"; I said "you'll have to arrest me"; and I found out that it's the South Wales Police; and in the detailed psychiatric report, signed by two level 12 psychiatrists, it identifies that it is the South Wales Police and [REDACTED] alone that caused me to be sectioned.

JUDGE HUGHES: So do you have a civil claim against him going?

A. Sorry?

G JUDGE HUGHES: Do you have a civil claim against him going at the moment?

A. Do you mean that is relevant to these proceedings?

JUDGE HUGHES: Well, that is the question you were asked.

H A. No, no, I'm asking you as the man in charge.

A **JUDGE HUGHES:** I am in charge - you are quite right - and you must answer the question.

A. Well, if it's not relevant, you're to tell him it's not relevant.

JUDGE HUGHES: It is relevant. I want to hear ----

B A. Ah, so you do accept it is relevant.

JUDGE HUGHES: I want to hear the answer to the question; the answer may be relevant.

A. I started ... I used lawyers in Bristol 19 years ago to take ... because unfortunately I didn't do it in Guernsey because ... well, anyway; and in the end I said "I've got to take civil proceedings in order to get these bastards off my back" - I'm terribly sorry - "these gentlemen, not so nice gentlemen, off my back". It's taken 19 years, using a firm of solicitors in Bristol. I then used other solicitors, and he died on me. I then had a barrister in Birmingham, who we went to the court in Cardiff, and they had shipped all my files because they were trying to get me sectioned ... sorry, under vexatious litigation law, so they wouldn't let my barrister, because they didn't have the files. They wouldn't admit where they'd gone. These internal memos that I've now acquired explain why.

E **JUDGE HUGHES: (To counsel)** Is it important to have this answer?

A. It has taken 19 years, and we still haven't got to trial. The case with [REDACTED] is going to take another as long as you dare to stop the truth coming out.

F **MR EVANS:** No further questions.

JUDGE HUGHES: Right.

A. Do you understand?

JUDGE HUGHES: That is the end of your evidence.

G A. No; on re-examination he has raised issues that I did not raise. I am entitled, under the rule of law, to raise them.

JUDGE HUGHES: You had better tell me what those issues are, first of all.

H

A A. Well, I refer to the seven. It is the fact that on 13th May I started to tell you that ... no,
before May, in ... no, no ... in June, the 20th ... in June I went to Bristol, remember, and I then
went before the judge, and the judge said "take this private prosecution to Judge Cooke". I
B personally took it to the law courts here at the Crown Court, this building, and handed the file,
it would have been the following day ----

JUDGE HUGHES: Out of which question does this answer arise?

A. This is ... this is ... this is where I took advice from the police and law courts that I was
C doing things lawfully by way of the poster, and we are yet to establish which poster you mean.

JUDGE HUGHES: Right.

A. Right? And it is a matter of fact that the system - your system - has deliberately buried my
D private prosecution that started - that started - before I even went to prison in June 2009.

JUDGE HUGHES: Right.

A. Because your system knows that the truth of the conspiracy will come out; and I am
E suffering, and all a judge has got to do, if he's got the balls for it - which is the words I used in
the statement to Miss Lucas ----

JUDGE HUGHES: Yes.

A. ---- on the 30th ... I've got a 5-page statement here prepared, which went up to ... here it is;
F it ends - it ends - "can only be obtained by the appropriate judge, in the times of apparent
anarchy in our judiciary, with the balls for it"; and that is ... that was handed in ----

JUDGE HUGHES: Anything else you want to say ----

A. Yes, I am going through the list of where ... on 1st July.

G **JUDGE HUGHES:** No, you may ... no, no, no, no, no, no, you may not do that. You had a
chance to do that when you were giving your evidence initially. I repeatedly asked you to do
that; you refused.

H

A A. But I wish to call those police officers that Miss Lucas was with on 5th July, the ones she has named and the ones that were named, because they have the written record to which she referred that my complaint was about what was written that he had written that I had significant brain damage ----

B **JUDGE HUGHES:** Mr Kirk, you will have a chance to address us again, but your evidence has now finished. You may go back to the dock.

C A. No, I haven't ... I haven't gone through the list. I must be entitled to give the names of the doctors and the police that ... are you going to let me have witnesses?

A MALE VOICE: Mr Kirk, Mr Kirk, the judge has asked you to go back now, please.

D A. While I am in here I'm on oath; while I'm in this room, this little bit, I'm on oath. Are you going to refuse me defence witnesses, expert witnesses? Make sure ... hold it, please. No, these are exhibits for the defence.

A MALE VOICE: The usher will bring them back to you.

A. No, they are to be served now so there is no misunderstanding.

E **JUDGE HUGHES:** We will just rise a minute while this is sorted out.

(The defendant was taken back to the dock. The Bench left court. There was confused and inaudible discussion. The court was reconvened. The quality of recording from the dock was still poor)

F **JUDGE HUGHES:** Now, Mr Kirk, now is the time, if you want to call a witness, you may do so. Do you have a witness whose name should be called out?

G **MR KIRK:** I wrote in advance; you have the letters that (inaudible) seen the letters, but I wish witness summonses to be served, and I said earlier in earlier letters, some of which went to the CPS, of the witnesses that I required in the lower court ----

JUDGE HUGHES: Yes. Well, which witnesses are here today that you want to call to give evidence before us?

H **MR KIRK:** I wouldn't have a clue; I'm in custody.

A **JUDGE HUGHES:** Right; I see. Yesterday you mentioned that there was somebody in the public gallery who might want to be a witness for you. Is that person still here, or not?

MR KIRK: I wouldn't know.

B **JUDGE HUGHES:** Right. Well, what is the person's name?

MR KIRK: Look, look, you can't get involved (inaudible) and I've been deliberately put to on the anonymity system, like in the machine gun case, where they had "Foxy", who was a female ringing my wife and myself about trying to buy a machine gun, but when "Foxy" came to court it was clearly a male; but in order that I couldn't emphasise that to the jury they put up the same screen that I had in this case, so that I haven't a clue, yesterday or today, other than when I was giving evidence, who was in the public gallery.

C **JUDGE HUGHES:** Is there someone you think might be there who wants to give evidence for you?

MR KIRK: I need notice for a question like that, your Honour.

JUDGE HUGHES: It is a very simple question; is there someone you think might be in the gallery who would be a witness for you? I am giving you every chance I can, you see, to call a witness if you want to.

MR KIRK: Well, I anticipated this.

JUDGE HUGHES: Well, what is the answer to my question?

F **MR KIRK:** I asked you yesterday, in anticipation of the situation, could I interview my witnesses, and you have repeatedly refused. The prison has repeatedly refused between the magistrates' hearing on 1st December until now. I have never been able to interview my witnesses, and in the lower court I was not allowed to even call witnesses; so can I have an adjournment, please, to interview the witnesses, or potential witness, that I believe may be in the public gallery, or, more to the point, you think is in the gallery.

H

A **JUDGE HUGHES:** I have no idea. You mentioned yesterday that somebody might be in the gallery who should leave court in case they were giving evidence; that is why I am raising it with you. I don't know who that person was. You might have a name.

B **MR KIRK: (Pause)** I would like to interview the three who are on the front row.

JUDGE HUGHES: You cannot interview them; you can call them if you want to.

MR KIRK: But how can I establish which aspects of what they know is relevant?

C **JUDGE HUGHES:** I am afraid that at this stage of the case, on the second day of an appeal, there is not the time to start interviewing witnesses, and I am afraid----

MR KIRK: Well, of course it's not, but it's the games you play.

D **JUDGE HUGHES:** If you want to call a witness you may do so. Now is your chance. Do you want to or not?

MR KIRK: If any of them would like to give evidence on any aspect of this case I invite them to do it.

JUDGE HUGHES: Which aspect?

E **MR KIRK:** Well, it's up to them.

F **JUDGE HUGHES:** Well, I am not going to bring people out of the gallery on the basis that they may have something to say about the case. If you have someone that you can name who is prepared to be a witness for you, I will consider whether he might be called, or she might be called.

G **MR KIRK:** But I understand that you got me out of court, which I consider under devious reasons, and evidence was given without my knowledge, and I was not allowed entry to hear it. Now, I never refused to hear the evidence this morning, but I understand that somebody came to court complaining that there was witness-nobbling, or something, something to do with the fact that you have been overridden by case law in the Royal Courts of Justice that you cannot prevent me from cross-examining witnesses.

H

A **JUDGE HUGHES:** I am afraid I do not know what you mean by that.

MR KIRK: It is Section 62 of ... do you not know? ... well, one of those witnesses will be able to tell you on oath, so if one of them could choose ... I don't know what it's about, but I know that I got a message in the interval that there was some important information ----

B **JUDGE HUGHES:** Well, you are the appellant, and it is for you to decide whether you want to call now a witness or not, and, if so, to name the witness.

MR KIRK: Well ----

C **JUDGE HUGHES:** And then you can decide what questions to ask.

JUDGE HUGHES: I know one is called "Jeff" and one is called "Guy" and one is called ...

JUDGE HUGHES: Would you like to choose one of those?

D **MR KIRK:** Wait a moment. (inaudible) what the other one's called now; Merion ... I spelt his name incorrectly; that's right; Marion, Guy and Jeff; I don't know how its spelt ... If any one of them, or all three, wish to give evidence ----

JUDGE HUGHES: It is not whether they wish to; it is whether you want to call them in your case. They may come and say something completely contrary to your case.

E **MR KIRK:** No, no; no. I wish you to establish if they wish to give evidence voluntarily. (Inaudible) they have the right to say they wish to give evidence or not.

F **JUDGE HUGHES:** No they don't.

MR KIRK: Yes they have.

JUDGE HUGHES: No, no.

MR KIRK: And if I want them, I then ask for a witness summons. They haven't even been asked if they have anything to offer. If they have nothing to offer, end of subject.

G **JUDGE HUGHES:** All right.

MR KIRK: Because I'm not going to issue a witness summons; so could you ask them, please, under the rule of law.

H

A **JUDGE HUGHES:** No; the answer is "no", Mr Kirk, I am afraid.

MR KIRK: So you are denying me even that.

JUDGE HUGHES: I have given you every chance I can to call a witness; you have declined

B to take the opportunity.

MR KIRK: So let me call them.

JUDGE HUGHES: Your opportunity has now finished.

MR KIRK: Let me ... no, I wish to call all three, and I am going to then ask them "is there

C any information you can give relating to this case?" If they say "no" ----

JUDGE HUGHES: What are their names?

MR KIRK: Sorry?

JUDGE HUGHES: What are their names? You cannot call witnesses if you don't know

D what they're called.

A. Marion ... Marion Bowen.

JUDGE HUGHES: What?

E A. I'll call Marion Bowen.

JUDGE HUGHES: Marion Bowen; call the name out. Right. Is there a Marion Bowen

there?

MR EVANS: Your Honour ----

F **JUDGE HUGHES:** I know; I know.

MR EVANS: I hesitate to (inaudible).

JUDGE HUGHES: I know; just let's go with the flow, Mr Evans. Come forward.

G

H

MARION BOWEN, Sworn

JUDGE HUGHES: Is your name Marion Bowen?

A. Yes it is.

JUDGE HUGHES: Well, do sit down, Mr Bowen, if you want to. We understand from Mr Kirk that you may have some valuable information to give us about his appeal.

A. Well, if I can assist the court in any way or form, your Honour, I will.

JUDGE HUGHES: Let see if Mr Kirk ... Mr Kirk, he is your witness. Do you want to ask him a question?

MR KIRK: Yes.

Examination-in-Chief by MR KIRK

Q. You acted as my McKenzie friend in the civil courts when the police have been ordered by the judge to supply the statement obtained by Dolmans and had me arrested on 22nd June.

A. I have indeed, your Honour, yes.

Q. Sorry, what was the answer?

JUDGE HUGHES: The answer is "yes".

A. Yes, yes.

MR KIRK: Can you tell the court whether in fact Dolmans Solicitors, acting for Barbara Wilding, and now the current chief officer, has abided by that (inaudible), ie, do you know the outcome?

JUDGE HUGHES: What is the relevance of that so far as this case is concerned?

MR KIRK: You know, I know, that they got me jailed on 22nd June, with the helicopters and everything else, in order to interfere with the civil action, because it was listed very shortly to be heard, and Dolmans and Adrian Oliver, one of the posters in the pictures, was one of the ... the key player who had been ... who wrote the false affidavit of 5th ... 25th February 2009.

A **JUDGE HUGHES:** Right.

MR KIRK: And it wasn't till I dumped (?) his tape in his desk in his office saying "I'm not leaving here until she signs it". She'd already signed it; he hadn't put the date on it, but they were hoping that they could avoid it becoming a court document.

B **JUDGE HUGHES:** Thank you very much; that is completely irrelevant; don't have to answer that. Next question.

MR KIRK: Well, actually only asking to see if there was anything in the lower court that you feel ----

C **JUDGE HUGHES:** No, irrelevant; don't have to answer that either. Next question?

MR KIRK: Is there anything you feel that you think, know, about, that you feel may be relevant. Apparently there was some disturbance when I was in the cells. What was that about?

D **A.** I was contacted by a gentleman, because we are ... we are concerned about Mr Kirk's welfare.

E **JUDGE HUGHES:** Yes.

A. And there was a gentleman that came to this court yesterday morning, apparently with information to the prosecution, and something was said in this court about having that particular gentleman arrested.

F **JUDGE HUGHES:** Right.

A. And some conversation went on about something that had come from a higher court to the CPS in Cardiff.

G **JUDGE HUGHES:** Right; right.

A. And ...

JUDGE HUGHES: Were you party to this conversation yourself, or not?

H

A A. No, Sir; that gentleman relayed that information to me, because I met him ... when I arrived at court yesterday, Sir, he was leaving.

JUDGE HUGHES: All right.

B A. But he had some vital information for this court, and I don't know - maybe the prosecution can assist, Sir - but I understand that there was pertinent matters brought to this court that was relevant to Mr Kirk's case.

C **JUDGE HUGHES:** I see, right; but you don't know what they were? You don't know what they were?

A. I don't know what they were, because I wasn't here, your Honour.

JUDGE HUGHES: You were not here? You were not here?

D A. No, I met the gentleman as he left the doors, your Honour.

JUDGE HUGHES: Yes, I see; right.

A. But the information was shared with me that it was relating to the prosecution service, your Honour, because this gentleman had been contacting the High Court.

E **JUDGE HUGHES:** I see.

A. Perhaps the prosecution could assist on what ----

F **JUDGE HUGHES:** All right. Mr Evans may want to pursue that with you or not - we will see in a minute - but for the moment that is fine. Any other question, Mr Kirk, you want to ask the witness? Any more questions you want to ask him?

MR KIRK: Were you aware of the full outcome of the lower court case that is now under appeal?

G A. Yes, your Honour.

JUDGE HUGHES: You are aware of what the charge is about, are you, the harassment offence that he was convicted of by the magistrates?

H A. I have been made aware of it, yes, your Honour.

A **JUDGE HUGHES:** Have you been listening to the evidence during the course of today and yesterday, or not?

A. Yes, your Honour.

B **JUDGE HUGHES:** So you know what it is about, therefore?

A. Yes, your Honour.

JUDGE HUGHES: Do you know anything about those seven incidents that have been discussed in evidence, yourself? I mean ----

C A. Not particularly, your Honour. I am aware of them because of ... through attending the ----

JUDGE HUGHES: You say "a McKenzie friend." What is your position? Are you a qualified lawyer, or not a qualified lawyer, or are you a friend of Mr Kirk's? How do you come to be involved in the case at all?

D A. I became aware of Mr Kirk over 20 years ago ----

JUDGE HUGHES: Right.

A. ---- because of my professional position at that point ----

E **JUDGE HUGHES:** Which is what? What was that?

A. And at that point I was a surveyor, aerial technician mapping for local authorities.

JUDGE HUGHES: I see.

F A. So that's how I became professionally associated with Mr Kirk; so I followed what has happened to Mr Kirk, and in fact I have been ... I have been tarnished; my good name had been tarnished because of my association with Mr Kirk, but it's my respect to him, because unfortunately - whether it's relevant for me to say so - but a former police officer that has been
G involved in Mr Kirk's case became my manager in a local authority, and I have now been dismissed, your Honour.

JUDGE HUGHES: Oh I see; right.

H

A **A.** But ... so this is why is I've got time to follow Mr Kirk and read (?) how I can help him in some way or form.

JUDGE HUGHES: Thank you very much. Any other question, Mr Kirk?

B **MR KIRK:** Well, yes. The outcome of the hearing, I wasn't present - that's correct, isn't it - in the lower court?

A. Yes; yes.

Q. And the outcome caused the court to sentence me; and what else?

C **A.** All I can expand on on that, your Honour, we were sitting in ... listening to the lower court, your Honour, when Mr Kirk was not present, and I was with Mr Kirk when he received a phone call about some warrant, and Mr Kirk was making offers ... making all methods of
D finding out what was this warrant, and the phone call turned out to be from a police officer in Llantwit Major. I assisted in getting this particular warrant, because Mr Kirk had no idea what this particular warrant was, and a Mr Dafyd Morgan also tried to get access to this particular warrant; and all the time that I was with Mr Kirk, to the best of my knowledge, your
E Honour, he never saw a warrant.

JUDGE HUGHES: Right; thank you very much indeed.

MR KIRK: Can you explain the exact wording of that warrant?

F **A.** Er, no ----

Q. It wasn't in fact a warrant, was it? It was called something else.

A. A restraining order; I have learnt to believe that it was a restraining order; sorry, your Honour.

G **JUDGE HUGHES:** Yes; right.

MR KIRK: And the approximate date that you heard and you saw me ----

JUDGE HUGHES: I do not think this has anything to do with this case now; we are
H concerned with whether there has been an offence committed in the form of those seven

A points that we have been going through, Mr Kirk, and what you are asking about is nothing to do with that. Anything else you want to ask the witness?

MR KIRK: Yes. **(To the witness)** Is there any information that you have not heard me say to support the fact that I have gone to some lengths to get my medical records? You were in court on the day that the lower judge, District Judge Charles, confiscated the letter that I read out from a solicitor from Neath pleading with them to get the doctor to correct my medical records, because it was an albatross around my neck until it was done.

A. What Mr Kirk is referring to, your Honour, yes, I was there, and it is true what he is saying, your Honour.

JUDGE HUGHES: Thank you very much indeed. Any cross-examination?

MR EVANS: Some very brief questions, please.

Cross-Examination by MR EVANS

Q. Mr Bowen, you only know Mr Kirk through his court proceedings; is that right? Do you have anything ----

A. No.

Q. ---- to do with him outside?

A. No; no, no, no, no. As I said, I have been aware of Mr Kirk because of my professional background ----

Q. Listen to my question, please. Do you have anything to do with him outside of his court proceedings?

JUDGE HUGHES: Well, he did originally.

A. Well, I did originally, professionally.

MR EVANS: Through professionally?

A. Yes.

H

A Q. Did you have anything to do with him last year in relation to Dr [REDACTED]

A. No.

Q. No?

B A. No. I have heard of the Caswell Clinic and [REDACTED] because I am aware of two other patients that have been at the Caswell Clinic.

JUDGE HUGHES: Yes.

MR EVANS: I see; so you have heard of Dr [REDACTED]

C A. Well, [REDACTED] is quite ... Dr [REDACTED] is quite well-known in South Wales ----

JUDGE HUGHES: Yes; yes.

D A. ---- and ... and what is going on in the Bridgend area focuses on Bridgend, actually, because ----

E **MR EVANS:** Between May and September of last year did you assist, or were you party to, any conduct, together with Maurice Kirk, in relation to [REDACTED] By that, I mean did you send him anything?

A. No, your Honour.

Q. Did you write to him? Did you meet with him?

F A. No, your Honour. Well, to be perfectly honest, your Honour, I fear the man; I fear Bridgend; I fear Caswell; because my former manager was an inspector in Bridgend, and on no account I do not go to Bridgend, your Honour.

Q. So you have had nothing to do with [REDACTED] at all?

G A. Nothing at all to do with [REDACTED] at all. I fear his ... I fear what is said about him; I fear the man. I thought Mr ... I didn't even know what Dr [REDACTED] looked like, your Honour, until he first appeared in one of Mr Kirk's court appearances.

H

A Q. You said that some gentleman arrived yesterday with information for me, the prosecutor;
is that right?

A. Yes, your Honour.

B Q. Do you know that man? Do you know who he is?

A. I have met him once or twice.

Q. What's his name?

A. I think his first name is Ivion (?).

C Q. Ivion; right.

A. Ivion; I am not quite sure of his surname, your Honour. I got to know him because he
started attending Mr Kirk's cases, and he is also a victim of - I use the word "victim" because
he calls himself a victim of - the Caswell Clinic.

D Q. I see.

A. And if I can elaborate on that, your Honour?

JUDGE HUGHES: Yes, certainly.

E A. There are a number of victims ----

JUDGE HUGHES: I see.

A. ---- of the Caswell Clinic in South Wales, because they do come to Mr Kirk's cases.

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

MR EVANS: Do you know the information that you say he has for the prosecution?

A. All I am aware of, your Honour, is we met at the door. He did telephone me last night and
said "did anything happen when I left?", and I said I did not notice anything, whether ... but he
G said "I had pertinent information to the court", and he wanted to put it before the court, and
there was a ... a conversation ensued between the prosecution and a Mr Williams, who was
acting as solicitor for Mr Kirk. Whether that actually happened, your Honour, I wasn't present;
H I'm only going by what the gentleman informed me.

A Q. So you did not see any of that?

A. I did not see it; I'm only, sort of ----

Q. You mentioned "pertinent information". Do you know what it is about?

B A. Well, I asked this gentleman what the information was, and he said "I was conveying information from the High Court to this court", and he has been in touch on more than occasion ... on more than one occasion. He has relayed information to me to pass on to the prosecution where he is in conversation with the senior officers within the Crown Prosecution
C in Cardiff. What that information ... well, he has shared it with me, if I'm allowed to, sort of, say to the court.

Q. Sorry, did you say he has shared it with you?

D A. He has shared ... not information that happened yesterday, but what he is ... what he did tell me, that his ... the information that he is having from the deputy in charge of the CPS in Cardiff appears to be different to what is happening in this court. How much assistance that is to this court I don't know, your Honour.

E MR EVANS: No further questions.

JUDGE HUGHES: Thank you very much. Anything arising out of ... any re-examination?

F MR KIRK: Well, actually I'm intrigued to know what went on when I wasn't in court, but we've heard new stuff that I didn't know about, so I'm really grateful.

JUDGE HUGHES: That is all right. Thank you very much; you can go back to your seat now.

A. Thank you, your Honour.

G **(The witness withdrew)**

H JUDGE HUGHES: Now, Mr Kirk, you may address the court, if you want to, now. This is separate from your evidence. You may make a final submission to the court as to why we should allow your appeal. **(Pause)** I am not sure that you need to say very much, because you

A have been saying it at some length in the ... you are looking a little puzzled, and I suspect it is
B because you cannot imagine what it is I want to hear more from you. I do not particularly
C want to hear more from you, but I do not want you to lose the chance if you want to say more
D to me.

CLOSING ADDRESS ON BEHALF OF THE APPELLANT

MR KIRK: Once again, your Honour, you are concise in your comment. Your Honour, I
C come from ... I'm a (inaudible); I am the oldest prisoner on the exercise yard each day, and I
D look at the pathetic cases around me, some 50 or 60 per cent affected by drugs. Unfortunately,
E I have come from a background where I still believe in the rule of law, and I am impressed
F that this prison is one of the very few prisons in the country that is getting people off Class A
G drugs; and this is not getting off the subject. My driving impetuosity - call it what you like
H - got me to Australia in an old aeroplane, and I will not ... I have tried in this case, with the
extremely limited facilities available, to show you that I have exhausted all lawful means,
other than waiting for the outcome of a civil case. The outcome of the civil case at minimum
will take four years; but there will be no order from a civil court making the doctor (?) if the
GMC and the NHS world does not support it, and at the moment they have refused to take up
my complaint, even though I have a number of specialist doctors that clearly show that (a) it
couldn't have been done, and that the procedures which he relied on were inappropriate, to put
it mildly.

I still believe, despite what I have experienced in this country, once I eventually get out
of Wales and manage go back to live in France for the rest of my short life, I still retain
(inaudible) in the rule of law. I believe in politicians are the only ones to do anything about
changing it, and I am disappointed that the powers of discretion, since the mid-80s in our law
courts, civil and criminal, have been abused on occasion. To allow cases like this to have

A come so far, on a matter which was succinctly put in a solicitor's letter in this case, if only
Caswell Clinic, or the NHS, or the doctor himself, released the evidence to support that I have
B is going to be an awful lot of trouble to come if somebody doesn't have the testicles to do
something about it.

JUDGE HUGHES: Thank you very much, Mr Kirk. We will retire to consider this.

MR WILLIAMS: Your Honour, there is a matter of law that I refer you to, since it was
C raised by Mr Kirk, albeit obliquely, in his evidence; I would refer you to paragraph 19-277h of
Archbold, which deals ----

JUDGE HUGHES: 277h?

MR EVANS: 277h, yes, and it is to do with the course of conduct, and in particular I refer
D you to page 1949 ----

JUDGE HUGHES: Let me find this paragraph first of all. **(Pause while the place was
found)** It is to do with Section 7 of the Protection from Harassment Act. I refer your Honour
E to *Jones v DPP* [2011] 1 WLR 833; that is at the top of the page, and it deals with the matter
that Mr Kirk referred to in evidence. It says:

"There is no requirement that each individual act forming a part of a course of
conduct must be of sufficient gravity to be a crime in itself".

F It is the course of conduct taken as a whole that has to be referred to.

JUDGE HUGHES: Thank you for telling me; I did know that, but ----

MR EVANS: Perhaps trite, but ----

JUDGE HUGHES: Not at all; you are quite right to tell me about that; and you mentioned
G before - which is also something which I knew, but you are quite correct to introduce it - that
only two ... two incidents have to be established for there to be a course of conduct.

MR EVANS: That's right, yes.

H

A **MR KIRK:** In order that there is no confusion, your Honour and your Worships, the course
of conduct I refer to, of course, is not harassment; I had a course of conduct to pursue (?) and
to prevent crime that has been done, which will continue unless someone of authority has the
relevant means and ----

B **MR EVANS:** 19-277b, your Honour, is the defence that is referred to.

JUDGE HUGHES: Thank you.

MR KIRK: Thank you; I am obliged to your Honour.

C **JUDGE HUGHES:** Yes, I can see that too. We will consider this, and give our ruling at not
before 2.15.

(12.54 pm)

(Adjourned for a short time)

D **(2.43 pm)**

RULING ON APPEAL

E **(14.43 pm)**

JUDGE HUGHES: This is the appeal of Mr Maurice Kirk against his conviction and sentence
at Cardiff Magistrates' Court on 1st December 2011. His Notice of Appeal is handwritten and is
dated 7th December 2011, and there is also an earlier note of 2nd December which also refers to
F his appeal.

His conviction following a trial was for an offence of pursuing a course of conduct
which amounted to the harassment of Dr [REDACTED] over a period of about four months
during the middle of last year, 2011, contrary to section 2(1)(2) of the Protection from
G Harassment Act 1997.

He was sentenced to imprisonment for 18 weeks and was made the subject of a
Restraining Order, and was also ordered to pay £1,500 prosecution costs.

H

A Following his conviction it is alleged that he breached the Restraining Order, and other quite separate proceedings are now under way in respect of that matter, with a trial date fixed in the Crown Court on 2nd May 2012.

B That new trial on indictment, and other litigation previously, both criminal and civil, have caused a great deal of anxiety and frustration in Mr Kirk, who has often, and maybe usually, been without legal representation. He, therefore, has frequently acted in the past as a litigant in person, and in conducting his appeal before this court he has represented himself.

C Mr Kirk is quite obviously an intelligent and an articulate man, and he has come to believe that the criminal and civil justice communities, especially in South Wales, are populated with people who are determined to deny him what he regards as his fundamental legal rights, and it is clear from the copious correspondence he has sent to the court about this appeal, and his other unrelated litigation, that he thinks there is a conspiracy amongst those who have dealt with his cases in the past to deny him fair hearings and to see him incarcerated, as he sees it, without just cause.

E He complains about various aspects of the criminal process. He feels that his legal papers have been kept from him in prison, that his medical records have been withheld from him, and that, as a result, he believes he is being deprived an unimpeded right to conduct his own litigation fairly. He obviously feels at a disadvantage.

F In this case we have been concerned only with the appeal, to which I earlier referred, and sometimes it has seemed that Mr Kirk has found it difficult, if not impossible, to isolate the issues which have to be addressed at this appeal and to separate them from his general grievances about the way he feels he has been treated by the authorities in the recent, and not so recent, past.

G In the Magistrates' Court we understand that the court appointed an advocate to conduct the cross-examination of prosecution witnesses on Mr Kirk's behalf. In this appeal hearing the

A same procedure has been adopted. Mr Kirk has objected to it, but the court decided, nevertheless, to exercise its power under section 36 of the Youth Justice and Criminal Evidence Act 1999 to prevent the Appellant from cross-examining the prosecution witnesses himself.

B That decision was made, as the court explained to Mr Kirk when he appeared at a Directions appointment several weeks ago, because it appeared to the court that the quality of evidence given by witnesses on cross-examination was likely to be diminished if the cross-examination was conducted by Mr Kirk himself, and would be likely to be improved if a court-appointed advocate were engaged to carry out the cross-examination on his behalf, and, also, the court concluded that it would not be contrary to the interests of justice for such a direction to be given.

C
D In deciding whether a direction for a court-appointed advocate should be made the court took into account all the criteria referred to in section 36(3) of the Act and in particular bore in mind the nature of the questions that were likely to be asked of witnesses, having regard to the issues in the proceedings and the Appellant's case, also the behaviour of the Appellant, which includes behaviour at any stage of the proceedings, both generally and in relation to witnesses, and also the court bore in mind the relationship of doctor and patient which existed between Mr Kirk and Dr [REDACTED] whom he is alleged to have harassed.

E
F At the Directions Hearing, to which I earlier referred, Mr Kirk was given seven days to tell the court if he wanted to engage his own legal representative. When he did not do so the court moved to make the appointment under section 38(4) and (5).

G When the appeal began Mr Kirk became angry and argumentative in the dock. The court then, as it did throughout the proceedings, made considerable allowances for Mr Kirk's exasperated lengthy interjections from the dock, and for his feelings of frustration and grievance. Unfortunately, after repeated requests for him to remain silent, which he ignored, it was

A necessary for him to be removed from the dock because his behaviour was disrupting the court proceedings.

B Upon his removal the court immediately adjourned so that Mr Kirk might reflect on his conduct. After a short adjournment the court was told that he had passed a message that he did not intend to return to court, and so the appeal proceeded in his absence.

C Evidence was called by the Respondent, and witnesses were cross-examined by the court-appointed legal representative. After about an hour the court adjourned again, in the hope that by then Mr Kirk might have changed his mind, as indeed he did, and he then returned to the dock.

D We heard evidence of the allegations from a number of witnesses, and the offence refers to an alleged course of conduct over a period of about four months from May 2011 to September 2011, during which Mr Kirk, it is alleged, set about doing what he could to denigrate and undermine the reputation of Dr [REDACTED] a Forensic Scientist and the Director of the Caswell Clinic in Bridgend.

E The reason for doing so arises because of a psychiatric assessment and report prepared by Dr Williams in 2009 in criminal proceedings, in which Mr Kirk was the defendant, and the court ordered the assessment. It is only necessary to say that Mr Kirk did not agree with Dr [REDACTED]'s assessment of him. He regards Dr [REDACTED] as having committed perjury, and of having perverted the course of justice, by what he believes are his false, misleading and untruthful assertions about his mental health, and, consequently, he began pursuing Dr [REDACTED] until, during the summer of 2011, he had, according to the Respondent, embarked on a campaign of harassment and threatening abuse, which eventually extended not just to threats to Dr [REDACTED] himself but also to his family.

H

A According to Dr [REDACTED] the situation became so bad that he was unable to work at the clinic where his patients were, and he learnt from colleagues of what Mr Kirk was doing and saying when he came to look for him at the clinic.

B During that summer Mr Kirk ran an internet website, upon which he made derogatory remarks about Dr Williams. He also published posters, which he distributed, some of which were headed, "Wanted, dead or alive", and carried Dr [REDACTED] name, his professional address, and a photograph of him.

C In one of the posters he set out the following under Dr [REDACTED] name, and a photograph of him, and I quote, "Accused of falsifying medical reports and forensic history to obtain imprisonment without a trial", and then, in what appears to be a quotation from the psychiatric report of Dr Williams, the following appears on the poster, and again I quote, D "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", and then "Maurice Kirk presents with symptoms entirely consistent with a mental E illness, namely paranoid delusional disorder (fixed false beliefs unamenable to reason)".

F The course of conduct between May to September 2011 is characterised by seven specific incidents referred to in the Memorandum of Conviction, all of which have been referred to by witnesses called by the Respondent, and Mr Kirk has also given evidence. He has given his account of his grievances, at some length. He declined, more than once, to address specifically the seven points of the charge identified by date, which give rise to the prosecution G assertion that he is guilty of a course of conduct, however, he did accept that he had pursued a course of conduct, but his point is that he was doing so legitimately to prevent or detect a crime, in other words he was relying on section 1(3)(a) of the Act.

H We listened carefully to what he had to say, much of which, although he no doubt will disagree, was irrelevant to the issues in the appeal. In due course his evidence had to be time-

A limited, and he was given a final 10 minutes to conclude his evidence, after which he was cross-
examined. He wanted to call witnesses, but had difficulty in naming them, and he said he
wanted to interview and/or to summons witnesses, and for that purpose he sought an
B adjournment, which was refused.

He said he thought there might be an acquaintance in the public gallery who might be a
witness, whose name he did remember, and the court allowed the witness to come forward, a Mr
Maurice Bowen (?) He was very anxious to help. He has sympathy for Mr Kirk. He does not
C like the Caswell Clinic, for reasons of his own, but he knew nothing of the seven incidents upon
which the court is required to focus, and had no other relevant information to provide.

We have also considered a number of documents the Appellant produced in the witness
box, all in a bundle which he referred to as defence exhibits.

D We have considered all the evidence. We accept the evidence of the prosecution
witnesses and we are satisfied that all seven incidents relied upon by the prosecution have been
proved.

E In fact, Mr Kirk admits much of what is alleged, although not all the detail of them. He
accepts that what he did amounted to a course of conduct. Even if it were not the case that each
of the seven incidents could individually be described as harassment, so as to amount to an
offence, the whole pattern of offending over the four-month period clearly does represent a
F course of harassing conduct against Dr [REDACTED] and it had a significant impact upon
him, as his evidence indicated.

We are satisfied that Mr Kirk knew, or ought to have known, that what he was doing was
G harassment to the doctor. We are also satisfied that Mr Kirk has not shown that the purpose of
his conduct was to prevent or detect any crime. The statutory exception of sub-section (3)(a),
therefore, does not provide him with a defence.

H

A Consequently, we are unanimously of the view that the charge against Mr Kirk has been properly proved, that his appeal against conviction is without merit and must therefore be

(2.56 pm)

B **MR KIRK:** Could I ask that the exhibit that was fraudulently put in ... you remember they produced a letter which clearly could not have been sent by me. The evidence in the lower court that was accurately rerecorded (?) is different to what the evidence is; that was slipped in. The act (?) was fraudulently put in the hands of a competent police authority. I ask the court not to allow that exhibit to leave this court, because I will never be allowed to have it; and may I have copy of the exhibits that were used, because I have never been given the exhibits in this case until I was in the box, and I was told there were ... I've only seen two. Can you please confirm that I will get copy of all the exhibits that were tendered by the prosecution when I was tricked in not ... in my not being able to be here.

 Lastly, your Honour, I had three witnesses which I needed for the restraining order trial on 2nd May. They have travelled a very long way for me to interview them. It is only 3 o'clock; I do not leave here for at least an hour. Could I please ... could you please arrange that I can interview them as important witnesses.

F **JUDGE HUGHES:** (To the clerk) What is the position about that? **(Pause)** Before I come to that, may I just ask you to help me with one other thing, Mr Kirk, which is that your appeal was against conviction and sentence. Is it your wish that you should pursue the appeal against sentence?

G **MR KIRK:** Well, I have already lodged, your Honour, a judicial review on this case; I had to do it yesterday, or the day before yesterday, because the three months was up yesterday. The outcome was broadcasted in advance, and how you were going to achieve it. The little bit of luck is that I didn't realise they were prepared to slip in a false document, exhibit ... the second exhibit, the envelope, that I am supposed to have sent this ... That is a clear act of fraud, and I

A didn't think they needed to have ... as you said, they need not have done that, but that is an
indication that ... the steps at which they will go. Now, the disappointing thing is, of course, I
wasn't able to sum up because I wasn't able to hear ... compare the evidence with what they
B said last time, because I never heard the evidence.

Your question was about sentence. Well, I asked that this case originally go to trial by
jury, and could I persuade the prosecution to change it under ... to Section 4 - or 3, is it? - to
the harassment with violence - or threat to violence, isn't it? - because then I would be able to
C go to a trial by jury before you lawyers annihilated, on my account, my last bastion of British
justice, that is proper magistrates, lay magistrates, and jury; and they wouldn't because they
knew ... they knew the outcome would be contrary to their interests; so I doubt if I have any
avenues of appeal other than judicial review. It is the sixth judicial review I have (inaudible)
D since I have been in South Wales, so that is of interest to me and my family.

JUDGE HUGHES: I am not talking about a new appeal; I am talking about the appeal
before this court, which includes not just the appeal against the conviction, which we have
E now dealt with ----

MR KIRK: Yes, I know.

JUDGE HUGHES: ---- but also the appeal against sentence, which included, I think, an
18-week sentence.

MR KIRK: Yes. You see, we are all very intrigued as to why you wouldn't let me ... all I
wanted was to get further perjury evidence of [REDACTED] and I've also got the fact that
the CPS have been a party to fraud and perverting the course of justice with that exhibit. That
G is a bonus; I wasn't really interested in that, and I am really (?) interested in the verdict,
because we all knew the verdict before we started. The problem is that if I don't withdraw the
appeal, it means you can double the sentence, or you could even halve the sentence; but I have
served the sentence; and we are all intrigued as to how you can miss this legal precedent, so
H

A far as I have heard so far, that someone is not allowed to withdraw. Are you prepared to now,
if I withdraw my appeal against sentence, whether, if I do that, will you now order the doctor
... because the judgment in this case has put ripples of serious trouble across South Wales.
B There is enough trouble with Caswell Clinic and Dr [REDACTED] already, and you have
clearly stated that he can write what he damn well likes, and no Crown Court judge ... I have
only been to the civil court, your Honour - you may not be aware; well, I am sure you are - and
C I was threatened with a £10,000 bill for an £800 (inaudible) action against Tegwyn Williams
if I did not withdraw it.

I spent many, many thousands of pounds. I had to withdraw that civil action; and they
were funded by the taxpayer. Morgan Cole of Bristol - no, sorry, of Cardiff - funded that
D £800 claim and gave a bill to the taxpayer of £10,000, and they said if I pursue it "we will
send them out of court. Sign here"; and all I wanted was clarification in order that I can return
to my profession (inaudible). I am currently, in law ... I was mentally ill in law when I
E committed these offences. These alleged offences took place during the time that I was a
MAPPA level 3, unless you can prove otherwise, and they won't, because they know I am still
a MAPPA victim, your Honour; but more to the point, I showed to you, in those exhibits, that
on 18th September I was sectioned again based only on the evidence of the psychiatric reports
F which are with this court, because each time they were produced he hides behind the frilly
knickers of the judges and saying "oh no, it's not the police asking for reports; it's the 8 ... 6, 6
Crown Court judges of Cardiff". They are with you, and Cooke, QC, his Honour, I asked him
also "will you please order someone to correct", and he didn't ----

G **JUDGE HUGHES:** Mr Kirk ----

MR KIRK: I immediately went to prison for a month for contempt of court.

H

A **JUDGE HUGHES:** We have listened to this before, Mr Kirk. I know you still feel very strongly about it, but the question I was asking you was really quite a simple and a different one. It is simply this: do you want to pursue your appeal against the sentence or not?

B **MR KIRK:** Yes.

JUDGE HUGHES: All right.

MR KIRK: But I feel I am obliged to morally because I've questioned the conviction.

JUDGE HUGHES: All right. Antecedents?

C **MR EVANS:** In which case there is a set of antecedents. **(Handed to the court and the accused)** I am conscious, your Honour, that Mr Kirk has already said what he wishes to say about the antecedent print in the course of his evidence. It is Maurice John Kirk, born 12th March 1945. He is 66 years of age; 67 next week; 15 convictions for 25 offences on the printout that I have, and they span ----

D **JUDGE HUGHES:** I have 14 on this.

MR EVANS: I think the up-to-date one has the magistrates' court conviction on it.

E **JUDGE HUGHES:** All right. 1978 it starts, does it?

MR EVANS: Oh, no, it doesn't; I don't think you have it as up to date as we do. **(Copy handed to the court)**

F **JUDGE HUGHES:** Are giving us the one that Mr Kirk has now?

MR EVANS: Yes. Just so I can confirm that, your Honour, the printout date that I am referring to is 29th February 2012; the printout date is in the top left-hand corner.

JUDGE HUGHES: Yes, we have that.

G **MR EVANS:** 15 convictions for 25 offences, spanning from 1978 with an assault occasioning actual bodily harm, moving right the way through to the present day; and I refer you to page 5 of 10, is the number I have at the top.

H **JUDGE HUGHES:** Just a minute ... too quick. We have 5 of 10 now; right. Go on.

A **MR EVANS:** Yes, 5 out of 10, there is a contempt of court matter with imprisonment for 28 days in June 2010.

JUDGE HUGHES: What happened there? Do you know what happened there?

B **MR EVANS:** As I understand it, that is the ... I don't have a narrative antecedent print, but, as I understand it, that is a sentence of the court as a result of contempt in the face of the court during the trial ... machine gun trial.

JUDGE HUGHES: Oh, I see; yes.

C **MR EVANS:** There is a Section 5 public order offence from August of last year; there was a fine passed. There is this matter at item 14; that is imprisonment 18 weeks, and costs of £1,500; that is at large, obviously. There is also postdating matters, common assault, for which no separate penalty was made. That is subject to an appeal in Bristol; that has already
D been adverted to in the course of proceedings. Since then there is racially aggravated harassment, a racially aggravated Section 5, in effect, which was a fine.

JUDGE HUGHES: These are all coming in very close succession, are they not?

E **MR EVANS:** They are; they are. Other than those matters, your Honour, as described by Mr Kirk himself, fairly minor offending, actually, leading up to that time.

JUDGE HUGHES: Yes.

F **MR EVANS:** There is of relevance, given that it is an appeal against sentence of the magistrates' court, Section 2, as your Honour will be aware, is a summary-only offence. There is a relevant magistrates' court sentencing guideline; I have a copy printed out here. There are three bands, if I can put it in those terms; it is page 70 of the Magistrates' Court Sentencing
G Guidelines. The third band, the most serious band, says "threatening violence; taking personal photographs; and sending offensive material"; in my submission, it probably falls in that bracket there. That is a starting point of 18 weeks' custody. I am sure your Honour and your
H Honour's colleagues have copies of these. It is page 70, should ----

A **JUDGE HUGHES:** If you can lend it to me, so much the better.

MR EVANS: Of course.

JUDGE HUGHES: If you want it back ... oh, we do have one, actually, but a second one would be helpful, if you could spare it.

B **MR EVANS:** Of course, unless Mr Kirk (inaudible). I should say, at this early juncture, there will be a Crown's application for costs in this case; but I leave that as it is at the moment.

JUDGE HUGHES: Mr Kirk, what do you want to say about the sentence that was imposed upon you for 18 weeks?

C **MR KIRK:** Well, come on, your Honour, let's deal with some of the fairy tale that we've heard about the PNC. They altered the PNC when I was arrested on 20th September (?) in order to make it more difficult for me to get bail on the 23rd. That is not on there, but I demanded to have copies of these each time I came to court, and he deliberately, for the record, read out (inaudible). This was in 1978, when I caught drug dealers in my veterinary surgery, 4 ... 5 of them, and I took them on; but because I had a problem with the Bristol, Somerset and Avon, there that I had been ... I had to deal with 76 charges over a period, and I won 70 ... 56, so that is 2 out of 3 ... sorry 52, exactly 2 out of 3; so there is a history of me having to be a litigant in person. If you move down the next, actual bodily harm, it is totally fictitious. Each time I come to court I say it is fictitious, and each time ... the first time that was put on my record was by Derek Hassan on behalf of a request from a Dr Tegwyn Williams in the summer of 2009, which he then printed on each successive false psychiatric report in order to boost, along with information from the Austin, Texas Psychiatric Hospital, which cleared me of all allegations of any mental disorder, but would not return the files, and in fact had them destroyed.

JUDGE HUGHES: Well, it is 32 years ago, anyway; let us just forget that one.

H

A **MR KIRK:** Yes, you may say that, but he deliberately read it out for his own purposes, all
part of the modus operandi of somebody who is desperate to break down the name of someone
who dares question the word of a (inaudible) judge; and, more importantly, the repercussions
B that you have now caused across South Wales for the general public that a doctor can now
freely falsify his medical records, knowing that he has the full protection of the courts.

JUDGE HUGHES: Yes. Would you like to tell us why your sentence was wrong, please.

MR KIRK: We then move on to a prison sentence of 28 days in there. That was for
C contempt of court, because I said "you are the Recorder of Cardiff" - this is all going to be
repeated on 4th ... the 2nd of the 4th of May to the current Recorder of Cardiff, Mr J Curran. I
said this to ... I applied to see Judge Cooke, saying "you must be the man who can order the
D judge ... the doctor to correct his records", and he had in front of him psychiatric and accurate
specialist medical reports, including from the Vale Hospital here in the Vale, refusing to
operate until these matters were clarified. I was (inaudible). I have been through all the
systems (?), and here I am in a court of law, and the civil courts (inaudible) want to handle it,
E because you are all damned ... too damned scared, because you have made so many mistakes
hushing up which would have been a very simple thing to correct. There are so many bent
lawyers involved now. You are the 11th judge, your Honour; and the Crown Prosecution, in
F front of people in the gallery, have deliberately tried to falsify and pervert the course of justice
by introducing a franked letter, because they could not ... they knew that if I was able to have
cross-examined those witnesses I would have broken it down to two junior ----

JUDGE HUGHES: Mr Kirk, I am going to stop you. We have dealt with your appeal
G against conviction. I am simply asking you to tell us why your sentence of 18 weeks'
imprisonment was wrong.

MR KIRK: (Inaudible) some other aspect about my PNC that at the end it was totally false;
H the trouble is I can't remember what it was. Oh yes, of course. I talked to you about the

A Nigerian children who we're fighting for to ... before they're incarcerated in adoption against the wishes of parents or children. That matter - I went and approached the lawyers in London, and I was accused of a public order - that matter is subject to appeal at the Wood Green ... not the Wood Green; Blackfriars ... the Blackfriars Crown Court. The interesting thing on that one, your Honour, is that they prosecuted me for failing to attend. They in fact arrested me in the precincts within the magistrates' court at the end of the harassment case that was subject to appeal today. I was gate-arrested and taken to court, and they were saying (?) "why weren't you in court two days ago?" I said "because I was locked up in Cardiff Prison". "No, well, we find you guilty"; and I said "well, how can I be guilty? There must be a reasonable excuse"; and they had put on that charge - I haven't read it, but it is there - it says I pleaded guilty. Does it say on yours I pleaded guilty? "FTS", "failed to surrender". Is it on your list?

JUDGE HUGHES: I am just asking you to tell us why you think 18 weeks ----

MR KIRK: It's not on your list, is it, because they know that I was getting the opportunity to raise it in front of a lying (?) Crown Court ----

JUDGE HUGHES: Mr Kirk, there is a limit to my patience. I will ask you for the last time; if you wish to pursue your appeal against sentence, you must tell us now why the 18 weeks was too long.

MR KIRK: Do you accept that that is ----

JUDGE HUGHES: Just deal with what I have just said to you.

MR KIRK: The CPS have said that it's defunct, it's ... there is no appeal. Do you accept that?

(The Bench confer)

A **RULING ON APPEAL AGAINST SENTENCE**

JUDGE HUGHES: Yes, we dismiss the appeal against sentence.

MR EVANS: Your Honour, the restraining order, of course, remains extant; there is no change to that, and I want to make that absolutely clear in court.

B **JUDGE HUGHES:** Yes.

MR EVANS: There is an application for costs of £625. This has been a two-day appeal against conviction, with numerous witnesses, lay and police; the Crown has been put to some great expense. The Crown has heard, in the course of the evidence, that there are means of the defendant - he has been paying for transcription throughout - and I would ask you to consider that amount, or a contribution towards it.

C **JUDGE HUGHES:** The prosecution are asking for £625 in costs, Mr Kirk. What do you want to say about that?

D **MR KIRK:** Your Honour, you are aware that I have written in advance for an application to amend the restraining order. It is before you; it was sent in advance following the ... because we all knew how you would cover up this conspiracy; it's so easy now to commit (?) what you do for use in your position as a judge in open court. I had put in an application for an amendment to the Crown's restraining order. I had a letter back from the court saying "at the end of this hearing". The hearing has now ended. I patiently await; and reasons, please, because it will go straight to the courts elsewhere.

E **JUDGE HUGHES:** All right. For the last time, anything you want to say about the costs?

F **MR KIRK:** I would need notice for a question like that. They should have given me this ... in any other court you would have got all this the day before, or the day before the trial starts. You have this ----

G **JUDGE HUGHES:** £625 in costs. Is there any reason why you should not pay it?

H **MR KIRK:** Yes, because I'm innocent of the alleged offence.

A
B
C
D
E
F
G
H

(The Bench confer)

RULING ON APPLICATION FOR COSTS

JUDGE HUGHES: You will pay the costs of £625. Do you want time to pay?

MR KIRK: A pound a week?

JUDGE HUGHES: No.

MR KIRK: My pay in the prison is £1.50 a week. It is £1.50 week.

JUDGE HUGHES: You will pay it within six months.

MR KIRK: Prison pay won't pay it, and my application for amending ... are you refusing?

Can I have an official refusal of this?

JUDGE HUGHES: No, you may not, because that is not before me.

MR KIRK: No, you can't (inaudible), can you? You can't face the fact ...

JUDGE HUGHES: (To counsel) Is there any reason why those exhibits - about four of them, I think, were there not ----

MR EVANS: Yes, there are.

JUDGE HUGHES: ---- can be (inaudible) into a copy, and let him have a copy of those four exhibits.

MR EVANS: I cannot see any reason.

MR KIRK: Your Honour, this has all been done before; they will get destroyed. Could you please take possession ----

THE USHER: Court please rise.

(3.17 pm)

(His Honour and the magistrates left court. There was shouting in court)

MR KIRK: What did the judge say about ----

THE CLERK: Can you remain quiet, please, in the court. You can have copies of the exhibits, Mr Kirk.

A **MR KIRK:** Sorry?

THE CLERK: You will have copies of the exhibits.

B **MR KIRK:** (Inaudible) What about ... the judge asked you for your opinion about my having to be able to interview my witnesses for trial. What was his ... what did you give him, what advice?

THE CLERK: No, I didn't give advice ----

C **MR KIRK:** I heard it on my machine. You are obliged in law to give the information to everyone in court.

**(There followed inaudible conversation and a disturbance in court.
The recording was switched off at 3.21 pm)**

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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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