

A
B
C
D
E
F
G
H

IN THE CROWN COURT
AT CARDIFF

Indictment No. T20127589

The Law Courts
Cathays Park
Cardiff
CF10 3PG

3rd September 2012

Before:

HIS HONOUR JUDGE WILLIAMS

R E G I N A

- v -

MAURICE JOHN KIRK

MR NUHU GOBIR appeared for the Prosecution

The Defendant appeared in person

ALL PROCEEDINGS

Tape transcription by **Mendip-Wordwave**
(Official Transcribers of Court Proceedings)
Rockeagle House, Pynes Hill, Exeter, Devon, EX2 5AZ
Tel: 01392 213958 : Fax: 01392 215643

ALL PROCEEDINGS

(15.43)

JUDGE WILLIAMS: Mr Kirk, can I address you. Firstly, is there anything that you wish to say as far as the orders that I have made (inaudible)?

THE DEFENDANT: Sorry, I didn't hear much of that. Could I have something in writing to that effect?

JUDGE WILLIAMS: Yes, (inaudible).

THE DEFENDANT: Could I have a copy of the charges, the allegations? Is that possible now?

RULING

JUDGE WILLIAMS: What I have indicated, Mr Kirk is, and I will order that you be provided with the orders, a written list of the orders that I have made, by close of business tomorrow. The first order that I made, Mr Kirk, was that the prosecution would serve the evidence on which it relies by 11th October 2012. That will include the evidence sufficient to amount to the (inaudible) based on which the prosecution rely, and for them, by 18th October, to provide a draft indictment. These are standard directions, Mr Kirk, so that you know the cases which are sent to the Crown Court from (inaudible).

THE DEFENDANT: I am actually anxious to have the papers that were handed to me last time I was in custody, though I'm not sure if you can help me there. Umm, I'm not allowed my legal papers. The prison (inaudible) refuse me the right to have access to my own money to communicate with the outside world. Umm, I'm wondering if a copy of whatever was handed to me when I last came, could be handed to somebody in the audience in my presence, to make sure that at least my friends outside know something about what is being cooked.

A **JUDGE WILLIAMS:** I am unable to make an order in those terms, Mr Kirk, so I do not know what passed(?) between you and anybody in the (inaudible) stage of (inaudible).

B **THE DEFENDANT:** The CPS and this court were notified by lawyers in England that medical evidence suggests that I am not fit to deal with these matters today and, umm, I would ask that you do have, suggest, humbly suggest, that you do have the power to order the CPS to produce that medical evidence. And in any event, Crown Court has possession of it upon a previous occasion. These are matters that relate to my, why I'm being detained in custody and why the alleged offences have taken place, will be the argument of the prosecution, had the prosecution released the medical evidence. For example this is to do with the breach of a Restraining Order.

D Well, since I came to court last time, the CPS, Crown Prosecution Service, and the magistrates, have denied having copies of any draft Restraining Orders. Well, there are people in the gallery and there's, there are people outside the room who wish to address you on the matter in a minute, who watched and heard the judge, His Honour Judge Curran, discuss the matters of draft Restraining Orders, which were freely admitted to be in existence by the barrister, David Gareth Evans, acting for the Crown Prosecution Service, and also others in the magistrates' hearing where several watched the, err, the, err, District Judge, John Charles, write his pen over the top of another version of the draft Restraining Order.

E I feel this matter is urgent because you(?), apparently one of those judges which apparently (inaudible) indictment, which is again something I misunderstand, err, why it is not being dealt with in a lower court, umm, states that I'm in breach of a Restraining Order. This matter was subject, is before the Criminal Court of Appeal in England at the moment, umm, by way of appeal from May, May the 1st or 2nd or 3rd ...

F **UNKNOWN SPEAKER:** 4th.

G
H

A **THE DEFENDANT:** ... 4th of May this year, and unless I have proper disclosure, to which I
am entitled under Article 6, umm, I am going to be in difficulty.

B **JUDGE WILLIAMS:** Yes. Well, as I say, these are standard directions, Mr Kirk, which
apply to all cases and to all defendants in your position who are sent from the Crown Court in
respect of offences which can only be (inaudible) sent from the Magistrates' Court in respect
of offences which can be tried only in the Crown Court, so I do not think (inaudible) not to
make any exception to the usual rules which apply in these types of cases, and so I (inaudible)
C rules. Can ask, Mr Kirk, whether it is intended that you be legally represented at the next
hearing.

D **THE DEFENDANT:** Well, if I, if I could ask, (inaudible) to be rude, could ask why I am in
custody, and then I'll be able to answer your question by the way we get an answer from the
CPS.

JUDGE WILLIAMS: Well, obviously ...

THE DEFENDANT: Do you see what I mean?

E **JUDGE WILLIAMS:** Well, I am not going to engage in that, but you are not able to
indicate, are you, whether you will be legally represented on the next hearing?

F **THE DEFENDANT:** Well, without the disclosure my learned friend (inaudible) the Crown
Court have, it was put before the Crown Court on the 2nd of December (inaudible), umm, I
(inaudible) I can't get the proper conduct to which I'm, I'm expecting in any other form.

UNKNOWN SPEAKER: (inaudible)

G **THE DEFENDANT:** Can I ask for someone outside to address the court on my behalf,
because I am not mentally fit, on, on the matter of legal representation?

H **JUDGE WILLIAMS:** Mr Kirk, forgive me, I will just (inaudible) here for a moment and
then turn to one of the other matters outstanding. Mr Kirk was remanded in custody by the
magistrates.

A **MR GOBIR:** He was, after a bail application, yes.

JUDGE WILLIAMS: Was he legally represented at (inaudible)?

MR GOBIR: He was not, and the note I have on the file is that he was asked specifically if
B he wanted to be legally represented and he said no, he didn't.

JUDGE WILLIAMS: Mr Kirk, I am adjourning your case until 8th November. If it is your
intention to apply for bail ...

THE DEFENDANT: I have already applied for bail the minute I got into prison, and that
C was over two weeks ... but that was two weeks ago, over two weeks ago, when I was taken
into custody. Can you give me some indication why that matter has not already been dealt
with?

JUDGE WILLIAMS: If you (inaudible) Mr Kirk, (inaudible) if it is your intention to apply
D for ...

THE DEFENDANT: I have already done that in writing.

JUDGE WILLIAMS: ... to apply for bail in the Crown Court ...

E **THE DEFENDANT:** I have done ...

JUDGE WILLIAMS: ... (inaudible).

THE DEFENDANT: ... that two weeks ago.

JUDGE WILLIAMS: Then you should serve your application on the prosecution in
F (inaudible) court and the court will then deal with it.

THE DEFENDANT: Well, I've done that, but the problem is the prison will not allow me to
send letters out of the prison. I'm allocated two a week. I'm not allowed access to my money
G in order to conduct the normal things that a defendant, unrepresented, requires monies for.
Umm, can you not assist on the conduct, the current conduct of the prison?

JUDGE WILLIAMS: Again, Mr Kirk, so far as this court is concerned, the ...

H

A **THE DEFENDANT:** No, I'm addressing you as a judge about, about (inaudible)
your Honour.

JUDGE WILLIAMS: The procedure is when you made application to (inaudible) on notice,
and that is the rule without exception, and that is the rule that applies in your case (inaudible).

B **THE DEFENDANT:** I'm asking you to intervene in the conduct of the prison and the CPS,
who had ordered the prison ... the CPS had orders to disclose things which are relevant to this
trial, months ago, because it's a repeat trial, and they were ordered to, to produce things, and I
C still haven't had them from the previous trial by jury for breach of a Restraining Order. And
here we are again repeating the same nonsense. And, and I'm asking you, do you have the
power to order the CPS to hand over their disclosure? I only mention one as an example – the
D list is quite long – and I have already sent it in and (inaudible) take up your time in giving you
the wrong list, but also the conduct of the prison in preventing me from having access to my
potential witnesses, my legal representatives, my own money to communicate with the outside
world, as an unconvicted person, unrepresented. I believe you have the power to intervene,
E your Honour.

JUDGE WILLIAMS: Mr Kirk, I have made all the orders that I am going to make and the
final order that I make is that you are remanded in custody until the next occasion, which is 8th
November, your Plea and Case Management Hearing. Thank you very much.

F **THE DEFENDANT:** Can I see my witnesses before I leave the building ...

JUDGE WILLIAMS: Take him down.

THE DEFENDANT: ... down below?

G (15.53)

H

A We hereby certify that the above is an accurate and complete record of the proceedings, or part thereof.

B

Signed: Mendip-Wordwave Partnership

C

D

E

F

G

H