

Applicant' Reply to Draft 'State a Case' Response from District Judge Jenkins

1. The South Wales Police lost the 25th January 2009 'machine gun' jury trial with neither defence evidence nor 'summing up' to the jury being needed. Despite ruthless failed disclosure of evidence, at the time and now revealed late in this equally scandalous magistrates prevaricating bit of nonsense it is all based on inherent deceit within an embittered judiciary driven by avarice.

(Para 1) Despite my countless requests for the return of my lawfully owned property, seized by the police on various dates, together with unaccounted thefts and break ins, causing loss of my computers and legal papers, I have always been refused causing me to realise some ulterior motive.

2. What I did not know, while smouldering in Cardiff prison, is that on the second day of the 'machine gun' hearing the police came into the possession of a 'walking stick shot gun' at my home, a prohibited weapon, my never knowing about this until three years later when having started these court proceedings, under the 1897 Police Property Act, in one last ditch attempt to try recover my antique and modern lawfully kept guns, taken during the 22nd June 2009 house search and other dates, involving some twenty or so South Wales Police officers.

3. At the end of that two week farcical trial, with my having been held in prison for nearly eight months, nine of the jury present, in a local restaurant, told us that eleven of them were already decided even after the very first day of cross examination. Their conclusion was that I been, to use their words, ' obviously stitched up'.

(Para 11 &18) The police withheld this relevant evidence in their 'Operation Chalice' 'machine gun' trial in order to orchestrate a second jury trial, for a second 'prohibited weapon', if the first trial failed. The Caswell Clinic rogue psychiatrist's collusion, before His Honour Judge Neil Bidder QC, failed had already failed to get me incarcerated in Ashworth High Security Psychiatric prison, IPP failed so the 'walking stick' was plan C, to stop the three month damages claim trial from ever going ahead.

Failed disclosure included:

- i) their a second purported 'prohibited weapon', a .410 shooting walking stick, seized from our home
- ii) their video footage of the house search for a long gone machine gun and ammunition, the latter to be and seized off my desk
- iii) my seized 15th June 2009 Judicial Review Application appeal papers, ready for the Court of Appeal the Respondents having been The South Wales Police, Royal College of Veterinary Surgeons and HM Attorney General all items directly relevant to my arrest, was also left in full view as armed police surrounded our home with armed helicopter over head.
- iv) their 'Operation Orchid' and attempted snatching of my then ten year old daughter with Vale of Glamorgan Social Services, conduct that triggered my wife to commence divorce proceedings
- v) my being, without my knowledge, registered MAPPA level 3, supervision level 3, ordered by the then Chief Constable, Barbara Wilding, following her falsely signed Feb 2009 sworn affidavit, weeks before my arrest but left 'at large' as a target for a lawful killing by her officers
- vi) Detective Constable Parker and others' evidence, having viewed my website, www.kirkflyingvet.com , weeks before my arrest, assessing the need to repaint the decommissioned Lewis machine gun, to try and fool the jury, from current 'silver' back to to 'black', as it had been sold to a museum and repainted by them a year earlier
- vii) requiring the Chief Constable using a female police officer, code named 'Foxy', to pretend

she wished to buy the antique and NOT the male prosecution witness as presented, instead, in the trial, hidden behind the screen for only judge and jury to see.

1. My continuing requests for my seized belongings returned, originally valued at around £10,000 before anticipated deterioration, have proved futile even by my having travelled to Police HQ, Bridgend, for them only to be told, "they cannot be found"!

2. It is now painfully apparent, from the manner in which even this 'draft' document has been finally disclosed, several months late, as to why a Cardiff judge cannot simply address a 'Case Stated' issue, before it goes to London, by ordering:

- i) the immediate return of those items requiring no gun licence and
- ii) for another police force to be directed to process this Applicant's 2010 outstanding re validation applications, for both his fire arms permit and shot licences, previously blocked by the very same gremlins, no doubt, in Cardiff County Court who 'lost' numerous Kirk v South Wales Police damages claims files, while posting backwards and forwards to the HM Solicitor General's office in the Royal Courts of Justice, nine or ten years ago and
- iii) order GEOamey Custody Services, HM Prison and South Wales Police to give disclosure of my custody records and that will show just who's a flagrant liar

3. Over an expensive tax payer paid five year period Cardiff County Court staff, without my knowledge sent my current and used 130 files to London, attempting to have me registered under Section 48 'vexatious litigant' legislation, anything to stop the three month damages claim farce that will highlight, this February, failed disclosure of damning evidence of a widespread senior officer orchestrated conspiracy.

4. It is just why the HM Attorney General's name, as a Respondent, features in the yet unreturned seized legal papers from off my desk, for pending Royal Courts of Justice and Cardiff proceedings.

5. The police's ulterior motive, as in the 'machine gun' trial, my being unlawfully sectioned under the 1983 Mental Health Act, incarcerated in Caswell psychiatric prison for 24/7 surveillance. I was refused bail, as I may 'fly myself out of the country' and refused transfer, outside their jurisdiction, to an English prison, was all to enable them, over a four year period, to easily listen in on all my sensitive telephone calls to lawyers, potential witnesses, family and friends.

6. This was admitted by HM Cardiff prison security department and brought to the notice of His Honour Judge Curren QC, on 4th May 2012, in the 'Breach of a Restraining Order', an order, incidentally, never served on me in the first place. This appeal is shortly to be heard by The Criminal Court of Appeal in London.

7. The sheer luck of District Judge Bodfan Jenkins having been forced to ordering both a private solicitor and private barrister to identify the 'walking stick' prohibited weapon, in the possession of Mrs Kirk who was not even arrested, yet alone charged, further puts into doubt any subsequent police conduct, where this Applicant is concerned, in any Cardiff Magistrates, Crown or County Court proceedings in the past twenty years as they are likely to be also spurious, if not thoroughly unsafe.

8. Abuse of Process was occasioned in Cardiff hearings especially in the light of their repeated blackmail attempts to make me incriminate myself over the prohibited 'walking stick' while confiding with their court appointed solicitors in associated hearings like:

- i) 2009 defence barrister and solicitor, for the machine gun bail applications, promised free by the Recorder of Cardiff, His Honour Judge Nicholas Cooke QC
- ii) or 2nd Nov 2010 'common assault' hearing and acquittal despite the court appointed defence solicitor, ordered by District Judge Charles, refusing to either examine or cross examine anyone
- iii) August 11 'Threat to shoot the Lord Mayor of Cardiff' magistrates hearing before this same judge, again in the absence of the defendant the duty solicitor explaining if I pleaded 'not guilty' the case would be dropped
- iv) or 10th Nov 11 'Harassment' of a doctor hearing and its failed Appeal, when another tame court appointed solicitor also refused to cross examine any of the police prosecution witnesses.

9. All tailored by the police to try and trick me into incriminating myself under a breach of section 5 of 1968 Fire Arms Act, with a mandatory five year prison sentence but caused, in stead, this district judge, clearly unaware of any existence of a purported second 'prohibited gun', to order private as opposed to CPS lawyers, worryingly, to list what the police so far admitted they held of mine, to be revealed.

10. It was almost amusing, if not so very serious, at a similarly bizarre court hearing, only yesterday, again always designed to delay decisions for months or years, waiting for me to die.

11. For over twenty years, for example, in the shortly to be heard damages three month trial.

12. Yesterday it was the need to get this same judge, having been asked last January, to simply amend 1st Dec 11 District Judge Charles' Restraining Order and so allow me to take up an urgent invitation by my doctor to visit her at Caswell Clinic, Bridgend.

(Paras 25) police submitted evidence as proof of all items confiscated included a 'walking stick'?

I remain in difficulties completing this document for the High Court until:

- i) I am given a copy of all the evidence referred to in the magistrate's draft document, at 25th September 2012 substantive hearing
- ii) copy of all court records and logs
- iii) copies of my own correspondence to the court from prison

13. iv) Explanation as to why, in my absence, three material witnesses with their records were not issued with witness summonses, my not being being informed thereby blocking my appeal
v) examination of the current state of my valuable items
vi) and, in writing, as to why this case has been deliberately delayed, with this attempt to bury, on every possible occasion?

(Para 17) police denial this hearing is not related to any other civil proceedings when they know a one million pound damages claim is already filed in Cardiff County Court and now amended following this latest disclosure of yet another conspiracy to pervert the course of justice.

14. Prison records will confirm I was refused the right to attend 28th Nov 12 London magistrates thereby obtaining a criminal conviction relentlessly used, ever since, to successfully oppose bail to prepare for this case

15. I had know idea, without access to my legal papers of the 25th September 12 hearing nor would the prison staff enlighten me of which of seventeen ongoing case this one was. I had recently been taken to courts from prison, remaining in a cell all day with no paper ,pen or explanation only to be returned late in the day followed by Cardiff courts refusing to respond to my applications for

medical attention, hearing dates, disclosure of public records access to interview my witnesses etc
etc

16. I am entitled to having the £4000 bill of costs taxed

17. to be continued

This document is returned to the court within 21 days awaiting details for information requested and details of any required fee.

Maurice J Kirk BVSc
21st December 2012