

IN THE CARDIFF COUNTY COURT

CASE NO.BS 614159-MC65

CF101741

CF204141

BETWEEN:

MAURICE JOHN KIRK

Claimant

and

THE CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

DEFENDANT'S POSITION STATEMENT

This is filed by the Defendant pursuant to the Court's request dated 21.1.2013 in relation to the Claimant's proposed list of witnesses, wherein the Defendant was requested to:

"...identify (a) those witnesses (if any) whom they accept to be witnesses who will or may be able to give material evidence (b) those witnesses (if any) whom they deny to be witnesses or who will or may be able to give material evidence (c) those witnesses (if any) in respect of whom they are not able without more information to express a view whether they are witnesses who will or may be able to give material evidence".

The witnesses contained in the Claimant's proposed list have therefore been placed by the Defendant into the above three categories, also adopting the Claimant's numbering contained within his application of 11.1.2013 for ease of reference.

It is presumed from the nature of the Court's request that at this stage the Court merely wishes to identify the Defendant's general stance in relation to these witnesses, rather than to receive detailed written submissions as to the relevance or not of the likely evidence to be given by any particular witness. Whilst the Defendant has previously made submissions as to the relevance of certain of the witnesses listed below, it nonetheless reserves its position to provide fuller reasoning in respect of any particular witness in due course.

a) Witnesses whom the Defendant accepts to be witnesses who will or may be able to give material evidence

40. Maurice Kirk

(b) Witnesses whom the Defendant denies to be witnesses or who will or may be able to give material evidence

By way of general comment we note that, for the most part, the individuals identified in this category appear to be unconnected to the three actions presently before the court, although the Claimant may believe that that they are connected with;

- a) The MAPPA/Machine gun case, which is already the subject of other civil proceedings which have been stayed; or
- b) Other incidents involving the Claimant and the police which are the subject of other proceedings which have been stayed; or
- c) Other incidents involving the Claimant and the police which are not yet the subject of other civil proceedings, but which clearly post-date and are unconnected with the three actions presently before the court; or
- d) Individual incidents which were originally included in these three actions presently before the court, but which were struck out by order of this court.

1. Barbara Wilding, ex-Chief Constable, South Wales Police
2. David Vaughan, Chief Constable, South Wales Police
3. Luigi Strinati, Delivery Director, HMCTS
4. Neil Pring, HMCTS
5. Inspector J. Dave, MAPPA
6. AJ Richards, ACO MAPPA
7. Assistant Chief Officer Granville Brunt, MAPPA
8. Nine of "machine gun" 25th January 2010 jury trial
9. Jerry Cooper machine gun buyer
10. Original machine gun seller
- ...
12. Chief Superintendent Tim Jones, Professional Standards Dept.
- ...
14. Inspector Grothier, Professional Standards Dept.
15. Dr Phillips FTAC London
16. Dr S Coleman, Cowbridge Health Centre, Cowbridge
17. Dr Andrew Metters, Princess of Wales Hospital, Bridgend
18. Dr Gaynor Jones, Caswell Clinic Bridgend
19. Dr Seely, HMP Cardiff
20. Dr Tegwyn Williams of MAPPA, c/o NHS Wales
21. Dr Aisling Butler of Princess of Wales Hospital Bridgend
22. Dr Tudor, Princess of Wales Hospital Bridgend
23. Ian Mullholland, Deputy Director Custody, HMP
24. HMP Governor Richard Booty, Cardiff
25. HMP Governor Heidi Murray, Cardiff
26. Dr John Azami, Anaesthetist, Vale Hospital, Vale of Glamorgan
27. Professor Rodger Wood, c/o Swansea University

- ...
- 31. David Gareth Evans c/o 9 Park Crescent Chambers, Cardiff (sic)
- 32. Ms Caress, Barry Magistrates
- 33. Mr M Williams, Cardiff Magistrates
- ...
- 37. Crown Prosecutor Ms Jackie Seals, Capital Tower, Cardiff
- ...
- 51. Ieuan Rees, Barrister, Angel Chambers, Swansea
- ...
- 59. Dr Bruce Fergusson NHS (Wales)
- 60. Dr Push Mangat NHS (Wales)

(c) Witnesses in respect of whom the Defendant is not able without more information to express a view whether they are witnesses who will or may be able to give material evidence.

- ...
- 11. Detective Inspector Hughes, Cardiff Bay Police Station
- ...
- 13. Christopher Paul Alexander, (Ebbe) Hintern Airfield, Banbury
- ...
- 28. Jim Mackenna, CAA investigator, CAA House, Kingsway
- 29. DC Evans c/o South Wales Police HQ
- 30. DC Jones c/o South Wales Police HQ
- ...
- 34. Inspector Trigg Rtd c/o Barry Police Station
- 35. Sgt PS Warner c/o Barry Police Station
- 36. PC Nigel Brown c/o Cardiff Central Police Station
- ...
- 38. Sgt Runnels c/o Llantwit Major Police Station
- 39. Sgt Phil Davies Rtd c/o Bridgend Police Station
- ...
- 41. Diane Graham, Brittany
- 42. Scott Parry, Highbridge Somerset
- 43. Jane Walker, Llandow
- 44. Michael Powell, Cardiff
- 45. Jennifer Hanson, Tynewydd Road
- 46. Mr Thomas, Tynewydd Road
- 47. Linda Holland, Barry
- 48. John Francis Clode, Barry
- 49. Gerald Thomas, Thompson Street
- 50. Mr Murphy The Old Police Station Barry
- ...
- 52. Antony Glen Gafael Cardiff
- 53. Kirstie Kirk, Llantwit Major
- 54. Angus Turnbull St Athan

55. Jonathan Clayton ATC Cardiff
56. Andrew Aishe, Taunton
57. Crown Prosecutor Robert Mundy New Scotland Yard
58. Sue Jenkins Dinas Powis

LLOYD WILLIAMS QC

NATALIE SANDERCOCK

28th JANUARY 2013