

PRIVATE



Mr Maurice Kirk
175 Cowbridge Road West
Cardiff
CF5 5TB

20th March 2013

62EA0207711/AJD

Dear Mr Kirk

Application to vary restraining order

URN: 62EA0207711

COURT AND HEARING DATE: Cardiff Magistrates Court 12 April 2013

Thank you for your letter dated 22 January 2013 in which you set out your position on relation to the original hearing and your application for leave to appeal.

Your letter deals at length with issues between yourself and Dr Williams in particular your grievances against him, the way the trial was conducted and the proportionality of the Restraining Order. However the conviction and subsequent decision to impose the Restraining Order were made by the court following a trial of the issues. I understand that you are pursuing an appeal and this is the appropriate channel for dealing with many of the issues you are raising in your letter. It is not appropriate to raise these issues at an application to vary the Restraining Order as the court can only look at whether the order should be varied. The court cannot re-open the issues considered and decided upon at the trial.

As I understand the position in relation to your application to vary, you are seeking to remove the condition that you do not attend within the curtilage of the Caswell Clinic and its grounds. I also understand from what you told the court on the previous occasion that your reason for seeking to remove this condition is that you require treatment at Caswell Clinic and have been invited for such treatment by a doctor, but the Restraining Order prevents you from receiving this treatment.

Dr Williams' solicitors have indicated that as far as they are aware there have been no requests made for you to attend for radiological or neurological investigations and that, in any event, these could not be performed at Caswell Clinic as it does not have the necessary equipment.

As this is your application to vary I would respectfully recommend that you produce to the court any evidence you have that you have been invited for treatment at Caswell Clinic. In order to assist the court to reach a decision as to whether the Restraining Order needs to be varied, I would also recommend that you produce any evidence that you can to explain why the treatment you have been invited to receive has to be undertaken at the Caswell Clinic rather than another establishment. This would help the court to determine your application, particularly as Dr Williams has, through his solicitors, indicated that he wishes the Crown Prosecution Service to oppose the application that you are making.

Yours faithfully