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IN THE CARDIFF COUNTY COURT **BS 614159-MC65**

CF101741

. **CF204141**

BETWEEN:

MAURICE JOHN KIRK

Claimant

and

THE CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

CLAIMANTS CLOSING SUBMISSIONS

1. After three months and ninety nine essential witnesses having given evidence, it is still abundantly clear that significant 'triggers' for the Defendant's course of 'extreme' and 'unusual' conduct which the Claimant asserts amounts to episodic 'bullying' can, in law, amount to 'misfeasance in a public office' and that the Claimant had experienced just the same in Guernsey. The Claimant adopts the law as set out in paragraph 30 of The Defendant's closing submissions with regard to acts of misfeasance.

2. The Claimant's sixty four page June 2009 unfinished witness statement was signed just in time before the Defendant procured a police helicopter and similarly armed Trojan police team to surround and search the Claimant's home. It is submitted that these lengths, by their very nature, are indicative of the sort of disproportionate response that results whenever the Defendant's servants have dealings with The Claimant. Why does the evidence reveal so many disproportionate responses? Why so many 'hammers' to crack the 'Kirk walnut'? What would a reasonably informed observer conclude from the fact that the Claimant is a seasoned veteran of in excess

of thirty acquittals? Did these occur simply because 'Kirk was mad and the police righteous'? Or is there more to this? It is submitted that the sheer number of failed prosecutions alone creates an irresistible inference that the Claimant was systematically targeted and had there been either an evidential sufficiency or public interest basis to these actions the courts would not have acquitted. Systematic arrest and prosecution without evidential sufficiency or public interest criteria prima facie amounts sequentially to false imprisonment, harassment, malicious prosecution and misfeasance in a public office by the servants or agents of The Defendant and, as a consequence, he is vicariously liable. It is over-simplistic of the Defendant to state in paragraph 42 of his Closing Submissions ***'This conspiracy, which he believes existed, was pure fantasy'***. A conspiracy is something that can be inferred from facts which are known to be true. The facts that have been established cannot be fantasy. The fact that lightening strikes the same man over and over again cannot be ignored and gives life to the inference. Not one conspiracy but many strikingly similar instances of intolerance to The Claimant indicative of his being systematically regarded as 'fair game'; ergo: more than one conspiracy.

3. On one occasion the Claimant, under joint Operations 'Chalice' and 'Orchid' was quickly taken away in hand cuffs and incarcerated for nearly eight months, despite the Barry Magistrates' Court having granted unconditional bail for alleged 'trading in WW1 machine guns'. This caused the Claimant the damage of his being registered as MAPPA level 3 without him knowing and quickly sectioned under the 1983 Mental Health Act in consequence thereof. But is the Claimant obsessed with his perceived persecution on account of delusion? Paragraphs 38 onward of Defence Submissions invite the court to ridicule the Claimant as a mad conspiracy theorist. Undoubtedly a bad reputation flows from so many court appearances as illustrated by the Royal College of Veterinary Surgeon's decision to strike off the Claimant after his many distinguished years of practice as a vet for his perceived anti-authoritarian stance. What man's reputation could withstand being arrested time after time and would not the reasonably informed observer really want to blame the man who is constantly and needlessly put before the courts for railing against Crown Prosecutors, Circuit Judges or Magistrates? What happens when 'you give a dog a bad name?' If a man rails off with good reason he is not 'off the rails'. If one or more police officers decide together to arrest The Claimant based on his ill-gotten celebrity rather than on the merit of each individual action is that not an agreement, which, of necessity, involves misfeasance by those officers? As misfeasance is a crime and conspiracy is an agreement between two or more to commit a crime has not The Claimant, in those circumstances, discharged the civil burden of proof that false arrest, harassment, misfeasance and conspiracy have been demonstrated? Of course, as The Defendant rightly asserts, it would be incredible if all from whom the court received evidence were complicit in 'One Big Conspiracy'. But cannot events be explained by many minor patterns of repetitive persecution following outward like ripples in a pond responding to a single stone falling into the water which did not go unnoticed?

4. If repeated misfeasances or agreements to arrest the Claimant happen more than once, without reasonableness, then the law pertaining to harassment is automatically engaged (Paragraphs 29 onwards of The Defendant's Submissions). If the arrests which were sequential involved no reasonable suspicion of a crime by The Claimant then the law of false arrest is similarly engaged (See the law as correctly set out in The Defendant's Reply from paragraphs 6 onwards). This action is brought as a response to attempts to have The Claimant further sectioned for good under the Mental Health Act. This led to his nearly being incarcerated in Ashworth High Security Psychiatric Hospital for 'public protection' at a time when there was a strong likelihood of The Claimant being acquitted on a nebulous firearms allegation.

THE STONE IN THE POND

5. It was in the 1970s that a high-spirited incident involving a senior police officer's notebook occurred. In Guernsey the Complainant recollects being repeatedly imprisoned without charge by the police there. As The Claimant's antecedents would have been available to the Defendant's servants or agents here in Wales it is right to infer South Wales Police would have had, as part of their duty, to appraise themselves of The Claimant's notebook incident and 'the notes taken at the time'. A pattern of events in which the Claimant had been acquitted in the Somerset area was capable of persuading the majority of informed police officers here in Wales that the Claimant was no ordinary man and possibly 'anti-police'. It is conceivable Newton's third law was engaged in this way: Every Action has an Equal and Opposite Reaction. The reaction of South Wales Police to Maurice Kirk living on their patch was adverse.

6. When the Claimant moved to the Barry area it was only a matter of good police practice that local officers would have had to research him. He was a larger than life veterinary surgeon, a 'flying vet'. He had flown under a bridge in London etc. etc. More paradoxically, Maurice Kirk was a police veterinary surgeon. Too many Officers have said on oath in these proceedings that The Claimant was even a good veterinary surgeon. See paragraph 44 of the Defence Submissions:

'they regarded the Claimant as an extremely competent and skilled veterinary surgeon, but equally that they regarded the claimant as an eccentric, awkward, belligerent, evasive and difficult man to deal with.'

7. The point is that it is inconceivable that any one officer would have been justified in arresting The Claimant under 'The General Arrest' provisions of The Police and Criminal Evidence Act 1984 namely that The Claimant's identity was unknown or that he had no identifiable address for service of summons. Yet we see those grounds being relied on by The Defendant in this case. The Claimant recollects being stopped thirty five times to produce his motor insurance alone. The Claimant accepts the paragraph 44 observations may well be fair. Most people have issues and the

Guernsey issue may well have lit a fire within the Claimant. The question for the court is did The Defendant, through his servants and/or agents, deliberately throw gasoline on that fire in the knowledge The Claimant could always be relied upon to respond?

THE VARIOUS CLAIMS AND THE EVIDENCE IN SUPPORT

BS614159 8.3 (Covert surveillance & faulty back lights)

8. As pleaded in paragraph 4 of the amended Particulars of Claim the Claimant was known to the Defendant's officers at Barry police station. They were aware The Claimant had a current and full driving licence. On the 2nd January 1993 PC Phillips (as he then was) was on duty when he observed a motor car with defective front and rear lights. He required the Claimant to produce his driving documents. The Claimant ended up being prosecuted for no insurance. Paragraph 52 is relevant as The Defendant concedes ***'the Police...became aware...that the Claimant possibly held valid insurance...'***

9. The Claimant was subsequently disqualified for 6 months. The Claimant appealed (paragraph 53) but the fact that his disqualification had been suspended was not communicated by the collator to the relevant authorities (paragraph 54). The Claimant does not accept this was an error. In the event the Claimant's conviction was overturned (paragraph 56). The question of reasonable and probable cause becomes a cumulative issue as this was to be the established pattern.

With the deepest of respect, the suggestion the Claimant brought these unhappy events upon himself is whimsical.

BS614159 8.5 (Covert surveillance bald tyre Guernsey registered vehicle)

10. In March 1993 the Claimant was stopped outside his own hospital for being in charge of a vehicle with insufficient tread on a tyre. The Claimant avers no examination of his tyre ever took place by DS Lott. His conviction was set aside upon appeal to the Crown Court. However self-serving the wording of Paragraph 64 of the Defence Submissions it is impossible to steal the thunder of Particulars of Claim 8.5 (e): that the fact the self-carbonating HORT/1 top copy handed to The Claimant did not accord with the officer's second copy proved the lie to the 'notes taken at the time' very nature of the HORT1 booklet. There clearly had been a forgery. The Defence submit (there) *'is of itself (nothing) wrong with this course of conduct'.* That is an astonishing statement as it sits very uncomfortably and consistently with what could be perceived as doing an act tending to and intending to pervert the course of public justice.

BS614159 8.6 (Guernsey stolen BMW motor bike)

11. In May 1993 the Claimant was arrested in Grand Avenue, Ely Cardiff. The Claimant was riding a motorcycle he had purchased in Guernsey. On examination of the panniers articles were found consistent with the tools of a veterinary surgeon. In paragraph 80 of the Defence Reply the phrase appears

'there came a time when the officer believed that given his suspicions and in order to allow summonses to be issued, and to further his enquiries about the vehicle, he needed to arrest the Claimant, so as to allow his identity, including name and address, to be established.'

And later

'although he had a residual suspicion (residual means remaining after the greater part is gone so is that a euphemism for no suspicion?) ***that the motorcycle might be stolen that suspicion had been lessened as the incident developed....***

That is an extraordinary statement. It invites the court to the conclusion that before Mr. Kirk had to be arrested there was no suspicion that the motorcycle was stolen.

At Paragraph 80 the officer relies on section 25 of The Police and Criminal Evidence Act 1984.

Another extraordinary statement appears:

' I was considering the vehicle excise offence and it was pointed out to me in management action afterwards by my sergeant that it was not appropriate to deal with that under s 25, so I received some action after that.'

In other words the officer was admonished for being heavy-handed. The Claimant was remanded in custody for three days, his motorcycle damaged and charges, including his having an offensive weapon namely a garrotte were subsequently withdrawn.

The garrotte was with syringes. The educated accent of the Claimant and the surrounding circumstances were all clues that the suspect was a vet. The police admitted on oath that they had telephoned Guernsey and obtained details of The Claimant's purchase of the motorcycle bought, incidentally, from a policeman. So the Guernsey enquiry, the tools he had with him being tools of a veterinary surgeon all would have inevitably led the officers to the conclusion: Here was Maurice Kirk. Yet the Claimant was incarcerated because his identity was unknown. The three pleaded actions thus far being just months apart of each other. This is prima facie evidence of false arrest, harassment and malicious prosecution. The Claimant's evidence was that the police officer, over from Barry knew him by sight, in any event. That was a highly likely proposition given the Claimant's larger than life persona.

Paragraph 85 confirms the proximity of the Claimant's surgery and the fact that something compelled the officer to make enquiries within. As the police state this information could not have been information from the Claimant himself one is left with the inescapable conclusion

that the cause of the enquiry was the protestations of the onlookers whom the Claimant recollects were shouting, 'That's our vet!' or words similar.

BS 614159 8.7, 8.9 & 8.11

12. The Defence address this allegation in paragraphs 103 onwards. The Claimant was stopped on the 23rd June 1993 by Pc Rogers and asked to produce documents all over again. There was no lawful reason for the arrest. In paragraph 104 of Defence Submissions it there explains how The Claimant co-operated fully with the officer and correctly identified the owner/keeper as Kirstie Webb. He was required to produce documents at Barry police station which he did. The Claimant avers that the local police station, Barry, is a starting point for the eight or so damages actions of misfeasance by the Defendant. Please see the 3rdrd December 1992 ITV footage exhibit in which the Barry police Commander accused The Claimant of arson for corroboration of this assertion. There is a factual dispute in that PC Rogers denies arresting The Claimant. The above sequence of events is also indicative of harassment and false arrest.

13. On the 22nd September 1993 the Claimant was again stopped in Barry. Again, he was required to produce driving documents. Notwithstanding the fact that the Claimant complied with police procedures he was charged with having no driving licence. The charge was subsequently withdrawn. Please note the nebulous, vague and unrealistic reply of the Defence in their paragraph 109. ***'At the beginning of his oral evidence Mr. Hillman thought he was carrying out a routine stop check although later he appeared to think that he had observed the absence of a tax disc...***'Is this a 'fudge?' The Claimant submits it is. The Defence say no prosecution ensued but the Claimant recollects his being charged with no driving licence, such charge subsequently being withdrawn. So, like events in Guernsey the appropriate authorities ignored The Claimant's statements of complaint; these were often written soon after each incident, twenty years down the line, with some fifteen or so house moves and numerous unlawful prison terms having intervened, yet they cannot find exhibits needed for this action. Notwithstanding institutional lethargy with regard to serious matters worthy of investigation reported by The Claimant the Defendant, his servants and/or agents, were by contrast swift to repeatedly prosecute the Claimant for petty road traffic matters over and over again.

14. The Claimant infers an 'HM Partnership' due to the failed disclosure of relevant evidence by the Defendant and clandestine interference from Whitehall's HM Attorney General's office (as seen in leaked internal memo exhibits), an indication to the Claimant 'where the enemy lines really may lie.'

15. The Claimant's complaints, relating to his lost court files, have gone by the way side and primarily, have been caused by his repeatedly being sent to prison on spurious allegations not forgetting, of course, HM Attorney General's Official Solicitor's intervention, when attempting to have him registered as a 'vexatious litigant'.

16. Many of the Claimant's court files, having been sent to a team of Whitehall lawyers for scrutiny, are now mislaid, and this fact alone compounds the considerable loss of original witness statements and other essential documentation caused by the Defendant.

17. Also, while much of it was also in the control of other HM Cardiff courts, the Defendant, HM Prison and HM Crown Prosecution Service, diverted evidence to 'interested third parties' before having it shredded, despite 1993 Bristol lawyers, for the Claimant, clearly having asked, in all incidents, that records must be preserved.

18. On the 3rd October 1993 officers of the Defendant again stopped the Claimant with no valid reason being stated for his arrest. None other than Mr. Hillman (once again) , according to the Defendant in paragraph 112, ***'booked in...he was informed that the Claimant was in custody in Barry Police Station, having been arrested for driving whilst disqualified, in respect of a period of disqualification which covered his stop on 22nd September 1993...Mr. Hillman then travelled to Barry Police Station where at 10.27 Mr. Hillman reported the Claimant ..for driving*** offences' Thereafter paragraphs 112-116 make no sense at all. It would appear the Defence are trying to explain Action 8.11. In paragraph 118 there is, from the mouth of the Defendant's own solicitor, the following remark by way of explanation: ***' Mr. Booker was aware of the Claimant before this incident took place...partly as the result of him receiving information from other sources, in particular, intelligence bulletins, articles in the press and viewing the Claimant's previous convictions received from Guernsey Police.'*** This proves the Claimant's ' Stone in The Pond' theory. The debacle on this occasion involved Officer Booker and the CPS prosecuting the Claimant for Driving Whilst Disqualified (an imprisonable offence). Although no malice on the part of Mr. Hillman is pleaded there is no credible explanation as to why the Claimant was placed in custody as pleaded in Particulars of Claim paragraph 8.11 other than malice. In paragraph 122 astonishing admissions appear from the Defendant as to the fact that a suspension of a disqualification was never communicated to the PNC which was only amended as late as 5th October 1993. The Claimant was constrained to appeal to the Crown Court whereupon, as the Defendant admits, the CPS did not oppose the appeal. Paragraph 125 is an incredible indictment of the Defendant and the arrest of the Claimant for driving his motorcycle whilst disqualified. It is stretching credulity to breaking point when one reads the long convoluted explanations of the Defendant as

to why the PNC bore a stain against the Claimant's name: that of disqualified driver which he did not deserve.

BS614159 8.12 (Faulty Police National Computor?)

19. On the 4th October 1993 the Claimant was released from custody. The Claimant recalls a procession of police cars behind him. Again, this conjures up the image of the Defendant's servants or agents persecuting the Claimant by trying to create incidents that would never have occurred but for their on-going harassment of him. The Claimant drove around a roundabout twice to check whether 'this federal strong-arm deployment' could really be intended for him. P.C.Kerslake arrested the Claimant, inter alia, for driving without due care and attention which would mean points on the Claimant's licence. Although no longer a part of the claim (paragraph 134 of the Defence submission deals with this episode), by the trial judge it striking out, the close grouping of these episodes stretch credulity to breaking point: could the Claimant be just a victim of a series of unfortunate events? The cumulative effect makes for an irresistible inference of *mala fides* and harassment.

20. Claimant witness, Mrs Jane Davies picked up the '***modus operandi'*** of the Barry police at the time when instructed by her new employer, new to the town to, take notes of the prosecution evidence as he was recovering, at the time, in hospital from a motor cycle accident.

21. Her affidavit for the Royal Courts of Justice included the following:

During the proceedings I heard one of the policemen say to the prosecutor words to the effect that they knew of MJK and his white sport car and that,

"*We will eventually get the bastard".*

BS614159 8.13 (Stolen Guernsey registered BMW motorcycle)

22. This allegation involves the motorcycle which the Defendant's servants or agents realised was the property of The Claimant. It is extraordinary that the Claimant reported the theft of this motorcycle to the police and yet by paragraph 141 the ***Defendant denied that they had any duty of care to inform the Claimant of the recovery that vehicle.***' The Court can do no better, in assessing whether an 'animus' had operated against The Claimant as hereinbefore set out, to weigh in the balance this extraordinary apathy whenever the Claimant is the victim of a serious crime.

23. The Claimant's custody videos, interview tapes, photographs and whereabouts of witnesses were also lost over this extreme passage of time. Many of his eye witnesses, of some hundred or so police incidents, were now lost as they had

emigrated, were mentally ill, had died off or were simply too senile to be either 'competent or compellable'. All this seems very convenient and may be explainable by the Defendant's typical ***'Jarndyce v Jarndyce'*** Dickens mentality. Driven, if not by some 'new world order,' then by plain malice.

24. After experiencing what ten years of Guernsey's authorities had already inflicted on both him and his first family, the Claimant and his reputation were scarred for life.

25. This South Wales environment has dictated the manner in which the Claimant has had to spend his life, these past twenty years and up to and including the maliciously prosecuted 2010 'machine gun' acquittal and other false imprisonments that same year. Notwithstanding subsequent acquittals, the Claimant has suffered long periods on remand deliberately orchestrated by the Defendant to delay this trial.

26. Well over one hundred and twenty criminal allegations, against the Claimant, have resulted in around 90% acquittals in either court rooms or allegations being withdrawn earlier on once the CPS knew about it and therefore had the opportunity to intervene.

27. When it became evident that the 'machine gun' trial date could be put off no longer, with proposed convictions carrying a mandatory ten year prison sentence, the Claimant was mysteriously released from Caswell Clinic, Bridgend back into prison. But more of this later.

BS614159 8.14

28. By the 15th December 1993 a very bad year for the Claimant was drawing to a close. Once again, the Road Traffic Act power to stop on the spot and produce driving documents was the general subject of abuse. Notwithstanding his need for repeated production of documents at Barry Police Station the Claimant was once again charged or summonsed for failure to produce. This was a malicious prosecution with The Crown Prosecution later offering no evidence. In paragraphs 145-147 the Defendant has no documentation to confirm or deny the Claimant's assertions. This is the ninth pleaded act of aggression against the Claimant in one year. By this stage the Claimant was, unsurprisingly, feeling persecuted by The Defendant's servants or agents. As the Claimant had emerged eight times in one year 'on the moral high ground' it is submitted the Claimant's recollection is more likely to be credible than that of the Defendant who cannot 'recollect' this occasion.

BS614159 8.15 & 8.16 (Faulty PNC motoring conviction records)

29. On the 9th August 1994 PC Kerslake (again) arrested the Claimant for driving whilst disqualified. Once again a suspended disqualification (imposed by Barry magistrates'

Court on the 13th June 1994) had failed to be registered on the PNC. This incident now involved the allegation that the Claimant was unlawfully pushed. An injury is admitted by The Defendant (paragraph 155). This would not have occurred but for an arrest which was needless. It is admitted in paragraph 157 that yet again The Claimant was placed before the custody sergeant at Barry police station. Incredibly (paragraph 158) the artificial stance is adopted by the Defendant that there was a need to ask the Claimant for his name and address. Was it really necessary to procure confirmation from The Claimant's surgery (paragraph 161) before releasing him? What is the 'hot-list' upon which the Claimant's name undoubtedly appeared (paragraph 162)? There is also this astonishing admission in paragraph 163: ***'As we now know Mr. Smith and Mr. Davies received words of advice regarding their failure to ensure the Claimant was taken to hospital following Dr. Baig's attendance. Clearly, the mere fact of failure to comply with the PACE Codes of Practice does not of itself give rise to a claim in damages'.*** This was a shameful episode of cruelty. The Claimant was by this time paranoid about the Police: but that did not mean they weren't out to get him. There was a sequel to this arrest: Once again the Claimant was summonsed for no insurance but the charge was subsequently withdrawn. In paragraphs 168-172 an extraordinary incident whereby the Claimant attempted to retrieve his dog is conceded by The Defendant involving The Claimant being physically manhandled after the police were deaf to his pleas for the animal's return.

BS614159 8.17 (Faulty PNC motoring conviction records)

30. On the 10th day of August 1994 the Claimant was arrested by Sergeant Smith of Barry police station (an officer with whom he had had previous dealings) for the *de minimis* no driving licence allegation. The Claimant was again detained for several hours at Barry police station. The Claimant was charged but such malicious charge was later withdrawn. It is submitted false arrest, false imprisonment, malicious prosecution, conspiracy and misfeasance torts were all thereby in evidence. Paragraphs 173-175 of the Defence submissions are denied by The Claimant. What on earth was the need for this heavy handed response involving the detention of The Claimant?

BS614159 8.18 to 8.26 (tenancy problems)

31. These claims deal with a new aspect of the Claimant's assertions of an 'animus' against him by South Wales Police. They are relevant because they show the police preference to arrest Maurice Kirk even in circumstances where he might otherwise be regarded as a victim of crime. In July 1995 a Mr. Paul Stringer caused damage to the window of a building belonging to The Claimant. A vicious assault upon the person of The Claimant then took place. Pc Johnson refused to take a statement of complaint. On the 23rd July 1995 Mr. Stringer again attacked the Claimant in plain view of the Defendant's servants and/or agents. The Claimant was taken to hospital.

The Defendant refused to investigate the incident or take any action to protect The Claimant. On the 24th July 1995 Mr. Stringer attempted to attack the Claimant's veterinary hospital armed with a piece of wood. The response pleaded in paragraph 180 by The Defendant and the Cowan case would not have been there pleaded unless there was tacit acceptance the police did nothing to help Maurice Kirk. In paragraph 181 (b) the evidence of Mr. Gafael (police break in to Claimant's Ely, Cardiff surgery and overhead flat) is there quoted. It was correct that Mr. Gafael used the description of The Claimant as a 'nasty piece of work' but only in the context of quoting Chief Inspector Brian Genner due to his daughter's miscarriage by the never proved eviction. Again, paragraph 185 states: ***'if...the Court were to find that there was a duty of care, the Defendant will contend that the actions of PC Johnson were reasonable and appropriate'.***

32. It is submitted that that last remark is tantamount to an admission of a duty of care by The Defendant towards the Claimant and a failure to take any appropriate action. Of course the Police have a duty of care to protect victims from crime. Clearly, on this occasion, the usually pro-active police as far as The Claimant was concerned, were found wanting. A pattern had emerged.

33. The pattern usually involved charges being withdrawn or, in one case, where a minor conviction had been achieved in 2011, the Claimant was held on remand in Cardiff jail for 'failing to attend court' when Cardiff prison refused his production from cell.

34. In the same mould a 2010 'common assault' allegation occurred. An ex police officer, now HM Crown Court official, pushed the Claimant, whilst on crutches, part way down a flight of stairs breaking his leg. The Defendant then, in the small hours of the morning, arranged to have the Claimant first brutally arrested and then jailed before hearing the evidence in the Claimant's absence.

35. The 8th June 2009 extract from Caswell Clinic's meeting of 'Multi Agent Public Protection Arrangements' (MAPPA), conducted at Barry police station on The Claimant (see later) further proves unlawful conduct but the Claimant has been refused further disclosure of public record, not protected by Public Interest Immunity (PII), by either this trial judge and the High Court .The Claimant fears he is being prevented from proving that he was, first of all, unlawfully registered MAPPA level 3.He was detained for seven months before he even heard about any of this.

36. The Defendant, in one last ditch attempt to avoid 'exchange of witness statements', not already buried, shredded or burnt within the conspiracy, had their own Dolman's solicitors have the Claimant arrested and jailed, later dropping all allegations against him once they had him safely locked away in Cardiff prison.

37. The Claimant had, apparently, threatened 'criminal damage', it was alleged, by 'suggesting' that he would throw the Claimant's 'witness file' for exchange, attached

by a brick, through their office's front window if exchange of witness statements was not expedited.

38. On the following day hoards of armed police and their helicopter surrounded the Claimant's home but then, mysteriously, like a cowboy riding into the sunset in some old Hollywood B movie, disappeared out over the horizon but without him.

39. How is it that senior South Wales police officers can be protected from having to give evidence in this trial having already persuaded not just several High Court Welsh Division judges and no less than eleven Cardiff Crown Court judges, countless magistrates and the Royal College of Veterinary Surgeons and Independent Police Complaint's Commission (IPCC), that the Claimant is so very dangerous to the community, with his diagnosed 'significant brain damage'? Have submissions thus far had the quality of random nonsense or is the pattern of systematic abuse of The Claimant beginning to emerge?

40. As far back as 2nd December 2009 official court transcripts of a hearing before His Honour Judge Neil Bidder QC reveal the Defendant, in a last ditch attempt to get The Claimant incarcerated for life, switched the conduct, relied upon, to include an English NHS doctor from Ashworth High Security Psychiatric hospital.

41. Fortunately, due to the ever forward thinking ex member of parliament, Walter Sweeney Esquire, his good consultant radiologist wife and the big right foot stuck in the Claimant's cell door for nearly an hour, the latter belonging to a visiting Ashworth high security psychiatric hospital level 12 forensic psychiatrist, the Claimant never quite reached such an establishment but came 'oh so close'.

42. The consultant radiologist had found an appropriate specialist from England, in the field of 'brain damage' and in particular in the use of intravenous radio isotopes, such as the Claimant had been subjected to, whilst imprisoned under the control of Caswell Clinic and into which, it was a foreseeable consequence, resistance to The Defendant's constant harassment would inevitably lead.

43. The Claimant's privately funded specialist report from Southampton had been faxed to the Cardiff Crown Court prior to the 2nd December 2009 application hearing by the Defendant's psychiatrist but it was not disclosed to him by the authorities or known about for several weeks later.

44. The Claimant later found out the specialist had criticised, not just the techniques used at the Princess of Wales Bridgend hospital in August 2009 but also the for the total irrelevance and inaccuracy of diagnosis by a man not appropriately qualified.

45. That was to repeated attempt to incarcerate The Claimant was, this time, for life. It only failed because of a little help from his friends.

46. Just before the 'machine gun' trial was due to commence, on 25th January 2010, the Claimant was now confronted with service of divorce papers being pushed under his prison cell door.

47. This was exacerbated, without doubt, by the Defendant's 'Operation Orchid' police raid, in order to have the Claimant's ten year old daughter snatched from the family home and taken into care. Any 'under belly' dirty trick now appeared in order since Barbara Wilding's resignation letter, the then Chief Constable, was sent just days after her January 2009 dead line to submit a court ordered disclosure affidavit.

48. On that 22nd June 2009 day of 'Operation Chalice' and Claimant's arrest, his then wife, whilst surrounded by police officers, was pressed to write a witness statement for an application before a Cardiff judge that the Claimant had a long history of being 'mentally deranged'. These were 'Guernsey' tactics, all over again.

49. It is still not known if the then wife of the Claimant ever did give any information which may be one of the many reasons why subsequent civil actions against both police NHS psychiatrist and the Defendant continue to be blocked. The NHS (WALES) is rife with examples of psychiatrists being now used by this Defendant as a short cut means to the prison cell.

50. A police raid on the Claimant's home occurred on the unlikely pretext that they 'knew not' of the whereabouts of the machine gun attached to a replica WW1 biplane and painted a different colour at least a year earlier.

51. The Defendant confiscated legal papers, in the raid, as well over around £10,000 worth of further antique weaponry and ammunition off the bedroom wall, including other lawfully stored guns in his licensed locked cabinet.

52. None have ever been returned despite the Claimant using the Police Property Act and incurring a further cost of well over £6,000 in legal costs.

53. The Claimant's Judicial Review application, on the matter, followed the Cardiff Magistrates court refusing to 'state a case', was blocked. The Defendant sought to rebut procedures that an actual 'prohibited weapon', contrary to Section 5 of 1968 Act, had actually been found in the Claimant's home.

54. Apparently it was disguised as an ***Edwardian calibre .303 walking stick***, rumoured as an excellent poacher's weapon, but to proceed with such a prosecution would further disclose the long term tactic, following the Guernsey police intervention, of police covert surveillance and would identify the use by police officer, 'code name 'Foxy', to be used that week in the criminal trial.

55. 'Foxy's original purpose had been part of the general covert surveillance team for examining the Claimant's vehicles, used in his veterinary practice and private life

since 1993. This fact had been born out in the evidence of The Claimant and his staff in this three month trial.

56. This remarkable illegal weapon 'discovery', nearly eight months after the Claimant's imprisonment and search of his home, Defendant court papers revealed, occurred just as the machine gun trial had started.

57. Following the cross examination of the first day's clutch of police officers the Claimant was told, by nine of the jury, that the whole case was considered a 'stitch up'. It surprises no one.

58. Considerably more legal expense has to be forfeited if the Claimant is ever to have returned his lawfully owned property while South Wales Police's inherent culture continues to pervade with the encouragement of too many people.

59. **This above introduction of the Defendant's tactics, just to delay, contaminate and destroy evidence, for all nine actions, had successfully lulled the Claimant into fatigue thus making it too late to withdraw. He always promised been a jury and for the trial to be held in Bristol. His attempts when finally finding this abuse tried to have a jury for less of the incidents, as granted by His Honour Nicholas Chambers QC but that was overturned as well.**

60. **To have had a separate jury for each of these thirty odd incidents may have proved difficult in getting past the Defendant's already quoted Hill v Yorkshire Police case law of does a police officer, in any event, have a 'duty of care'?**

61. By the time the last Cardiff court witness was allowed to give evidence, together with use of the fifty odd Claimant lever arch files, lodged with the Defendant so many years earlier, it is no small wonder that a huge swathe of documents and now identified eye witnesses, many clearly still in the current control of the Defendant and other very interested agents, are still being unlawfully undisclosed to this or any other court.

So what triggered this entire police bullying?

Somerset and Avon Constabulary

62. An allegation of theft, by the Claimant, of a policeman's personal note book, back in the 70s, the then current key witness in criminal court hearings, he being the signed complainant relating to fire arms, shot guns and old flint lock, referred to in paragraph 37, was the trigger for the Guernsey police decision to instigate their course of conduct of bullying, in the 1980s.

63. This had led to the Claimant being imprisoned there, often without charge, no less than twenty one times but not without ignominious exposure of the authorities following numerous high profile acquittals in such an oppressive environment. Is this why Sir Winston Churchill had ruled out the tactical use of the Channel Islands, with all its airfields, as a right hand assault on a D-Day invasion?

64. All the Claimant's antecedents would have been available to the Defendant in 1992 when he first set up veterinary practice in Barry, the Vale of Glamorgan. The Claimant's Somerset acquittals, some fifty six out of seventy two, many withdrawn before trial had begun, had primarily been based on his use of motor vehicles and assortment of aging light aircraft and motor cycles to go about his veterinary work in the Vale of Taunton.

The Confirmation that Guernsey Police had triggered off the South Wales Police bullying

65. The court has heard that the Claimant's Guernsey vehicles were being used in South Wales but without UK road fund tax requiring, therefore, numerous enquiries each year with the island's police. This, of course, has been now proved as spurious and a direct lie being confirmed , not just by Cardiff's PC Thomas, Barry's Special Constables Deryn Wilson and O'Brian evidence but also by Llantwit Major's retire sergeant Booker.

i) from Barry, by the area police commander, on the 3rd December 1992, following the burning out of the Claimant's WW2 aircraft, a commander who later accused him of arson

ii) in Llantwit Major, via Sergeant Booker, in early 1993,following an incident when police were needed, in substantial force , for squatters having broken into the Claimant's flat

iii) In Cardiff, on 20th June 1993, by PC Thomas, following the arrest of the Claimant for the theft of his own motor cycle and being told , from Guernsey, there was a an 'open warrant' for the Claimant's arrest who, 'usually appeared in court dressed as Klaus Barbie'', in full Nazi uniform

iv) Right outside the Claimant's Barry Veterinary Hospital, in 1995, by a female special constable and client of the practice, Deryn Martin, when telephoning Guernsey, direct, just because she had seen the practice ambulance with a Guernsey number plate on it for, possibly, longer than she thought necessary.

66. **So, when the Claimant was stopped over thirty four times, before one even counts the number of times his staff were similarly stopped , in order to just produce driving documents and especially compulsory 3rd party insurance, the honourable court has to ask itself why was the owner and/or keeper, in the Vale of Glamorgan of all places, who used two Guernsey registered motor bikes, two Guernsey registered cars and a Guernsey registered van never contacted, for explanation, from either the DVLC, Swansea or Guernsey's Insular authorities?**

67. **Why did the Defendant not successfully prosecute but not for the want of trying, to justify any of this prolonged malicious conduct that has destroyed a man's health, family life and professional career when simply wishing to go about his quiet life as a country veterinary surgeon?**

68. The lengths of time and use of man power expended indicate an 'extreme' and 'unusual' use of tax payer's money.

69. This case might appear to an onlooker to be riddled with sinister local politics, so similar to Guernsey. The onlooker would be right.

70. The lengths to which senior police officers prosecuted or generally inconvenienced the Claimant, ignoring complaints when he was simply trying to practice veterinary surgery or fly as a private pilot, are well cited acts of misfeasance submitted as clearly proved.

71. Guernsey's 'triggered' geographical areas in South Wales

A) **BARRY** 3rd December 1992 act of arson with the police accusing the Claimant of burning out his own WW2 Piper Cub aircraft is an incident not listed in the actions but it is the Claimant's legal submission that to have been interrogated by the Barry police station commander, following the examination of the Claimants information on the Police National Computer (PNC) directly, in his office is nothing short of where the trouble locally started.

B) **Cardiff** Police Grand Avenue, Ely, veterinary surgery May 1993 incident, in that PC Thomas, following the arrest of the Claimant for the theft of clearly his own BMW 1000cc motorcycle, parked directly outside his premises is another 'trigger'. This was in the full view and understanding of his clients, waiting with their animals for the Claimant's services. It beggar's belief that the Defendant could not identify the Claimant and that is before the arrival of police coming from Barry to identify him. Consideration could have been afforded by The Defendant's servants and/or agents to the contents of the Claimant's pockets or of those of his motorcycle panniers.

Keeping the Claimant overnight and successfully asking the Cardiff Magistrates for the Claimant to remain in prison until he was identified is nothing short of an abuse of process and misfeasance with malicious intent.

C) **Llantwit Major** police officer, Booker, following the Claimant through the town with the Claimant having just left his branch veterinary surgery on his motor cycle, came out with quite fascinating new evidence. Mr Booker, whom the honourable court may think the lawyers for the Defendant tried to withhold from the proceedings,' dealt the Claimant a winning card.'

His evidence was memorable. He was personally 'amazed' at the purported fact the police computer could have been so wrong as to cause the Claimant false imprisonment so many times. "**The five million dollar question**" he said from the witness box.

The Claimant asks the court to have regard to the way the Defendant's actions, following the Claimant's 1993 call for assistance, contrasted what the Claimant's was soon to suffer when arrested for driving the Guernsey registered motor cycle when clearly not banned.

There was, before Guernsey contact, apparent complete co-operation by police officers in the vicinity. Even PC Phillips was called off the M4 motorway, at least ten miles away, to aid this new veterinary surgeon in the area facing squatters in his new flat.

Mr. Booker's unsolicited statement, from the witness box, on how **he 'saw' the thief of the (same) motor cycle 'without a crash helmet on'**, back in October 1993, driving down the very road, just a few hundred yards from where it then crashed, is also why lawyers used every available excuse to stop his attending court. Mr. Booker, if not one of the police at the crash scene, being so close, would have known all about the outcome of the crash and disposal of such a distinctive vehicle.

When the crashed bike was collected by the Claimant's then solicitor Mr Clode, it no longer had a number plate. The Defendant pleaded it was needed to trace the owner which, of course, is quite untrue.

But the motor bike had just received 'special treatment' as 'stolen' from a policeman in Guernsey. As a consequence the Claimant was put in Cardiff jail for it.

DVLC would also have, by now, an ever 'fattening' enquiry file from the Defendant on all six Guernsey vehicles that appeared to have 'overstayed their time'. .

The File, fattening by the moment, as failed 'roadside incidents' prosecutions were brought by the area police. Why was there no police communication with DVLC and Guernsey police during the magistrates' hearings? Is this not evidence of malice?

The fact that a Gerald Thomas had signed a Claimant witness statement to confirm he lived nearby and had picked up the incident on his radio police scanner before quickly making his way to the scene where he 'saw' the crashed bike with a 'foreign number plate on it, with police then also arriving, while the thief was seen 'running away' and throwing what appeared to Mr Thomas, *'a crash helmet'***,** is nothing short of amazing.

One regular client witness, Hugh Davies, sadly now incapacitated by mental illness, kept warning the Claimant of his radio police scanner picking up police nocturnal visits to his

array of vehicles parked outside his veterinary HQ. This must be further proof of malfeasance.

D) Barry police following a special constable and client of the Claimant causing his vehicle, parked outside his Barry Veterinary Hospital, to be subject of her attention. If we are to believe a word of this evidence, she took it upon herself to telephone Guernsey.

She even summoned extra police and a camera. Would a special constable of her own volition have that kind of authority or confidence? Surely the court can infer she was acting with others in an agreement to falsely prosecute the Claimant?

Why the need for so many photos and from so many angles, of his Guernsey registered veterinary ambulance?

Were they needed in this or some other investigation and why the need to have an HORT 1 issued just to prosecute for no MOT?

Did anyone ask for an MOT and what was its outcome?

The actual covert 'officer in the case', used to investigate the Claimant, generally, was part of the sizable covert surveillance team.

But the huge number of some quite farcical court appearances, back in the 90s, with, in some cases as clearly concocted evidence and stand-alone proof of The Claimant's grievances.

The associated facts to these damages claims, lawfully resisted by the Claimant for the remaining motoring, machine gun and medical claims were deliberately blocked.

What other explanation is there for the following:

a) Why was a 25th February 2009 Defendant Affidavit a lie?
b) Why were Defendant's forensic psychiatrist's signed reports inaccurate?
c) Why so many flawed prosecutions concerning the Claimant's motoring insurance?
d) Why the need for the production of the Claimant's driving documents so many times?
e) Why have key witnesses of causing malfeasance been withheld from giving evidence?

The Claimant remains of the view and especially supported by the continuing unlawful withholding of relevant documentary evidence throughout this trial, that the Defendant's QC was not appropriately briefed, particularly over the content of recorded police officer conversations, following regular contact between both South Wales Police and those in the Bailiwick of Guernsey.

The Claimant, following this week's meeting with senior retired Guernsey police officers, including the retired Deputy Chief Officer and the sergeant who had originally arrested and

jailed the Claimant, following his enactment of the **Clamour De Haro,** has supported his original view that the Defendant's defence team may still be unaware of the information past between Avon and Somerset Constabulary and both those police forces.

Its consequence has been the consuming visits by uniformed police officers to the Claimant's St Peter Port's insurance agent's offices. This, in turn, had caused the Claimant to have to obtain new insurance from Jersey, a separate jurisdiction.

Also, the full content to the of the countless conversations from 1992 to 2002 between the numerous Cardiff, Llantwit Major and other Barry police officers, all apparently so concerned with the Claimant's welfare, may explain why the Defence QC insisted that the Special Constable O' Brian Llantwit Street, Barry 'stop' incident was never ever pleaded.

72. In June 1995 the Defendant's servants and/or agents purported to arrest the Claimant for illegal eviction of a tenant. The Defendant denies the incident took place.

1st Action Paragraph 26 **(Defendants use of sledge hammer to re instate pregnant tenant)**

73. If the honourable court suspects the Claimant of paranoia then the following facts should be considered. The Chief Constable Barbara Wilding denied the following incident ever happened. There was a Cardiff 'veterinary surgery 'break-in' when a van load of police had used both a sledge hammer and crow bar following being called by Chief Inspector Brian Genner.

74. They were both called to reinstate the Chief Inspector's believed evicted pregnant daughter back into the Claimant's overhead flat above his surgery.

75. The court heard the Claimant was then accused for her subsequent miscarriage while the Defendant continued to ignore the many thousands of pounds worth of damage she had helped cause to the Claimant's premises exacerbated by the excessive use of illicit drugs. It is very difficult to deny that this police action against The Claimant had become personalised and it was still only 1995.

76. The necessary ingredients to indicate the balance of probabilities of malice in this incident was made clear in the evidence and is yet another example of the overwhelming number of exhibits, originally created by the Defendant but now withheld, had to be again supplied to the court by the Claimant.

Malice or Targeted Malice?

if

i) A public officer;
ii) Has exercised or failed to exercise a power as a public officer;
iii) Maliciously;
iv) Causing damage to the Claimant of a type which was foreseen by the Defendant
v) Misfeasance is made out.

This **Defendant's Closing Submissions** need contain comment if, for no other reason, to counter the very idea that the Claimant has a 'fanciful notion' that he has experiencing a conspiracy.

2nd ACTION Paragraph 2 (Alleged Terrorism Act offence while smuggling pigs)

77. On or about the 9th February 1995 police officers laid an information against the Claimant at Barry Magistrates Court alleging that, whilst a pilot in command of a British registered aircraft, he had conducted a flight contrary to the provisions of the Prevention of Terrorism (Temporary Provisions Act) 1989. A summons was issued against the Claimant and he appeared on a number of occasions before the Barry Magistrates court.

78. On or about 12th May 1997 the prosecution was determined in the Claimant's favour. The prosecution was instituted and continued by the Defendant without reasonable and probable cause.

79. The Claimant had informed a Special Branch officer of his intended flight. The Claimant had filed a flight plan to Air Traffic Control and informed a Special Branch officer of his return. The Defendant's responses are set out in paragraphs 226 to 242 inclusive. The Claimant asserts that he had had the requisite clearance and a failure to fully investigate the matter by The Defendant's servants and/or agents, against the backdrop of the cumulative picture, cannot be regarded as anything but perversity.

2nd ACTION PARAGRAPH 3 (Cyclists fun ride)

80. On or about the 12th May 1996 police officers laid an information against the Claimant alleging a number of traffic offences including that he had crossed a barrier line, driven on a public road without due care and attention and without proper insurance cover.

81. On the basis of evidence from police officers the magistrates at Barry convicted the Claimant and suspended his driving licence. The matter was once again, determined in The Claimant's favour when he appealed. Once again, the prosecution was instituted and continued without reasonable and probable cause. The Defendant's

response is contained in paragraphs 243-249. Against the backdrop of the totality of the matters pleaded hereinbefore it is the Claimant's position that, once again, a relatively trivial incident had been utilised in order to cause the Claimant stress and inconvenience.

2nd ACTION PARAGRAPH 4 (Alleged un roadworthy vehicle incident)

82. In about January 1997 PC Roche stopped the Claimant as he was driving his Ford Orion on the Link Road in Barry. This was purportedly because the Claimant was not wearing a seat belt. Although the allegation pertaining to the seat belt was subsequently withdrawn informations were laid at Barry alleging a number of traffic offences. On the basis of evidence from police officers the magistrates at Bridgend convicted the Claimant. The prosecution was determined in the Claimant's favour when his appeal to the Cardiff Crown Court was allowed.

83. The Defendant's responses are set out in paragraphs 256-270. It is submitted that the exposition by the defendant contained therein is long and convoluted. A simpler explanation is to say that, yet again, this was a prosecution which never should have been brought and was therefore malicious against the backdrop of the situation as a whole.

84. The Royal College of Veterinary Surgeons relied on the fact that their records stated the Claimant had been in fact found guilty of 'failing to produce his insurance' and used for, as the appeal in HM Privy Council confirmed, incorrectly it now turns out, (in the separate appeal over the £60,000 costs against the Claimant then reduced to £40,000), the Claimant to have his name removed from the register due to the cumulative effect of all his motoring convictions.

2nd ACTION PARAGRAPH 5 (Falsified speeding ticket & arrest of prosecutor)

85. In October 1997 the Claimant received a notice requiring him to identify the person driving his Escort van. Notwithstanding the Claimant's compliance with procedure and nomination of the driver as Kevin Fairman, the Defendant instituted proceedings against the Claimant for alleged traffic offences. The prosecution was, yet again, determined in the Claimant's favour. The Defendant's response is contained in paragraphs 271-286 inclusive. Notwithstanding the long drawn out explanations and justification of the Defendant contained therein, it is submitted that the true picture is the cumulative picture. Why did the Defendant get the institution of proceedings so wrong on so many occasions?

86. **Explanation is still needed** as to why INSPECTOR ANDREW RICE was not allowed to be recalled to give further evidence despite he having witnessed the CPS prosecutor, Mr STOFFA, being arrested, in the Barry court room, by the Claimant who then, whilst

still holding on to the perpetrator by the neck, offered the incriminating evidence found to be in the CPS court file directly to RICE.

87. **Explanation is still required** on how Christopher Paul Alexander alias Ebbs' evidence so contradicts that of RICE in his saying he had never seen or of heard of Mr Ebbs despite evidence tendered to the court that RICE with a car load of other police officers from South Wales and the CAA investigator, Mr McKenna, had met with Mr Ebbs, back in the 90s at Aust Services on the M4 motorway, to discuss the Claimant's forthcoming hearing in a Bristol criminal court.

88. **Explanation is still required** on how RICE instead of Inspector HILL, as was first believed it to be, was seen being handed the CPS court file from the Senior Crown Prosecutor, brought especially down from London, following the spectacular collapse of the hearing following allegations against the Claimant, contrary to the **Prevention of Terrorism (Temporary Provisions) Act 1989,** again directly involving Mr Christopher Paul Ebbs**.**

PLEASE NOTE ALSO NOT EXPLAINED

The content of Defendant's paragraphs 281-286

281. Although not relevant at all to the merits of this incident, much time was taken by the Claimant in these proceedings in ventilating two matters; firstly, the "arrest" of Stan Soffa by the Claimant, on the discontinuance of the prosecution, and the involvement (or not) of Inspector Andrew Rice, with other officers, attending at Court to deal with the incident, and secondly, the extent to which this might support the suggestion that Sergeant Rice, as he was then, was a "king pin" in the conspiracy to "get Kirk".

282. This of itself touches upon the interesting evidence of Mr Ebbs (also known as Mr Alexander, or Mr Alexander-Ebbs). It is difficult to know where to start when considering the evidence of Mr Alexander-Ebbs, but it is perhaps worth bearing in mind that prior to his dramatic appearance at Court, and his purported "identification" of Inspector Rice (not quite a dock I.D.), the Claimant wished to present Mr Alexander-Ebbs as a congenital liar, fraudster, and/or fantasist, thus, the Court will recollect the two letters produced by the Claimant in his witness bundle at pages 213 and 214, which although the Claimant now seeks to suggest were there to provide background information, were clearly intended to suggest Mr Alexander-Ebbs was not reliable, to say the least. The Court will no doubt also recollect the additional bundle of documents put to the Claimant during the course of cross-examination, the first document being a letter dated 22nd October 2002,and the bulk of the bundle being an application for judicial review by the Claimant, for "abuse of process" dated 25th July 2007. In the letter, the Claimant was anxious to emphasise that information given by Mr Alexander-Ebbs was "totally false", and that in addition, he was a "mentally sick member of the public". We do not intend to quote at length from the abuse of process argument, but simply refer the Court to internal pages 18 – 25.

283. The Claimant now, it would appear, wishes to rely upon Mr Alexander-Ebbs' testimony as a witness of truth, to support an allegation of a conspiracy against the Claimant, which was acted out at Aust Motorway Services.

284. It is difficult to consider the evidence of Mr Alexander-Ebbs without some consideration of his somewhat tangled relationship with the Claimant. We do know that the Claimant was prosecuted for assault in respect of Mr Alexander-Ebbs and threats to kill in respect of his parents. The assault took place in the Plume of Feathers public house, Bristol, and thereafter, once the Claimant had been arrested in respect of that matter, it would appear from the Claimant's documentation and evidence, that there was either another incident of assault by the Claimant upon Mr Alexander-Ebbs, or alternatively, a wholly made-up allegation of assault by Mr Alexander-Ebbs, when the Claimant "arranged for him to be beaten up by Welsh rugby players" which resulted in the Claimant being remanded in custody. Of course the evidence of Mr Alexander-Ebbs on this point was that he did not initially make a complaint about being beaten up in the Plume of Feathers – that the police had attended at the incident and that a male officer with dark hair from the Avon and Somerset Constabulary had decided to pursue it, and that by some not fully explained sequence of events, prior to him having made a statement of complaint, he happened to find himself in the Magistrates Court in Bristol when the Claimant's bail in respect of that same assault was being considered.

285. The Court may conclude that the evidence given by Mr Alexander-Ebbs' evidence in relation to the making of his statement was bizarre. His evidence was that, in respect of an assault which took place in Bristol, he was requested by South Wales Police officers to have a meeting, whereupon he nominated Aust motorway services as an appropriate venue. During the course of the meeting he states that pressure was applied on him by Mr Rice, amongst other officers from South Wales Police, to "sex up" his allegations against the Claimant. Thereafter, his evidence as to what occurred in the Crown Court is inherently improbable, in that, as the Court will recollect, he contends that the Judge indicated that he and 92 the Magistrates were going to convict the Claimant, and that he would produce a reserved judgment in written form. He states that it was in this judgment that the Judge congratulated Mr Alexander-Ebbs on his truthfulness and his mild mannered nature. This appears to be contrary to the sequence of events as recollected by the Claimant. The Court may agree with the Claimant; that Mr Alexander-Ebbs is either a liar or a fantasist.

286. In addition, the Court will recollect that on the afternoon that Mr Alexander-Ebbs gave evidence, he produced a statement that he had written shortly before 2pm where he set out additional "facts", yet in that statement, he failed to refer to the fact that he had apparently received two, or maybe three, threatening telephone calls that morning which he alleged were from the C.A.A.

2nd ACTION PARAGRAPH 6 (1st falsified 'positive' 'mouth wash' breath test)

89. On or about the 16th March 1998 the Claimant was stopped by PC Holmes whilst driving in Southey Street, Barry and required to provide a breath sample. Although the Claimant had not been drinking he was arrested and further detained Barry police station. It is submitted his arrest and detention were on spurious grounds and therefore unlawful.

90. In an astonishing paragraph 290 of the Defence response it is accepted that the Claimant was breathalysed having attended a sick animal. Did not that fact alone imbue the claimant with the requisite sobriety?

91. The change from a 'dangerous driving' allegation at the beginning until , finally, being whittled down to one of barely 'careless' but enough of an excuse to find out the name of the Claimant's insurance company.

92. The Claimant heard no mention in court of any evidence remotely requiring a caution of or summons for 'careless driving' at the scene of the Cwm Ciddy Public House road traffic accident. On the contrary as The Claimant had decided to stop to assist, on the way out of town, as ambulance nor police had yet arrived and simply overtook parked cars on his way back in to the client call.

93. The Claimant gave evidence that he had already examined the dog in the client's home and was only returning through the front garden, towards his car, when the police arrived to question him.

94. He was not inside his car and therefore nowhere near the mystical or mythical 'bottle of mouth wash' before he was arrested for a purported 'positive' breath test.

95. Police officer Gareth Holmes had been at the scene on two later 'stops' of the Claimant and on those occasions, both with Sgt Khilberg, had witnessed (caught on Barry custody video exhibit) his sergeant deliberately lying and refusing to co-operate when they both, together then sat down to write their S9 witness statements for the predictable criminal court.

96. Holmes, at the Gilston Cross incident (2nd Action Para 9), gave evidence with others in the original magistrates causing the CPS to offer the Claimant, which he bluntly refused, the alternative lesser charge of only 'obstruction' only. This was only achieved by Mrs Caress, the then Clerk to the Court, suggesting it, The Claimant's vital witness, remember, refused by this court to having her summonsed despite her evidence needed in six of the incidents listed for this hearing.

97. Holmes was a major player for the Claimant's welfare and was just one of the reasons, despite quite contrary to his wife's views on the standard of maintenance at the garage always, why The Claimant, for twenty years, insisted in using his father's and uncle's garage to maintain the practice vehicles.

98. The Claimant suggests the demeanour of each witness, in particular giving evidence, was important and including that of the Claimant. This varied evidence, together with the manner in which Defendant documents were simply unavailable throughout this trial generally, supports the view of the Claimant of a conspiracy.

99. Holmes had, during many dining table accounts by both his uncle and father, of the Claimant's recollections following these numerous incidents and subsequent acquittals.

100. Holmes was also only too well aware, in the ten years, of Defendant using data from covert surveillance earlier in order to first 'stop' the Claimant.

101. It was first just for roadworthiness and insurance investigation on the excuse of foreign registered vehicles but when that failed scoring a conviction the Defendant's tactics moved onto to 'refusal' of breath test, reliant as ever on the catch phrase, ***'detection of intoxicants'*** at the scene**.** The subsequent flaws in the drawn out court cases required to obtain the convictions caused for the introduction, now, in a 'positive breath test at the road side, anything for a reason to issue an HORT1 for his current insurance company's name change.

102. Incidentally, the Claimant's Guernsey vehicles nearly all appeared to be stolen, including the veterinary ambulance, twice in one day, only, the court heard, to found burnt out on the edge of Barry. That Defendant 'find', along with his stolen BMW motorcycle with no number plate as it had been removed by the Defendant at the scene of the accident, was never information volunteered to the Claimant, again indicating a conspiracy.

103. Holmes, however, made a stand saying the breath test was negative because he knew it had been just that.

104. Holmes would of had inside information The Claimant would soon to be facing The Disciplinary Committee of The Royal College of Veterinary Surgeons following accounts being sent of those successful motoring convictions.

105. On the night of Southey Street faked 'positive' breath test and then escorting their arrested victim back to the client's sitting room to put an ailing old dog to sleep, was just too much for him to be a part of the conspiracy.

106. In less than ten minutes, the court heard, the' definitive' test was reading zero back at the police station but, again, read the alternative, if not fanciful account of the event, in **paragraph 294** on page 94 of the Defendant's closing submissions:

107. A***s stated above, DS McGregor's notebook entry and recollection of going to the Barry Police Station does fit in with the Claimant's assertion that he was taken to Barry Police Station.***

108. ***Alternatively, however, if the Court prefers the evidence of PC Holmes, to the effect that there was no arrest, and there was simply a request to provide a specimen of breath by the roadside, which was provided and was negative, whereupon no further action was taken, save that an HORT1/VDR (page 76) was issued, then there was no arrest in any event and the claim must fail.***

2nd ACTION PARAGRAPH 7 (Police helicopter tail chase)

109. The Defence response is set out in paragraphs 295 onwards. This is the incident in which a police helicopter shadowed the Claimant's aircraft. It is submitted in the circumstances that this was a clear case of harassment. Paragraphs 295 to 306 of the Defence submissions deal with this incident. This incident is the sort of disproportionate response articulated in paragraph 2.

110. In short, a thoroughly irresponsible and unlawful act with the Defendant having put many lives, including that of the Claimant, in serious danger following a mid air collision.

111. Yet another account riddled with pre confirmed lies due to the available information of any aircraft movement in a controlled air space.

Para 295

112. Answer No, the helicopter flew double that distance and in a most erratic manner just to film a T Shirt.

113. Answer No, not 'suspected' of flying with no licence as police already knew the Claimant was pending the successful Taunton Crown court appeal that required no evidence but simply for a plea of 'no case to answer'.

Para 301

114. This outrageous account of launching a helicopter just to assess who the pilot was!!!

115. All it required was to look in log books of aircraft, pilots onboard, ring Gloucester Air Traffic for the records or simply send the Llantwit Major's police Panda car the two miles to the Claimant's home and landing strip and enquire after the aircraft had landed.

116. Police identifying the pilot as being in the front 'pilot's seat was a joke, in itself, assuming a WW2 J3 L4 is usually piloted so. Which seat did Claimant fly from when he then flew her to Australia, solo stuffed with fuel tanks?

117. Answer No, they kept no safe distance and in fact, it was so very dangerous, as close as the length of the court room, plus a foot or two, that both pilots confirmed was illegal, inside the 500ft Air Navigation Order rule as The Defendant had no ***justifiable reason*** to put so many lives at stake.

118. Interesting, though, how the ATC Cardiff asked G-KIRK to orbit until the police helicopter arrived. We could have landed quite easily at the police heliport, in time his aircraft was made to wait, if the matter had been that urgent.

Paragraph 303

119. Answer No, Radar facilities at Cardiff cannot measure distances between such aircraft to ensure safety.

120. Answer No, for the Claimant, to prove the point of their incompetence, to cause the helicopter crew, at such close quarters and each to have to admit they lost sight of the cub for sufficient time to get an imaginary five second burst from a WW1 Lewis machine gun, 'up their tail', confirms it.

The CAA should have investigated the police dangerous prank but The Claimant was not going to report a fellow pilot of the air when being black mailed by a bunch of bully boys directing operations from their arm chairs in The Defendant's HQ.

Paragraph 306

Yet another example of extreme police bullying and harassment, driven by a 'money no object' mentality, again haunted Claimant's day to today life, in South Wales, only because:

a) being blamed for their Chief Inspector Brian Genner's daughter's miscarriage,

b) being of the similar 'sour grapes' Guernsey mentality, when answering to its request to also 'put the knife in' as it was the alternative to the embarrassing consequences should the Claimant's outstanding 'open arrest warrant' from the Bailiwick be implemented. The Guernsey incident had included the then Deputy Chief Constable, whilst trying to have the Claimant removed from the court house, had almost succeeded, single handed, in completely debagging The Claimant.

c) of their most recent string of lost prosecutions and the sheer logistics of it all starting to be now questioned the need for all this against one man if not to prove malice.

2nd ACTION PARAGRAPH 8 (2nd Falsified 'positive' breath test)

121. In August 1999 the Claimant was stopped by police officers as he drove along the Pontypridd Road in Barry. He was again breathalysed. It is submitted that it is no coincidence that there has been a 'shift' in the manner of attack upon the Claimant at this point by the Defendant's agents and this is illustrated by the fact that this incident was the second consecutive 'positive' drink drive investigation. Notwithstanding a negative breath sample being obtained at Barry police station the Claimant was detained for an hour. In the event summonses were issued for document offences and the Claimant was convicted at a trial at Bridgend Magistrates' Court. The prosecution was determined in The Claimant's favour yet again on appeal. Clearly the Claimant hadn't got a problem with drink/drive. Had the Defendant?

2nd ACTION PARAGRAPH 9

122. On or about the 1st December 1999 the Claimant was stopped whilst driving a BMW at Llantwit Major. This matter involves the wrongful detention of the Claimant's motorcar. Paragraphs 322 to 332 of the Defence response deal with what, not surprisingly, the Claimant regarded as a course of action designed to humiliate him.

123. In consequence thereof, the Claimant was deprived of the use of his car for six weeks. A pattern was emerging where the loss of The Claimant's property was concerned.

124. Another appalling example of misfeasance, harassment and bullying conducted by Sgt Khilberg who in a later incident was caught on video (Exhibit) lying to his custody officer when trying attempting to obtain a simple public order conviction.

125. At the road side, having first quite unnecessarily smashed his way into the Claimant's car, in order to be able to recite from the standard 'further up the chain' command: ***"on approaching the Claimant I detected intoxicants"***.

126. He then denies the Claimant agreed to the request to supply a specimen of breath and after his arrest of The Claimant he leaves the vehicle deliberately unlocked with a broken passenger door window and dangerous drugs on the back seat. He, nor any one else, informed The Claimant as to just what was going on and the fact the vehicle even needed moving.

127. When released from yet another zero reading on the alcohol definitive test he enjoys overruling his colleague's offer for a lift, the area they are returning to in any event, twenty miles back to where the car was last scene.

128. The Claimant attempts , more than once , to trace the whereabouts of his vehicle but was never able to speak to Kilberg, the officer in charge nor having his enquiries

as the whereabouts of his car and medicines referred back to him by an alternative officer.

129. Around six weeks later the garage writes expecting a bill to be paid for it being garaged but unbeknown to the owner of the garage the Claimant had just visited the garage, having received a tip off from a member of the public, to find the car had been quite unsecure, on the petrol forecourt with, in particular, dangerous drugs still in his case on the back seat and visible to any passerby.

130. The keys were never returned nor did the Claimant be informed of its whereabouts even following his reporting it having been stolen. Yet another example, it is humbly submitted, of an example of a culture between those who knew where the vehicle had been taken and being tantamount to nothing else if not ***misfeasance in a public office***.

2nd ACTION PARAGRAPH 10

131. In January 2000 the Claimant was, once again, stopped driving on the A4050 and asked to provide a breath sample. There was no good reason for any of the above. This is dealt with in defence paragraphs 333-341. The Claimant accepts there was no detention and no charge but the incident denotes further harassment of him. It is further evidence of the Defendant's 'drink drive problem' with The Claimant.

132. The Claimant was stopped by police three times in one day.

133. First, for stealing his own BMW car, he had weeks earlier reported stolen, it having taken him six weeks to trace it, unlocked and full of dangerous drugs, to a roadside open petrol station forecourt.

134. Interestingly it was as soon as he crossed the Severn Bridge, to pick up his son in Bristol, the car was identified and Claimant arrested.

135. After release, he was stopped again, this time for alleged speeding, north of Cardiff and on the M4. He recognised one of the police as a client as the two officers argued between themselves as to whether to prosecute. Only a rectification ticket was issued, in the end, for a 'faulty' silencer but clearly the one wanting the prosecutions was far from happy.

136. Just minutes later it was with no surprise for the Claimant to find yet another police car following him, this time off the M4 in the docks link road.

137. As always the Claimant's employment was dependant on his having driving licence and valid insurance so while The Defendant continued their 'fun and games' the Claimant remained deadly serious.

138. No evidence, at all, was given in this third group of police, that day, of hearing a 'blowing 'silencer' and significant to its absence to Defendant Para 334 excuse to cause the 'stop'.

139. Answer No, it was on the only pretext the single police man had left, being given such short notice, following the angry police officer left just up the road as he had forgotten to have the Claimant breathalysed!!

140. So The Claimant was accused of 'careless driving' and this time by 'weaving' all over the road.

141. Typical delay was manipulated for police reinforcements, not by a patrolling police as one would expect but from the one actually in charge of the night shift sitting in his office in a Cardiff police station.

142. The excuse for breath testing the Claimant was the usual, 'The officer tried to speak to the Claimant through the broken window and at that time and noticed a '***strong smell of intoxicants'.***

143. In Defendant's paragraph 339, the defence lawyers make much play that the Claimant making no complaint of the middle 'stop' by police officers.

144. Answer No, of course he didn't complain of being stopped because the Claimant had been travelling well in excess of 100mph and only because of his encountering sudden heavy traffic, for him to slow down for a considerable distance, was the police car eventually capable of catching up and stopping him.

145. Sheer spite and anger from the one of the policeman for forgetting the breath test, with only a suspicion of speeding to go on, no reading recorded, caused him to radio on to all his colleagues, further down the motor way, to stop the Claimant on any pretext possible. (a possible repeat scenario with the 'false positive breath test' incident in Southey Street also involving another vindictive police officer while other was The Claimant's client).

146. All quite routine stuff for this veterinary surgeon to encounter almost every week in a space of nearly ten years until it all stopped, overnight, when The Defendant managed to have his name removed, for life, from the veterinary register.

2nd **ACTION PARAGRAPH 11 (Overhead video captures evidence of the violent assault on Claimant)**

147. This incident in Cardiff constitutes the fourth breathalyser procedure conducted against the Claimant which was resolved in his favour. This was not before the Claimant was arrested and detained. The switch of 'modus', the Claimant submits, is no coincidence.

148. The Defendant's own Newport Road, Cardiff, overhead road video records PC OSBORNE, in six or seven seconds, from knocking on the Claimant's driver's door,

while he was sitting stationary in a queue of traffic, caused by the police having stopped the lot, to pull out his truncheon, smash the window and drag out his victim. After throwing him against the car he then violently manhandles the Claimant to the back of the police van.

149. Cross examination of PC PRICE, standing beside the opposite car door, produced oral evidence of shock and surprise of his colleague's action.

150. PC PRICE also contradicted PC OSBORNE as to when, why and where, exactly, was the Claimant arrested?

151. Of course they could not agree because one officer had to say the arrest took place in the Claimant's car and only being dragged out, so violently, because the Claimant was 'resisting arrest'.

152. Another version, only dragged out by cross examination, was that, after PC OSBORNE when entirely alone with the Claimant in the back of the police van and following the fabricated lie that the Claimant had failed to attempt to do a breath test, arrested his victim.

153. The Claimant was left alone, for a considerable period of time, in the back of that police van surrounded by a jammed queue of traffic.

154. But the police had deliberately left the van door wide open hoping the Claimant would run away.

155. Why on earth would they want to do that?

156. Obviously because PC OSBORNE had been urgently contacted about the incriminating record seen by a load of eager officers, in video control HQ, originally having been summoned to watch the so called 'high speed car chase' of their victim upon leaving Crown Court after suffering yet another wasted morning of his life.

157. The police reported the breathalyser conviction to the RCVS, in London, to have his name removed from the veterinary register for life.

158. Paragraph 347 to 358 display further verbiage riddled, as has been seen throughout Defendant submissions, with just too many to comment on, of distorted facts contrary to the Claimant's own kept records and that what was heard in cross examination.

159. The Claimant never once accused OSBORNE for 'dragging him around the cell floor' or anyone 'knocking him about' in Roath police station, after the road side incident.

160. It could have been in which case the Claimant would of most likely remembered his face, at the time and clearly had stated it.

161. It was 'small beer' following Osborne's violent assaults, caught on video, before demanding a breath test.

162. As for the paragraphs 359 and onwards the magistrates and Cardi9ff Crown Court appeal hearing were both denied the overhead video because it would have confirmed as to why the Claimant had been in such a shaken state to be too slow into breathing into a breathalyser bag thrust in his face by a very, very angry police man.

163. The Defendant had deliberately withheld the video from the Claimant for over a year despite his secretary's and his own both verbal and written requests for it.

164. This **Defendant's Closing Submissions** need contain comment, if for no other reason, to counter the very idea that the Claimant has a 'fanciful notion' that he has experienced a conspiracy.

165. ***This unusual and extreme case of bullying needs special attention with special law applied due to an excessive number of incidents with 'evidence of similar fact'***. ('Cardiff Newsagent Three with' Michael O'Brian's murder conviction overturned after eleven years in prison).

166. The extreme conduct of both Chief Inspector Brian Genner and Inspector Robert Roe together with a van full of colleagues and how much of the truth was so successfully withheld or disallowed from the hearing requires this matter, with all its obvious ramifications, to be reserved for an independent outside police force to thoroughly investigate.

167. For The Claimant to now plead the new evidence obtain in the dying hours of this trial and obviously destined to join what is already up on the internet would be irresponsible.

168. Fact proved, especially from five of the witnesses, could contaminate the evidence for the enquiry but more to the point, would be a very real risk of warning those ultimately responsible for such despicable behavior.

169. To now recite the relevance of why the Defendant deliberately, with the aid of its vast legal team, withheld vital witness statements and documentation from communications between other interested parties, such as The Cardiff County Council and falsified their victim's custody records etc, would be inappropriate.

170. Guernsey may be known for its spawning grounds for little conspiracies but the evidence in this Ely incident alone and skulduggery exposed during the hearing, is again '***similar with facts'*** and all pointing to a culture of ***invincible prejudice*** based on preconceived ideas from groundless rumour.

171. **The Three Rivers case** etc is all very well to argue but should be settled on the facts as for any other 'run of the mill' police incident but this case is different. The proven link with Guernsey, affecting the conduct of the South Wales police, obviously puts this case into a whole new category of law, some yet to be written.

172. For a police officer, like Stephen Booker, routinely investigating the 'modus operandi' and forensic history of an apparently articulate professional person,

recently found to be living on his 'patch' and causing him to look at his 'passive radar' (RAF Shackleton aircraft term for surveillance without automatic detection) to find no apparent suggestion of dishonesty recorded on the PNC, was obviously ringing no alarm bells until sighting reference to Guernsey.

173. **Remember, previously,**

a) TV video tendered1992 Barry, aircraft arson,
b) then 1993 Llantwit Major 'squatters' in the Claimant's flat,
c) then 6th June 1993 Ely, Cardiff eviction/miscarriage of Chief Inspector's daughter,
d) then 20th June 93 Ely, Cardiff, then July 1993 Ely Cardiff 1st Action 'struck out' incident Princess Diane incident requiring sixteen police officers to surround him.

174. Mr. Booker, by 3rd October1993, the day he was to arrest the Claimant, for riding a motor bike whilst banned, had studied his PNC and as the court heard, written a report that the Claimant was already notorious. He knew all about the Taunton Chief Superintendant's missing note book, Guernsey police's ignominious track record in its law courts with a man who dressed as Klaus Barbie' and Cardiff Inspector's daughter's miscarriage now blamed on the Claimant. Did this not kindle a little passion for a fellow biker to 'always get his man'?

And In the Aftermath of a String of Roadside Arrests

175. Where were the senior officers to tell the court of their motives to 'cover up' and fabricate excuses?

176. ***"Impossible to identify the prisoner", "faulty PNC records' caused his imprisonment***", ***"jailed because the prisoner failed to co-operate",*** "***no investigation was carried out because too many burglaries of veterinary surgeries in the area to spare the man power***" etc, etc. So came the decade of Defendant's lamentable 'excuses'.

And The Responses to the Claimant's Numerous Written Complaints?

177. This three month hearing, if nothing else, has proved that unusual, extreme and vindictive acts by certain police officers have been occasioned while others stood by, as is the 'nature of their job', and so often been forced to do just that, especially if being witnessed by a third party such as the general public.

The Defendant Rebuttal to the Claimant's Case

This 152 page defence lawyers' document, riddled with misleading comment and falsehoods, is written on the huge assumption that all who gave evidence were telling the truth!

Law on Conspiracy.

'An agreement by two or more persons to commit a crime, fraud or other wrongful act'

[Please Note the 2013 interpretation of 'white collar' crime]

178. The Claimant remains curious as to whether this case of such magnitude, riddled throughout with 'evidence of similar fact' presented itself to any of the Defendant's legal team and caused them to consider such case law argument as, for example, as said before, in Yorkshire Chief Constable v Hill the fact the police have no 'duty of care' might strike the court as self-serving.

179. The Defendant's team have put much weight on and referred to, in some detail, the Claimant's 64 page June 2009 witness statement as rebuttal argument that there has never been the occasional two or more South Wales police officers acting in unison to commit, against their victim, a wrongful act.

180. The learned trial judge has also implied that he was also having difficulty in understanding the relevance of the first two thirds of the Claimant's 64 page witness statement, the history before 3rd December 1992. After the limited evidence the Claimant was, at least, been allowed to preserve or call explains the obvious.

181. BUT the very reason for this hurriedly written 2009 64 page witness statement, in the first place, was because the Claimant knew his time was running out in the light of the fact the Chief Constable had first ignored His Honour Judge Nicholas Chambers QC 2008 Court Order, had handed in her notice, and only by the Claimant personally thumping her solicitor's desk did it ever get signed at all!

182. Individual motives may suggest themselves but if the facts are looked at from afar the 'big picture' of misfeasance is abundantly clear.

183. It did not take a lot of imagination for a senior police officer 'to put the boot in' , either by inactivity or, as some cases within the Taunton, Guernsey and now South Wales areas show, for the culture of blatant bullying to flourish on a grand scale.

So how does one see a conspiracy?

184. Does it take more than perverse officers and/or civilian staff, in a police station, to commit a conspiracy? No, of course it doesn't.

185. Does it take more than two perverse police officers, a Crown Prosecution lawyer (acting on false statements from the Defendant) to commit a conspiracy? No, of course it doesn't.

186. Does it take more than two perverse lawyers or clerical staff, defending the South Wales Police, to unwittingly endorse that conspiracy or conspiracies? No, of course it doesn't.

187. Does it take much of the imagination, on the balance of probabilities, for a person on a Clapham Common omnibus, having been given the facts, by way of exhibits and on oath and allowed the normal parameters of cross examination not to come to a conclusion, to quote 'Hamlet', *'something was rotten in the state of Denmark'* ?

188. No, because the Claimant was refused due to 'political expediency' either a jury or consolidation with the remaining half dozen or so claims against the Defendant

Analysis of Defendant's Rebuttal that it was not a 'Conspiracy'

Para 38 -41 inclusive

189. Remember, in Guernsey, the Claimant had been refused insurance cover from any local agent on the island because of the countless intimidating visits by uniformed police officers demanding to examine all aspects of the Claimant's so called motoring 'cover'.

190. It needed the Claimant to take a day trip to Jersey to obtain the minimum requirement of insurance cover in order to practice veterinary surgery

191. The Claimant accepts that the tactics he employed to avoid the Defendant establishing the name of his then current insurance company, as described in these pages of Defendant rebuttal, might look completely bizarre if not put in context.

192. The use, for example, by the Claimant's of a 'blow up' doll masquerading as a passenger on his night emergencies, to reduce the possibility of a solo encounter with employees of The Defendant has a 'Only Fools and Horses' comedic overtone. But the use was sadly seen as necessary by The Claimant.

193. What other tactics, to avoid personal identification, do the Defence suggest The Claimant deployed when identified and made to stop on the road side to receive yet another HORT1? What alternative tactic is envisaged? Remember, the Somerset agent, Mrs Kenyon, told the court she had that London telephone call, which the Claimant dreaded, threatening to terminate the Claimant's insurance because of the South Wales Police intervention. The Defence failed to disclose that.

194. Similarly, the woman special constable who took it upon herself to telephone Guernsey about the Guernsey registered veterinary ambulance, all in preparation for the Llantwit Street, Barry, hearing. These incidents the Chief Constable swore she had no knowledge of because to affirm would be to reveal ongoing 24/7 covert surveillance.

Was this not plain malice or just tinged by a smidgen of conspiracy?

195. So what is the alternative tactic for the Claimant to 'blow-up' dolls or plain prevarication? There are plenty, of course but they are nearly all either irresponsible or illegal and the Claimant, despite all, has not been found to be with anything other than someone with an unblemished character.

196. So let us, if the Defendant has insisted again on calling the Claimant a blatant liar, consider the issues surrounding why the Claimant and his wife were forced to eventually leave Somerset instead of facing up to the persecution.

197. It followed a £100,000 one flight 'drug dealing' offer the Claimant promptly reported following his picture across the front page of a national newspaper only to be followed by the bullying of a certain Customs and Excise officer from Cardiff answering to the name of Mister M R JONES.

198. A string of sometimes comical incidents then followed, over aging aircraft mainly, with police across South Wales failing, every time, to getting anywhere near to secure a criminal conviction because, in law, they were always wrong.

Trial of the First Three Actions

Claimant refers to the Defendants Closing Written Submissions:

Action 1-Paragraph 8.3 (*No back lights or MOT on Guernsey registered vehicle*)

199. This is nearly four pages of verbiage to avoid admitting:

1. The back lights of the Guernsey car were examined regularly, as was the whole car, due to surveillance at night by police who's conversations were picked up on police scanner by clients and seen by the Claimant from his attic window opposite the surgery.
2. The back lights were not working when Claimant stopped
3. Claimant produced his valid insurance
4. Convicted in Barry magistrates for having no insurance and no MOT on a 'Jersey', not Guernsey , as it was, registered car

The Claimant needed not to attend court as his insurance was valid the allegation of no MOT on a 'Jersey' registered car was a joke and a 'giveaway' that the Claimant was again being 'stitched up'.

5. Claimant lodged an appeal within three weeks
6. Claimant won the appeal on both counts without the need to attend

In custody

7. It was abundantly clear that the Claimant obviously told the police he was insured on the day of alleged offence as what benefit was there staying in a police cell?

NB Of course WPC Lott (defective tyre incident) knew the Claimant as she was part of a husband/wife team in the Barry police station but a few hundred yards away

It was blatantly obvious, in the overall evidence that by 19th April 93 Barry Magistrates and sentence date of 24th May 93, the Claimant was a targeted victim right across South Wales.

200. The Defendant was wrong in either arresting or imprisoning the Claimant.

201. It would have only needed a mischievous police station clerk or police officer to hide the fact that someone would have been at either of the two magistrates hearings to hear about their own emergency veterinary surgeon lodging an appeal following being banned from driving without insurance in his absence. Convicted for no MOT in a foreign car must have raised someone's eye brow if not already part of a conspiracy.

202. What was the motive of the police officer charged with putting the Claimant's details on the PNC , in the first place and how was it to affect police officers like Mr. Booker (8.11 incident) to initially act upon it.?

203. The sheer proximity of the Claimant to the Defendant was compounded by the fact the arresting officer, Booker (8.11) on a later occasion, had already read up on the PNC the 'colourful, if not notorious history of their 'local vet' who personally, the court also heard, treated many of their own domestic animals.

204. An appeal had been lodged, written records of appeal were then available in Barry police station's Crown Prosecution Service office, long before the ***'six million pound question'*** posed by Mr Booker was considered weeks down the line over the Police National computer data fault. Why could the PNC not be easily updated?

205. [It must not be forgotten that the Claimant was made to produce, to the Barry police station, a few hundred yards from his own home and surgery his licence and numerous other driving documents many times not even referred to in these three Actions].

8.5 (*Bald tyre incident re Guernsey registered vehicle with no MOT*)

206. The evidence from both Claimant and his newly employed veterinary nurse, Mr S PARRY, could not have been more succinct, with the nurse writing his own independent account, at the time never to see it again until in the witness box.

207. Their joint evidence clearly indicated that PC Lott drove past in the opposite direction and could not have seen the difference of a Guernsey registered tax disc to that of one of UK.

208. WPC LOTT never walked around the car nor examined any tyre. She never walked to the front of car either to have been able to examine the windscreen.

209. It had all been done, at night, a week before and with the Claimant having been alerted by a client, with a scanner, had changed one back tyre with a barely 'defective' cut in its wall.

See **(Defendant's Paragraph 63)**

210. The Claimant deliberately did not call his nurse at magistrates as it was obvious police had examined the car, at night earlier, with a possible defective tyre (side cut) but never bald as was always the prosecution's evidence.

(c.f. evidence of Mr Kirke of Barry's tyre company and Holmes of Claimant's maintenance garage).

211. 211. Again, there was no need to attend court as it did not require UK tax and no judge would believe a practicing veterinary surgeon would allow his work vehicle to remain that long illegal to actually to be having a BALD TYRE!

212. It was purely a 'paperwork offence' following the issued HORT 1 top copy. On the top copy was marked ''Def tyre no VEL".

213. On the Claimant's original bottom copy shown to the appeal judge was scribbled no "NO MARKINGS" as was on the original in the left hand margin in Lott's hand writing.

214. The Claimant has never driven a vehicle on the public roads devoid of any tread seriously suggesting DS LOTT neither saw a 'damaged tread' that had been routinely changed by one or other of the maintenance garages that maintained The Claimant's fleet of Guernsey vehicles.

215. His Honour Judge Burt severely reprimanded the officer for altering a police record after the top copy was signed and been officially issued.

216. The appeal upheld and the usual no MOT allegation went through unopposed.

217. So just how much data went between Guernsey police and Barry police station over its road fund tax situation and validity of driver's insurance?

8.6 (*Ely Cardiff and Claimant's theft of his own Guernsey motorcycle*)

218. Nearly eleven pages on this incident, of still more rebuttal defence, verbiage tantamount to criminal conduct designed to distort the truth, mislead the trial judge and fraudulently obtain cash.

At last, an incident with a police officer – 'a credit to the force?'

219. Phillip Lewis Thomas arrested the Claimant simply because his vocational beliefs had contradicted his training and current law but making the first ingredient for a conspiracy to be cast.

220. He arrested the Claimant under a section 25 PACE, for the theft of his own BMW motor cycle which was clearly unlawful because, several times, he repeated, even by the judge's intervention, that he had not asked for his prisoner's name and address until later the Claimant was in the police van in hand cuffs.

221. The defence evidence that Claimant's then girl friend (MRS KIRK), veterinary receptionist and clients, one with dog in her arms, waiting outside the surgery for

him, appeared to deny all knowledge of him is the point of where **CONSPIRACY (Cardiff) moved further up the chain of command.**

222. Here on in, with the Clamant in custody and with Barry police station's INSPECTOR TRIGG already having visited remains indefensible and the failure to assist was malicious.

223. To then be sent to prison, the following day, as 'unidentified', indicates the senior officers' involvement in both Barry and Cardiff and conspiracy can be inferred.

224. How the Defendant was influenced by the alleged 'first contact' by PC Thomas when telephoning Guernsey police to trace the Claimant's motorcycle is now legendary. Of course senior police officers had already been aware of their victim's so called notoriety but were keeping it to themselves for a 'rainy day'.

225. Once Thomas had given the Guernsey police his prisoner's name he told the court that the Guernsey police informed him that he was was known in Guernsey to go to court dressed as Klaus Barbie in full Nazi uniform.

226. He let it slip to the surprise of the Defence QC that there was an **open arrest warrant** on the Claimant, at the time, from the Bailiwick, a matter neither imparted to the sitting magistrates, next day or their victim until twenty years later in Cardiff County court. Just how much that influenced the length of custody the Claimant had to suffer in Cardiff Prison is a matter for the trial judge.

227. DC GRIFFITHS, of the interrogation of their victim, was pressed by the learned judge as to why he did not or anyone else simply admit the piece of paper clipped to the custody book had the information on it to satisfy section 24/25 of PACE for bail and a summons to be issued?

228. The fact no mention or action on the warrant has occurred, despite deliberate visits on the first occasion in 2010, on the pretext of seeking asylum in Alderney, or last week to prove the point, is further proof of the conspiracy to pervert the course of justice orchestrated by senior South Wales police officers and 'old adversaries'.**8.7**

229. Rebuttal pages are a complete distortion of facts given in evidence and in that the Claimant was in fact prosecuted for no insurance/ failing to produce, by summons, which was later withdrawn by CPS

230. The particulars of claim were originally wrong and changed from having been 'arrested' following the sacking of incompetent Bristol legal representation and the Claimant having to do his own appeal (circa 1997), at very short notice, with successful re instatement of three of the previously struck out incidents.

***1st Action 8.9 (St Nicholas evening stop on pretext no road fund tax*)**

231. This was clearly an incident where the significant sports car was 'marked' and for both driver and vehicle to be examined.

232. The 'cover up' attempts, for a number of incidents, by late disclosure of force solicitor letters and responses to just some of the Claimant's complaint letters included further proof the so called random 'stop' was far from 'random'. Were there 'brownie points' for patrolling officers if it was seen they could get The Claimant stopped (see Jane Davies nee Walker evidence and 4th Sept 1994 affidavit for a Judicial Review application)

During the proceedings the Claimant heard one of the policeman say to the prosecutor words to the effect that they knew of MJK and his white sports car and that, "we will eventually get the bastard"

***Signed J Walker 4.9.94*8.11**

233. There appears to be another six pages of Defendant rebuttal verbiage concocted by legal team to misrepresent a story and attempting to hide the fact Mr Booker slipped out a 'little gem' of unsolicited evidence relating to the motor bike being stolen **(8.12**) and then police 'finding' it to remove the number plate in order to make Claimant's likely recovery almost impossible.

Arrested for riding without a licence is referred to in the very first incident in 1st Action

(extracts from Mrs Janet Kirk notes as Claimant denied right to tape record)

234. Ex PS Booker: "***Daytime, rider had no helmet" "Thompson Street" "BMW KRT unusual and no others in the area" "I'm a motorcycle biker. Nice bike"***

Meaning, ***"I saw Mr Kirk's ex police BMW motor bike being stolen and being driven by a youth with no helmet on".***

And when pressed, in cross examination, as to exactly where and when out came, to the effect:

" I saw it on the lower road (to the docks) as I was near Barry magistrates" [where MR F Clode recovered bike with no (foreign) number plate on and recorded in his court exhibit log book}.

Another unwitting but apparently sincere ex policeman, a MR Booker, who's reputation to the Claimant was confirmed when he willingly disclosed the confirmation needed of the 2nd 'trigger' from Guernsey's police force..... from paragraph, **CONSPIRACY (Llantwit Major).**

"Did I hate the police?" "<u>One</u> <u>only</u> has to <u>read</u> the papers <u>to</u> know your attitude towards the papers" (Barry and District, Western Mail and evening Post)

But was it ever in the Glamorgan Gem?

235. Despite deliberate attempts by the instructing solicitors not to call this key witness, on the pretext of ill health, he came anyway and the Claimant will always remain grateful.

236. Again, the late disclosed force solicitor file of evidence, dating back to1993, revealed, on this and other incidents, the hall marks of conspiracy and that Booker had been well aware of the Claimant's Guernsey 'encounters' with police long before he arrested him.

237. On arresting the Claimant for riding his motor cycle whilst banned and then finding the Police National Computer was later proved 'incorrect', even for such a 'marked' man, in Barry, where the computer was read, simply amazed this seasoned officer the court heard.

Both his demeanour and words to the trial judge said it all.

MJK: "***Why didn't it (PNC) say the disqualification was suspended?"***

Booker***: "don't know, six million dollar question"***

*MJK****: "Why didn't I know"***

Booker: ***"I was unaware of the facts otherwise none of this would have happened"***

238. The PNC had been tampered with or had deliberately been given incorrect or omitted known information that their targeted 'notorious vet', who (flew under bridges) caused so many police officers and their families to visit with their animals, was a legal driver and on the balance of probabilities, was highly unlikely, as twenty years of police investigation has proved, to ever drive either without licence or insurance.

8.13 (*Stolen BMW motorcycle*)

Defendant's Rebuttal Paragraph 135

239. Of course the Claimant's case 'changed' because he found his old client, Mr F Clode, who miraculously produced his original log book, over a decade later, identifying WHY he took the chassis number of the stolen crashed BMW m/c as it was found, by him, without a number plate on her.

240. [Evidence was that on 20th June 93 the bike chassis number came up on PNC as 'no trace'.]

241. Of course the Claimant's case 'changed' because by then he had found an eye witness, Gerald Thomas, whose statement was accepted as true, contrary to Defendant's paragraph 139 of closing speech now withdrawing that position.

242. Why was the learned judge's view already made up on this issue, contrary to the recalling Inspector Roe and issuing a Penal Order on Gafael for failing to attend?

243. Thomas had been paid his conduct money but had failed to answer to a summons.

244. How many other Defence witnesses had been aware of the content of Gerald Thomas' witness statement obtained from him while both he and the Claimant were in Cardiff prison in order for Booker to volunteer that he had seen the thief, just yards from where he crashed the BMW motor bike and not wearing a helmet?

Had that not have been the case then the judge should have handed down a Penal Order to attend?

8.14 (*Claimant stopped while driving the girlfriend' motor vehicle*)

Paragraph 147

245. Was it the burden for the Claimant to prove the motoring incident occurred requiring Mrs K Kirk to produce her insurance documents that still led to the Claimant being prosecuted anyway?

246. The general 'absence' of police records and especially those of motoring incidents and subsequent court cases is further indicative of a culture of malevolence towards their victim and highlighted in The Chief Constable's sworn affidavit.

8.15 (*Arrested in Spitfire for driving whilst disqualified*)

Defendant's Paragraph 149

247. ***"It appears that, as frequently happens when the Claimant appeared before Magistrates and was convicted of a motoring offence, he sought to have the disqualification suspended pending appeal***".

248. BUT who was prosecuting the 'target' and how many police officers were called to the same room to give evidence, that day, only to return to the Barry police station with the CPS prosecutor whose office was housed, in those days, in the very same building?

249. How many police and Defendant's other agents watched the Claimant's routine procedure of handing in his written appeal BEFORE the hearing, in order to drive away and do a day's work for waiting farmers in the Vale?

250. How many then watched the repeat procedure, by another letter, updated as to new facts that had arisen during evidence given?

251. A rare event occurred with this particular arrest and blatant assault, by the arresting officer pushing the Claimant up against a low wall, there to this day, in that the Defendant let the guard down by allowing the Claimant, not just to make a statement but then, to his utter surprise, actually allowed him to keep a copy of it!

252. The complaint of assault and fabricated excuse for arrest had the usual perfunctory 'in house' outcome but senior officers, at least, were now identified as being aware of the veterinary surgeon's proximity.

253. Section 38 of PACE together with the overwhelming information as to the likely locality nearby of his daily work place that had been previously accepted for 'service, and the vehicles he regularly drove should have been enough? Where he slept at night to the colour of his under pants was sufficient evidence, was it not, not to have so prolonged his detention?.

254. This predominance of Defendant verbiage is but a smoke screen simply to try and obscure a public servant's laid down responsibilities, both before and after the arrest of a member of the public simply trying to go about his own lawful business.

255. There are the usual distorted facts recounted as the Claimant would expect but with the major documents and senior police officers' records, withheld or late disclosed there is a pattern emerging of the over use of the paper shredder.

8.16 (Fabricated criminal damage allegation of a wing mirror)

256. Inspector 1900 Howard Davies, an already proven bully in the mind of this Claimant, revealed his fabrication of excuses to first arrest and then detain unnecessarily the Claimant it being compounded by the new shift custody sergeant coming on and whose sole responsibility it was to restrict custody as much as possible, promptly had the prisoner freed.

257. The withholding of the released prisoner's dog, just to provoke, was a typical example of the culture in Barry police station in those days.

8.17 (*Another example of arrested whilst not a disqualified driver*)

258. Yet another example of a police officer influenced on wrong information deliberately effected by someone or some others an on this occasion, the unsuspecting acting sergeant Smith. He subsequently acted upon his belief and eventually released the Claimant even before checking up if records he knew were notoriously wrong when, for example registering the name Maurice Kirk.

259. The pattern clearly emerging from all this written innuendo about the Claimant suggests he was needed to be treated as a general trouble maker and acting the fool to boot.

260. The Claimant is only a 'trouble- maker' because he was made and will continue to make a lot of paper work resulting from unfair prosecutions if the bullying continues as it did only last week.

8.18-21 Inclusive (*Vandalism and Arson of Claimant's property*)

261. A random example of the extent to which extremes police conduct can stoop to. Repeated acts of vandalism including two if not three acts of arson and the odd

witnessed assaults thrown in, by a well known culprit, aimed at the landlord, the Claimant and yet orders from somewhere, repeatedly say, "do not to act".

262. Many thousands of pounds of damage to the Claimant's property were witnessed by the fire brigade, police officers, veterinary staff and neighbours opposite such a Mrs Hanson and even the inmates of the house but there was not a sign of any attempts of taking a witness statement to corroborate the Claimant's countless complaints from any of them! Evidence of similar fact or just evidence of similar fact?

263. Not even a statement off the now Mrs K Kirk, who was present with police when the Claimant was pushed violently down the stairs to end up in an ambulance for a stay in hospital. Of course the Claimant wanted the attacker prosecuted and for the police to admit that 'no evidence' was offered, at court, cannot be defended.

Defendant's Paragraph 179

264. These three incidents in the 1st Claim were not re instated by 'consent', as the vast defence legal team plead, they were put back in by the Bristol appeal judge, back in the mid 90s but only because the Claimant, at short notice, had to personally lodge and conduct his own appeal on the understanding he was guaranteed a Bristol jury.

Defendant's Paragraph 181

265. The Claimant's tenant 'pond life' expression referred only to, as the description of those who had repeatedly committed the assaults and damage bare out, to those on

266. Had the Claimant ever been made aware of the alcohol abuse the specific individuals would never had been granted a tenancy in the first place.

Paragraph 191

267. This pathetic excuse that a lady professional colleague, working part time in the practice but a clear witness to the assault, in 1995, not then the Claimant's wife who then lived in Bristol, was not to be interviewed by the Defendant, again compounds the evidence of a conspiracy by the fact this same lady, now fresh from her own divorce court of 2013 may be exactly why she was now reluctant to give the considerable evidence which was so much promised nearly twenty years ago.

8.20 (*Stringer Threat of Assault on Claimant*)

"I know nothing" mentality and "can't remember" from defendant witnesses, throughout this trial' fits the perfunctory attitude of enquiry needed of the Claimant's property.

268. This incident witnessed by the Claimant was reported by telephone to Barry police.

269. The Threat of assault on the Claimant by Mr. Stringer, with the block of wood, was just one of several incidents referred to a female police officer while there were others not even on the list of incidents of vandalism to be used by the original Claimant's lawyers.

That female police officer appeared to be the only one doing anything about the complaints but mysteriously kept out of the disclosure system along with key ring leaders addresses for summonses.

270. **8.21 (*Yet another example of police refusing to attend a complaint of vandalism and assault***).

271. The neighbour, Mrs Hanson, referred to an incident of a broken window as does the damages list for compensation within the Claimant's 50 odd files of exhibits.

272. An example of years of covert surveillance going 'pear shaped':

8.23 (Special Constables' HORT1s issued but photos taken for a separate road side incident)

"O, what a tangled web we weave when we practice to deceive"

Sir Walter Scott

273. Yet another frantic attempt, 'money no object' mentality, by The Defendant to cover up one of many typical covert surveillance exercises on either the Claimant or on one of his vehicles used in the veterinary practice.

274.

275. On 27th March 1995 Special Constable 7152 FRANK O'BRIAN stopped the Claimant in Llantwit Street, Barry and issued a HORT1 demanding the usual papers plus the van's registration documents.

276. On 15th May1995 Special Constable DERYN MARTIN 'took it upon herself' or more to the point that was what the court was expected to believe, to have photos taken by PC WILSON of her own veterinary surgeon's veterinary ambulance parked outside his veterinary hospital but unbeknown to himself at the time.

277. MARTIN then entered the Claimant's veterinary hospital, before or after having the photographs taken and served on The Claimant an HORT I before ringing Guernsey DVLA, herself, to obtain a copy of vehicle log book entries.

278. This sequence was done in the wrong order it would appear as she was sorely disappointed to find the registration in someone else's name and not that of The Claimant's.

279. A copy of the van's log book entries, stored now for well over twenty years by the Claimant but only because his vehicles were seen to being examined at night by

covert police, is a major exhibit in this case to indicate the sheer magnitude of police resources the Defendant was prepared to squander.

280. Not just two more HORT1s had now been issued with the prosecution planned to go but many more had already failed their purpose. For the Defendant to prove the Claimant's insurance cover was invalid had become an obsession and the tax payer, as usual, was paying.

281. The giveaway in the conspiracy was the manner in which the Defendant has pretended, for years, to have 'no knowledge' of the origin of the photographs (Claimant exhibits), any of the above described incidents or of any of the six court appearances it caused, spanning over at least four months, that there was a conspiracy.

282. The Chief Constable's affidavit clearly indicates just that and this is but one of the examples of the Defendant's 'document heavy' conspiracies that were concocted, back in those days, just to have the Claimant's name removed from the veterinary register and taken off the road.

283. The Claimant's recollection is hazy on this incident but suspects he would have refused producing driving documents in his own consulting room, just as in his Ely surgery (2nd Action 14.3) where the Defendant, on that occasion, had demanded a breath test and production of driving documents on the excuse of some phantom road traffic accident somewhere on the planet.

284. Here was an identical situation but with MARTIN now demanding production of driving documents as did OBRIAN in Llantwit Street earlier.

285. A pattern was developing with '***evidence of similar fact.***

286. Special Constable 7152 FRANK O'BRIAN was now in trouble bringing a single 'no insurance' charge without any evidence to support it. No wonder the defence team kept insisting, throughout the trial, that the incident was not relevant.

287. The Defendant therefore, as is its custom, set about modifying the facts in the case (only to be revealed on 23rd July 2013) knowing not just that fellow covert surveillance officer WILSON had unwisely left his identification in Mr Clode's log book, as being at the scene when recovering the crashed BMW motorcycle but had also undoubtedly been the one who had removed its Guernsey number plate before the Claimant's client, Mr Clode had arrived to recover the wreckage back to his garage.

288. While possibly watched by Sgt Booker, he having admitted that he was so very near a little earlier by seeing it being stolen meant it was highly probable, not just 'probable', yet again, as far back as 1993, that the 'proximity of the Claimant, in law, to the Defendant had already become relevant for the Defendant to have had a duty of care'.

289. The subsequent 4th March 1996 shambles of a court case and its hasty collapse was inevitable but for this court's refusal, in 2013, not to uphold the FRANK O'BRIAN and GERALD THOMAS witness summonses was definitely not to be expected.

290. In this environment of relevant witnesses not just ignoring witness summonses but getting away with it, especially following that extra snip of evidence from both police officers, WILSON and DRISCOL, before the trial judge, of having had 'no memory' of the motor cycle theft, reminded him of his own mother and how she had cried on the news that her son was to purchase a veterinary practice in Wales.

***1st Action Paragraph 8.26*. (Ely Surgery 'break in' See page 19 for outside police force investigation)**

2nd Action Paragraph 2 (Pig smuggling flight to Eire)

291. After yet another collapsed police court case, concluded in chaos, leaving a bemused visiting senior Crown Prosecutor speechless despite his having been warned before hand by Claimant's letter this incident demonstrates, if nothing else as to motive, the multi faceted rivalry within the defendant's agents.

292. How unusual for a South Wales Police court, with the HM Crown Prosecution Service so cosily tucked up inside Barry police station to now appear to need the need the presence of a senior prosecutor from their London's head office?

293. Mr Munday had been especially drafted in from London's anti terrorism brigade but following the obvious fabrication, overnight, of the DC MURPHY of Special Branch contemporaneous notes of the incident, he needed little time in deciding to tender to stipendiary Watkins, currently gasping with relief for not also having to give evidence in this case, offered 'no evidence'.

294. Hoping not to be noticed Mr Munday was seen quietly slipping the incriminating CPS file to either Sgt HILL or was it not Sgt RICE, to be quickly shredded.

295. A remarkably similar case as it turned out to be as the 'speeding ticket' case was and had also collapsed leaving, again, yet another prosecution file for Sgt ANDREW RICE to so quickly destroy but why oh why, meantime, does the learned trial judge refuse the 'ring leaders' to be subjected to giving evidence on oath?

296. The Claimant was disappointed in this court refusing Sgt HILL a witness summons or for Sgt RICE to be recalled in either matter including that of meeting Mr Christopher Paul Ebbs at the Aust Ferry Services with CAA investigator Mr McKenna, so far denied or the finally withdrawn 'Breach of the Peace' allegation entirely under his control that night as Barry police station custody officer, it having been the single most important reason for the Claimant's name being removed from the veterinary register.

297. The Claimant had been accused of smuggling into Ireland pigs in his two seat 1952 Piper Colt aircraft when actually all he had done was to have gone with his girlfriend fox hunting.

298. This remarkable evidence of 'similar fact', as in the dangerous 'police helicopter 'chase' across the Vale of Glamorgan, indicates nothing other than premeditated senior officer malicious conduct when all they needed to have done was the mere perusal of documentation always generated, by law, when any aircraft is so privileged as to 'break the bonds of earth' or fly out of UK air space.

299. The Defendant, as evidence very soon proved to be for both flying incidents, was dangerously out of its own depth on aviation matters especially when Miss Sue Jenkins, for example and other pilots of experience, gave evidence not even challenged on, for example, CAA's favourite law court phrase, 'flying in accordance with normal aviation practice'.

300. To have confirmed some far more sinister motivation to have ever intervened.

301. The original police before the magistrates hearing had a copy of the Claimant's filed flight plan before the aircraft went 'foreign', incidentally filed at 1000 feet in the clouds over Tenby, easy access to both private and aircraft movement books so just what else did they want?

302. Murphy wanted proof the Claimant had telephoned for clearance. Most pilots who were based on 'south side' of the runway and opposite the main airport buildings usually did so by the internal telephone. The Claimant did, as he always did, just that and clearly witnessed by a then current flying instructor of the club, Miss Sue Jenkins.

303. BUT again the Claimant was refused a critical witness, Air Traffic Controller, Jonathan Clayton, as he was for the dangerous police helicopter 'tail chase'.

304. This NATS employee was needed to confirm that the 'pig smuggling' story Murphy so relied upon and purportedly told to Special Branch by Mr Ebbs, then having a particular financial interest in its outcome, needed to be put into context against the fact that the police had deliberately not, in the past, acted in the best interests of The Claimant, following information from Mr Ebbs.

305. One such occasion was at The Aust Motorway Services, Bristol with the clandestine meeting involving the then Sgt Rice, CAA officer, Mr McKenna and other police officers, with the former now being another denied as a witness, needing to be recalled, after revelations from the witness box.

2nd Action Paragraph 3 (**Cycle fun ride see page 20**)

2nd Action Paragraph 4

306. Para 269 is riddled with a distortion of the truth.

307. ROCH was reprimanded in the 1998 appeal hearing of the Claimant in Cardiff Crown Court by this very same civil trial judge, His Honour Judge Seys Llewellyn QC

308. Reprimanded for having knowingly altered his bottom copy of the HORT1 traffic ticket, just as WPC LOTT had done and who had also been reprimanded by the appeal judge, His Honour Judge Burt, in the earlier and also successful appeal in the fabricated 'bald tyre' allegation.

309. The current trial judge and two lay magistrates had the decision to make, in the original criminal court, as to whether 'service' of the HORT 1 was valid or not?

310. The Defendant's case collapsed, in any event, as not one of the police officer's alleged 'defects' found on the Claimant's car, so relied upon, were contrary to the Road Traffic Act, in any event, so the validity issue needed to go no further but does right now.

311. Roch admitted altering his HORT 1 bottom copy after the Claimant had left the scene and it only arose by the latter raising this issue before the court when producing his own 'original' top copy and NOT a photocopy as the defence team so wish to suggest.

312. Just as in the WPC Lott misconduct case, the 70s borrowing of the Chief Superintendant's personal pocket note book to be acquitted of serious allegations before both magistrates and a Bristol jury, **the laws of 'best evidence'** were again relied on by the Claimant in making originals, unless with good reason, be made exhibits.

313. The Claimant had, so reliant upon this aspect of law, at Taunton magistrates and surrounded by no less than twelve police officers, caused the quashing of fire arms charges that then led to another perfunctory internal police investigation, this time over perjury. The much out of date now **39th Edition of Archbold, paragraph 1001,** confirmed the 'original' document should be made available as evidence rather than a photocopy if not already destroyed, as the Claimant insisted at the time and so applicable here.

314. The repeated refusal by HM Court Service to preserve and now release court, used by both these parties in the original criminal trials, has severely prejudiced the Claimant's position and one of the many reasons why the Defendant achieved such delay, to continue bullying and the main reason why all the claims for damages should have been allowed to have been consolidated. This meant the other half dozen Actions, including the 'machine gun' scandalous affair and faked police psychiatrist reports to further jeopardise the fair disposal of these current proceedings.

315. The court heard from the police officer G Holmes' own father that he, contrary to the Claimant's wife's wishes, was deliberately given the work on some Claimant's thirty odd cars, between the years of 1992 and 2002, knowing full well such issues would finally arise in these civil hearings.

316. To now say the Claimant deliberately drove dilapidated vehicles, just to attract the Defendant's agents attention, is quite absurd. It also would make the inconvenience, time and cost of such a tortuous route, for the Claimant to avoid loss of his licence, ridiculous.

317. It was entirely necessary to regularly switch vehicles, in those days and operate under falsely named 'registered keepers' or needing a 'blow up doll' in the passenger's seat at night whilst his on emergencies.

318. The utter lies in Para 269 is in keeping with too many other distortions, far too many to list now, in the time available, for a Litigant in Person who has now run out of money by the Defendant's deliberate delaying of these three Actions of remarkably 'similar evidence'.

319. ROCH told this same trial judge in 1998 that he had been unable to complete the HORT 1 because the Claimant moved away from the roadside too soon (quite fed up with his time yet again being wasted by yet another local copper clearly looking for a way for quick promotion).

2nd Action Paragraph 5 (*Defendant conspiracy speeding offence allegation*)

320. At no time in either court hearings did the Claimant give information to the sitting magistrates that he was the registered keeper of the vehicle in question.

321. This incident, so clearly indicating further malice, was to win from the very start by Claimant having first created the audit trial of letters and now serving them as evidence of misfeasance throughout his fifty lever arch files of proof.

322. The Claimant's arrest of Mr Stan Swaffa, the prosecutor, causing the photograph of the real driver caught speeding, Mr K FAIRMAN, to flutter to the floor, was fortuitous as it brought a ring leader, in the 20 years of conspiracy, to burst through the doors of the court.

323. What was also fortuitous was the fact that the Defendant's legal team, by refusing to disclose the incriminating CPS file in this civil trial, given by the Claimant to Sgt Rice and some three other officers who had also burst in, at the time, admitted the prosecutor had remembered the 'incident' of his own arrest, for perverting the course of justice but was now ***'reluctant'*** to give evidence.

For the Claimant to have been refused so many witnesses in this case and now denied the CPS prosecutor and Rice, to not be recalled, appears most unfair.

2nd Action Paragraph 6 (*1st Positive breath test Southey Street*)

324. The Defendant was required to try and disguise the versions from all the Defendant's numerous accounts to the lawyer drafted one.

The change from a dangerous driving allegation at the beginning until, finally, down to one of barely careless but enough of an excuse to find out the name of the Claimant's insurance company.

1. The Claimant heard no mention of any evidence remotely requiring a caution of or summons for 'careless driving' at the scene of the Cwm Ciddy Public House road traffic accident. On the contrary, the court heard how Claimant had decided to stop to assist as neither ambulance nor police had yet arrived whilst on the way out of the town and on returning, in answer to the client needing a visit simply overtook some parked cars still at the traffic accident.

2. The Claimant gave evidence that he had already examined the dog in the client's home and was returning through the front garden, towards his car, when the police arrived and questioned him.

3. He was not inside his car and therefore nowhere near the mystical bottle of ' high alcohol content mouth wash before he was arrested for a positive breath test.

4. Holmes had been at the scene on two later stops of the Claimant, on those occasions both by Sgt Khilberg and had witnessed (caught on Barry custody video exhibit) his sergeant deliberately lying and refusing to co-operate when they both, together wrote their MG 11 S9 witness statements for the criminal court.

5. Holmes, at the Gilston Cross incident(ACTION para 9), gave evidence with others in the original magistrates causing the CPS to offer the Claimant, which he bluntly refused, the alternative lesser charge of only 'obstruction' only. This was only achieved by Mrs Caress, Clerk to the Court, suggesting it and The Claimant's vital witness refused by this court to have summonsed despite her evidence needed in six of the incidents listed for hearing.

6. Holmes was a major player for the Claimant and just one of the reasons, quite contrary to his wife's views on the standard of maintenance service, why The Claimant, for twenty years insisted in using his father's garage.

7. The Claimant suggests the demeanour, apart from the manner in which police documents dramatically varied and custody records, no doubt, shredded, of each who gave evidence including the Claimant.

8. Holmes had seen and no doubt, heard about, over the supper table, recounts by his uncle and father of the Claimant's deliberately calculated stories, following numerous incidents , most not even in these three actions and why so many resulted in acquittals.

9. Holmes was only too well aware, in the ten years, of Defendant first being 'stopped' just for insurance investigation on primarily foreign registered vehicles and then, when that miserably failed every time, tactics moving onto to 'refusal' of breath test, reliant on ***'detection of intoxicants' .*** The subsequent drawn out cross examinations this caused for the introduction , late on, in 'positive breath test ' at the scene, anything to be given the reason to issue an HORT1 for his current insurance company's name change.

10. Gareth Holmes, it is strongly submitted to this court, made a stand on the fact, when saying the breath test was negative, because it WAS NEGATIVE.

11. Gareth Holmes, not because The Claimant was his family's veterinary surgeon, had inside information that the local senior police officers shortly causing him to face The Disciplinary Committee of The Royal College of Veterinary Surgeons because of these newspaper accounts and motoring convictions.

12. On the night of Southey Street faked 'positive' breath test and then escorting their arrested victim on a false positive breath test, back to the client's sitting room to put an ailing old dog to sleep, was just too much as he along with most in the South Wales Police, The Royal College of Veterinary surgeons had already been notified by his rivals practicing in the Vale of Glamorgan nearly every time his name appeared in the newspaper with their usually fanciful accounts.

13. In under ten minutes , the court heard, the definitive test was negative back at the police station but no see yet another attempt by barristers scandalous to cover up the truth(paragraph 294) cover up

2nd Action Paragraph 7 (*Police helicopter tail chase*)

325. Yet another account riddled with pre confirmed lies due to the information, all that was available to the lawyers, of any aircraft movement in a British Controlled Air Space

Para 295

326. Answer No, helicopter flew double that distance

327. Answer No, not 'suspected', the police already knew the Claimant was pending and as it turned out a successful CAA Taunton Crown Court appeal requiring, as usual, 'no evidence.

Para 301

328. This outrageous account of launching a helicopter just to assess who the pilot was!!!

329. All it required was to look in log books of aircraft/pilots onboard/ ring ATC Gloucester for records or simply send the Llantwit Major's police car two miles to landing strip and enquire after the aircraft had landed.

330. For the Defendant to be identifying the pilot as being in the front seat was just plain stupid when assuming a WW2 J3 L4 is usually piloted so. Which seat did the Claimant fly from when he then flew her to Australia, solo and stuffed with fuel tanks?

331. No, they kept no safe distance and in fact, it was so very dangerous, as close as the length of the court room, plus a foot or two, that both pilots confirmed it was illegal, inside the 500ft Air Navigation Order rule unless the police had a ***justifiable reason*** to put so many lives at stake.

332. Interesting how the ATC Cardiff asked G-KIRK to orbit until the police helicopter arrived. We could have landed quite easily at the police heliport, in time we were made to wait, if the matter was so very urgent.

Paragraph 303

333. Answer No, Radar facilities at Cardiff cannot measure such distances between the two aircraft to ensure safety

334. Answer No, for the Claimant to prove the point and cause the helicopter crew to have admitted, in court, they lost sight of the cub, (for sufficient time to get an imaginary five second burst from her nose mounted WW1 Lewis machine gun, 'up their tail'), confirms it.

335. The CAA should have investigated the Defendant's dangerous prank but The Claimant was not going to report another fellow pilot so clearly being also bullied.

Paragraph 306

336. **All part of the police bullying, harassment and 'money no object' mentality, following the Claimant only because:**

d) being blamed for their Chief Inspector's daughter's miscarriage,

e) 'sour grapes' Guernsey asking to 'put the knife in' as to embarrass a consequence if the outstanding 'open arrest warrant' for the Claimant's was ever implemented (A Guernsey incident including the then Chief Constable tried whilst trying to evict the Claimant, almost having his trousers off on the steps of the Royal Court and

f) not let us not forget the ignominy of their recent string of lost prosecutions, against the Claimant, 'stitched up' by too many, proving malice.

2nd ACTION Paragraph 8 (*2nd positive breath test*)

I) The classic repetitive ‘stitch up’ for this particular veterinary surgeon by using the excuse the Claimant’s car or himself (not breath) ‘smelt of alcohol’.

II) Police then say ‘he tripped and dropped his glasses’, frantic to find any excuse to breath test.

III) Thrown in for good measure, “you went through a red traffic light”, “never noticed it”, was the Claimant’s reply (of course not, if it was not there).

IV) Positive breath test follows, after the usual radio messages, no doubt, that “we’ve got him”.

V) Arrested but zero reading only twenty one minutes later in police station!

VI) It did not end there, oh no. Advice is sought from somewhere while the custody sergeant, husband of WPC Lott of ‘bald tyre’ fame, causes their victim to be kept on the premises, vigorously defending that the Claimant was not in custody, in custody suite, as he was released! Enid Blyton could not do better.

VII) Their pretext was just as in the ‘dangerous driving acquittal’ with WPC Rewbridge and PC McGregor Southey St nonsense, positive but zero very quickly after, in under 10 minutes, with Barry incident but in two cases, followed by the Claimant not being released until the police drive back and ‘take the number of the Claimant’s car’, for the real reason stopped, to obtain the identification of his current insurance company to lean now lean on, by issuing a HORT1.

VIII) The Claimant, by now, had to switch insurance companies quite often, even insuring double, 3rd party only, it appeared, anything ‘to keep ahead of the enemy.’

IX) Never quite refused insurance cover but, by gad, there were a few ‘close shaves’.

X) The Defendant, a decade or so later, introduces a novel defence, to the civil damages claim, for all these road side and other long string of excuses to breath ‘test’ their victim. The ‘high alcohol content mouth wash’!!!!!

337. Not in the 90s Crown Court hearing, where the Claimant was acquitted of ‘driving through a red light’, oh no, but heard for the first time during this trial!

338. A mysterious inspector, called STEVE PARRY, the court heard, currently working in Barry police station and ignoring a witness summons, had been to the Bridgend police station that very day or was it the day before, the ‘dangerous driving’ witness was not sure. He had come in to warn the station that should anyone arrest Mr Kirk be warned that he is, apparently, taking a quick swig of the ‘mouth wash’ once realising he is being stopped on the road.

339. Believe it or not, it was defence oral evidence.

340. In the Dangerous driving case the police went as far as giving evidence that he saw it ‘in the well of the passenger’s seat while ‘moving their victim’s car off the road.

Why on earth did these issues never get raised before in the previous countless number of criminal hearings if not now fabricated for the civil case and why is serving officer, in Barry police station, Inspector Steve Parry allowed to be excused giving oral evidence when having been served a witness summons?

2nd Action Paragraph 9 (*Missing Claimants Car for six weeks*)

341. Another appalling example of misfeasance, harassment and bullying conducted by SGT NICHOLAS KHILBERG who in a later incident , out of plain vengeance, was caught on video lying to his custody officer attempting to obtain a simple public order conviction.

342. At the road side, at an earlier incident, having first quite unnecessarily smashed his way into the Claimant's car, in order to be able to recite the standard 'further up the chain of command':

"on approaching the Claimant I detected intoxicants"

343. he then denies the Claimant agreed to the request to supply a specimen of breath .After arrest he leaves the vehicle deliberately unlocked with a broken passenger door window refusing to inform The Claimant as to just what was going on.

344. When released from yet another completely zero reading on the alcohol definitive test he enjoys overruling his colleague's offer for a lift, the area they are returning to in any event, twenty miles to where the car was last scene.

345. The Claimant attempts , more than once , to trace the whereabouts of his vehicle but was never able to speak to Kilberg, the officer in charge nor having his enquiries as to the whereabouts of his car and medicines referred back to him.

346. Around six weeks later the garage, itself, writes expecting a bill to be paid for it being garaged but unbeknown to the garage owner the Claimant had just visited the garage, having received a tip off from a member of the public, to find the car quite unsecure, on the petrol forecourt with, in particular, dangerous drugs still in his case and visible to any passerby.

347. The keys were never ever returned nor was the Claimant informed , following his detailed written complaint that it had been stolen on the night KHILBERG took it, another example of a culture between those who knew where the vehicle was, tantamount to misfeasance.

2nd Action Paragraph 10 (Stopped Three times in a day)

348. The Claimant was stopped by police three times in one day.

349. First, for stealing his own BMW car, he had many weeks earlier reported as stolen, it having taken him six weeks to trace it, unlocked and full of dangerous drugs, to a roadside open petrol station forecourt.

350. Interestingly it was as soon as he had crossed the Severn Bridge, to pick up his son in Bristol, the car was soon identified and Claimant arrested.

351. After release, he was stopped again, this time for alleged speeding, north of Cardiff an on the M4. He recognised one of the police as client as the two officers argued, between themselves as to whether to prosecute. Only a rectification ticket was issued for a faulty silencer but clearly the one wanting the prosecutions, for both, was far from happy.

352. Just minutes later, therefore, it was not at all surprising for the Claimant to find another police car following him off the M4 in the docks link road.

353. As usual the Claimant's employment was dependant on his driving licence and insurance the police tried their fun and games while the Claimant played his deadly serious one.

354. No evidence was given by this third group of police hearing a 'blowing 'silencer', contrary to Defendant para 334, to cause the The Claimant having to 'stop'.

355. No, it was on the only pretext the single police man had, being given such short notice, following the angry police officer, left just up the road and had forgotten to have the Claimant breathalysed.

356. The Claimant was accused of careless driving, this time, by 'weaving' on the road, as one does when overtaking. An example so often used to stop someone when without having 'good cause'.

357. Typical delay was manipulated for police reinforcements, not by a patrolling police as one would expect but from the one in charge of the night shift sitting in his office in a Cardiff police station.

358. The excuse for breath testing the Claimant was the usual, 'The officer tried to speak to the Claimant through the broken window and at that time, he ***noticed a strong smell of intoxicants'.***

359. In Defendant's paragraph 339, the defence lawyers make much play that the Claimant made no complaint of the middle 'stop' by police officers.

360. Sheer spite and anger from the one of the policeman, only, for forgetting the breath test, with only a suspicion of speeding to go on, no reading recorded, caused him to radio on to all his colleagues, further down the motor way, to stop the Claimant on any pretext possible.

361. All quite routine stuff for this veterinary surgeon to encounter almost every week in a space of nine years until the police had his name removed from the veterinary register.

2nd Action Paragraph 11 (Overhead Cardiff video captures brutal arrest)

362. The Defendant's own Newport Road, Cardiff, overhead road video records PC OSBORNE, in six or seven seconds, from knocking on the Claimant's driver's door, while he was sitting stationary in a queue of traffic, caused by the police having stopped the lot, to pull out his truncheon, smash the window and drag out his victim. After throwing him against the car he then violently manhandles the Claimant to the back of the police van.

363. Cross examination of PC PRICE, standing beside the opposite car door, produced oral evidence of shock and surprise of his colleague's action.

364. So was the arrest lawful and was it the first arrest by OSBORNE?

365. Or plainly was it what the police video recorded despite being clumsily tampered with during the period EXCEEDING A YEAR before the Defendant was content in disclosing it, knowing the appeal hearing , for the failing a breath test conviction, was long gone.

366. Why did PC PRICE also contradict PC OSBORNE as to when, why and where, exactly, was the Claimant arrested?

367. Of course they could not agree because one officer had to say the arrest took place in the Claimant's car and only being dragged out, so violently, because the Claimant was 'resisting arrest'.

368. Another version, only dragged out by cross examination, was that, after PC OSBORNE when entirely alone with the Claimant in the back of the police van and following the fabricated lie that the Claimant had failed to attempt to do a breath test, arrested his victim.

369. The Claimant was left alone, for a considerable period of time, in the back of that police van surrounded by a jammed queue of traffic.

370. But the police had deliberately left the van door wide open hoping the Claimant would grab the opportunity and run away.

371. Why on earth would they want to do that if not having received orders over the radio?

372. Obviously because PC OSBORNE had been urgently contacted about the incriminating record seen by a load of eager officers, in video control HQ, originally

having been summoned to watch the so called 'high speed car chase' of their victim upon leaving Crown Court after suffering yet another wasted morning of his life.

373. The police reported the breathalyser conviction to the RCVS, in London, to have his name removed from the veterinary register for life.

374. Paragraph 347 to 358 display further verbiage riddled, as has been seen throughout Defendant submissions, with just too many to comment on, of distorted facts contrary to the Claimant's own kept records and that what was heard in cross examination.

375. The Claimant never once accused OSBORNE for 'dragging him around the cell floor' or anyone 'knocking him about' in Roath police station, after the road side incident.

376. It could of been in which case the Claimant would of most likely remembered his face, at the time and clearly had stated it.

377. It was 'small beer' following Osborne's violent assaults, caught on video, before demanding a breath test.

378. As for the paragraphs 359 and onwards the magistrates and Cardiff Crown Court appeal hearing were both denied the overhead video because it would have confirmed why the Claimant had been in such a shaken state to be too slow into breathing into a breathalyser bag thrust in his face by a very, very angry police man.

379. The Defendant had deliberately withheld the video from the Claimant for over a year despite his secretary's and his own both verbal and written requests for it. The Claimant humbly submits that this incident would have been an admirable example to go before a Bristol jury.

2nd Action Paragraph 12 *(3rd Positive breath test and Dangerous Driving*)

380. This was yet another consecutive breathalyser procedure. The arrest and detention of the Claimant was unlawful as the Claimant's driving was not impaired and he had not consumed alcohol.

381. The Claimant was subsequently charged with dangerous driving and failing to produce a valid insurance document. On the 11th July 2001 the Prosecution was determined in The Claimant's favour when the judge directed the jury at Cardiff Crown Court to acquit the claimant on all charges.

382. Five more pages of defence inaccurate verbiage to try and disguise the truth of its continuing malice controlled by ring leaders protected from giving evidence, subject to cross examination, despite being 'anybody's property'.

383. Any attempt of the Defendant to identify the Claimant's motoring insurance company or alternatively, to get him banned from driving by too many penalty points on his licence, then fist he must be lawfully 'stopped'.

384. The Defendant got it way wrong this time. In the past it had been assumed it was always the Claimant's vehicle but on this particular occasion it was a borrowed car with no alcohol or like smelling drugs in it unless the reader is to believe PC SMITH when he said from the witness box, for the very first time, a bottle of 'mouth wash' was seen lying on the floor of the passenger well.

385. The Defendant also got it wrong, again, reliant on erroneous pooled information following routine conferences, on their local troublesome 'vet', in the four Vale of Glamorgan police stations, Penarth, Barry, Llantwit Major and Bridgend.

386. This 'dangerous driving' criminal allegation ignominiously failed once again blatantly showing a conspiracy of further malice to also those on the jury and in the public gallery.

387. It is one of the several fabricated incidents of the Claimant's 'positive' breath test, at the road side but 'zero' back at the police station, a few minutes later.

388. The second test was, unfortunately, having, by statute, needing to be carried out on a 'definitive' machine that cannot be ***fiddled.***

389. This new road side tactic was introduced by senior officers following their utter failure for years but not without the will in trying, to have the Claimant's motoring insurance either not renewed or declined out right as so nearly happened in Guernsey in the 80s.

390. The police tactic of pretending their inappropriately educated victim had deliberately 'refused' to supply a sample of breath, despite mandatory wording from within the Road Traffic Act that it is an absolute offence, was starting to prove more and more difficult before the same local magistrates.

391. At least one officer was now being needed to rebut cross examination success of the arresting officer or support his evidence in chief, each time, which as sure as night follows day, the more police officers giving evidence of witnessing that same incident then less is the chance of their ring leaders securing a conviction.

392. The Claimant, as he said on oath more than once by listing a few of the vast number that had been before him, admired many Crown Court judges that had sat in judgment in his criminal cases.

393. In particular, His Honour Judge Jacobs, who's 'throw away' comment, ending the collapsed prosecution in **Action 2 Paragraph 8,** the 8th August 1999 'red traffic light /positive road side breath test' scam, in Cardiff Crown Court, amusingly suggested to the effect:

"Did this, yet again, successful appellant, before me, possibly have used an alcoholic mouth wash'?

394. For the Claimant to have done that His Honour very well knew, immediately subjected himself to the very real risk of being beaten up whilst in custody and/ or accused of common assault, as was their custom, in unwise retaliation for any

complaint laid (as in PC OSBORNE overhead video case), to risk being then charged with assault in 'tit for tat' retaliation, as twice recorded on Claimant's PNC record was plain ridiculous.

395. If the Claimant was deliberately arranging to be arrested then he was immediately allowing identity of his regularly changed insurance company for harassment and for police to either tamper with his vehicle or simply abandon it, unlocked, on the road side with dangerous drugs in it, such as IMMOBILON (**Action 2 Paragraph 9**). Well, PC Smith, thirteen years later, raised the idea in these proceedings with the emergency need to 'close ranks' and protect the mystery Barry police inspector he had so misguidedly named one Chief Inspector Colin Jones, refused by the trial judge as a prosecution witness already witness summoned to prove this very point.

396. Once again the Claimant was to be blocked by HM from exposing, once and for all, what really was going on in both South Wales courts to cover up regular police atrocities when answerable to no one.

397. Jones had, both criminal and civil courts have now heard, positioned his own Barry inspector in the well of the court, 'to report back to him as what was going on', an excuse, before he was forced to give evidence himself, bluntly not accepted by the jury trial judge shortly before aborting the trial.

398. It was politically expedient to jail the Claimant for an hour or two rather the 'can of worms' of police officers exposed in full face of the court, again before a gagged press but thoroughly shocked jury.

399. Had it not been for the 'shear bottle' in someone on that jury to have passed that incriminating 'jury note' to their trial judge, much later borrowed from the Crown Court archives, in its cellars, by the Claimant for this hearing, complaining of the Barry police inspector's signalling to witnesses, little of this conspiracy may have ever been exposed.

400. Readers of this missive please note that the manner in which Defendant's huge team of lawyers first protracted these legal proceedings, have not just allowed the leaders to continue their bullying but even in these drafted closing submissions clearly supports the Claimant's original Bristol Court complaints, in the mid 90s, that plain avarice is driving the whole distortion of the truth.

Paragraph 370

401. As a representative sample from five more pages of inaccurate verbiage to try and disguise the truth of a conspiracy, bullying misfeasance.

i) Contrary to Defendant submissions there is EVERY REASON why there is need for litigation for the purpose of 'mouth wash' argument as it further exposes nefarious conduct by those in public office.

ii) It was only revealed by the 'slip of the tongue' under cross examination, this year, as did BOOKER 'drop a clanger' over the stolen BMW motor cycle being seen being stolen by a thief riding 'without a crash helmet'.

iii) The Claimant never said he saw a positive 'breath test recorded in any of the three incidents not did he deliberately look, on this regular occurrence, for all the obvious reasons. From hazy memory neither did the police officer on each of three occasions say their victim had seen a positive, he having been notified by human voice.

iv) A *de minimus* reading, for alcohol content in the body, was recorded on the police station definitive test machine documentary evidence, supplied by Barry's factory where the machine had been made, confirming it had been yet another 'fiddle'.

Paragraph 374

402. Since the countless road side 'stops', from 1993, had disastrously failed in having the Claimant's insurance invalidated emphasis was now on taking his licence, anything to stop his income to spend on defending cases.

403. In this case, incidentally, not quite a 'zero' reading back at the station perhaps related to introducing, well over a decade later , the mystery man, Inspector Parry and his 'high alcoholic content' mouth wash 'fairy tale'.

404. The judge had stopped the jury trial, part heard, because there was no element of 'dangerous driving' in the prosecution's case and in any event, following the judge's cross examination with the senior Barry police officer deliberately positioned in the well of the court, to signal to his officers under cross examination, stopped

[ACTION TWO PARAGRAPHS THIRTEEN, FOURTEEN & FIFTEEN]

405. In September 2000 the Claimant was arrested for alleged public order offences. He was detained in Barry police station but the prosecution determined in the Claimant's favour when the Crown Prosecution Service decided it was not in the public interest for the prosecution to proceed.

406. On 13th December 2000 the Claimant was arrested outside Cardiff County Court where he was detained for an hour. The arrest and detention of the Claimant was unlawful.

407. On the 20th December 2000 police officers attended the Claimant's surgery and required him to provide a breath sample. There was no good reason for the request and the sample was negative.

Action 2 Paragraph 13 (*Llantwit Major Public Order Allegation*)

408. Evidence heard and supported by custody video (the listener can actually hear SGT KILBERG lying to the custody sergeant that the Claimant called him an F****** bastard, his reason to have him arrested under a public order offence). HOLMES needs to be observed in video.

409. The Defendant, by studying Claimant's correspondence, for the custody records shows how the statement of HOLMES was delayed as he had not supported his colleague in what was said on the roadside. Both officers' statements significantly differ on the issue requiring an arrest. Oral evidence supported this also.

410. The violence that followed was horrendous and described by the clearly independent witness, Mrs. Hutchinson.

411. Defendant's closing submissions, on this issue again deny the evidence heard of the Claimant being thrown against the wall and also on the car, anything to discredit witnesses who said what they experienced at the scenes of each incident. Just because one witness, Mrs Kirk for example, said she did not see all of the incident, is it surprising? The Claimant, as an example, stated he hit the wall, while the violence was inflicted by KHILBERG sufficiently to mention it but not in Defendant account.

412. This Defendant theme has been going on all through the summary deliberately distorting the truth.

413. The Defendant excuses for then keeping their victim in a cell all night was appalling. As with so much of this charges or allegations were nearly always dropped by the CPs, as soon as the facts become known, often in court when the Defendant had that sort of knowledge from the start.

2nd ACTION Paragraphs 14.1 &14.2

414. This incident was orchestrated, from the start, by police HQ using a series of radio messages as each problem arose, on the roadside once it became very clear all the police wanted to do was to again identify the Claimant's insurance company[s name and the owner or keeper's name, on the documentation cause it to b e invalid.

415. First the officer was expecting to simply 'move on' the Claimant's public demonstration with megaphone and 'battle wagon' portraying the views of too many about the current state of the UK courts.

The court heard,

First radio message from Cardiff Central Police Station, was for them to walk across the City to move it on with the complaint most like from inside the court building as the aircraft banner tow had been tied to the court railings

Second radio message was no, change of plan, if it's 'Kirk', put a fixed penalty notice on the windscreen

Third radio message was no, change of plan, Kirk now identified and advice therefore from further up the chain of command, issue an HORT 1 so we can get his new insurance company name and with luck, find a flaw in the paper work

Fourth radio message was no, change of plan, if he is only giving his business address we can fabricate a sections 24 and 25 PACE Act and arrest with the hope that he will become 'violent' and sneeze so we can charge him with something substantial and get his name removed from the veterinary register

Fifth radio message was no, change of plan, we now have him locked up in the back of a police van, outside Central police station to interview under caution but there is no room in the cells so move him to another police station

Sixth radio message was not expedited in time for the fairwater police station custody sergeant to be briefed on just what higher command wanted.

416. On arrival the custody sergeant, FAHY, almost immediately released 'Kirk' accepting, without question, his business address just as SERGEANT SMITH had done earlier in Barry, being perfectly acceptable for 'service', if need be, of a summons.

417. The Claimant meticulously, for a change, cross examined as each point arose to prove that most likely scenario, with the knowledge that the original complaint would have identified the Claimant, in the first place and complying with the demand to produce within seven days his driving documents.

418. The fact that he was never prosecuted must mean, surely, the John O' Groats police station had confirmed the validity of his current insurance.

419. This might have been the one time, out of the thirty four times the Claimant was made to produce his driving documents, his retired insurance broker referred to in her evidence telling the court it was not just her getting almost weekly enquiries from the Defendant of her clients insurance matters but also now from the insurance company saying it was not renewing his policy at the end of the year because they also were receiving enquiries from Barry police station.

420. Having been such a simple issue with delay for more radio orders of predictable new orders to PC STONE and PC GUNSTONE not just methodical questions getting all the needed answers was achieved by the Claimant, of clear malice, unlawful arrest and misfeasance, they were followed by questions from the learned judge to leave little doubt in the nefarious conduct from those pulling the strings for a couple on the police man's beat simply being overruled by bullying orders.

2nd ACTION – *Paragraph 14.3* ***(Phantom Ely surgery RTA and Breath Test Allegation***)

421. Another clear cut case example of Defendant misfeasance bullying by using a 'foot soldier' to do some more Inspector of Roe or Chief Inspector Brian Genner's ' dirty business' just 85 yard up the road in Ely police station.

422. The police stormed into the Claimant's consulting room, during surgery, demanding a specimen of breath.

423. Why, when and where was the supposed Road Traffic Act offence supposed to have taken place for the right to demand such an intrusion on the Claimant's time?

424. The court never heard, that is for sure, but what did the Claimant's staff and client make of it?

425. Was it the usual retaliation when the Claimant made complaint of theft, criminal damage or arson by police or criminal?

426. Why should the Claimant now be made to produce his driving documents as which one of the cars in the car park was he supposed to be 'in charge of' to cause the requirement, was it the one in the car park with L plates?

427. The court never established it nor a number plate.

428. 'Was the appropriate car stolen?' the Claimant asked, but again the court never established that, one way or the other.

429. When the police officer had appeared to give virtually no relevant information, other than the breath test was negative, he was tested on just why his senior officers had had them hurry on down because yet another tenant above his head was in the same flat where the CHIEF INSPECTOR BRIAN GENNER had his daughter.

Paragraph 413

430. This appears, on first reading, to be a pack of lies as the court never established any of the elements to justify a breath test. Huge assumption, yet again had been occasioned, to try and distort the truth. This was malfeasance incriminating a lot of vindictive officers.

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Defendant's, "I don't know", "can't remember" ploy throughout the trial

431. Nor did the police either, in fact, confirming that there must have been orders issued from on high, due to the danger of this trial collapsing around them, to scuttle any pre planned defence for fear of the Claimant making either PC 301 ZACHARY MADER or PC CHICK identify the ring leaders.

3rd ACTION -*Paragraph 4 (Bridgend Breath test incident)*

432. Yet another classic example of harassment on the road, one of the usual excuses to stop the Claimant's car, appearing to have a mechanical or body work/ bumper fault.

433. The usual ' I smelt intoxicants in the car' and pretending even now he had not been radioed the driver's likely details and 'modus operandi in any police interrogation.

434. The demand for the usual 'specimen of breath', with the hope again, following previous success with PS NICHOLAS KHILBERG and PC ROBERT OSBORNE.

435. The usual demand for driving documents to identify his insurance company that mysteriously seems to change so often.

436. Was the car the Claimant's the police could not dare to admit for fear of further incriminations of the 24/7 surveillance still going on of their victim.

437. All spoilt because the policeman BARBER blurted out, new information that the Custody sergeant had greeted 'Mr Kirk' as he came through the glass doors he having given evidence he was detaining his victim as he did not know the Claimant to release him on bail.

438. PS DAVIES also slipped the remark, by mistake, something like ' "you know the system'" when the Claimant was being 'booked in'.

439. The issue arose over high alcohol content mouth wash but what it exactly was the Claimant cannot recall.

3rdACTION Paragraph 5 (50 times around roundabout driving without licence)

This was the 35th time Defendant demanded Claimant to disclose His Insurance Company's Name.

440. Another incident with PC COCKSEY who violently featured in the next , the 4th Action, when his conduct was as equally appalling deliberately keeping the Claimant in hand cuffs for an hour, behind his back, just to show off to the County Court public counter staff the Claimant is now banned from.

441. An intervening custody sergeant, when finding out what bullying had been going on in the back yard of Fairwater Police Station, had immediately ordered the Claimant's release from custody and having difficulty in holding back an apology as they are so all trained to do.

442. The Claimant was charged with having no driving licence even though he had one in of his licenses in his sock but at court next morning there was talk that a CPS/court letter had been drafted, following an earlier court appearance, before District Judge Watson and that the PNC was to have been updated with instructions that the police were not to arrest The Claimant pending an appeal.

443. Did the PNC ever get updated and if so who avoided informing their victim? If not then why require the heavy presence that day in court and the head of the CPS in

Cardiff needing to conduct such a trivial one charge, cut and dried, magistrates hearing?

444. At a latter hearing, following Claimant's release, he was acquitted of 'failing to produce insurance' as he had already produced to police, too many times, valid insurance and was no longer going to waste any more time for this, the thirty fifth time whilst living in South Wales.

Action 2 paragraph 14.3 (Breath test in Ely surgery) appears to be the first occasion, on 20th December 2000, when the Claimant first refused to produce 'proof of insurance', not with Hayes roundabout, Cardiff later similar nonsense incident , as believed these past thirteen years).

"That's it I have had enough of this bullying, you know you are immune to prosecution, just get out of my life and leave us all alone----I have no intention of producing any more bits of papers to a bunch of ignorant thugs paranoid in stopping me making a living".

Similar must have been voiced on each occasion

3rd ACTION 3 – Paragraph 6 (*Frightening Defendant's Largest Officer)*

445. Here is yet another stopping of the Claimant, going about his veterinary business on the way to work with all subsequent allegations either quashed or charges and appeals won in the usual manner.

446. First the Claimant faces PC HOLEHOUSE 'believing the local veterinary surgeon , often working for the police, at emergency short notice, seen driving, whilst disqualified in broad daylight, down into Cowbridge with a display of placards on all four sides of some one's VW camper van.

447. The Defence legal team called it, 'drawing attention to him due to the large signs' with the view of yet again being arrested as a banned driver?

'EVER TRUSTED A LAWYER?' sign on the front of the vehicle "obscured the driver's vision", PC HOLEHOUSE said now switching his story, on finding the Claimant was not a banned driver after all.

448. PC BICKERSTAFF, meanwhile, pretended to refuse to believe any of this and has The Claimant arrested when both police officers had told Barry magistrates the Claimant had 'tried to run away'!

449. But, many years later in the County Court, BICKERSTAFF retracted that statement, used originally to grab and throw the Claimant into a police van, subject to a damages application in the 4th or 5th Action yet to be heard.

450. Following the radio call to say the prisoner in the back of the police car is not disqualified and without his feet just touching the pavement, the Claimant was re arrested on the pretext the Claimant had frightened them both when demanding he get to his very busy and overdue surgery in Llantwit Major.

451. And what about the two ladies, thoroughly shocked by police treatment of the Claimant, standing nearby, why was their vehicle so strangely untraceable nor they interviewed following the Claimant's bringing them to their attention?

452. But the 'sting in the tail', apart from the passing eye witness, Angus Turnbull, witnessing the police assault on the Claimant in the back of the police car, was a judge.

453. At the Newport Crown Court appeal Her Honour Judge Pearce stopped the farcical hearing as not credible and went on to reprimand the CPS from opposing the appeal in the first place.

454. The judge expressed amazing disbelief these police officer had experienced any '***fear or harassment'*** from the Claimant, what so ever, to cause his arrest, especially in the circumstances of their prior knowledge of the veterinary surgeon and the fact they were both younger and one the biggest, it is rumoured, in their entire police force!

CLAIMANT'S CONCLUSIONS AFTER 20 YEARS OF EXCESSIVE POLICE BULLYING IN SOUTH WALES

Indictment ONE

It is the Claimant's believe that if his insurance company were to receive just one more telephone call from the South Wales Police, on the same old spurious excuses, it would decline any further insurance to cover him, even minimum 3rd party.

Indictment TWO

Exactly what Guernsey police almost achieved and obviously are still sore for what they had not achieved in their ten years of trying before the Claimant managed to be smuggled in the boot of his cars to his awaiting inshore life boat and England!

Indictment THREE

Despite much of the Claimant's life, liberty and state of mind has now been irreversibly ruined destroyed by the extreme and unusual conduct of The South Wales Police he has never been cautioned or prosecuted by the United Kingdom's vehicle licensing authority.

Indictment FOUR

Because officers continue to bully the Claimant, with their intensity significantly heightened during the months leading up to and including this three months of this trial, the Claimant is disappointed that the ring leaders have again been spared from giving evidence meaning the real risk of the Claimant being refused insurance unless he leaves South Wales.

Indictment Five

455. The Royal College of Veterinary Surgeons were minded to decide the Claimant's most unusual conduct, simply to avoid the losing his driving licence, as disrespect for authority sufficient to require his name be removed from the veterinary register.

The Claimant's Conclusions

1. Despite considerable data having been passed between both the Defendant and Guernsey's authorities, for a period exceeding thirty years, there was been no successful prosecution by either judiciary despite the unusual need for the Claimant to operate his respective veterinary practices on foreign motor vehicles or registered under fanciful names.

2. Despite the Claimant having been ordered by the Defendant to produce evidence of valid motoring insurance, no less than thirty five times between the dates of 1992 and 2002, there has been no successful prosecution despite countless Defendants' direct communications with the Claimant's insurance companies.

3. Despite the Defendant's successful complaint to the Royal College of Veterinary Surgeons the Claimant has since received no notices of intended prosecution for his deliberate failing, for no less than eight separate motoring incidents, in producing his driving documents when stopped by a uniformed police officer.

The Claimant has been stopped time and time again whilst driving. It is a form of desperation that the Defendant tries to suggest the Claimant was the catalyst of each misguided attempt to prosecute him. The sheer number of incidents makes for an unassailable proposition the Claimant was deliberately targeted for no good reason other than 'the settling of scores' for each ancestor acquittal. All three actions represent a giant 'snowballing' of police malevolence.

The inferences that arrests were unjustified, prosecutions malicious, harassments occurred and at least two officers conspired against The Claimant have not been assuaged by the lengthy self-serving submissions of the Defendant.

Maurice J Kirk BVSc

16th July 2013

It is 15.20 Hours and I have police banging violently on my front door so this is not finished and quickly being sent to the court