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IN THE CROWN COURT
AT CARDIFF

Indictment No. T20120090

The Law Courts
Cathays Park
Cardiff
CF10 3PG

4th May 2012

Before:

HIS HONOUR JUDGE CURRAN QC

REGINA

- v -

MAURICE KIRK

MR GARETH EVANS appeared for the Prosecution

THE DEFENDANT appeared in person

PROCEEDINGS

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Rockeagle House, Pynes Hill, Exeter, Devon, EX2 5AZ
Tel: 01392 213958 : Fax: 01392 215643

4th May 2012

PROCEEDINGS

(10.40 am)

MR EVANS: Your Honour, before the jury come in, I apologise for speaking before you have even sat down, the laptops have been retrieved from the property store and the officer in the case has them. I have asked him to bring them into court now. Mr Kirk has asked for them already now but I thought I would wait until he came into court. Can he be provided with those laptops in the dock?

JUDGE CURRAN: Yes.

MR EVANS: Thank you.

MR KIRK: Sorry, am I going to have my laptops now?

JUDGE CURRAN: I just said yes.

MR KIRK: Sorry, my hearing is not good.

(Jury in)

JUDGE CURRAN: Can the officer be recalled?

MR EVANS: Your Honour, yes. The laptops have been brought in now. They need to be signed for by Mr Kirk when he retrieves them. Would you like me to hand them to him now?

JUDGE CURRAN: Yes. Where is something for him to sign?

MR EVANS: Your Honour, it is with the computers.

JUDGE CURRAN: Can it be handed to Mr Kirk then please?

MR EVANS: Mr Kirk, would you sign for the laptops please?

MR KIRK: Am I obliged? No. Your Honour, do I have a legal obligation to sign anything?

A **JUDGE CURRAN:** Well, since I am witnessing that the laptops are being handed over to you, you are under no obligation to sign anything if you do not want to, Mr Kirk.

MR KIRK: I know, your Honour, but we have to try and maintain standards. Can I keep this? I am keeping it anyway.

B **JUDGE CURRAN:** Have you any other questions of the officer?

MR KIRK: Your Honour, I have good news for you, good news for the jury, but also bad news depending on the conduct of those in positions of privilege in this room. I only need this officer for under 30 minutes. We have new information. Subject to his answers and subsequent disclosure from public records, I need to call only one defence witness and I will not need to give evidence myself. That will bring a sigh of relief to some people in this room.

C **PC (inaudible)** sorry. Exhibits for the case, could I make sure I understand what the exhibits are? Your Exhibit 4, could you just look at that one please, which I think is the restraining order? I have lost track, your Honour, of which exhibits are going to go before the jury.

FEMALE VOICE: (Inaudible) statement of Mr Barker. The copy of the restraining order is Exhibit 1.

MR KIRK: I put your initials/4 on the top of the restraining order, so whichever is ... could the restraining order be made an exhibit?

MR EVANS: It is Exhibit 1, my Lord.

PC (inaudible) – previously sworn

Cross-examination by MR KIRK

MR KIRK: I need to see it to check it is the one that was served on me. Quick as you can, can I have a quick look to check it is the one that was served on me and it is the one that is going to go before the jury? Yes, that is G4, (inaudible) 4, Exhibit 1, yes, that is the one. It has got the stamp on there, 9th December, has it not?

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A **THE WITNESS:** That's correct.

Q: You have seen the bundle from the public record of the Magistrates Court, have you not, 59 pages?

B **A:** No, I haven't, sir.

Q: Right, well that is going to be an exhibit to make sure there is no doubt about that. The jury have already been through that so can you have a look at that please (inaudible). Well, it is a court exhibit, is it not? It already is a court exhibit.

C **MR EVANS:** Your Honour, the Magistrates Court file is not an exhibit as yet. Elements of it are, of course, but not the full file.

JUDGE CURRAN: I imagine, Mr Kirk, what you want the officer to look at is the last page of the Magistrates Court file, is it not?

D **MR KIRK:** No, no. Last night my legal advisors from London, who have been following this case and been coming to the magistrates, had a real row with me yesterday, because each night when you say, just like the machine-gun case, just coming up to eight months in prison, E exactly the same situation, on the last day of the trial, possibly the last day of the trial, the judge tells my witnesses, defence witnesses, they can come and speak to me down below, and in the machine-gun case the people that hold me, this organisation, which in most cases is F Reliance, refuse me access to my witnesses, exactly the same thing has happened again and there are four people there in the public gallery who will confirm ... and they have already written statements in advance on this issue.

G Now, I wish you to know that, because it is going to be the final questions for this witness and they will be calling evidence if I don't get the information or you do something about me getting access to the most important exhibit in this case so far, and that is public records. We have got one sorted out; I now want Exhibit 2 either for the prosecution or for the

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A the defence, and that is the bundle that you kindly presented to the court, because you already
had a copy I noticed, and he had copy and I numbered them 59 pages and I want him to look at
pages 14, 16, 17 and 34. Could I please get someone to get me my copy from downstairs?
B I've managed to get my papers out of the prison for the first time. They are actually only
down below, but what I forgot (inaudible) speaking to your Honour, GEOAmev said, "We are
in control of you as a prisoner, not the prison," and I said, "What about the judge of the
court?" They said no. I said, "But the judge of the court said that I could have access to my
C witnesses and my legal advisors," and they said no. Last night and the time when you said it,
which was

JUDGE CURRAN: I asked you if you had any more questions for the officer.

D **MR KIRK:** Yes, I referred to the main exhibit in the case, which is, apart from the so-called
restraining order, is the bundle of public records, page 14, pages 16 and 17, which is records,
your Honour, from the Magistrates Court of my second time round filing an appeal on 7th
December, personally. The next page in that bundle, 17 I expect, is a Sarah Richards, who is
E the witness I need only call to wrap this case up, who, because I filed an appeal, possibly, got
down to making documentation to record what happened in my absence and the main one, of
course, is the restraining order, the memorandum of conviction. Now that's an exhibit, isn't
F it? That is an exhibit. I must know what exhibits the prosecution are relying upon and if they
are not, I have got to trick you into getting them introduced with the last opportunity I have
got, and that is this last prosecution witness.

JUDGE CURRAN: I am going to ask the officer now to leave the witness box. As I
G explained to you yesterday, the only knowledge he has of this case is what you told him when
he was interviewing you. He was not involved in the case which was heard in the Magistrates

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A Court which led to your being convicted of the offence under Section 2 of the Protection from Harassment Act ...

B **MR KIRK:** Bollocks. He was investigating an alleged offence when they conspired because prisoners are never given a copy of restraining orders. I have 18 remand warrants, sorry, restraining order prisoners on my wing, I have interviewed twelve of them and not one of them, I haven't got at the other six, not one of them was handed a restraining order in Cardiff Magistrates before they went to prison. If you look on the records that I have still been asking for, which is GEOAmeey records, which they've tried to palm off onto me ...

C **JUDGE CURRAN:** Mr Kirk, you are not assisting your case at all by shouting at me. Just take a seat for a moment please.

D **MR KIRK:** Am I going to get public record for the jury to see as an exhibit that has been referred to throughout by the prosecution, where they referred to a Dr [REDACTED] who is reliant upon Section 4, not Section 2 of that Harassment Act. That restraining order is (inaudible) without the legal advice, because it was altered in the first paragraph, which is not on the draft version that has only just been released by the CPS and given to me late yesterday afternoon. I have four members of the public, one, two, three four, who have signed statements to say that they saw, when I didn't come back to court, the CPS and Charles up and down, up and down, and they saw not only the makings of this document without the heading on it and without the black stuff at the bottom, they saw the judge handwriting over the top of it and instructions that he was to bring it down to me for my opinion. My lawyer, who was interviewed and emailed and his email has actually not been pulled from that bundle, because E
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G whoever was made to do it didn't take his job seriously enough ...

MR EVANS: Forgive me, your Honour ...

MR KIRK: ... is the prosecution case now finished?

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A **MR EVANS:** Yes, it is.

MR KIRK: No, it's not. I haven't finished cross-examining. You mean he is not even going to re-examine on the information I am now wishing to introduce to the jury? Very, very worrying that he has not re-examined any of the prosecution witnesses.

B **JUDGE CURRAN:** He was not there, Mr Kirk. Do you want to give evidence yourself?

MR KIRK: I wish to get at my legal papers. They are downstairs. The prison realise what is going on in this building and they are fighting their own corner. I have been assaulted. They have said I must have a brain scan. I have in writing. My sister, a magistrate, has managed at last to get this ... they each time, photographs and evidence from Mr Merion Bowen (?) from Mr Burke and possibly from (inaudible), has come to the prison and Sabine McNeil from Germany who has been helping me with the email side and website side as a McKenzie friend to do with the Muser (?) children, has been cut off and their mail has been blocked. I have been brought before a deputy, the chief security officer, Sarah, Sarah, wing officer, security officer for the prison, saying that the police are now considering an indictable offence of incitement to riot, because I have organised 400 people today at the Muser case criminal trial in London, outside Harringay, for 400 people to lie in the road objecting about the criminal conduct of the snatching of six of their children.

JUDGE CURRAN: Do you intend to give evidence?

F **MR KIRK:** It depends on whether you let me get at my legal papers that are downstairs.

JUDGE CURRAN: Mr Kirk, I am not going to let you get at what you call your legal papers. The issues in this case are: was there a restraint order, was it served on you and were you a party to putting the material on the net? That is all this case is about and the court is not going to be used as a platform to rehearse all the matters which led up to your being convicted.

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A **MR KIRK:** (Inaudible)

JUDGE CURRAN: Could I ask you to go to your retiring room for a moment, members of the jury?

(Jury out)

B **JUDGE CURRAN:** I am going to rise for a short while to give the defendant an opportunity of calming down. He can then be asked whether he is asked to come back to court.

(10.56 am)

C (Short adjournment)

(11.21 am)

D **JUDGE CURRAN:** I am going to put some of this on the record in order to clarify the transcript, as it were, if there is any subsequent application in connection with this. The uproar that would be apparent on the transcript began when Mr Kirk started to remove his trousers and was reaching behind him for something. I am now informed, after he had been restrained by the dock officers and taken down to the cells, that he is bleeding from the rectum, having removed something or excreted something from a place of concealment inside him, as I understand it. Is that right? The dock officer is nodding. When you say he is bleeding from the rectum, how severe is this?

E **DOCK OFFICER:** I obviously haven't seen anything, your Honour, it's just what he's telling me.

JUDGE CURRAN: What he says?

F **DOCK OFFICER:** What he says, yes. He's had to actually go to the prison and see the prison doctor to be examined.

G **JUDGE CURRAN:** Mm?

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A **DOCK OFFICER:** He's had to go over to the prison, to the prison doctor, to obviously be examined. We can't do anything.

JUDGE CURRAN: He is to be told to come back up into court please. I will deal with this in the absence of the jury for the moment.

B **MR EVANS:** Your Honour, yes.

(Pause)

JUDGE CURRAN: I have been asked by the clerk to make it clear that the McKenzie friend was unaware of what was going to happen and I am quite prepared to accept that and I have said it to put it on the record.

MR EVANS: Thank you, your Honour.

D **MCKENZIE FRIEND:** I would like to withdraw as Mr Kirk's McKenzie friend (inaudible).

JUDGE CURRAN: That is a perfectly understandable reaction, thank you.

E **DOCK OFFICER:** I understand he is refusing to come up from the cells until he has legal visit from his McKenzie friend.

JUDGE CURRAN: The McKenzie friend has withdrawn. Would you inform Mr Kirk that his McKenzie friend has withdrawn and in the circumstances he must come back up into court please?

F (Pause)

DOCK OFFICER: Your Honour, he says he is not coming to court until he speaks to his witnesses, not the McKenzie ... witnesses in the case.

G **JUDGE CURRAN:** He is to be told to come into court. He will be able to call witnesses if he wants to, but he is not going to be speaking to anybody now; he has got to come into court.

(Pause)

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A **DOCK OFFICER:** He needs to speak to his brief, he needs to see a doctor. If the brief tells him to come to court, he will come to court.

JUDGE CURRAN: He needs what?

B **DOCK OFFICER:** He said he needs to see a doctor and then he said he needs to see his brief, I don't know which one is his brief, and if the brief tells him to come to court, he will come to court, but he wants to see his brief first.

JUDGE CURRAN: He has not got a brief.

C **DOCK OFFICER:** No, I know, that's what I ... I think it's the gentleman who come down with him yesterday, the McKenzie ...

JUDGE CURRAN: Yes, well the McKenzie friend has withdrawn. I shall draft a document which will have to be handed to Mr Kirk.

D (11.38 am)

(Short adjournment)

(11.48 am)

E **JUDGE CURRAN:** I will need one of the dock officers in court please, the one who is in charge, I think it had better be.

(Dock officer in court)

F **JUDGE CURRAN:**I have drafted a document which I am going to ask you to take down to the cells and read out to Mr Kirk. Since it has gone off to the photocopier, I will have to wait for it to come back, because what I want you to do is to tell him that it is from the judge and to read it out to him, since I gather he is declining to come back into court.

G **(Pause)**

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A **JUDGE CURRAN:** Thank you very much. I am going to ask the dock officer to read this, to tell
Mr Kirk that this is from me and to read it out to him. "The prosecution have concluded their
B case and you have heard the evidence against you. Now is the time for you to make your
defence. You may give evidence on oath and be cross-examined like any other witness. If you
do not give evidence or if, having been sworn, you refuse without good cause to answer any
C question, the jury may draw such inferences as appear proper. That means they may hold it
against you. You may also call any witness you have arranged to attend court. Afterwards you
may also, if you wish, address the jury by arguing your case from the dock, but you cannot at that
stage give evidence. Do you now intend to give evidence? I further have to warn you that if you
D refuse to return to court, the trial will continue in your absence and after the summing up the jury
will retire to consider their verdict. You are therefore advised to return to court."

I will hear anything the prosecution want to say about that, but in the circumstances of this
case, I regard that as the appropriate course of action.

MR EVANS: Your Honour, yes.

E **JUDGE CURRAN:** I am not prepared to have the trial process thwarted by Mr Kirk's
behaviour. Now I will hand down the document please and there is one for the court file.
(Handed down) You can hand the document to him as well, but I want you to read it out to him
F first please, because I do not want there to be any argument about whether or not he has not been
told.

(11.54 am)

(Pause)

G (12.04 pm)

JUDGE CURRAN: Can the officer be sworn?

(Dock officer sworn)

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A **JUDGE CURRAN:** If you could just state your name and occupation.

THE WITNESS: I am SCO Jackie Davies, Senior Custody Officer from downstairs,
GEOAmey.

B **JUDGE CURRAN:** Yes. Have you read the document that I gave you to Mr Kirk?

A: Yes, I did, your Honour.

JUDGE CURRAN: What is his response?

C **A:** He would like it dated and signed who it is from, in order to say who it is to and who it is
from and the date and the time, because he says there is nothing recorded on that.

JUDGE CURRAN: You have read it to him?

A: I have.

D **JUDGE CURRAN:** Yes. Is he coming back into court?

A: Well, he just wants that and then related back to him, so he didn't give me an answer. He
was actually on the toilet, but he wanted it read on the toilet.

JUDGE CURRAN: If you hand me the document, I will sign it.

E **(Document handed to judge)**

JUDGE CURRAN: There we are.

A: Thank you.

F **JUDGE CURRAN:** Would you read it to him again when you go down ...

A: Yes, your Honour.

JUDGE CURRAN:... and as long as he understands, because I intend to proceed with the trial
if he is not coming back into court.

G **(12.07 pm)**

(Dock office withdraws)

(12.16 pm)

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A **JUDGE CURRAN:** Would you come back into the witness box?

THE WITNESS: Yes, the document has been read again and handed to him. I have read it and his words were, "I want to see a witness now." That's all he said.

B **JUDGE CURRAN:** Well, I shall ask you to go back down to see him again to tell him that if he does not come back up into court, I am going to proceed with the trial.

A: Right, thank you.

(12.17 pm)

C **(Witness withdraws again)**

(12.26 pm)

D **THE WITNESS:** Your Honour, this is from Mr Kirk. "I am not in a position to give evidence; I wish my witness to give evidence, so no need for me to attend. The witness is Dr Tegwyn Mal Williams. If they want me to attend and no-one else available to examine, I may be able to do it.

JUDGE CURRAN: Can I see that?

E **(12.27 pm)**

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

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Signed: Mendip-Wordwave Partnership

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