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**IN THE CROWN COURT**  
**AT CARDIFF**

**Indictment No. T20097445**

The Law Courts  
Cathays Park  
Cardiff  
South Wales  
CF10 3PG

**6<sup>th</sup> July 2009**

Before:

**HIS HONOUR JUDGE MORRIS**

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**REGINA**

- v -

**MAURICE KIRK**

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**MR RACE** appeared for the Prosecution

**MR MAURICE KIRK** represented himself

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**ALL PROCEEDINGS**

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*[Transcriber's note: Due to poor sound quality, (inaudible) may be found where speech is hard to hear]*

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**6<sup>th</sup> July 2009**

**ALL PROCEEDINGS**

B (12.00pm)

**(Defendant identified)**

**CLERK OF THE COURT:** Case listed as preliminary hearing. Are you Maurice Kirk?

C **MR KIRK:** Yes.

**CLERK OF THE COURT:** The judge in this court is his Honour Judge Morris. You are representing ...

D **MR KIRK:** Good morning.

**JUDGE MORRIS:** Good morning to you.

**CLERK OF THE COURT:** You are representing yourself, and the prosecution are represented by Mr Ace.

E **JUDGE MORRIS:** Right, can you just pass me over to him again please? Mr Kirk, it is the judge here again. This is a preliminary hearing and I am going to hear from the barrister for the prosecution, Mr Ace, as to a proposed timetable to set out the service of papers and that kind of thing. Do you understand that?

F **MR KIRK:** Um, yes. I think so.

**JUDGE MORRIS:** Thank you very much.

**MR ACE:** (inaudible) please your Honour. This is a case where the Crown allege that the defendant was in possession of, and later sold, a firearm, a Section 518 firearm, a Lewis machine gun, and that could put him at risk of the minimum sentence of five years because effectively it is a machine gun. DC Parker, an officer in this case, looked at the defendant's website towards the end of May this year.

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A **JUDGE MORRIS:** Right. Do I need to hear about the facts ...

**MR ACE:** Only in short.

**JUDGE MORRIS:** ... as alleged?

B **MR ACE:** Only in short your Honour. Just simply to say, having looked on the website there were photographs showing this defendant's possession of a, what is purported to be, a Lewis machine gun. Further checks were made through the Civil Aviation Authority and it was found then Mr Cooper had purchased a Lewis machine gun from this defendant. That, as I say, is a  
C firearm; there is no certificate, the defendant doesn't hold a certificate. That possession of that rifle, machine gun ...

**JUDGE MORRIS:** Just a moment. (Pause as aircraft flies overhead). Yes.

D **MR ACE:** Possession of that therefore puts him, without a certificate, puts him at risk, as I said, of a minimum term of five years.

**JUDGE MORRIS:** Now, did I understand you right in saying that the evidence includes evidence of someone who (inaudible) purchased this weapon from this defendant ...

E **MR ACE:** Yes.

**JUDGE MORRIS:** ... or is it the other way around, this defendant purchased it from him?

**MR ACE:** Purchased from this defendant.

F **JUDGE MORRIS:** Right. Has that weapon been recovered?

**MR ACE:** Yes.

**JUDGE MORRIS:** And has it been the subject of an expert firearm report?

**MR ACE:** It has, but there will be need for further reports ...

G **JUDGE MORRIS:** Right.

**MR ACE:** ... regarding the (inaudible).

H **JUDGE MORRIS:** Right. So what is the timetable of the service of the evidence that you are suggesting?

A **MR ACE:** The request is for six weeks, please, to cover, certainly the firearms expert dealing with it is quite crucial in this case, and also there's another expert dealing with the selling of this weapon, another witness I should say, and that witness is out of the country for several weeks as well. So ...

B **JUDGE MORRIS:** So that would produce dates of what?

**MR ACE:** The dates, Monday the 17<sup>th</sup> of August takes us to six weeks for the service of papers.

**JUDGE MORRIS:** Right. And the plea, and case management hearing, two weeks thereafter.

C **MR ACE:** Yes. And that would take us to the bank holiday so the next date would be Tuesday the 1<sup>st</sup> of September please.

D **JUDGE MORRIS:** Right. Now I have just been handed a letter, Mr Ace, which I suspect may come from the defendant, so I will open it and read it.

**MR KIRK:** Thank you.

**JUDGE MORRIS:** Right. In fact it is a letter from the defendant's wife relating to the bail position. You had better tell me about the bail positions please, Mr Ace.

E **MR ACE:** Your Honour, he was initially granted bail, the prosecution appealed that and last week, on the 25<sup>th</sup> of June, there was an application before this court where bail was rescinded and the defendant was remanded in custody.

F **JUDGE MORRIS:** And that was by order of a crown court judge, was it?

**MR ACE:** Yes. Yes. Full application made, both sides.

G **JUDGE MORRIS:** Right, I see. Thank you. Thank you very much. Can you pass me back, Lucy then please? Mr Kirk, it is the judge here again. A timetable has now been imposed by me as follows. That by the 17<sup>th</sup> of August the prosecution must serve on you all the papers in the case, setting out the full details of the allegations you will have to meet, this will include a firearm officer's expert report. On the 1<sup>st</sup> of September you will have to come back to the crown court when you will then be expected to enter your plea to any charges you must meet. As to

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A your present position, you are presently remanded in custody. I have been told that there was a full hearing at the crown court last week when you were directed by a crown court judge to be so remanded. Therefore you are further remanded in custody to that date, the 1<sup>st</sup> of September, or until any further order of the court. Thank you very much.

B **MR KIRK:** Can I (inaudible) to you, Sir, about the situation?

**JUDGE MORRIS:** Not unless it is as to the timetable which I have directed. If you are going to ask about bail, there is nothing I can do about that at the moment because it was the subject of a full hearing last week, at this crown court, by another judge, I am told.

C **MR KIRK:** Sir, (inaudible) a pack of lies concerning the information that the (inaudible) relied upon, and I (inaudible) information to an appropriate course. I have tried to apply for appeal, to the Court of Appeal, before I left the crown court last week, and whilst in custody each day, and D I have been refused the process, or the documents in order to lodge an appeal to the Court of Appeal, if that is, if that is the correct route.

**JUDGE MORRIS:** Right. Well, Mr Kirk, you would be well advised to instruct solicitors to help you in that process. Today, all I am empowered to do is to direct the progress of the E proceedings against you. As to the matter of bail, that has already been dealt with unless or until you can successfully appeal it. If you wish to do that, you should instruct solicitors to act for you.

F **MR KIRK:** (inaudible).

**JUDGE MORRIS:** Thank you.

**MR KIRK:** (inaudible).

G **JUDGE MORRIS:** (inaudible).

**CLERK OF THE COURT:** (inaudible).

A 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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