

ALL PROCEEDINGS

(Via prison TV link)

(9.32am)

JUDGE BIDDER: (No audio) ... on the barrister that is alleged against you. My own view was that I would have taken some persuasion to have made an order preventing your - if you continue to act without representation, and if you want representation you must make a written application to the Court, but if you are representing yourself, and you have done so perfectly successfully in the past, it seemed to me to be unlikely that I would have granted the prosecution application that you should be prevented from asking questions yourself and have to ask them through an advocate. So they have withdrawn that application, I think very sensibly withdrawn it.

Now, the second matter is that I have ordered, I hope you heard this, I have ordered that the appeal should be heard by someone who, effectively a judge that does not know the witness, the main witness in the case, the alleged victim of the assault, Mr Evans the barrister, and justices who also are unlikely to know him. I think it would be unfortunate if they did know the main witness. Now, those are the first two matters. Now, a date for the appeal: have the witness availability dates been given to the Court?

MR GOODMAN: I checked with the CPS office this morning and I am told they would have been sent direct to the Court, something I cannot assist.

JUDGE BIDDER: Right. So could we now ask Court listing, we have trial dates for the 10th March and the 24th March for the two indictments, I now want a date for the appeal; quite frankly either before or after, it does not really matter. I would say it is a two-day appeal myself.

THE DEFENDANT: May I suggest this ...

JUDGE BIDDER: I am sorry Mr Kirk.

A **THE DEFENDANT:** May I suggest I really think it should, I think one day ...

JUDGE BIDDER: You think one day will be enough?

THE DEFENDANT: Are they producing fresh witnesses? Are they producing fresh witnesses?

B **JUDGE BIDDER:** No, I do not believe they are. Can I merely ask you, Mr Kirk: can you tell me how long the matter lasted in the Magistrates' Court?

THE DEFENDANT: Um. Well, I know that I gave evidence. I don't normally give evidence in my cases. They brought, they brought ...

C **JUDGE BIDDER:** I think there were seven witnesses, were there not?

THE DEFENDANT: No, no. There couldn't have been ...

JUDGE BIDDER: Not as many as that.

D **THE DEFENDANT:** (Inaudible). But can I assist to save time, because I am hopeless again here at prison ...

JUDGE BIDDER: Yes.

THE DEFENDANT: And something you have, of course ... I am sorry, no disrespect ...

E **JUDGE BIDDER:** No, not at all.

THE DEFENDANT: Which appeal, does the young chap from Bristol, is this gentleman the prosecution of Her Majesty from a Bristol chambers?

F **MR GOODMAN:** Yes.

JUDGE BIDDER: Mr Goodman, yes he is. Yes.

THE DEFENDANT: Now, is he aware that the Recorder of Cardiff ordered that this was to be heard first?

G **JUDGE BIDDER:** That the appeal should be heard first?

THE DEFENDANT: Yes.

H

A **JUDGE BIDDER:** Well, I am quite happy to list it first. I did not know that and if that is what the Recorder of Cardiff ordered ... Can I just check the files? There should be a reference to that actually. You may be right about that.

B **THE DEFENDANT:** Err ...

JUDGE BIDDER: Just a moment. Hang on. I will just check the Xhibit log.

MR GOODMAN: Your Honour, the last time I was present with Mr Kirk was in October.

JUDGE BIDDER: Yes.

C **MR GOODMAN:** I think, and my ... It was either the 27th September or the 27th October. My note says both, unhelpfully. At that stage Mr Kirk was suggesting that the CPS were asking the appeal to be listed outside Wales but I think we have resolved that.

D **JUDGE BIDDER:** Yes. I am not going to allow that.

MR GOODMAN: I do not have a note that the Recorder ordered any particular order of trials but that may have been on another occasion when Mr Smyth was here.

E **JUDGE BIDDER:** I cannot see that. I am afraid I cannot see that order having been made but she did write a letter to Mr Kirk and I just want to check that letter as well because she made some orders, or proposed to make some orders in that letter, and I just want to check that as well.

THE DEFENDANT: Could I see that, just to see ...

F **JUDGE BIDDER:** Yes, yes. Certainly: by all means.

THE DEFENDANT: ... what the chap from Bristol and yourself have (inaudible)?

JUDGE BIDDER: Yes.

THE DEFENDANT: And that is that, of course, the police said this prior to October ...

G **JUDGE BIDDER:** Yes.

H **THE DEFENDANT:** (Inaudible) but I believe from memory, I've never really thought this, but I am ... And I insisted that the appeal be heard. It was generally appeals to do with the PII, the public interest immunity situation of the medical records of the 2nd December '09, are the main

A issues within all of these appeals. Now, the whole matter you're referring to at the moment is
when I arrested the prosecutor ...

JUDGE BIDDER: That is right.

B **THE DEFENDANT:** David Gareth Evans ...

JUDGE BIDDER: That is right.

THE DEFENDANT: Now, the case that I set out previous to that, the appeal was delayed two
years in order for the police to keep me in jail by using the conviction and, of course, that case
C never even came to trial, they dropped it.

JUDGE BIDDER: Yes.

THE DEFENDANT: It was transferred to Bristol and Bristol CPS chucked it in the bin. Now,
D my 29th October application, to which your learned friend there (inaudible) ...

JUDGE BIDDER: Yes.

THE DEFENDANT: Is part of my applications. I'm relying from memory. I'm not allowed
E any of my papers here today because I'm not allowed to take papers out of my cell, so I am in no
different a situation as I was when you were giving me my legal papers last time. But from
memory the issue is that there are a list of appeals that need to be heard, not just the one you
have raised. There is also the matter of the medical evidence that is subject to public interest
immunity, which, of course, is the medical records that only you know about because I was
F denied access to Court on the 2nd December '09 ...

JUDGE BIDDER: Well ...

THE DEFENDANT: And when the matter was set up to be released and revealed publicly for
G the 1st December, 11 magistrates case before the District Judge Charles when I was accused of
harassing the doctor ...

JUDGE BIDDER: Yes.

H

A **THE DEFENDANT:** The only way in which to get the medical evidence that you were privy to on the 2nd December '09. I have the transcript with me if it will assist. But the issue is that I don't think our friend from Bristol, from England ...

B **JUDGE BIDDER:** Yes.

THE DEFENDANT: Is aware that the whole case for the last four years relate to the document, the evidence that was before you, your Honour, on the 2nd December ...

JUDGE BIDDER: Right.

C **THE DEFENDANT:** And even if you have Mr Gareth Edward, Gareth Evans' appeal first ...

JUDGE BIDDER: Yes.

THE DEFENDANT: It's not going to get very far because there will be judicial review applications by me, which will make someone produce that medical evidence ...

D **JUDGE BIDDER:** Right. Well, let us take it in stages. Have we got a date for the appeal yet, please? You have not got the list of ...

E **MR GOODMAN:** Sadly not, because it has not ... I do not know whether the file is in the CPS room, the actual appeal file. I suspect everything has been transferred.

JUDGE BIDDER: I think while the Clerk is speaking: I should say Mr Kirk has made an application that this matter should be transferred outside Wales. I note that from the Recorder's note. So, Mr Kirk, while we are waiting for a listing date, can I ask you why do you say that I should transfer this case out of Wales?

F **THE DEFENDANT:** Well, with respect, my application of the 29th October, you picked on one of my Defence Statements last time, which was relevant, but, of course, there was a stream of
G Defence Statements because the barrister from Bristol don't understand that the South Wales Police delay my cases for as long as possible because I am approaching my 69th birthday and these appeals, and every tactic that I come to Court for is for me to speed up the cases. His
H Honour Judge Seys-Llewellyn is currently half way through, well nearly finished, a 20-year

A running civil damages claim with 99 witnesses we've heard this year so far. I happen to be prosecuting the South Wales Police ...

JUDGE BIDDER: Yes.

B **THE DEFENDANT:** I hope the gentleman in the well of the Court is aware of these things ...

JUDGE BIDDER: I do not know whether he is.

C **THE DEFENDANT:** ... because he's adjourning yet again. Well, I feel it's an insult to his Honour and to the name of the Court that prosecute, that these lawyers are brought in from some foreign country because the local barristers don't have the staff to take me on any more, he should at least be briefed of the seriousness of the issues that appear to him, on the face of it, to be fairly trivial indictments.

D **JUDGE BIDDER:** I am sorry, Mr Kirk, two people are trying to talk to me at the same time.

THE DEFENDANT: I know the problem.

JUDGE BIDDER: Now, the other matter: I sincerely hope the prosecution have checked about the bail accommodation.

E **MR GOODMAN:** I am able to assist your Honour with bail, certainly.

F **JUDGE BIDDER:** Right. Fine. (To the Clerk of the Court) So I am afraid I am going to have to insist on that, sorry. I am sorry, Mr Kirk. I was asked whether I felt that a Recorder, that is a part-time judge, could try this appeal and I consider that as it involves an allegation of assault on a barrister in court, it would not be appropriate for a Recorder to deal with it. It should be a Circuit Judge. The 27th March, so I will list the appeal for ... I am going to say, I appreciate Mr Kirk thinks that it may ... I think let us just be on the careful side. We will list it for two days. G If it finishes in one day, fine. Right. Now, Mr Kirk, why should it be heard outside Wales you see? It is going to delay matters even further.

H **THE DEFENDANT:** Your Honour, I am myself draft a document to appeal your decision that I am, the hearing this case on the 27th March.

A **JUDGE BIDDER:** Right oh.

THE DEFENDANT: Her Ladyship, her Honour Eleri Rees ...

JUDGE BIDDER: Yes.

B **THE DEFENDANT:** Is aware of the medical evidence that was before her.

JUDGE BIDDER: Yes. What has that got to do with the appeal, Mr Kirk?

THE DEFENDANT: Yes, I know but ...

JUDGE BIDDER: Well, I know. But that is what I am asking you; what has the medical
C evidence got to do with the appeal? The medical evidence is entirely neutral. You are not
suffering with any mental disorder. You are a highly intelligent man, as we now know from Mr
Barker's report, and there is no mental illness that you suffer from. All right? So it does not
D seem to me to have anything to do with anything, frankly. Right. That is it. Thank you.

THE DEFENDANT: I am referring to the medical evidence of the 2nd December '09.

JUDGE BIDDER: Yes. Well, that is so old now I do not think you need worry about it.

THE DEFENDANT: I have been worrying about it, with respect, for four years ...

E **JUDGE BIDDER:** Well ...

THE DEFENDANT: I have been arrested for 18 times recently ...

JUDGE BIDDER: Yes.

F **THE DEFENDANT:** And have yet to be convicted. All due to the evidence that is subject to
PII, public interest immunity ...

JUDGE BIDDER: Yes.

THE DEFENDANT: Which has been argued in the civil court with his Honour Judge Seys-
G Llewellyn ...

JUDGE BIDDER: Yes.

THE DEFENDANT: And can we re-open the new evidence, because I've now had a brain scan
H and you have just said what you could have said on the 2nd December 2009; that I had no

A impairment to prevent me from conducting my own defence. You will recall that Tegwyn Williams applied for me to be sectioned for life at Ashworth High Security on the 2nd December.

JUDGE BIDDER: Yes.

B **THE DEFENDANT:** I happen to have the transcript with me ...

JUDGE BIDDER: Okay ...

THE DEFENDANT: I (inaudible) it up my rectum ...

JUDGE BIDDER: I am going to make one more attempt ...

C **THE DEFENDANT:** ... three inches, three inches up my rectum ...

JUDGE BIDDER: Yes.

D **THE DEFENDANT:** You will not allow me to remind you that you are privy to the information that relates to the restraining order that you say I have breached in the recent variation of indictment for which we are here today.

E **JUDGE BIDDER:** Right. Now, I am going to make one more effort to try and get you to concentrate your mind on the issue of why this case should be tried outside Wales. I give you one more opportunity; then I am going to make a ruling on it. All right? Why should it be tried outside Wales, please?

THE DEFENDANT: I have ...

F **JUDGE BIDDER:** Sorry, I have been facing the wrong way, Mr Kirk. I do apologise. I missed the camera.

G **THE DEFENDANT:** Thank you, your Honour. I have applied to be transferred to Bristol Prison for months because, for example, you gave me last, on Friday a CD of the CPS tape recording ...

JUDGE BIDDER: I remember vividly, Mr Kirk.

H

A **THE DEFENDANT:** Well, the reception were annoyed that I hadn't been transferred when I came back from Court and that I hadn't been trans ... directed to Bristol Court, Bristol Prison, which is what I had been applying for, for months.

B **JUDGE BIDDER:** Right.

THE DEFENDANT: And no way are the facilities in this prison going to let me find out what's on that CD.

JUDGE BIDDER: Okay ...

C **THE DEFENDANT:** You will recall, as I do in my court cases, I usually do something somewhere along the line from the bullet proof goldfish pond that I'm put in, for people in the gallery to remember that I've done that for a reason, and you will remember I dropped the CD ...

D **JUDGE BIDDER:** I do indeed remember that, yes, when I told you that if you threw it I would hold you in contempt. Yes.

THE DEFENDANT: And you would not let my helpers in the gallery ...

JUDGE BIDDER: Well, it is you who needs to see it, not them.

E **THE DEFENDANT:** (Inaudible) ...

JUDGE BIDDER: All right. There we are. Right. Thank you. Okay. I am refusing the application to transfer this trial of the appeal outside Wales. The issue as to which prison you are in is a matter for the prison authorities, not for me. Right. Now, we have fixed the trial date. There is no section 36 application. The next matter is your application for bail. Now, I have got an e-mail somewhere from a lady acting on your behalf, not acting on your behalf but I think with your best interests at heart, who says that you could live at 28 Sheath Street, Daventry, Northamptonshire, as a bail address. Has that been checked, Mr Goodman?

MR GOODMAN: Your Honour, it has. Can I bring you up-to-date about that address?

JUDGE BIDDER: Yes, please.

H

A **MR GOODMAN:** This is information, which comes from a District Sergeant for Daventry town, so a local officer.

JUDGE BIDDER: Yes.

B **MR GOODMAN:** Who says this, "I visited ..." I will not read every word but I will be full as I can, in fairness. "Visited 28 Sheath Street, Daventry, this morning. There followed a number of veiled attempts to get any response. From the outset I would be advising the Judge this is not a suitable address for bailing such an offender, given the following. The address given is 28
C Sheath Street, which is a commercial address on one of the town centre main streets and is a licensed restaurant/café run by a reputable couple. They operate the business at number 28 and live above the premises at 28A. They do not know Mr Kirk and would never offer their address as a bail address." So that rules out 28 and 28A.

D **JUDGE BIDDER:** Right.

MR GOODMAN: "28B is also above the rear of the premises and given my local knowledge is doubtless the address that Mr Kirk is seeking to use for bail. I suggest that is equally unsuitable
E for the following reasons. The owner/occupier of an address is one Christopher Alexander ..."

JUDGE BIDDER: That is right.

MR GOODMAN: "Also known as X, date of birth in May of 1970. The neighbours are aware
F from Google that he is a sex offender and have concerns about his habits and comings and goings. We know ..."

THE DEFENDANT: So are you accusing me again of being a sex offender?

JUDGE BIDDER: No, no, no, no. He is not accusing ...

G **THE DEFENDANT:** (Inaudible) ...

JUDGE BIDDER: He is not accusing you.

THE DEFENDANT: Against me (inaudible) ...

H **JUDGE BIDDER:** Mr Kirk, Mr Kirk, you ...

A **THE DEFENDANT:** (Inaudible) they say. On my PNC from the police they say I am a sex offender (inaudible) ...

JUDGE BIDDER: Mr Kirk, you misheard, you misheard. He did not say you were a sex offender at all. Nobody is saying that.

B **MR GOODMAN:** Now, Mr Alexander ...

THE DEFENDANT: Yes, they are. It's on my police prison printout. I have it in my cell ...

JUDGE BIDDER: Right. Switch him off, please. I am sorry, I will mute you if you ... Right. Okay. Now, go on.

C **MR GOODMAN:** Your Honour, it is Mr Alexander who is the sex offender apparently.

JUDGE BIDDER: Right oh.

D **MR GOODMAN:** He is on reviser, following conviction for an offence in 2009. Mr Alexander was last arrested for other matters in 2012. The police attended his property in the summer, when he rang his mental health support worker and intimated he was going to kill himself ...

JUDGE BIDDER: Right. Put him up again, please.

E **MR GOODMAN:** Something he later denied, he is apparently an unusual character, and neighbours report constant visitors to the address by bailiffs acting for a number of agencies, including HMRC. Even if that were not enough, it is relevant that Mr Alexander has not been seen by neighbours since the 6th December 2012 ...

F **JUDGE BIDDER:** Right. There was an address given in Cowbridge.

MR GOODMAN: Can I tell you more? The property has been locked with all the lights on and he has been in Manila in the Philippines ever since. So, so far as ...

G **JUDGE BIDDER:** It is obviously totally inappropriate. Right. Okay. Oh he has gone now. Right. Okay.

MR GOODMAN: That address is not suitable.

H **JUDGE BIDDER:** What about the Cowbridge address? It is very close to the two ...

A **MR GOODMAN:** The problem with the Cowbridge address; Mr Davenport does have
concerns. Although he does not live there any more ... Mr Davenport, the victim in the
intimidation case, moved out of the property, which he was using as a business address. He is
B waiting for settlement, the (inaudible), has no need to return, but has some concerns about the
prospect of Mr Kirk receiving bail because Mr Kirk has driven past his home address.

Another development, I am not sure, forgive me if you are already aware of this, is that
in relation to the breach of restraining order, there have been further postings on the website
C since Mr Kirk has been in custody. They will be evidenced formally next week, as I understand
it, but the police have discovered that since the 13th, when he was remanded, further information
has gone up on the website. So it is not stopping him and the concern from the Crown is that if
D he was granted bail that would be even worse. He is obviously still able to get people to put
stuff up on the website, even in custody, and so there will be a real concern about further
offences if he were granted his liberty.

JUDGE BIDDER: Well ...

E **MR GOODMAN:** There is also the suggestion that he has told the police officer that he has a
plane ready to fly to South Africa.

JUDGE BIDDER: Well ...

F **MR GOODMAN:** But whether that is relevant.

JUDGE BIDDER: That does not strike me as being a very large risk.

MR GOODMAN: No.

JUDGE BIDDER: The fact is he has served now probably nye on the equivalent of the sentence
G he might receive if he is convicted of both these indictable offences, let alone the assault. But he
makes things impossible. Anyway, there is obviously a risk of further offences, I am afraid.
Very well. He is to remain in custody. Thank you very much. There is obviously a risk of his
H committing further offences if granted bail, even with conditions. The bail address is completely

A unsuitable and, frankly, his attitude is wholly uncooperative. If one had the slightest bit of cooperation from him it would be much easier for the Court to decide to grant bail. Thank you very much. That is the end of the hearing.

B **THE DEFENDANT:** Thank you ...

JUDGE BIDDER: Thank you, Mr Goodman. (Conversation with Court Clerk). There is another appeal. He has assaulted a police prison officer. He has been convicted of that and there is another appeal. I think the judge better list it ...

C **MR GOODMAN:** Well, your Honour, given the nature of that, and it may be sensible that all matters get briefed on the same direction, otherwise this will ...

JUDGE BIDDER: Yes.

D **MR GOODMAN:** So I will make a note. There is a further appeal ...

JUDGE BIDDER: I would think that it probably ought not to be listed immediately after the first appeal because both the Magistrates and the Judge will have made findings of credibility maybe against Mr Kirk and it would be impossible for them to hear another appeal. So it will have to be separate, have to be another judge.

E
F Why are people consistently charging him with common assaults? That is what I would like to know. These are not assaults that have caused any significant injury to anybody and it is about time that the prosecuting authorities and the police just made their trigger fingers a little less sensitive because this is taking up an enormous amount of court time. Mr Goodman, could you just see if you can get some common sense to filter down to those who are prosecuting these matters, or charging him with these matters?

G **MR GOODMAN:** I will certainly pass your Honour's concerns.

JUDGE BIDDER: You know, really a little bit of tolerance would be probably a good idea. When I see an indictment based on his poking somebody in the chest with his finger and that

H

A ends up being a common assault, I really do wonder whether there is any sense being shown at all.

MR GOODMAN: I will make a note.

B **JUDGE BIDDER:** Right.

MR GOODMAN: Your Honour, your associate very kindly offered the T number or the A number for the other assault.

JUDGE BIDDER: Yes, certainly: by all means.

C **THE CLERK OF THE COURT:** A2014 ...

MR GOODMAN: A2014, what a new one then?

THE CLERK OF THE COURT: Yes, 0005.

D **JUDGE BIDDER:** Thank you. It will have to be listed after the other appeal but not immediately after and it will have to be listed in front of a new tribunal. It would not be fair for him to be tried by the same tribunal who tries the first appeal.

E **MR GOODMAN:** Your Honour will be aware that the appeal your Honour listed today follows on immediately from one of the trials.

JUDGE BIDDER: Yes. I do not see any reason why that should not be the case because the judge will not have been the trial of fact in that case.

F **MR GOODMAN:** No, no, no. Precisely.

JUDGE BIDDER: Right. Thank you very much.

MR GOODMAN: Thank you.

G **JUDGE BIDDER:** I am going to ask that the probation service be asked whether they could organise a bail hostel place for Mr Kirk. Are they able to organise a bail hostel place for Mr Kirk outside the Vale of Glamorgan/Cardiff area? It does not have to be a long way outside but sufficiently outside to avoid accidental contact with witnesses and I would like that done within the week and the matter can come back in front of me to reconsider the issue of bail, if there is a

H

A bail hostel available. So could you contact probation today and say I am very concerned that because of the absence of an appropriate address it is difficult for the Court to consider granting bail. All right? Thank you very much indeed. Thank you.

(The Court adjourned)

B
(9.59am)

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

D
Signed: Mendip-Wordwave Partnership

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