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COURTS SERVICE

FOR THE URGENT ATTENTION OF
HIS HONOUR JUDGE N BIDDER QC

C/O CARDIFF CROWN COURT

10 September 2010

REF: BS614159

MAURICE JOHN KIRK V SOUTH WALES CONSTABULARY

Dear Judge,

I am directed to write to you on behalf of His Honour Judge Seys Llewellyn QC as follows:

It has become important to consider the present medical state of Mr Kirk who seeks adjournment of a civil trial on the grounds of current medical incapacity to deal with the proceedings.

I have attached a copy of a transcript dated 02/12/09 of a hearing before yourself, and the Judge would be very grateful if you could assist as to whether Dr Tegwyn Williams himself gave evidence or spoke in court during the hearing on that date (the transcript being incomplete).

Your urgent assistance would be greatly appreciated as the aforementioned matter is returning to his list on Monday 13th September 2010.

If any further information is required then my contact details are as below.

Yours Sincerely

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Ein cyf/Our ref:

Eich cyf/Your ref:

2nd December 2009

ALL PROCEEDINGS

(11.39)

JUDGE BIDDER: ... appropriately qualified psychiatrist then the fitness to plead doesn't really arise. I have one report by you reaching a conclusion; I have another report by Dr Silva reaching a different conclusion. I can't act on the basis of that issue without there being two such reports and there aren't two such reports. In the circumstances I don't think there is a great deal of purpose in you remaining in court.

MR TWOMLOW: May I just say perhaps, having spoken to Dr Williams this morning, that I think having seen the contents of Dr Silva's report he is also of the view that Mr Kirk would be fit to plead subject to the ... it was only the case of whether he has cancer or not I think that Dr Williams was concerned about, but I didn't wish to ...

JUDGE BIDDER: Well, it is a decision for the court but it is a decision the court can only act upon if there are two reports which reach a particular conclusion. The position is complicated in this case because Mr Kirk of course represents himself, so that is the factual situation that we are dealing with, but I think in the circumstances there is no purpose in you remaining because there is no need for you to give evidence with regard to the report. The report stands as it is and there is no purpose in you being questioned by any party because, as I say, without the two reports the issue doesn't really arise. So could I thank you, Dr Williams, for attending court. So far as I am concerned now you are free to leave and we will have Mr Kirk brought up in a moment. I gather he has refused to take copies of the two reports. He will take copies when he arrives in court and he would like to read them in court. So he hasn't actually read either of the reports as yet.

MR TWOMLOW: I sense his argument is going to be, I think, I am reluctant to say too much when he is not here, but he is saying he is fit to plead and there isn't an issue about that any

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-----Original Message-----

From: Bidder QC, HHJudge

Sent: 10 September 2010 13:01

To: Barrago, Amanda

Subject: RE: Kirk v South Wales Constabulary

I am sorry that His Honour Judge Seys-Llewellyn QC has not been able to obtain a full transcript of the hearing before me. I am reasonably sure that I heard no oral psychiatric evidence at that hearing and I am as sure as I can be that Teqwyn Williams did not give evidence to me. It was the Recorder of Cardiff who determined that there was insufficient evidence that the defendant was unfit to plead.

His Honour Judge Bidder QC

IN THE CARDIFF COUNTY COURT

CASE NOs. BS614159-MC65, CF101741, CF204141, 7CF07345, 9CF02983

BETWEEN

MAURICE JOHN KIRK Claimant

and

THE CHIEF CONSTABLE OF THE SOUTH WALES CONSTABULARY Defendant

Draft Order

BEFORE HIS HONOUR JUDGE SEYS LLEWELYN QC

Upon hearing the Claimant as a litigant in person and leading Counsel for the Defendant

IT IS ORDERED THAT:

1. The Court having been advised that the Claimant was categorised as "MAPPA Category 3" for a period of time in 2009 and that the Defendant's solicitor was to provide a statement by 31st August 2010 and failed to comply with 5(iv) namely:

5 (iv) The extent to which any documents might exist as a result of such meetings and whether it is understood by the Defendant that he or any other agency present at the meetings would object to disclosure of such documents in the context of these civil proceedings to the Claimant. In the event of any intended refusal the statement should seek to set out supporting reasons for any intended refusal.

and that the Defendant, the Chief Constable, over seventeen years, and Defendant, HM Governor, over one year have repeatedly failed to comply with Orders for Disclosure that

(i) their be judgment in favour of the Claimant in above named Actions,
with costs

or

(ii) a week's adjournment for both Defendants, Chief Constable and HM
Governor, to comply to the 17th August 1020 and 26th August 2010 Orders
respectfully.

2. There be proper Disclosure of the 'audit trail' caused by both HM Home
Office and HM Justice Ministry's attempts, since its concept, circa 2003, to
register the Claimant as a 'Vexatious Litigant'

3. Dr Tegwyn Williams, Director of South Wales Police Psychiatric Prison,
having knowingly falsified medical evidence, on 2nd December 2009, before
His Honour Judge Bidder QC and in other medical reports, used before
Cardiff Crown Court Judges, on behalf of the Defendant, The Chief
Constable, to oppose the Claimant's Bail Applications, to benefit MAPPA
Catagory 3 covert surveillance, whilst the Claimant was in HM Governor's
custody, be immediately arrested for 'Contempt of Court' or for breach of
statute law.

4. In order that the Claimant may obtain urgent orthopedic surgery he be
supplied with the undisclosed medical evidence, in the current control of
The Chief Constable, HM Crown Prosecution Service, HM Prison Cardiff and
National Health Service, relating to the Claimant's period of care, under HM
Governor, following his discharge from Caswell Clinic, Bridgend, in October
2009, up to the day of his aquittal of all charges, in Cardiff Crown Court, on
9th February 2010.

DATED this 13th day of September 2010