

General Form of Judgment or Order

In the	
Cardiff	
County Court	
Claim Number	OCF03922
Date	2 December 2010



MR MAURICE KIRK	1st Claimant Ref
DR TEGWYN WILLIAMS	1st Defendant Ref TWH.448470.48

Before District Judge Ghf Carson sitting at Cardiff County Court, Cardiff Civil Justice Centre, 2 Park Street, Cardiff, CF10 1ET.

Upon reading a letter from the Claimant, hearing the Solicitor for the Defendant

IT IS ORDERED THAT

1. The Defendant's application dated 16 September 2010 be adjourned to 20 JANUARY 2011 @ 2pm (EHT 1hr) when the matter must proceed.
2. Any applications to adjourn the hearing by reason of medical matter must be supported by a medical practitioner letter or certificate which confirms an inability to attend a Court hearing estimated to last not more than 1 hour.
3. The Claimant having paid the issue fee of £65 on 4 August 2010, and having filed a Claim Form with a signed statement of truth thereby lifting the stay, and the claim therefore not having been struck out and needing to be restored there be no order upon the Claimant's application dated 5 August 2010.
4. The costs of today be reserved and determined (with those of 24 September 2010) at the next hearing.

Dated 26 November 2010

Application notice

For help in completing this form please read the notes for guidance form N244Notes.

Name of court Cardiff	
Claim no.	OCF03922
Warrant no. (if applicable)	
Claimant's name (including ref.)	Maurice Kirk
Defendant's name (including ref.)	Tegwyn Williams
Date	7th January 2011

1. What is your name or, if you are a solicitor, the name of your firm?

Maurice Kirk

2. Are you a Claimant Defendant Solicitor
 Other (please specify)

If you are a solicitor whom do you represent?

3. What order are you asking the court to make and why?

An Order that the medical information given to his honour Judge BidderQC, on 2nd December 2009 at Cardiff Crown Court by the Defendant, be disclosed to the Claimant and his surgical team as they have refused to operate for the Claimant's total hip replacement, the delay interfering with both the welfare of the Claimant and his litigation against those authorities responsible for this apparent criminal conduct.

4. Have you attached a draft of the order you are applying for? Yes No

5. How do you want to have this application dealt with? at a hearing without a hearing
 at a telephone hearing

6. How long do you think the hearing will last? Hours Minutes
 Is this time estimate agreed by all parties? Yes No

7. Give details of any fixed trial date or period

8. What level of Judge does your hearing need?

9. Who should be served with this application?

10. What information will you be relying on, in support of your application?

- the attached witness statement
- the statement of case
- the evidence set out in the box below

If necessary, please continue on a separate sheet.

The unrepresented Claimant was denied access to his own 2nd December 2009 Cardiff Crown Court hearing, for a bail application and so was not aware of the information given in open court, with tape recorder switched off, when the request by the Defendant was heard that the Claimant needed to be sectioned under the 1983 Mental Health Act and be incarcerated in Ashworth High Security Psychiatric Prison IPP (Imprisonment For Public Protection) for an indeterminate period. His evidence included the fact that the Claimant suffered "paranoid delusional disorder", "believing the police were persecuting him", has "significant brain damage" and a possibly a "brain tumour" causing him to be level 3 MAPPA (Multi Agency Public Protection Arrangements) under police covert surveillance, classified within the top 5% most dangerous in the community. Refusal, ever since, by NHS, HM Prison Service, Crown Prosecution Service, Dr Tegwyn Williams and Professor Roger Wood, to disclose the relevant medical records supporting or detracting from the evidence given, indicate, under the balance of possibilities, the information given to that court was knowingly false.

See attached witness statement by official court transcriber.

Statement of Truth

(I believe) (The applicant believes) that the facts stated in this section (and any continuation sheets) are true.

Signed _____ Dated 7th January 2011
Applicant('s Solicitor)('s litigation friend)

Full name Maurice John Kirk

Name of applicant's solicitor's firm _____

Position or office held Claimant
(if signing on behalf of firm or company)

11. Signature and address details

Signed _____ Dated 7th January 2011
Applicant('s Solicitor)('s litigation friend)

Position or office held _____
(if signing on behalf of firm or company)

Applicant's address to which documents about this application should be sent

Maurice J Kirk
52, Tynewydd Road
Barry

Postcode
C F 6 2 8 A Z

If applicable	
Phone no.	07907937953
Fax no.	
DX no.	
Ref no.	

E-mail address maurice@kirkflyingvet.com

Maurice J Kirk BVSc DOB 12/03/1945

1. **8th June 2009** A MAPPA (Multi Agency Public Protection arrangements) meeting, in Barry police station had summoned clinical staff from the Caswell Clinic medium security psychiatric prison, Bridgend, South Wales. They were briefed by senior police officers that MJK was to be arrested for being 'in possession of a machine gun and ammunition' and would be remanded in custody. If he approached the Chief Constable, they were told, he was likely to be shot.
2. **22nd June 2009** MJK Arrested and remanded in custody as dangerous to the general public.
3. **3rd August 2009** Dr Tegwyn Williams, Director of the South Wales Police forensic unit, Caswell Clinic, then wrote a psychiatric report, without even examining MJK and submitted it to the court recommending a 12 week incarceration under a Section 35 of 1983 Mental Health Act.
4. **7th August 2009** Despite other psychiatric reports from other doctors, in Cardiff prison, who had examined MJK stating the contrary, MJK was ordered by the court to be transferred from Cardiff prison to the most horrific experience in his life time and subjected to 24/7 surveillance not knowing, from one day to the next, what on earth was going on, would he ever get out?
5. **28th August 2009** MJK was subjected to a SPECT scan, an intrusive technique using radio isotopes, against his wishes and told it revealed '**significant brain damage**' which, most likely, explained the '**paranoid delusional disorder**', he believing the police were persecuting him.
6. **30th September 2009** The doctor's 3rd psychiatric report confirmed this but recommended, to the court, further time for the patient to be in his laboratory.
7. **22nd October 2009** Dr Tegwyn Williams arranged for a Professor Roger Wood of Swansea University, by his writing a medical report as a expert in the field of brain scans, to confirm the brain damage diagnosis but included bizarre reasons as to why it was so. The fact that MJK had been a long term drinking partner of actor, Mr Oliver Reed, crashed his aircraft in the Caribbean and had flown to Australia without a map, being but some, written to Dr Ruth Bagshawe, the clinic's chief clinical psychologist. It was recommended by Dr Tegwyn Williams, his patient be now transferred, 'for the safety of his staff and patients', to Ashworth High Security Psychiatric Prison, IPP (Imprisonment for Public Protection). The judge had MJK returned to Cardiff prison.
8. **2nd December 2009** Dr Tegwyn Williams attended the Crown Court judge who was told it was now believed that MJK had a 'brain tumour' and should be a Section 41 or similar. None of the 10 Cardiff judges, who eventually refused him bail, could find the necessary 2nd level 12 forensic psychiatrist to sign the warrant for MJK's further imprisonment for an indeterminate period.
9. **17th December 2009** MJK was removed from the MAPPA level 3 (top 5% terrorist level) completely, without reason given and to this day has not informed as to why no follow up clinical examination has been recommended.
10. **9th February 2010** MJK was acquitted of all charges, without a lawyer, giving evidence or calling any witnesses. He was refused the huge costs incurred without reason given.
11. **3rd January 2011** Neither MJK nor GP can obtain the medical evidence of 2nd December 09, heard in his absence, so his urgently needed hip replacement operation has been, again, cancelled by his anaesthetist with no NHS department prepared to assist the patient.

Fuller details, including psychiatric reports can be found on www.kirkfrlyingvet.com

A WARNING OF HOW THE NEW WORLD ORDER INTEND
TO CONTROL THOSE WHO DARE QUESTION AUTHORITY
WR of KR 05/01/11

My General Practitioner,

Barry,

South Wales,

26th November 2010

Dear Doctor,

Total Hip Replacement Urgent Requirement and Outstanding Ankle Injury

1. HM Court Service (Wales) continues to refuse to release either the transcript or copy of court logs of the 2nd December 2009 Cardiff Crown Court hearing, before His Honour Judge Bidder QC or that of 24th June 2010, before HHJ Nicholas Cooke QC and HHJ Llewelyn Jones QC, when first, my continuing custody was being considered for Ashworth High Security Prison, IPP, second, my medical record would not be disclosed to the patient, using the excuse 'it would be too distressing for him' and third, my imprisonment for 'contempt of court' due my pleading with Cooke he examine the evidence of multiple criminal conduct.
2. Cooke continues to refuse re imbursement for trial transcripts, he repeatedly promised free, while HHJ Peter Thomas refuses any compensation for a fraudulent HM prosecution, causing over seven months in HM prisons following Chief Constables' failed attempt to have me shot.
3. Present, in December, included HM Prosecutor, Richard Twomlow and Dr Tegwyn Williams of South Wales Police Forensic Psychiatric Prison, Bridgend, both opposing my bail, in the interests of public safety. I, meantime, was kept locked below the court whilst not legally represented.
4. Professor Roger Wood, Swansea University, furnished the Crown with my confidential record in that I had 'significant brain damage' and possibly a tumour. The judge was told that it was irreversible, I needed another brain scan, now NHS refused and must use legal representation in imminent trial for 'trading in machine guns', carrying a mandatory ten year prison sentence.
5. It is now almost a year later but despite the Civil Aviation Authority examining me ,this summer and declaring me fit, I remain worried for my and others' safety, should I fly pilot in command.
6. The French doctors here are totally bemused but have prescribed my continuing morphine sulphate for analgesia but asking, why on earth can I not have the operation immediately?
7. Judge Cooke, leader of the pack, has refused me bail on five occasions, refused to order Dr Williams, HM Prison, HM Court Service or the NHS to release that medical record, despite Vale Hospital, Hensol, Vale of Glamorgan, refusing, sensibly, to proceed with operating, without it.

Radiology Report

No: **6120518118**RadIS No: **145893**Hosp No: **M1115775****KIRK, MAURICE****THE MARLPITS
ST DONATS****LLANTWIT MAJOR, SOUTH GLAMORGA, CF61 1ZB**Sex: **M** DOB: **12/03/1945**
Dept: **CASWELL, GLANRHYD**
Request: **DR G JONES**
Report to: **PSYCHIATRIC**

MRI BRAIN 28.08.09

INDICATION: History of alcohol use, increasing erratic behaviour ? delusional disorder.

REPORT: Standard imaging through the brain was undertaken. There is some artefact from patient motion. There are a few tiny foci of high signal within the deep white matter of both cerebral hemispheres which are non specific but may represent small ischemic foci. There is no evidence of an intracranial mass lesion.

AB/SD

Reported and Checked by: DR AISLING BUTLER

Professor Rodger LI Wood
Consultant Clinical Neuropsychologist

Secretary – Rhian Thomas

Tel: (01792) 295008
Fax: (01792) 295009
E-mail: r.thomas@swan.ac.uk

**Brain Injury Research Group
School of Human Sciences
Vivian Building
Swansea University
Swansea SA2 8PP**

Dr Ruth Bagshaw
Consultant Clinical and Forensic Psychologist
Caswell Clinic
Tondy Road
Bridgend
CF31 4LN

18.09.09

Dear Dr Bagshaw

Re Maurice Kirk

Thank you for inviting me to see Mr Kirk in order to provide an opinion about the possibility of cerebral dysfunction being responsible for his recent behaviour. In brief, I note a history of heavy drinking, minor violence including assaults on police, and three crashes in his light aircraft. I understand that he has a grievance against the police and threatened to perform a citizens arrest on the ex-chief constable of South Wales police. He has been struck off as a vet, for reasons that are not clear to me. He also claimed to be involved in a large amount of litigation, in which he is either defending himself or seeking redress against various authorities or organisations.

During the clinical interview today he proved to be a very engaging chap with an extremely colourful life history. He has a fixation that he has been under surveillance for some time by the police. Thoughts relating to persecution by the police dominated his conversation, making it difficult to obtain information of a general kind relating to his life and abilities. Although I was only able to interview him for a relatively short time I obtained the following information that is probably of neuropsychological relevance:-

1. He has a history of risk taking behaviour.

This is most evident in his flying activities. He has apparently flown light aircraft long distances across oceans. He stated that some aircraft were old and in poor condition. He claims not to have taken any maps when he flew to Australia in a Piper Cub. His exploits, which I assume can be verified, reflect very poor judgement by aviation standards and a disregard for laws of flight safety.

31. The Caswell Clinic has also been contacted by media organisations requesting as to withhold Maurice Kirk's contact with them due to the hostile and threatening nature of his telephone contact.

OPINION

Clinical.

32. Maurice Kirk's history is highly complex, convoluted and difficult to understand. The clinical picture appears to be of a man who has always had a background of minor cognitive difficulties (poor writing and spelling). He developed a personality characterised by narcissism (an abnormal sense of entitlement), grandiosity (believing that normal rules and regulations do not apply to him) and paranoia (believing he is the victim of persecution). He also shows evidence of poor judgement, impulsivity and a willingness to hold himself hostage by way of hunger strike in an attempt to manipulate his environment. Whilst these personality characteristics have undoubtedly overshadowed Maurice Kirk's life and probably had a negative affect on his social and family functioning, they appear to have been reasonably stable throughout his life. However, Maurice Kirk and the evidence both suggest that over the past two years both his functioning has deteriorated and that his beliefs have become more intense and overwhelming and at some times, though not others, are clearly abnormal. Maurice Kirk now shows clear evidence of some degree of neuro-cognitive damage (brain damage), probably as a result of a combination of normal ageing, previous heavy alcohol misuse and deceleration injuries following plane crashes. The specific area of brain damage affects his ability to monitor and control his behaviour, decreases self-awareness, judgement and decision making abilities and have compounded his paranoid beliefs to the extent that when subjected to further stress, his beliefs intensify so that for periods they have a quality of a paranoid delusional disorder (mental illness characterised by fixed false beliefs unamenable to reason of a paranoid nature).
33. With regard to treatment, neither Maurice Kirk's underlying personality nor brain damage will respond to medical intervention. Due to the transient nature of his clearly abnormal beliefs (as opposed to his general paranoid view of the world) it is unlikely that medication will make any significant impact, though it is impossible to be certain. Appropriate medication has been offered to Maurice Kirk which he has refused.
34. Clinically it is unclear whether Maurice Kirk's brain damage is likely to progress. Should it do so his difficulties will become more marked and he will become more obviously disabled. Of particular concern is that this may well involve increasing impulsivity and poor judgement, features which are already apparent.
35. With regard to risk, risk is always difficult to quantify especially in highly complex cases such as this and it is also impossible to consider Maurice Kirk's risk in isolation from those who he encourages to act on his behalf. The risk of Maurice Kirk continuing with his action against South Wales Police and acting in a way that he feels justified to achieve his ends is high, though whether Maurice Kirk himself would be involved in inter-personal violence is less, is cannot be discounted nor can the risk that others would act violently with his encouragement. If Maurice Kirk's condition is progressive, these risks are likely to increase over time.

Legal

36. I have been asked to give my mind to the issue as to whether or not Maurice Kirk is fit to plead and stand trial. Maurice Kirk clearly understands the nature of the charge and the significance of his plea. However, due to Maurice Kirk's mental disorder described above, specifically his brain damage and its relationship to self awareness, judgement, decision making, self regulation of behaviour and control of emotions, combined with difficulty organising and sequencing information, his inability to filter out relevant information and his problems with attention and concentration, his overwhelming perception of himself as being a victim of persecution by the system, all of which are clearly evident in discussions with him concerning the alleged offence, he appears unable to address a specific legal and technical area of law necessary to appropriately conduct his defence.
37. Should Maurice Kirk be legally represented in court, I would consider him fit to stand trial as a legal representation would be able to focus on the relevant matters.
38. Maurice Kirk's current clinical presentation is clearly causing major problems for the Criminal Justice System, though is not of a nature and degree to warrant compulsory treatment. He would, however, benefit from continued contact with Mental Health Services to both monitor his condition and attempt to establish a relationship which would allow other treatment avenues to be explored.
39. I am aware that my opinion will cause significant difficulty for the court. I am also aware of the difficulties the court has had gaining further psychiatric evidence which to a degree is due to Maurice Kirk's perceived ability to intimidate and threaten those who become involved in his case. Should Maurice Kirk require in-patient hospital treatment, I have concerns that a Medium Secure Unit would not be able to provide the degree of procedural security necessary to maintain the safety of its staff, the confidentiality of other patients and the necessary security. Should the court wish a second opinion, they may wish to consider instructing a psychiatrist from a High Secure Hospital to assess Maurice Kirk both as to treatment and the environment in which that treatment should take place. I stress that the requirement for conditions of Special Security are purely as a result of Maurice Kirk's communication with and encouragement of others, rather than his clinical presentation.

Dr. Tegwyn Williams,
Clinical Director, Mental Health Services/Consultant Forensic Psychiatrist.
TW/KS/19.10.09

IN THE CARDIFF COUNTY COURT

0CF03922

B E T W E E N

MAURICE KIRK

Claimant

-and-

DR TEGWYN WILLIAMS

Defendant

ACKNOWLEDGEMENT OF RECEIPT

I, MAURICE KIRK OF PUIS AUX PAPILLONS, ST DOHA, 22230 MERDRIGNAC, FRANCE and formerly of 52 TYNEWYDD ROAD, BARRY, CF62 8AZ, confirm receipt of the following:

1. Radiological reports relating to scans taken of the head in August 2009.
2. Report of Professor Wood dated 18 September 2009.
3. Report of Dr Tegwyn Williams dated 19 October 2009.

I also confirm, and acknowledge, the offer made by Abertawe Bro Morgannwg University Local Health Board, under cover of a letter from their solicitors, Messrs Morgan Cole, dated 6 January 2011, to provide complete disclosure of all medical records relating to me as held by Abertawe Bro Morgannwg University Local Health Board for a third time.

I do/do not wish to avail myself of this offer of further disclosure.

Signed.....

Dated.....

IN THE CARDIFF COUNTY COURT

0CF03922

B E T W E E N

MAURICE KIRK

Claimant

-and-

DR TEGWYN WILLIAMS

Defendant

CONSENT ORDER

BY CONSENT IT IS ORDERED:

1. That the Claimant, having been provided with relevant extracts from his medical records, and being in receipt of an offer from the Defendant to provide complete disclosure of his medical records for a third time, such records being disclosed and such offer having been made under cover of a letter from the Defendant's solicitors, Messrs Morgan Cole, dated 6 January 2011, discontinues his claim against the Defendant.
2. That there be no order for costs.

Dated this day of January 2011.

Signed.....

Mr Maurice Kirk
52 Tynwydd Road
Barry
CF62 8AZ

The Claimant

Signed.....

Morgan Cole LLP
Bradley Court
Park Place
Cardiff
CF10 3DR

Solicitors for the Defendant