

RESTRICTED WHEN COMPLETE

MG11

WITNESS STATEMENT

(C) Act 1967 s.9; MC Act 1980 s.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1)

URN

Statement of: ANDREW PHILIP NIGHZINGALE Page No. 1 of 1Age if under 18: Over 18 (if over 18 insert over 18) Occupation: FINANCE DIRECTORThis statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.Signature: [Signature] Date: 20/6/09Tick if witness evidence is visually recorded (supply witness details on front page)

I am the above named person and reside
at the address shown on leaf.

I am employed as a Finance Director at Dolman
Solicitors Murdoch Paine Corry. I have worked there
for the last eighteen months. I am responsible of the
financial management and management of all support staff.

I am not involved in any of the case work undertaken
by any of the solicitors employed by the Practice.

My line manager is Mr Adrian OLIVER who is
a Senior Partner. I am aware through general conversation
in the office that Mr OLIVER is involved in a civil case
with a Mr Martin KIRK. I am not aware of the full
part of this case and I have never met Mr Kirk.

I am aware that presumably Mr Kirk has attended at
the office and caused a nuisance but this was prior to
me joining the firm and have never witnessed any similar incidents.

At approximately 2p-2:30p ^{on Friday 19 June 2009} I was at my desk in my
office when a telephone call was received at reception. The
receptionist informed me that it was from a Mr Kirk who wanted to
speak to Mr OLIVER. I decided to take the call and it was devoted to

Signature: [Signature] Signature witnessed by: [Signature] DC2062

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CYFYNGEDIG AR ÔL EI LLENWI

MG11

DATGANID TYST

(Ddeddf C.Y. 1967, a9; Ddeddf LLY. 1986 a 5A(3)(a) a 5B; Rheolau Gwelwdrleir Droseddol 2005, Rheol 27.1)

URN

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Datganlad: _____ Tudalen rhifi: _____ o: _____

Oed os o dan 18: _____ (os dros 18 nodwch dros 18) Galwedigaeth: _____

Mae'r datganlad hwn (cy'n cynnwys _____ tudalen, pob un wedi ei llofnodi ffermi i) yn wir hyd at haf fy ngwybodaeth a'm cred. Fe'i gwnaf gan wybod po cyfwyir, a'i fal tystiolaeth, y gallid fy arlyn os wyf wedi rhwng unrhyw beth ynddo y gwn ei fod yn ffug neu na chredaf ei fod yn wir.

Llofnod: _____ Dyddiad: _____

Tichwch os caiff y tyst ei recordio'n weledol (rhochwch fanylion y tyst ar y dudalen flaen)

to my attention.

On answering the telephone the male caller immediately said "What does your practice normally do to exchange statements or documents?" There had been no introduction from the male and on asking who was speaking he replied "Maurice Kirk".

I explained to Mr Kirk that as a practice we normally exchange such items by post but this varies from solicitor to solicitor and from case to case.

Mr Kirk further explained that he had received a E-Mail from Mr OLIVER regarding the exchange of documents. I am not aware of the content of that e-mail but suggested to Mr Kirk that he reply to Mr OLIVER via e-mail to make arrangements for the exchange of documents.

It was obvious to me that Mr Kirk was not satisfied by my answer and made a comment that I should get myself briefed on the subject. I recall that whilst beginning to answer the comment I stopped mid sentence and Mr Kirk made a further comment noting that he could tell that I was running out of words, and suggested that I go and speak to Adrian and telephone him back. He then gave me his telephone number which began with the code

Llofnod:

Tystwyd y llofnod gan:

DC24621

CYFYNGEDIG AR ÔL EI LLENWI

VICTIM PERSONAL STATEMENT

WITNESS STATEMENT

(C) Act 1967 s.9; MC Act 1980, s.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1)

URN

Victim Personal Statement of: Page No: of:

Age if under 18: (if over 18 insert over 18) Occupation:

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature: Date:

Tick if witness evidence is visually recorded (supply witness details on front page)

I have been given the victim personal statement (VPS) leaflet and the VPS scheme has been explained to me. What follows is what I wish to say in connection with this matter. I understand that what I say may be used in various ways and that it may be disclosed to the defence.

014446. I did write the full telephone number down but I do not recall if I have retrieved them. Mr KIRK then ended the call - This telephone call lasted no more than two minutes. Initially Mr Kirk was inquisitive in his manner but as the conversation progressed he became more agitated.

At the conclusion of the conversation with Mr KIRK I spoke to Mr OLIVER who stated that he would communicate with him via E-mail. I did not return Mr Kirk's telephone call.

At 3.40pm that same day I received a second telephone call from Mr KIRK. Again there was no preamble and the conversation began with the following 'Mr KIRK here I suggest that I take a brick tie it to my door and throw it through your window, may be that's how I should give you my documents.'

I replied to Mr Kirk by telling him that I strongly advised he not to do that and to get in touch with Adrian.

Mr Kirk did not reply to them and I put the phone down.

This conversation lasted approximately 20/30 seconds.

At the time of the conversation I recall being concerned that Mr Kirk

Signature:

Signature witnessed by:

CYFYNGEDIG AR ÔL EI LLENWI

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DATGANIAD PERSONOL DIODDEFWR

DATGANIAD TYST

(Deddf C.T. 1967, a'r Deddf L.L.Y. 1980 a SA(3)(4) a 5B; Rheolau Gwasilwrfa'n Drosaddol 2005, Rheol 37.1)

URN

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Datganiad: Tudalen rhif: o:

Oed os o dan 18: (os dros 18 nodwch dros 18) Galwedigaeth:

Mae'r datganiad hwn (sy'n cynnwys tudalen, pob un wedi ei llofnodi gan yf) yn wir hyd aithaf fy ngwybodaeth a'm cred. Fe'i gwnaf gan wybod pe cyflwynir ei fal ydolaeth, y gallid fy arlyn os wyf wedi dweud un fwyw bech yn ddo y gw'n ei fod yn ffug neu na chredaf ei fod yn wir.

Llofnod: Dyddiad:

Tichwch os calli y tyst ei recordio'n weledol (rhwng fanylion y tyst ar y dudalen flaen)

Yr wyf wedi derbyn y dalen datganiad personol dioddefwr (VPS) ac mae'r cynllun VPS wedi ei egluro i mi. Yr hyn sy'n dilyn yw bech yr wyf am ei dweud mewn cysylltiad â'r mater hwn. Yr wyf yn deall y geir defnyddio'r hyn a ddwyddaf mewn amrywioi ffyrdd ac y gall gael ei ddargelu i'r unddefnydd.

was capable of carrying his threat but now on reflection it may be that it was said with a hint of nervous nervousness.

After the call there were a further two calls which I declined to answer. I know that they were from Mr HIRN because his telephone number appeared on the caller identification display on my telephone.


At approximately 4pm I left my desk to attend a meeting elsewhere and on my return at 5pm I noticed that the voice mail light on my phone had been activated indicating that a message had been left on the phone. I initially assumed it and found that it was from Mr HIRN. The message said that Mr HIRN was prepared to exchange documents at the Civil Justice Centre Cardiff at 10a on Monday, and if we wanted to do it any earlier, to let him know.

I have saved the recording on the telephone.

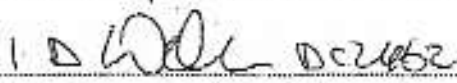
I have not replied to Mr HIRN and have not had any further communication from him.

As previously stated I have never met Mr HIRN but would describe his accent as being educated. with no hint of Welsh in it

Llofnod:



Tystwyd y llofnod gan:



CYFYNGEDIG AR ÔL EI LLENWI

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WITNESS STATEMENT

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(C) Act 1967 & P.M.C. Act 1960, s.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 77.1)

Statement of: _____ Page No: _____ of _____

Age If under 18: _____ (If over 18 insert over 18) Occupation: _____

This statement (consisting of _____ page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature: _____ Date: _____

Tick if witness evidence is visually recorded (supply witness details on front page)

possibly eight.

I am agreeable to any intended third party being given to the interview.

[Handwritten Signature]

10 will be done

Signature: _____

Signature witnessed by: _____

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