

— CARDIFF —  
**DAVID LEATHLEY** EST. 1980  
COAL LEX

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Ms Jenny Thomas  
Casework Administrator  
Criminal Cases Review Commission  
5, St. Phillip's Place  
Birmingham  
B3 2PW

Thursday 30<sup>th</sup> July 2015

Dear Ms Thomas,

**Re Applications of Mr. Maurice Kirk 01306/2014, 00031/2013 & 01306/2014**

I refer again to the two letters from D J Smith (Commissioner) dated 3<sup>rd</sup> June 2015 with regard to **00280/2015** and **00211/2015** respectively.

I refer again to my letter to you dated the 7<sup>th</sup> May 2015 with regard to **01306/2014, 00031/2013 & 01306/2014**. You replied via Mrs. S Berlin, Director of Casework operations, under cover of a letter dated 21<sup>st</sup> May, 2015.

The cases are all inter-connected. I note that, with regard to **00280/2015** and **00211/2015** Mr. Kirk has been given until the 31<sup>st</sup> July of this year or those files will be closed unless he makes further representation (Your letter of the 3<sup>rd</sup> June).

Please consider this letter as constituting further representations.

As stated in my letter to The Commission dated 7<sup>th</sup> May 2015 Maurice Kirk is not a well man. He has foolishly represented himself in complex proceedings. I have volunteered to try and assist him. You have made it a pre-condition to entering into correspondence with Mr. Kirk that both you and him correspond via a lawyer: me. I do not think he has been able to represent himself properly and has possibly alienated himself from your sympathy. Please regard this as a fresh start for him, therefore.

I have telephoned you on a number of occasions but you had been absent from your desk or out the office. The last such occasion was the 23<sup>rd</sup> June when I was told you would be out the office until the 29<sup>th</sup> June, 2015. On Tuesday 30<sup>th</sup> June 2015 we at last spoke (for about an hour) and within the spirit of Mr. R. Jackson's letter of the 26<sup>th</sup> June 2015 Mr. Kirk was given until 31<sup>st</sup> July to provide medical/psychiatric/scientific evidence he was neither brain damaged or mentally ill.

I enclose:

- (i) Letter from Dr. Rose Marnell dated 3<sup>rd</sup> March, 2014.
- (ii) Letter to Messrs. Dolmans (Solicitors for the police in related civil action by Maurice Kirk against South Wales Police). Please note the date (17<sup>th</sup> January 2012) and the reference to a Tottenham Police request to have Mr. Kirk sectioned-even at that stage other independent MRI scans and opinions were in existence which pre-date Dr. Rose Marnell. All the enclosed prove the lie to the report of Dr. Tegwyn Williams paragraphs 32, 33 and 34 in which there are references to physical brain damage or neuro-cognitive damage.

In return for the above you undertook per telephone on the 30<sup>th</sup> June, 2015, to look again at your court papers pertaining to the harassment conviction and the preparation of the restraining order and provide me with full disclosure as per the terms of the enclosed letter by Mr. Kirk to the commission dated 3<sup>rd</sup> October, 2014 (Enclosed). If Mr. Kirk can satisfy the acid test that the order was not served then all subsequent convictions for breaching the said order must fail but he feels you have that information and are unfairly depriving him of it.

Similarly, if the order were procured by perjury or by a process that was *ultra vires*, Mr. Kirk cannot be further impugned for all reasonable steps to cure the malady.

With respect, I believe Mr. Kirk has been deprived of the whole of June if the only Caseworker at The Commission who purports to be dealing with his many cases is absent from her desk and not in a position to deal with polite enquiries via a lawyer on his behalf. I therefore respectfully requested that the deadline contemplated by The Commission's letter of the 3<sup>rd</sup> June be extended to 31<sup>st</sup> July as I believe Mr. Kirk has lost the best part of a calendar month through no fault of his own.

As I have said, most of these matters are related.

From your letter dated 21<sup>st</sup> May:

- 1) **00406/2001:** You tell me this is a Road Traffic matter. I cannot identify these matters. In any event the file was closed in 2002.
- 2) **00430/2002 :** You tell me this was a common assault and this too was closed in 2002
- 3) **00030/2013:** You tell me this is a Breach of Restraining Order. It was submitted to you in error by Mr. Kirk who had an appeal pending and so therefore you closed the file in January, 2013. I believe Mr. Kirk lost that appeal and would wish The Commission to re-open its case papers.



- 4) **00031/2013:** You tell me this was a Conviction for Harassment. The file was closed in January, 2015 after The Commission decided not to refer the matter for appeal.
- 5) **01306/2014:** Breach of Restraining Order. As I had volunteered to assist Mr. Kirk he was given until the 17<sup>th</sup> June to make representations. As already stated, I believe I have failed to contact you because you are permanently away from your desk. I believe that any of the Kirk case numbers has triggered a 'red flag warning' at your end and these 'absences' are contrived so as to protect your staff from possible abuse from Mr. Kirk. Can I say I sympathise but may we open this file also because Mr. Kirk will now have the opportunity to speak through me and I do not intend to abuse you?
- 6) **00211/2015:** Breach of Restraining Order: This application has been accepted and is currently under review. By your letter of the 3<sup>rd</sup> June Mr. Kirk was granted until the 1<sup>st</sup> July to make further representations but I am asking for an extension until 31<sup>st</sup> July because my repeated telephone calls may have caused you and your workers to avoid taking the calls to protect yourselves from direct abuse from Mr. Kirk.
- 7) **00226/2015:** This may be a duplicate of **00031/2013**
- 8) **00226/2015:** A reference number that can be utilised for any fresh application to review.
- 9) **00280/2015:** A reference to the common assault of prosecuting counsel David Evans.

I am going to try to simplify all of the above.

Mr. Kirk has evidence that Dr. Williams (the key witness in making the first harassment allegation of which he was convicted) has lied.

He has the psychiatric report referred to by Dr. Rose Marnell which counters Dr. Williams's prognosis that Mr. Kirk had physiological brain damage.

That wicked lie, says Mr. Kirk, could have led to Maurice Kirk being detained at a high security mental establishment as MAPPA 3 'MOST DANGEROUS'.

I accept that a psychiatrist who has lied is still entitled to be protected from unwarranted threats (the first harassment convictions), however.

Maurice Kirk offers two defences: 1) 'He relies' (although he may not realise he relies) on Eady J. in *Huntingdon Life Sciences Ltd. v Curtin* The Times December 11 1997 QBD that The Protection from Harassment Act 1997 was not intended to clamp down on the discussion of matters of public interest. His web-site, bizarre though it might be and, at times, ill-advised, merely advertised the injustice that Mr. Kirk might have been wrongly detained for life on the strength of a bogus psychiatric report.

Mr. Kirk therefore relies on the statutory defence in section 1 (3) (a) & 1 (3) (c) that the course of conduct was pursued for the purpose of preventing and detecting crime (misfeasance in a public office as perpetrated against him, Kirk, and to prevent future misfeasances by a 'rogue' psychiatrist) and that given the extreme circumstances in which he found himself his conduct was reasonable.

2) He was never served with The Restraining Order as the clerk, Mr. Michael Williams, could not hand a copy to him as Mr. Kirk was 'whisked off' to the cells upon conviction. Something was pushed into his pocket but it was not the Restraining Order as it finally emerged. During the Appeal Against Conviction for Breach of The Restraining Order (identified in your letter dated 3<sup>rd</sup> June as **0021/2015**, Mr. Kirk tells me the Prosecuting Counsel went to the magistrates court and obtained the clerk's notes of the original hearing which expose the lie about 'service' of the Restraining Order. *Hence the relevance of the clerk's notes.* With respect, if something on the court file shows a Restraining Order was 'back-dated' and not that which was stuffed in Mr. Kirk's pocket that would be relevant evidence and the citation by you of **R v Hickey** would seem to violate Mr. Kirk's Article 10 right (Freedom of Information and the right to know what a public body holds about the individual applicant).

Further to my telephone conversations with you of 30<sup>th</sup> June I respectfully ask again for full disclosure of all magistrate court records, clerk's notes or otherwise pertaining to the proceedings wherein Mr. Kirk was convicted of harassment of Dr. Tegwyn Williams as I believe they are relevant to 2) above. Failure to disclose the same may lead Mr. Kirk to seek options such as Judicial Review.

On Mr. Kirk's behalf I want to avoid any suggestions of conflict with CCRC.

Yours sincerely,

*David Jonathan Leathley*

David J Leathley



## David Leathley

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**From:** David Leathley [coalxlex@gmail.com]  
**Sent:** 26 June 2015 11:28  
**To:** 'Maurice Kirk'  
**Subject:** FW: Re Mr Maurice Kirk

FYI

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**From:** info [mailto:info@ccrc.x.gsi.gov.uk]  
**Sent:** 26 June 2015 11:16  
**To:** 'coalxlex@gmail.com'  
**Subject:** Re Mr Maurice Kirk

Dear Mr Leathley,


Thank you for your email of today's date submitting further submissions in respect of Mr Kirk's cases.

The Case Review Manager responsible for Mr Kirk's cases has been on annual leave since 8th June and is due to return to the office on 29th June. There has certainly been no deliberate intention to avoid your calls but I apologise for any inconvenience it may have caused you in not being able to contact the Case Review Manager for during this period of time.

The Case Review Manager will provide a more substantive response to your letter on her return to the office but in the meantime, I am happy to agree an extension until 31st July 2015 for further submissions to be made in respect of Mr Kirk's cases.

Yours sincerely

**Ms R Jackson**  
**Group Leader**  
**Criminal Cases Review Commission**

 please don't print this e-mail unless you really need to.

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University Health Board

Mr Maurice Kirk  
A7306AT  
Healthcare Centre  
HMP Cardiff  
Cardiff  
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Our reference RM/ATN

Date 3 March 2014

Dear Mr Kirk

I write in response to your letter dated 3 March 2014.

I can confirm that you had a CT Scan of your head on 28/11/2013 and enclose a copy of the results with letter.

Please note the following answers to your queries in your letter.

- i. There is no evidence that you suffer from PDD (Paranoid Delusional Disorder)
- ii. There is no evidence to indicate that you suffer from significant brain damage.
- iii. There is no evidence that you have cancer.

I hope this information addresses the queries raised in your letter.

Yours sincerely

DR ROSE MARNELL  
CLINICAL DIRECTOR  
HMP CARDIFF



17<sup>th</sup> January 2012

Dolmans  
DX 33005  
Cardiff 1

Dear Sirs,

**Re: Maurice Kirk v South Wales Police**

You are aware that Mr Kirk was held in custody at Tottenham Police Station on the 18<sup>th</sup> September 2011 and that various medical reports, particularly the medical reports prepared by Dr Tegwyn Williams in R v Maurice Kirk (the machine gun case) were sent to Tottenham by the South Wales Police.

On the basis of the information provided to them Tottenham Police took steps to try and have Mr Kirk sectioned under the Mental Health Act. That information, of course, included the suggestion in Dr Williams' report that Mr Kirk was suffering from brain damage that had a significant effect on his capacity to monitor and control his behaviour. This report was based in part on information provided by Professor Rodger Wood in a letter dated 18<sup>th</sup> September 2009. In that letter Professor Wood states his own view based on an MRI scan, although he openly admits that "obviously I will defer to the opinion of a neuro-radiologist in respect of this interpretation of the MRI scan...". In the event, subsequent reports from those more expert in interpretations of MRI scans and Professor Wood concluded that Mr Kirks scans did not show any degree of brain damage.

You will appreciate that it is extremely damaging to Mr Kirk for medical reports suggesting he has brain damage to remain in open circulation when the information contained therein is not supported by more expert interpretations of the relevant brain scans.

Can you please, then, provide us with copies of the correspondence that passed between the South Wales Police and the Tottenham Police in respect of Mr Kirk and, in particular, provide us with information concerning precisely what documents were sent to Tottenham. Can you also please prevail upon the South Wales Police that it is entirely inappropriate for outdated medical reports prepared for an entirely different case to be freely circulated in circumstances where doing so might be extremely damaging to Mr Kirk's interests. We would be grateful if you could please obtain your client's assurances that this will not occur again.

We look forward to hearing from you.

Yours Faithfully



Criminal Cases  
Review Commission  
St Philips  
Birmingham

Your Ref: **00031/2013**

RCJ Criminal Appeals Office & Admin Court **201402428**  
Bristol Crown Court **A20140082**  
Cardiff County Court **BS614159**  
**CF101741, CF204141 etc**  
Speeding case 6021300667486

**3<sup>rd</sup> Oct 2014**

Dear Case Worker,

**1<sup>st</sup> 'Breach of Restraining Order Conviction May 2012 (T20120092)**

This case was originally deferred to Sept 2014 for a designated case worker before deferred to 2015. By your letters of 7<sup>th</sup> & 8<sup>th</sup> Nov 2013 you confirmed another had my permission to represent me in this matter. This is because of my unlawful protracted incarceration only in South Wales Police controlled prisons and all in breach of PSO/PSI Ministry of Justice legislation.

**2<sup>nd</sup> 'Breach of Restraining Order' November 2012 Withdrawn**

This case included the allegation I had visited Dr Tegwyn Williams and Hillier's home with a threat 'to fire bomb it' but 'moved on' by police (see Drs July12 police complaint statements).

The case was dropped as Bristol CPS barrister identified the incident was entirely fictitious in that I have never known were they live nor any desire to know and police had no record of incident.

**3<sup>rd</sup> 'Breach of Restraining Order' Conviction March 2014 (2014 T20131144)**

RCJ 'Grounds' in this 3<sup>rd</sup> incident are almost identical to that submitted for your 1<sup>st</sup> 'breach' trial.

**Urgent Issue**

This summer the same CPS barrister informed the court both he and CCRC had obtained court and custody records for my original 'harassment' conviction (**number 1100548564**) I have been refused in all three jury trials. The '*jury note*', only acquired via RCJ, recorded it was denied by Judge John Curran.

In Bristol's 29<sup>th</sup> Sept 14 Crown Court (**A20140082**) I was again refused those 1<sup>st</sup> Dec11 court and custody records already referred to HHJ Andreae-Jones QC. This time it was only achieved by my being prevented from leaving the prison van below the court. His Honour Judge Longman was satisfied 'no wheel chair was available'. I enclose a different account as to those culpable.

Cardiff magistrates refuse me copy of 'harassment' conviction and custody records despite supporting letter to CPS by lawyer and visits to the public counter for it by my McKenzie friend. I had no knowledge of 'restraining order' until police telephoned after date of 1<sup>st</sup> alleged offence.

In 3<sup>rd</sup> 'restraining order' jury trial, after evidence was part given, the judge informed court that 'the jury needed to be satisfied' 1<sup>st</sup> Dec 2011 'service' of 'restraining order' occurred. This caused police to confiscate the 1<sup>st</sup> court's exhibits at its office (see McKenzie Friend witness statements).

Could I have, please, two copies from your court enquiries for the Criminal Appeals office?

**Maurice J Kirk BVSc. (Regulation of Investigatory Powers Act 2000 Abuse) HMP Swansea**

