## — GARDIFF— ME 1980 COAL LEX

Ms Jenny Thomas

Casework Administrator

Criminal Cases Review Commission

5, St. Phillip's Place

Birmingham

B3 2PW

Wednesday 27th January 2016

Dear Ms Thomas,

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

I refer again to 00280/2015 and 00211/2015 respectively, where you have refused to cite

Mr. Kirk has grounds for appeal.

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.

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 enclose the Scanned Copy of magistrates' Court file pertaining to 2011 conviction for harassment of Tegwyn Williams (which CCRC has failed to disclose).

In consequence the police of that conviction the police requested to have Mr. Kirk sectioned under The Menta! Health Act even though, at that stage, other independent MRI scans and doctors' 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. Mr. Kirk has evidence that Dr. Williams (the key witness in making the first harassment allegation of which he was convicted) has lied.

Mr. Kirk 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.

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 TheRestraining 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 a hand-written draft that was stuffed in Mr. Kirk's pocket then the CCRC ought to investigate.

You will see that Mr. Kirk (through me) has now at long last obtained the magistrates' court file. All notes of the evidence have clearly been redacted.

All notes about how the restraining order was provisionally drafted and then typed up later have been redacted.

Mr. Kirk is of the view that there has been a cover-up. It is astonishing that a case concerning the sensitive evidence of such a leading public figure such as Dr. Williams should have plainly been so 'pruned' of any of the core material.

Mr. Kirk hopes that you will enquire as to why all relevant material has been palpably stripped and awaits your reaction to reading the disclosed file.

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Yours sincerely,

David J Leathley