



RESTRICTED

M. WILLIAMSMG11
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WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Occurrence Number:	62110410217	URN				
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Statement of:	MICHAEL WILLIAMS					
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Age if under 18:	(if over 18 insert 'over 18')	Occupation:				
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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:	
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Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a legal adviser employed by her Majesty's Courts and Tribunals Service.

On 1st December 2011 I was carrying out my duties sitting as legal adviser in court number four at Cardiff Magistrate's court. The case being dealt with was an allegation of harassment contrary to section 2 of the Protection From Harassment Act 1997. The defendant was Mr. MAURICE JOHN KIRK, who was in custody, and the case was being heard before District Judge John Charles.

This was the third and final day of the trial and when the District Judge returned to court to announce his decision having heard all of the evidence, Mr. KIRK refused to return to court from the cells.

The District Judge then announced that he was convicting Mr. KIRK of the offence and gave his reasons for doing so.

The prosecutor then addressed the District Judge in relation of several matters including a request that he consider making a restraining order in relation to Mr. KIRK, pursuant to Section 5 of the Protection From Harassment Act 1997.

The District Judge then directed that Mr. KIRK be informed of that application, asked if he wished to make any representations about it and whether he was going to leave the cells to be

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Signature:		Signature witnessed by:	i
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present for sentencing.

As Mr. KIRK was not legally represented I telephoned those instructions to a Geoamey Officer in the cells and was shortly given information by response that he did not wish to come to the courtroom for sentence and that he did not intend to comply with any restraining order.

On his return to court, I informed the District Judge in open court as to the information I had received, and District Judge Charles then announced he would be sentencing Mr. KIRK in his absence. As part of that sentence, the District Judge made a restraining order in relation to Mr. KIRK which I produce, Police Reference MW/1 (Court Exhibit Number).

District Judge Charles directed me to personally ensure that Mr. KIRK be served personally with the restraining order before he left the building.

At approximately 14.10 hours that day, I entered the cell complex at the court and asked a Geoamey Supervisor, whose name I believe to be Leigh Barker, if I could personally hand the restraining order, together with another court form, to Mr. KIRK. Mr. Barker explained that Mr. KIRK was presently in the toilet and in order not to antagonise Mr. KIRK he would prefer to hand him the order and form with me observing him do so.

At the request of Mr. Barker I then waited in an empty cell until I heard Mr. Barker say to Mr. KIRK that the court had requested he be handed some forms. I then looked out from the cell into a long wide corridor where Mr. KIRK and Mr. Barker stood. I observed Mr. KIRK being handed the forms by Mr. Barker. The second form was one dealing with options for paying the costs that the District Judge had ordered against Mr. KIRK.

I then left the cell complex. I did not speak to Mr. KIRK during this time, nor do I believe he

WAS AWARE OF MY
PRESENCE

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Signature:		Signature witnessed by:	2
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