

IN THE CROWN COURT
AT CARDIFF

Indictment No: B20090055

The Law Courts
Cathays Park
Cardiff
CF10 3PG

25th June 2009

Before:

HIS HONOUR JUDGE T M HUGHES QC

R E G I N A

- v -

MAURICE JOHN KIRK

MR R ACE appeared for the Prosecution.

The defendant appeared in person

EXTRACT OF PROCEEDINGS

Tape transcription by **Mendip-Wordwave**
(Official Court Reporters to the Court)
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(11.15am)

MR KIRK: Your Honour, I would seek an adjournment, I would seek an adjournment out of custody.

JUDGE HUGHES: Yes.

MR KIRK: I was arrested originally relating to my attempt to exchange witness statements between The Chief Constable of South Wales Police and myself. The allegation in custody was that I had suggested that they were going to refuse to exchange, contrary to the court Order of His Honour Seys-Llewellyn QC a couple of months ago, that they were going to refuse to exchange witness statements for a civil action against police for harassment started 15 years ago and had to be achieved by four o'clock on that 19th June 2009. A suggestion was put over the phone, I was told by the police holding me in custody, that I suggested that perhaps the file should be delivered to the solicitors of Dolmans, who act for the chief of police, through their front window attached to a brick. This led to a complaint by Andrew (Inaudible), a solicitor, which caused the police to instigate an arrest on Sunday 21st. A police helicopter circled my air space, where I keep my aircraft, caused much trouble to my horses and police cars cluttered my way to St Donats village, witnessed by others, photographed by others. Others were told what this was all about. At 8.15 on Monday morning the police returned.

JUDGE HUGHES: That was the 22nd.

MR KIRK: Sunday. On Sunday they aborted – it is not for me, unless you wish to know why they aborted the arrest on Sunday. I will tell you if you need to know but I don't think it's relevant at this moment. On Monday morning I was relayed in the lanes after delivering my ten-year-old daughter by walking into the village to leave her for the day. I knew I was going to be arrested and I didn't want my family involved. I, therefore, prepared a short statement of explanation as to what this case is all about, your Honour.

A **JUDGE HUGHES:** Yes.

B **MR KIRK:** The barrister has already referred to it. He says it is nothing to do with this. He has been badly briefed or he is economical with the truth. On Friday 19th, after the, I think it was after, if not just before, the lawyer refused to accept, it must have been before, I visited the offices of Barbara Wilding, Chief Constable of South Wales Police. I went to their reception, said what I was there for, only to be surrounded by riot police in tin hats. On leaving the premises to return to my car that I arrived in I was stopped from leaving. The car was thoroughly searched. My Jack Russell terrier was allowed to escape at least three times and then I was delayed for a further 25 minutes approximately while they called in the road traffic police to thoroughly examine the vehicle. I was then allowed to leave.

D This is an allegation relating to a serious point of law. I am standing here, serving my sentence and I haven't been given a trial by jury. The civil action that has been going on for 15 years of police harassment was only commenced because I was guaranteed a trial by a jury in England. HM Partnership has now managed to prevent me from having a trial by jury. HM Partnership has now got me locked up serving a sentence for an allegation which I deny.

E **JUDGE HUGHES:** Yes.

F **MR KIRK:** By the time I got to Port Talbot police station I was told I was arrested for having ammunition without a firearms certificate. I have given information where to dig in the garden, on the west side of the house, this is (Inaudible) and I understand, since my time away from Port Talbot, that they haven't even dug it.

G **JUDGE HUGHES:** The purpose of giving the information was?

MR KIRK: Ammunition.

JUDGE HUGHES: You have got ammunition ...

A **MR KIRK:** Now, they have withdrawn that allegation of being in possession of – I notice you ask about ammunition. Extremely pertinent to the allegation, the charge, that is before indictment.

B **JUDGE HUGHES:** Can I just ask this question? You refer to being at Port Talbot police station and you gave the police information as to where to dig. Can you give me the date, roughly, of when that was, please?

C **MR KIRK:** I didn't say I gave the information. I gave the information to my wife, who has been interviewed, interrogated, been made to make a statement and they are withholding her statement from me. Thank you for reminding me.

JUDGE HUGHES: The information as to where to dig was in order to do what?

D **MR KIRK:** What I am saying is that they have not, they spent three days turning up my house and taking away papers relating to my civil action against the South Wales Police, which is what this is all about and they also know that I am in possession of a number of firearms, which they choose not to include in these charges because it will prejudice their ridiculous allegations relating to a machine gun. And, on the matter of the machine gun, which machine gun? You asked. You asked already. To which machine gun does this charge refer?

F It is a can of worms and it is a deliberate smokescreen to hinder me still further from the due process of law in the civil courts to sue for police harassment and I am seeking an adjournment to get access to law books. The law has been questioned. I was denied the right to appeal the magistrates' Order. These people were allowed to appeal. I've not been allowed to appeal. It stinks. But I'm quite used to it. I've been in this building many many times and I'm far from impressed. I asked that this case be dealt with outside South Wales. I have been refused. This is racist, this is a conspiracy and I have the evidence to prove it. If that machine gun, which they wish to produce in court, was mine at any time, if during my alleged ownership of it it was outside the laws of the 1968 Act, let's have some evidence now. They have refused

A me witness statements. They have refused to give me a list of the witnesses they already have.
Of course, they have other witnesses. I am going to be directing them to other witnesses later on
before we go to trial because it will speed up this nonsense but they are denying me these things
and the court process, which I am far more interested in than this stupid thing, is I am being
B denied human rights. I'm already serving a prison sentence on flimsy information, on the fact
they say that I owned this illegal machine gun a year ago. So what on earth are they doing about
the man who's had it in the last year if it is (Inaudible) and what about all the licensed civil
C aviation authority engineers who have cleared it to attach to my aircraft that I was asked to show
at the Farnborough air show, on the personal invitation of Capt. Crudshaw, a personal friend of
mine, who was the test pilot for (Inaudible) and that featured on the front pages of South Wales
D newspapers about four or five years ago – no, it wasn't, it was seven or eight years ago now –
when the propeller broke off off the river just coming out from Carmarthen and I had to force
land just missing the school, into a field at Ferryside. And what about the man who allegedly
sold it to me, when it had been used in a full feature film, Gunbust (sic), it had been used in
E adverts, it had been used in Hollywood – not Hollywood – in Spain, it had been filming with the
gun, it had been used in Elstree, the one north of Boreham Wood, Elstree Film Studios and the
police have already been told, and I told them where they could find out and they've had four
F days, three days, to find out but at one point I became concerned about its legality because my
wife read in the paper that the person who sold it to me is on the run from the police. I can't
remember his name. The police know damn well who he is.

So I gave it to The Royal Air Force at Lyneham because this was the famous aircraft
G (Inaudible – cough) of 24 Squadron, where the first Welshman got his Victoria Cross in an
aircraft. Died in 1983. And it was left with the RAF authorities for about two years and it was
sold from there to this chap, Mr Cooper. I didn't realise it was, I thought it was a film company
H that bought it but now I've been reminded it must have been Mr Cooper.

A I am asking for that adjournment to get access to the law before I address you on matters
of whether I should be entitled to have the right to prepare my case outside custody. The main
reasons why they always lock people up, when they have a frail case, because they know that if I
B get chance to get witnesses together their case is dead in the water. I ask for an adjournment for
a number of reasons. To obtain the law. To obtain full disclosure. To obtain a witness list
because they're suggesting, how dare they, that I would interfere with crown prosecution
witnesses. They have no evidence to support that whatsoever. Documents confiscated by the
C police I want returned in order to address you. They have taken away a number of documents
from me which were not sent on to the prison. I wish you to be left, during the adjournment, to
read the 64-page statement relating to this allegation which I prepared earlier because we all
D knew this was going to happen because the chief police, the Chief Constable of South Wales
was ordered by His Honour Judge Nicholas Chambers QC in November, following the police
denying there were 43 police incidents relating to Maurice Kirk, they now called occurrence
numbers and they are stored on the PNC on various police files.

E Following my application for abuse of process in November at County Court hearing, 2
Park Street, Cardiff, the learned judge ordered and I insisted that the witness statement be signed
by her, no less, to be signed by the 6th January, possibly the 9th, of 2009, that there had been full
disclosure. As you know, your Honour, court cases are won or lost based on who's the best guy
F to hide the evidence. If the other guy can get proper disclosure the truth comes out. That's the
basis of British history results of court cases in the last 500 years.

When it got to February 25th, your Honour, they still hadn't handed over the affidavit, so
G I visited Dolmans solicitors and gave them, what some would say, a piece of my mind about the
Order to hand over the document. This led to much police movement around the area of St
Donats Castle. That was on February 25th. By the end of that afternoon madam had signed the
H sworn affidavit. I want you to see that sworn affidavit because in it contains statements that they

A deny knowledge of court cases that occurred in Barry Magistrates, which relate to surveillance
officers that had been put on to me at my veterinary hospital in Barry between 1993 up until the
day they managed to have me struck off the veterinary register, oh happy day, 29th May 2002. I
B have never been convicted by them, sorry, charged by them. Since, I've suffered no harassment
of relevance since the 29th May 2002, no convictions, no harassment until we got to the point
where madam signed a false document. In that false document which, as you know, under Part
31 of The Civil Procedural Rules, is a contempt of court and it is a matter for the Attorney
C General. That is one of the other reasons why this matter should be adjourned.

JUDGE HUGHES: Thank you very much.

MR KIRK: Oh, no, I have not finished.

JUDGE HUGHES: Oh, I thought you had. I apologise.

D **MR KIRK:** One of the other listed of the 35 incidents of the six actions I have against the
South Wales Police, this only covers the first three actions which contain about 34-5 incidents,
one being where they locked me up in Cardiff Prison pretending they didn't know who I was and
E I spent the morning on Prince Charles's farm dehorning cattle and they knew it, because they
were following me in a police car. But the one that really matters, your Honour, is that they
deny knowledge of, the 6th June 1995, when a team of police officers in daylight, in front of my
F neighbours, broke into my surgery with sledgehammer and crowbar to deposit back the daughter
of Inspector Jenner, a police officer who lived in St Athan at the time, to go back and live in a
flat with a drug dealer above my surgery, when I asked them to leave.

G These are facts, your Honour. This is not little wheels in my, petit velo a ma tete. These
are real facts and they are documented and they are already in the civil court and they are a
contempt of court. This smokescreen that they have brought up, about some gun or other –
which gun – over a year ago, when you heard from this chap here, whose name I haven't
H recorded yet, said that on the 29th May, three weeks ago, they believed I owned an illegal gun.

A So why did they wait for three weeks? If they can wait three weeks, why can't they wait ten
days for me to be out of custody till the 6th July and then we can consider me going into custody
again because, on the 6th July, they will be bringing up new charges, which they are not prepared
B to produce now, and they're going to produce fresh witnesses but you aren't allowed to know
that, you aren't allowed to surmise, you're not allowed to even suspect that because that's not
relevant to this application, is it? Or is it? I would like an answer to that one, if I'm entitled to.

JUDGE HUGHES: You carry on making your submissions.

C **MR KIRK:** The other reason why I want an adjournment is for you to read the prepared
statement for this, which is in the possession of the Crown Prosecution Service, who haven't
bothered to read it before he comes here for his pennyworth. I wish to appeal the magistrates'
D decision and I need an adjournment to do that. Can I remind you, I'm not too clear, is this thing
over?

JUDGE HUGHES: This is a re-hearing.

MR KIRK: Does that mean de novo?

E **JUDGE HUGHES:** Correct.

MR KIRK: In that case I will inform you that Their Worships considered that I should be
allowed my freedom to prepare my case. I was not to have my passports back from the police,
F meaning I assume that I am not allowed to leave the country. That's what it said, I assume that
is what it means. What was the other restriction? There was one other restriction. Oh, to reside
at, no, they didn't even give me an address. Not to interfere with witnesses, I expect.

JUDGE HUGHES: It is not to contact any prosecution witnesses.

G **MR KIRK:** Yes. On that matter, that is different to how I recall but I'm not worried about it.
The CPS said they were concerned about my contacting civilian witnesses. That appears to me
in that I can't contact the police witnesses, the police officers. I find that a bit nonsensical
H because I would have thought a police officer could handle any communication from me,

A whether it be on purpose or by mistake, for him not to be able to say in court later that he had
B been harassed by a member of the public. I believe it's to do with civilian witnesses and I have
C repeatedly asked for the list of civilian witnesses and the police have relied, up until now, on the
D witness statements they served on me and there are only two witnesses – Mr Cooper and
E somebody who examined the gun in Lincolnshire. I wish an adjournment in order to look at the
law on how I can persuade a judge, after this adjournment, that I have no intention of
questioning what they have put in those statements. I would ask you to read those statements
and you will understand why I have little argument with it, I have no desire to speak to Mr
Cooper. He owes me no money, I owe him no money. He is very well known in the aviation
industry and it was the first time I met him and it was a pleasure. Unlike what I am going
through at the moment and what my wife and daughter have to be subjected to, for three days,
with a bunch of policemen deliberately causing harassment to protect ma'am, who has now
sworn a false affidavit which is contrary to criminal law and when am I going to find a judge
with the bottle to do something about it? In Wales or in England? In the Royal Courts of
Justice? I doubt it. Because this is the way you run the HM Partnership.

I ask you to look at those statements. I ask you to adjourn in order---

JUDGE HUGHES: Thank you very much. You want me to read the statements of the two
witnesses?

MR KIRK: I would like you to read them, yes.

JUDGE HUGHES: And you want me to read, you say, the 64-page statement?

MR KIRK: Yes.

JUDGE HUGHES: I will do that now.

MR KIRK: And the purpose of you reading the statements is that I wish to put into train, I have
no access to law courts, I have only just managed to get a pen, my papers I'm not allowed to
have and they're downstairs in a plastic bag. I mean, the whole system stinks and nobody

A intends to renew. They can play around with (Inaudible) but it's long, long overdue to sort out
this building and this type of building around the country. I want to know how I can persuade
you that I've got a sworn affidavit that I don't want those witnesses cross-examined by me when
we eventually go to trial. I accept their statements as they are.

B **JUDGE HUGHES:** Thank you. I will now adjourn to read that material and I shall return then
to give my decision. Thank you, Mr Kirk. Would you make sure those are handed in, please,
Mr Ace.

C -----
(11.44am)

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A We hereby certify that the above is an accurate and complete record of the proceedings, or part thereof.

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Signed: Mendip-Wordwave Partnership

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