

1. MR JUSTICE MALES: This is a renewed application for permission to appeal against conviction, permission having been refused on paper by the single judge. Mr Maurice John Kirk, the applicant, has also asked us to adjourn this hearing so that he can produce further evidence.
2. The applicant was convicted on 4th May 2012 at the Crown Court at Cardiff before His Honour Judge Curran and a jury of breach of a restraining order. He was sentenced to nine months' imprisonment. The restraining order had been imposed on 1st December 2011 by District Judge Charles in the Cardiff Magistrates' Court at the conclusion of earlier proceedings in which the applicant was found guilty under section 2 of the Protection from Harassment Act of harassing Dr Tegwyn Williams, a consultant psychiatrist who had examined him in the course of still earlier proceedings.
3. At the time when the applicant was convicted of harassment he was not in court, having refused to come out of his cell, but the District Judge made a restraining order to protect Dr Williams from further harassment by the applicant. The order prohibited him from, among other things, placing any information on the internet concerning Dr Williams or becoming party to any such information being placed on the internet. Almost immediately, the applicant did publish such material on his website and it was this which led to his conviction for breach of the restraining order.
4. It is important to understand that the only issues which were capable of arising at the trial for breach of the restraining order were whether the order had been made, whether it was served on the applicant and whether the applicant had acted in breach of it. The only real live issue at the trial was whether Mr Kirk knew of the terms of the restraining order. In his interview and at the trial he said that he knew nothing about it, but there was evidence from Michael Williams, a legal adviser employed by the Court Service, and by Lee Barker, the cell supervisor, that Mr Barker had served the restraining order on the applicant in his cell and had told him what it was. So there was clearly evidence on that point on which the jury could convict.
5. As to the other matters, although the applicant makes something of the fact that before the order was made a slightly different version existed in draft form, it was a matter of record that the order had been made in the terms which it was and there was no doubt that material relating to Dr Williams had been published in breach of the terms of the order on the applicant's website.
6. It is important to understand the limited nature of the issues at the trial for breach of the restraining order because most of the matters which Mr Kirk seeks to rely on in order to bring an appeal against his conviction relate to the rights and wrongs of the earlier proceedings, both the proceedings in which Dr Williams had initially examined him and the proceedings in which he was subsequently convicted of harassment. Those matters were however completely irrelevant on the question which the jury had to determine, which was whether there was a breach of the restraining order, which in practice meant the issue whether the restraining order had been served on the applicant.