**2nd from 33 odd incidents BS614159 etc**

**Maurice Kirk v Chief Constable of South Wales Constabulary**

**26th Oct 2015 Corrected Judgment interspaced with Claimant’s Appeal Pleadings**

703  **Action 2 paragraph 6 – 16 March 1998 Southey Street, Barry and PC Holmes**.

is a claim not for malicious prosecution, but for alleged wrongful arrest. The pleaded case is that Mr Kirk was stopped by PC Holmes whilst driving in Southey Street and required to provide a breath sample; that although Mr Kirk had not been drinking, he was arrested on the ground that the breath sample was positive and taken to Barry Police Station, yet a further breath test was negative; having been arrested at 13.00 hours he was released from custody at about midnight and arrest and detention were unlawful.

**The Appellant humbly submits that this incident is yet another deliberate failure to disclose police records following their covert surveillance to affect civil proceedings.**

**Only after oral evidence by three police officers failing to disclose evidence, required to justify their actions for both Road Traffic Act and PACE legislation, did the Appellant realise to the extent to which their conduct had been again controlled by senior police management.**

**Such is the proof on their documentation, alone, despite original records having been redacted or withheld, that the impaired memory of the Appellant, referred to by the learned judge’s comment (see para 710 of judgment) even after fifteen years, highlights that point.**

**PC Holmes was the officer in charge (I/C) in relation to an alleged ‘careless driving’ in order to obtain a breath test to get the Appellant’s motoring details.**

**There is no record in PC Holmes’ note book nor evidence in his section 9 statement purportedly written immediately following the Appellant’s release from one of Barry police station’s cells.**

**A HORT1 rectification ticket was therefore needed to be issued for the proverbial ‘broken back light’ rectification in order to stop a driver. It would appear the Respondent did not have the Appellant’s insurance company details, once more, owing to his forced changes, so often, due to police harassment. His new insurance company’s name was needed to harass its office (see D&K Insurance Brokers’ Mrs Kenyon evidence) to have his insurance cover withdrawn.**

**There is only a purported three-line extract (Vol 11 p 75) of PC Holmes’ note book with the remainder blanked out by Dolmans. What little there is, however, reveals that it was written by PC Holmes at 23.55 hrs before any breath test taken.**

**[The Appellant’s web site readers, these past sixteen years, are aware that it has Dolmans’ conduct refusing to settle once a jury trial had been guaranteed. Senior officer orders routinely overrode those of junior officers and as to what subsequent records were to be disclosed or altered. This conduct, following His Honour Judge Nicholas Chambers QC’s November 2008 Court Order, to disclose custody records, caused the Chief Constable’s personal involvement in the fabrication of the machine-gun/ MAPPA/Dr Tegwyn Williams’ still withheld psychiatric reports (see claim 1CF03351) currently stayed by his Honour Judge Seys Llewellyn QC].**

**This stayed conspiracy, along with the others, also stayed, are of similar, unusual and with extreme facts, including regularly altered or deliberately failed disclosure of their records as has already been proven in the Caswell clinic’s NHS (Wales)/Professor Rodger Wood/ Dr Tegwyn Williams conspiracy to pervert the course of justice by delaying this trial.**

**This conspiracy had been orchestrated, following the November 2008, by Barbara Wilding, the then Chief constable, when, in January 2009, apart from handing in her notice, plotted to have the Appellant shot (see leaked 8th June 09 Barry police station MAPPA minutes).**

**The Respondent’s Feb 2009 late but erroneous sworn affidavit, signed in her own name but drafted by Dolmans, originated, as with so many before, from this Southey Street, incident.**

**The Appellant had requested on how Sergeant Greaves could have been both the complainant of an RTA infraction, near Cardiff airport, with no corroborative evidence, (see his hand written altered 1st August 03 S9 statement and note book) and also be custody officer processing, in Barry police station, the prisoner’s tape recordings and a significant single driving document found on their victim’s person?**

**What actually happened in the Barry police station that night?**

**Did the police ever manage to establish the name of the claimant’s new insurance company once he had been warned from Taunton (see oral evidence from his insurance agent, Ms Dawn Kenyon, that is current company was not going to renew his current cover owing to the incessant harassment by the South Wales Police?**

**That is why the Appellant sent the first HORT 1 document, issued by PC Holmes, to the Barry police station’s Superintendent Colin Jones, on 23rd August 1999, for it to be yet another warning to get his officer’s ‘off his back’ or consequential civil particulars of claim would follow.**

**Action 1 was already before the Cardiff civil courts and this same civil judge (see para 658 of judgment) while sitting in Crown Court, when adjudicating 1997 Action 2 para 4 Link Road Barry incident, had rebuked officer that officer in charge, PC Roche, as did His Honour Judge Burr rebuked WPC Lott (see Action 1 claim 8.5 24th March 1993 stopped by PC Jane Lott).**

**Both police officers had also been caught, red handed, on documentation alone, having altered their personal note books or having them altered more likely, between the two separate Barry magistrates’ cases to their two successful appeals in Cardiff Crown Court and usual never getting paid compensation even for their victim’s bus fares as he was never legally represented.**

**PC Holmes, officer in charge of both the road side breath test and subsequent arrest, produced no section 9 statement either, detailing the incident, despite the Appellant having asked for custody records at the time and had also written demanding as to the retention of all records of the incident as the Appellant’ 1st Action (see 8.6 ‘garrotte’ type weapon/unable to identify appellant incident) was already in the County Court and already subjected to applications for police records, under CPR and being ignored.**

**PC Holmes’ 28th October 2008 witness statement (Vol 11 p 66) is the only ‘conveniently’ surviving document purported to be of his own making in this incident but was prepared by Dolmans, the Chief Constable’s private lawyers.**

**Apart from a vehicle rectification HORT1 he issued for the proverbial ‘broken back light’, should the alleged ‘driving without due care and attention’ not comply with both PACE and Road Traffic Act, to allow a breath test, then where is the top or retained officer’s lower copy? (see Ely’s 1st Action 8.6 ‘garrotte’ type instrument/ stolen BMW motor cycle/goaled as unidentifiable incident and 3rd Ely’s 2nd Action para 14 breath-test during veterinary consultations in Appellant’s surgery.**

**The Appellant’s 4th October 2008 application to Dolmans for this and forty odd other police incidents, listed as occurrence numbers requiring disclosure following each act of harassment and again, was all over another ‘missing’ personal note book but on that occasion owned by a Chief Superintendent Hawkins’ because its content had also been maliciously used, in a criminal court, when failing to fabricate yet another fire arms allegation.**

**No wonder the Appellant was denied police station despite records as he had personally written to their Divisional Commander, yet again, Superintendent Colin Jones, complaining of his officer’s continuing police harassment (See 23rd Aug 99 letter referred to by the learned judge).**

**PC Holmes had written nowhere of the Appellant’s failure to produce a breath test (FTPBT) as opposed to PC McGregor’s note ( p60 paragraph 8) , no doubt, to also secure promotion as is so noticeable with the likes of Inspectors, Rice and Kilberg, in their conduct in so many incidents.**

**An interesting point, only at the substantive trial when police officers were subjected to some sort of cross examination, fifteen years after the incident, did PC McGregor suddenly produce, previously undisclosed, a document namely, a list of 44 names he had jotted on the back of a pocket note book, no doubt, the day before he gave evidence.**

**If the content of PC McGregor’s note book, written after their victim had been released and/or with PC Holmes, is to be believed then on his account, if not both police officers’ accounts, they recorded a time line thus:**

**‘after stopping the Appellant by applying blue flashing lights and then allowing him time to first to go find the house and examine a dying dog before returning to his vehicle, to obtain the necessary materials only to return to house to euthinase his patient…..Was this before or after the breath test, for handcuffs to Barry police station, all record as within 15 minutes, then someone is a liar.**

**Was another Hort 1 ever issued, after release from the police station and separate to the rectification form, specific for identity of the Claimant’s insurance company?**

**The police refused to produce the HORT 1 top copy for trial, deliberately sent by the Appellant to their Divisional Commander for ‘safe keeping’, because, from bitter experience, the appellant has suffered under the nefarious conduct of those in a uniform when on an entirely different agenda to that which the general public would be given to believe it to be.**

**Interesting also is that custody sergeant, Sgt Greaves, was also at the alleged RTA infringement of ‘careless driving’ as if his personal control of both incident’s records had been an order.**

**The order may have been thus: ‘you will never get away with it, this time, too risky following yet another -VE definitive breath test in the station custody suite within a few minutes of a +Ve on the road side.**

**A summary of the arrests, following a road side breath test for whatever reason, appears to be, on police records, always -Ve on the police station’s definitive test.**

**Approximately, in date order, the trend indicates police arresting from ‘+VE road side breath test’ to ‘refusal at road side’ to their last dreamed up explanation, ‘alcohol mouth wash’ swigged on moment the Appellant is seeing a police car in his rear view mirror to PC Barber’s (see Vol**

**Since then, in 2002, with the South Wales Police having successfully had their victim struck off the veterinary register how does it justify having demanded since, on more than six occasions, the production of this Appellant’s driving documents only for him always to refuse?**

**South Wales Police need not have a lawful excuse to arrest and detain as it may fabricate a reason later when actually wishing to:**

1. **examine the vehicle for defects,**
2. **establish their victim’s latest insurance company to harass**
3. **be able to fabricate a ‘resisting arrest’ or ‘common assault’.**

**All of this has been compounded by examples in 4th 5th 6th&7th Actions**

**A string of similar fabricated breath test cases, to this one, dominated criminal proceedings:**

1. **Action 2 para 6 Southey Street (McGregor/PC Holmes) +VE - -VE**
2. **Action 2 para 8 Pontypridd Road (Sgt Lott) (+Ve -Ve)**
3. **Action 2 para 9 PC Kilberg (‘refused’)**
4. **Action 2 para 10 PC Ely Link Road (-Ve) & why?**
5. **Action 2 para 11 PC Osborne (‘refused’)**
6. **Action 2 para 12 WPC Rewbridge (+Ve -Ve) (‘mouth wash’ excuse)**
7. **Action 3 para14 Ely (-Ve) veterinary surgery consulting room & why?**
8. **Action 3 para 4 PC Barber (-Ve) (mouth wash excuse) see Trial Bundle Action 3/Vol 1Vp142 on the bottom line.**

**‘Bottom Line’**

**Of the Claimant’s 52 files, many stored for over 20 years, that were tendered and copied by the Defendant, to be the Claimant’s official 52 court exhibits with others, one file, however, was returned as marked NR (not relevant) to the Claimant significantly without any number 1-52 marked on its spine.**

**Also, of its content of around 50 pages, little featured in the Defendant’s prepared Trial Bundle Action 1/ 4.1 but a few did namely, p142, recording but hidden in amongst the document section a page of PC Barber’s 1st, 2nd or may be 3rd Section 9 witness statement.**

**This statement was actually concocted ten weeks after the incident with his first one, ‘written while fresh in his memory’ having been shredded, most likely, along with some 50 odd other police witness S9s in order to try and hide their true purpose - to identify and then harass his latest insurance company to withdraw his compulsory 3rd party insurance cover.**

**This why, so often, a ‘moving traffic offence’ had to be made-up (see Claimant’s -ve breath test in his veterinary surgery, A1/8.3 & ‘arrest re garrotte type instrument/unable to be recognised’ (A1/8.3) and offences for his stationary practice vehicles in a host of others.**

**Of the Claimant’s 35 odd ‘police stops’ to identify his insurance company, in the time frame of these first three Actions, this PC Barber December 2002 incident, was the last the Claimant has ever having to face legal proceedings to this very day.**

**On at least a dozen occasions this Claimant has flatly refused to produce any documents with the majority not even initiating legal proceedings and still with no conviction to this day.**

**The significance of PC Barber’s Section 9 witness statement, a rare commodity in any South Wales police civil damages claims, is it allows both police and civil defence lawyers to ‘withhold’ initial police statements, as with taped interviews of their victim or names of independent witnesses.**

**The continuous senior management brief, over his patrol car radio and then on his own personal radio, during arrest, de-arrest and re-arrest, in a CAA medical examiner’s private car park. while the Claimant was simply trying to prepare to get some ways legal before flying on around the world, drifted into obscurity as to what he was ordered to do once in the police station’s custody suite.**

**‘Mouth Wash’**

**The police ‘Mouth Wash’ gimmick was used at the next opportunity following the Defendant being castigated by the Appeal Judge, HHJ Jacobs QC, in no uncertain terms after losing their 8th September 2000, collapsed without evidence, red light’ case (A2 para 8) which had the mysterious +ve road side breath test but within a few minutes a 5microgrm reading, at the police station, as in the then 2000 appeal, above, when it twice registered zero.**

**Yes, the Appellant was stopped from being able to expedite his own duty, that of the suffering dog. The police had arrived long after he had arrived at the client’s house to examine an old patient and it was only when he was returning to his vehicle to enable him to find suitable materials to ‘put the dog down’, did the police arrive, with no blue lights flashing, allowed him to euthanize his patient before conducting a breath test.**

**The Appellant submits that the rectification form was only issued AFTER his release, as per regulations and outside the police station making the timings of this incident to have ended much closer to 0100hrs (see para 723).**

**The Appellant could only have been traced, in the first place, to a Barry back street by covert surveillance of his girlfriend, later wife’s telephone call to him when giving him the client’s address.**

**Withheld police records would have further confirmed no refusing of a breath test as, is the production of driving documents, it is an absolute offence but was fabricated by PC McGregor as a positive breath test but never since supported by PC Holmes.**

1. The Defence asserts that PC McGregor on that date observed the Claimant driving in an erratic manner, put out a call for Mr Kirk to be stopped and that shortly before midnight, and PC Holmes on duty in Southey Street Barry observed Mr Kirk’s vehicle and stopped him. “In view of his driving, the officer asked the Claimant to take a roadside breath test”. The pleaded case for the Defence is that the test proved negative, PC Holmes told Mr Kirk he would be reported for driving without due care and attention and issued him with an HORT 1 form for failure to produce documents.
2. Mr Kirk’s pleaded case is that he was arrested at about 13.00 hours. His witness statement however states that he was stopped, accused of careless driving, late at night (A2/2.45B) and he did not appear to dissent in oral evidence from the suggestion that it was not long before 12 midnight; nor from the suggestion that outside the Cwm Ciddy public house, Court Road, Barry there had been a line of stationary vehicles built up on the Rhoose side of the road incident, a queue which he overtook. Mr Kirk agrees that there were two police officers present when he was stopped in Southey Street, one of whom he expressly identified as PC Holmes, the son of one of his clients.

**Stopped from being able to expedite his own duty, that of the suffering dog. The police arrived while he was returning to his vehicle long after he had arrived at the scene. Withheld police records would have further confirmed no daft conduct ‘to refuse’, an absolute offence occurred as this tactic was now being introduced following a string of negative breath tests or positive ones at the road side to be swiftly found to be zero on different police station’s alcoholmeter machines.**

1. PC 3546 Gareth Holmes and DS 3432 Barrie McGregor (at the time a uniformed patrol officer) gave witness and oral evidence that they were the two officers who stopped Mr Kirk. Each stated that Mr Kirk was stopped because a police officer had circulated a message by police radio, to the effect that he had seen Mr Kirk driving erratically. Mr McGregor identified acting Police Sergeant Greaves as the officer who had done so (A2/2.59 and 47).

**Incorrect if it was said in evidence**

1. I received witness statement and oral evidence from Mr Kirk, Mr Greaves, Mr Holmes, and Mr McGregor.
2. One can reliably conclude from contemporaneous documents that it was not long before midnight when Mr Kirk passed the Cwm Ciddy Public House on his way to Southey Street. The HORT 1 form issued by PC Holmes (which was in respect of a near side front indicator light) is timed at 23.50 on 16.03.98 (A2/2.76). The pocket entry of then acting Sergeant Greaves reads “23.45 RTA Cwm Ciddy. Obs from M Kirk” (A2/2.56). The police notebook of PC Holmes reads “23.50 report Morris Kirk for due care and attention – issued HORT 1 and report for no tax” (A2/2.68). (For convenience I note also here that the notebook of PC McGregor reads “23.55 stop Maurice Kirk driving white Escort Van D816 BRF Southey Street o/s No.17. 00.10 failed to provide specimen of breath. Arrest convey to BPS. Reports” (A2/2.70).

**No mention or production of police records of ‘no tax’, of course was due to senior officer intervention as was the case in the Civil Aviation Authority’s investigation following the dangerous flying by the police helicopter (see 2nd Action para 7). The latter is currently subject to an FOI application following its reluctance to even admit over the telephone they had given the south Wales Police yet another ‘rap on the knuckles’ as in 2nd Action para 2 ‘smuggling in from Ireland’ in an early 60s two seat Piper Cub.**

**No breath test was refused in Southey street and a positive sample was recorded despite no known alcohol circulating in the Appellant’s blood stream. A recurrent tactic engineered to obtain an arrest with the hope of a subsequent assault charge as had been a reliable tactic conveyed by the May 1993 Guernsey police incident in the Cardiff’s ‘garrotte type’/stolen motor cycle incident. The Channel Island telephone call was admitted by the arresting officer, PC Thomas, unlawfully assisting the Appellant to be sent to prison for four days on the pretext he could not be identified. ‘identified!**

1. Otherwise, the documents placed before the court in relation to this incident are sparse. It is not easy to disentangle the facts of this incident, for more than one reason.
2. As to Mr Kirk, his questions in cross examination of Mr Holmes and Mr McGregor were, without intended disrespect to Mr Kirk, meandering; and he told me in his own oral evidence that “my memory is not good on this one [i.e. on this incident at Southey Street Barry]”. As to the police officers at the scene, Mr Holmes had no note of failure to produce a specimen of breath or arrest in his police notebook (and acknowledged that he did not have a full entry in his pocket book – witness statement paragraph 9 A2/2.60). It was from a police pocket book entry of PC McGregor that Mr Holmes in his witness statement noted Mr Kirk had failed to produce a specimen of breath and was arrested, “Mr Kirk was then conveyed to Barry Police Station. It is my recollection that Mr Kirk provided a negative breath test and would thereafter have been released” (A2/2.60).
3. Mr McGregor says that PC Holmes asked Mr Kirk to take a roadside breath test, Mr Kirk made a half hearted attempt at providing a breath test and failed to illuminate the lights on the intoximeter, so that he was arrested for failing to provide a breath test and taken to Barry Police Station. It is clear on the recollection of all three (Kirk, Holmes, McGregor) that Mr Kirk was arrested and taken to the police station. In oral evidence, the two police officers were at one in stating that that it was Mr McGregor who had arrested Mr Kirk. If this incident involved an HORT 1 form only, it would have sufficed to give it to Mr Kirk at the scene and leave him there. The notebook entry of Mr McGregor was fuller than that of Mr Holmes. In addition Mr McGregor produced at trial the back of his notebook, which he said was a list of arrests carried out by him during the currency of that notebook. That included “*Kirk FTPBT* [failed to provide breath test]” and the figure “44” as a page reference to the notebook, sequentially placed in the list of arrests. Mr Kirk was dryly ironic in questions about the list (“do you get a bonus for this?”); as was Mr McGregor in reply (“not necessarily so”). Mr Kirk did not challenge the authenticity of this document; and his own case is that he was arrested.

**But arrested for a positive breath test**

1. It was common ground that the police delayed their questions to or procedure of Mr Kirk because Mr Kirk was attending an emergency call.
2. In questions of Mr Greaves, the police officer at Cwm Ciddy public house, Mr Kirk accepted that he had driven past a line of stationary cars. His question was, “was there anything careless about it?”. Mr Greaves replied that his recollection was extremely vague but he would say, Yes. Mr Greaves stated that he was familiar with Mr Kirk, and had some recollection that he was aware of the vehicle which Mr Kirk was driving, but that he had no particular acquaintance with Mr Kirk or his reputation “other than [that he had been] some sort of nuisance to or obstructive of officers. That’s my recollection of what other police officers were saying”.

**No evidence was given, when challenged, of the Appellant being obstructive other than the urgency for attending a dying dog in considerable pain.**

1. He agreed that if careless driving were to be pursued as a charge, there would be a plethora of documents, and statements, but said that whether this was pursued would very much depend on the method of disposal on the night. I can find no record of any charge of careless driving, and Mr Kirk does not suggest that any was preferred (respective witness statements A2/2.45B – C, 45D – E and 45F).

**An almost weekly occurrence, in those days, of being stopped in the hope some defect could be found on the Appellant’s vehicle or he had been drinking to excess.**

1. In his cross examination of Mr Holmes, Mr Kirk was somewhat paternal, having known Mr Holmes as a child and the son of one of his clients. He did not suggest that Mr Holmes was making up or adjusting his evidence. However Mr Holmes’ recollection of this event was on his own account limited: Mr Kirk and Mr McGregor did recollect the two police officers coming into the house where Mr Kirk was putting an animal to sleep, whereas Mr Holmes did not recollect it, adding “I’m saying I didn’t go into the house”.
2. I found it of some interest that, as emerged from the evidence of PC Holmes, the various shifts at Barry police station did not greatly overlap in personnel. For him, the PC’s at Barry were to his recollection PC McGregor, PC Darren Jones, PC Charmaine Kirson, PC Neil Addis and PC Mike Ruddle. Save for Mr McGregor, in relation to Southey Street, none of these names feature in other incidents when Mr Kirk was stopped, or later charged. Equally, they do not feature in Mr Kirk’s own evidence (formal or informal), or in cross examination.

**Another reason why Barry police station custody records have not been disclosed not just had a -Ve breath test and released was because PC Mike Ruddle featured in March 1996 Cardiff Crown hearing T960109 and lied about the number of burglaries the Appellant’ veterinary surgery had suffered in a comparatively short time. This officer featured.**

**The evidence of Appellant’s witness, Llantwit Major veterinary receptionist, nee Ms Jane Walker, was clear in this civil court hearing on how police would fail to attend her complaints when burgled, at least four times.**

**Despite loss and considerable damage done, to break in, PC Reynolds stated there were no burglaries and the particular dates four incidents, requiring Mr Fairman, the practice handy man, were recorded in police records as ‘criminal damage’- a police policy in certain parts of the UK that has been met by much media publicity when hiding the truth.**

**PC Ruddle deliberately lied to the 1996 jury when the Claimant was facing an indictment of improper control of clinical waste. A few cat vaccine empty bottles and a couple of empty 2 ml syringes’ found with twenty other refuse bags identified to be from a number of local residents believing it to be an official refuse tip. The Claimant never established just how a small amount of clinical waste had found its way there considering the systems in place for safe disposal.**

**The fact that only the Claimant was prosecuted was unremarkable but PC Mike Ruddle, on oath, upon denying any of the break-ins to the Llantwit Major veterinary surgery seriously contributed, with Sgt Nicholas Kilberg, in having the Appellant’s name removed from the veterinary register.**

**This Action 2 para 6 1998 is another classic example of failed police disclosure of their records, repeated throughout these past 23 years and now in this civil trial, of the Appellant forgetting, due to the extreme passage of time even, who, sometimes was the witness standing in the witness box.**

**The Appellant’s needing to leave well over two hundred files in his flat where he was very soon being perpetually harassed by a Mark Davenport, believed to be in police employ as a paid informant (see another Appellant’s stayed Particulars of Claim), in the Cardiff County Court, at the same time, following grievous bodily harm (GBH) on Bristol bailiff’s staff whilst having him evicted.**

1. Asked by Mr Kirk what Mr Kirk’s reputation was Mr Holmes replied that if the name came up, ‘it was in the context that he was very difficult to deal with’; “I don’t know, but I’m sure there were some people who would prefer not to deal with Mr Kirk, because there’d always be a complaint (fuller citation above); it was not his view but what other officers thought of Mr Kirk, a “general view”. Mr Holmes said that he had never heard of and no-one had told him to harass Mr Kirk.
2. Mr McGregor said he had had previous encounters with Mr Kirk, but in taking his own animals to him. “This is the single dealing I had [with him], it’s fair to say that Mr Kirk had some dealings at that time with the police in Barry”.
3. Mr Kirk believes that there must have been some bugging of him, whether of his phone or his car, for them to have been able to find him at Southey Street. His recollection, albeit expressly not good, (see above), was that he arrived at the house, and was coming down the steps of it, when the police arrived. Mr McGregor said that they followed Mr Kirk to that address although he could not remember when they started following Mr Kirk’s vehicle: they “would have” followed him, and put the blue lights on, “we followed you into the house – you said there was an animal that needed to be seen urgently”. He remembered that it was a white Ford Escort Van. The HORT 1 form is marked as given at 23.50, five minutes after the 23.45 entry in acting Sergeant Greaves’ notebook. Mr Holmes told me that the HORT 1 form would indicate to him that Mr Kirk was driving, (which is not a positive recollection of seeing Mr Kirk driving).
4. All three men were straightforward in demeanour when giving evidence in relation to this incident. Of the three, (Mr Holmes, Mr McGregor and Mr Kirk), the one who seemed to have much the greatest recall in relation to the police actions and procedure was Mr McGregor. If he is correct, then there had been a radio call to observe Mr Kirk for his driving (as spoken to by Mr Greaves, Mr McGregor, and reflected in two police notebooks), and the police car had followed Mr Kirk’s vehicle to 17 Southey Street. I was unable to discern any animus of hostility to Mr Kirk on the part of Greaves or Holmes or McGregor, and I have not succeeded in identifying material to support significant prior contact between any of them and Mr Kirk. Mr Kirk’s theme and belief is that on a number of occasions individual police officers may have simply been acting as foot soldiers on instructions of others, but, on the evidence which I have received, this is a self contained incident.
5. As a matter of detail in relation to this incident, leading counsel elicited from Mr Kirk that he used alcohol based chemicals in his work, that it would smell to people like ordinary alcohol, but the smell might linger long if spilled and that he would use it on a daily basis and carry it in his car.
6. I think it unlikely that this played any role in relation to Southey Street. Firstly, Mr Kirk comes alive when asked to recall a detail of treatment of an animal, and he told me that he did not use it that night. Secondly, there is no suggestion from Mr McGregor that it was on account of the smell of alcohol that he required a breathaliser test of Mr Kirk at the road side, as opposed to suggestion of a moving traffic offence. He related a half hearted attempt on the part of Mr Kirk at the breathaliser test, and failure to complete it. The contrary was not suggested by Mr Kirk in his questions to Mr Holmes or Mr McGregor by Mr Kirk, nor in his own oral evidence. However if there was reason to suspect a moving traffic offence (on direct observation by the police officer himself or on report from another police officer, here Mr Greaves) then it would be lawful to require a breath test. Thirdly, leading counsel explored what Mr Kirk would have been doing earlier, if it had been a Sunday, (and it is true that Mr Kirk said “most likely coming back from a surgical problem at the surgery ... which gives you the answer you’re after …was I using alcohol as a veterinary surgeon …Yes) but 16 September 1998 was a Monday.
7. I accept, on the strong balance of probability, that Mr Kirk passed a stationary queue of vehicles at Cwm Ciddy approaching midnight. It is established that there was an emergency with an animal that he dealt with on his return to his surgery, and he must have been returning expressly to deal with it. He has strong affinity with and pressing concern for animals who may need his care; he has less than pressing concern for what might interfere with his own view of what is urgent. It is not surprising that he passed a suite of stationary vehicles in order to return to the animal which required his care and it is not surprising that the acting sergeant who was dealing with the incident at Cwm Ciddy considered Mr Kirk’s driving erratic and radioed to report it. I accept, on the balance of probability, the evidence of Mr McGregor that (this being about midnight, not 1300 hours). I find that it has been established on the balance of probabilities that Mr Kirk made a half hearted attempt at providing a breath test and failed to illuminate the lights on the intoximeter, and that he was arrested for failing to provide a breath test in consequence of that. This sequence of events is wholly consistent with the test being found to be negative when administered at the police station. It is inconsistent with any notion that he was arrested on this occasion as part of a policy or conspiracy of harassment.
8. The closing submissions for Mr Kirk assert that ‘Holmes was only too well aware, in the 10 years, of the Defendant using data from covert surveillance earlier in order to first ‘stop’ the Claimant’. I cannot trace this being put to this police officer and the police officer gave no such evidence. In fact, he had said that ‘routine stops were our bread and butter’. I do not yet again repeat the detail of what a Defendant has to prove, in order to justify arrest as lawful, (i) an honest suspicion that an offence has been committed and (ii) reasonable grounds to support that suspicion, and the standard required to establish it. I consider that the Defendant has shown each to the required standard.

**Was this a ‘routine stop’ for their ‘bread and butter’?**

**Proper disclosure of both police note books, their statements at the time and custody records will disclose no ‘failure to supply a specimen of breath’ was occasioned and that a breath test was recorded as positive not fail to supply a specimen of breath. Was a definitive test taken?**

**The standard South Wales Police tactic, illustrated below and with this prime example of it in all three police officers’ note books having been redacted for trial or ‘missing’ together with crucial PC Holmes written, on the day, section 9 witness statement, as officer in charge, is enough for yet another incident that was quickly quashed at the police station to prevent the need of oral evidence from anyone.**

**Extracts from:**

**Sgt Greaves 1st August 2003 2nd Statement? (p51-Trial Bundle Action 1 vol.2)**

Paragraph 2.

*This statement is made from my own knowledge except where I have indicated that matters are based on information that I have obtained or matters which I believe to be true. Where I have obtained or matters which I believe to be true. Where appropriate I have indicated the source of my information and/or belief.*

***(NB the wording compared to the other two)***

**PC McGregor’s 26tt June 2009 3rd Statement? (p 46)**

Paragraph 2.

*This statement is made from my own knowledge except where I have indicated that matters are based on information that I have obtained or matters which I believe to be true. Where appropriate I have indicated the source of my information and/or belief.*

**This long before drafted statement by Dolmans was only signed by McGregor in January 2009 just as with the Chief Constable’s ordered affidavit, once HMC&TS(Wales) had prior arranged that this Appellant was booked to be refused bail, on 25th June 2009, when there never ever had been the remotest chance of a conviction for ‘trading in machine guns’, once having him unlawfully registered a MAPPA level 3 category 3 victim.**

**All that was left to ‘snuff out’ this civil claim was for their victim’s incarceration requiring the Respondent’s chief forensic psychiatrist, Dr Tegwyn Mel Williams, to fabricate a fax to His Honour Judge Llewellyn Jones QC to have him successfully sectioned under the 1983 Mental Health Act despite having never even examined his patient.**

**After six months of the Appellant’s refusing to divulge his defences Dr Tegwyn Williams was further blackmailed to have their victim further incarcerated but into Ashworth high security psychiatric hospital, indefinitely, to avoid the ‘machine -gun conspiracy also from being published.**

**This only required two doctor’s signatures, Crown Prosecution Service barrister, for Richard Thomlow to introduce a possible brain tumour (see sequence of website court transcripts) and for Dr Williams to confirm his brain scans, whilst unsuitably qualified.**

**Dr Williams told the Cardiff Crown court that their victim had irreversible but ‘significant brain damage’ arising from being a long term ‘drinking partner’ of Oliver Reed Esq, having ‘ditched his WW11 Piper Cub in the Caribbean’ and had flown to Australia ‘without a map’. (see Professor Rodger Wood’s first equally fabricated 18th September 2009 email to head of Caswell Clinic’s forensic psychology department.**

**PC Holmes 28th October 2008 2nd or 3rd Statement? (p66)**

Paragraph 2.

*This statement is made from my own knowledge except where I have indicated that matters are based on information that I have obtained or matters which I believe to be true. Where appropriate I have indicated the source of my information and/or belief*

**So, where are all these police officers’ contemporaneous records if no one will have them disclosed or have they also gone the same way as did HMCS(Wales), HM Crown Prosecution Service (Wales) and South Wales Police documents, in the 4th May 2012 Cardiff Crown Court?**

**The jury had asked His Honour Judge, John Curran QC, specifically for the court records of 1st Dec 2011 Cardiff magistrates as to whether a ‘restraining order’ was first drafted, to be passed between parties or, indeed, a final copy was ever served on the Defendant, in the custody cells as the court had just heard from the witness box and evidently clear to most in the public gallery that this could not have been true.**

**Superintendent Greaves, later in time, features regularly as do others of senior management with their names turning up on numerous letters, following Claimant’s complaints re officers on the beat, officers in charge of custody suites or recommending the issuing of summonses for in excess of one hundred allegations but when it only needed their eventual 11% success rate, sufficient to prevent his practicing veterinary science ever again.**