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IN THE CROWN COURT
AT CARDIFF

Indictment No: T20097445

The Law Courts
Cathays Park
Cardiff
CF10 3PG

1st October 2009

Before:

THE RECORDER OF CARDIFF

REGINA

- v -

MAURICE KIRK

MR R TWOMLOW appeared for the Prosecution.

The Defendant appeared in person

PLEA AND CASE MANAGEMENT HEARING

Tape transcription by **Mendip-Wordwave**
(Official Court Reporters to the Court)
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PLEA AND CASE MANAGEMENT HEARING

(2.10pm)

THE RECORDER: Is Mr Kirk here?

MR TWOMLOW: I do not know. I presume so.

THE CLERK: Are you Maurice Kirk?

THE RECORDER: There is no need to stand up, Mr Kirk.

THE ACCUSED: Am I allowed to answer?

THE RECORDER: In one sense no because I can recognise you. You are Maurice Kirk. But it is a simple question.

THE ACCUSED: Have we met before?

THE RECORDER: Yes, I have indicated that in a transcript. Can I start, though, by indicating this. I know you are Mr Kirk. I repeat what I have said on a number of occasions. I have indicated I am happy to grant a Representation Order in your favour, as I have indicated from day one, so that any solicitor of your choosing and counsel would be able to help you. Very much my opinion that that would be in your interests and I am worried that people do not seem to know that that has been indicated to you from the moment I first saw this case.

Were you to go down that road then, of course, it would be possible for me, out of public funds, as I would inevitably do and as I have already indicated, order funds to be made available for a psychiatric report, from a psychiatrist of your own choosing, to be obtained. Likewise, a firearms expert of your own choosing, who might well be of assistance in this case. You have refused throughout to deal with solicitors and so on and so forth but now I have got an opportunity to talk to you face to face and to say that yet again and I say it. But, beyond that, I cannot make you do it if you will not engage with people who would like to help you, I cannot

A do much but it has been indicated throughout and I think it is wise for me to mention it again.

You have heard it before, Mr Twomlow, of course. Thank you.

THE ACCUSED: So what would you like me to do now?

B **THE RECORDER:** Not a matter for me to like. You have free choice in relation to it but I am worried that some people think you are being deprived of representation and so on and nothing could be further from the truth.

THE ACCUSED: Do I understand it that you have tried this case before?

C **THE RECORDER:** No, I have not tried it. There has not been a trial. You have appeared in a trial before me before. I mentioned that in a transcript, in case there was any objection for me dealing with it. You may not remember it but it was a case in which, in fact, you would not make a submission of no case to answer but I directed that the jury had to acquit you. It is some years ago now. So you were found not guilty on my direction but it is fair to remind you that when I did that you did shout at me and I put you in the cells downstairs but I do not bear any ill-will, as long as I tell you that is what occurred. But I remember it.

E **THE ACCUSED:** Did I have good reason to shout?

F **THE RECORDER:** You did not. I was trying to look after your interests and was directing a not guilty verdict. It was a case where you were alleged to have driven dangerously on a bypass near Bridgend. I took the view no jury, properly directed, could convict you of dangerous driving, so I forced a not guilty verdict. I thought I dealt with you fairly but you regarded me as being part of some conspiracy and stopping the case going on.

G **THE ACCUSED:** The jury handed you a note complaining about high ranking police officer in the well of the court signalling to each police officer that I cross-examined---

THE RECORDER: No, they did not. But, be that as it may---

THE ACCUSED: I have those notes.

H **THE RECORDER:** Be that as it may.

A **THE ACCUSED:** I have those notes.

THE RECORDER: I am not discussing it with you.

THE ACCUSED: I took them from the well of this building.

B **THE RECORDER:** Do you want a Representation Order? If so, you see, I will adjourn this hearing so that solicitors can act for you.

THE ACCUSED: My first request is for someone, without causing an adjournment, is to have a couple of tablets for my headache to be brought to me. I don't want an adjournment for that.

C **THE RECORDER:** Where are they? The tablets.

THE ACCUSED: I have been detained unlawfully for the last 57 days. I have been denied any right to have tablets of my own.

D **THE RECORDER:** Well, that is because you are, at the moment, compulsorily detained under The Mental Health Act and you cannot take tablets without the approval of the responsible medical officer because there may be a combination of effects between some tablet you take and the medication you are on. So I cannot, I am afraid, permit that. But I do, in the strongest of terms, beseech you to try to take advantage of legal representation but I cannot make you.

E **THE ACCUSED:** Could I ask, please, which case this is?

F **THE RECORDER:** This case is the case relating to the Lewis gun. There are two charges against you and today is supposed to be the plea and case management hearing. However, I formed the view that there is a question mark over whether you are able to represent yourself and, since you will not co-operate with lawyers, I have to then get psychiatric evidence in order to determine that matter.

G **THE ACCUSED:** With all due respect, the case that I appear to be here for is in some of these files and it appears to be Regina against Kirk.

H **THE RECORDER:** We do not say "Regina" any more. That is regarded as somewhat old-fashioned but it is the Queen who is prosecuting, theory. That is right.

A **THE ACCUSED:** Well, I see a video screen there. Are you suggesting that someone in this room is representing Her Majesty?

THE RECORDER: Indeed. Mr Twomlow is representing Her Majesty.

B **THE ACCUSED:** Because I have a serious view, which is part of the medical evidence against me, that there is an ever-increasing number of people in this country getting very upset by the conduct of those flaunting the name of Her Majesty under the name of HM. For example, we have HM Courts Service here today, who asked me my name. Since I've been locked up HM
C Courts Service, both in Cardiff and in the London courts, have declined to reply to my letters. HM Crown Prosecution Service, representing Her Majesty, has ignored, not replied to, my requests for disclosure. That is just an example relating to this case and the other one that I refer
D to because I understand now that you must have been the judge on the 16th July, when you were told by someone that I had refused to come to court. Is that correct?

THE RECORDER: I could not tell you the date without looking it up but I have certainly been told two things which have caused me concern, because I cannot tell whether they are true or
E not. If you are not here I cannot ask you and if you do not have lawyers I cannot ask them. But certainly I have been told on one occasion, when I made arrangements for you to make a bail application, that you refused to go to the video room and, on another occasion, that you had
F refused to come to court. The position being advertised to me, Mr Kirk, being that you would not make a bail application over the video link and you would not make a bail application coming to court. I made arrangements for a lawyer who was prepared to, to speak to you and, indeed, I also gave leave for your wife to speak to you, with a view to trying to secure you
G representation. When even, despite those efforts, you would not get representation, although charged with a serious offence, I formed the view that I had no alternative but to have your mental health investigated because you appeared to be behaving in an irrational fashion and that
H is, to some extent, how we end up here.

A **THE ACCUSED:** I would humbly suggest that I appeared to behave like that. I was never informed that there was a court case when you presided on the 16th July. I have the name and number of the prison officer who confirmed because he was involved with the video.

B **THE RECORDER:** All right. Mr Kirk---

THE ACCUSED: No, this is very very important---

THE RECORDER: Mr Kirk---

THE ACCUSED: It is very important.

C **THE RECORDER:** Mr Kirk, I am afraid – Mr Kirk, no it is not because things have now moved on because I now have a psychiatric report upon you, which is raising serious questions about whether you are fit to represent yourself. I am not allowed, and rightly so, to deal with somebody who is not assisted by lawyers and who may not be mentally well, so I have to go down that road now, whatever the reason was for why we ended up there. So, will you sit down, please, for a moment, while I speak to the prosecution.

THE ACCUSED: Have you examined all the reports?

E **THE RECORDER:** Always very difficult to know what someone means by “all the reports.” I have seen reports, two reports from Dr Tegwyn Williams. I have seen a letter from someone who you knew at Taunton school, I have read that. And I have seen some other things, cannot drag them all into my mind at the moment. But the most up to date report is the report of Dr F Tegwyn Williams dated the 30th September.

THE ACCUSED: Well, I would ask that you see the reports of the specialist that examined me, or purported to have examined me during the 57 days I have been incarcerated in HM G Caswell Clinic. I, in particular, refer to the current document which now contradicts information in the previous two. Now, I have been deprived of my legal papers from the prison. That’s another HM. They refuse to hand over my legal papers for this case and I’ve only just acquired H them, well over seven weeks from when I left the prison to HM Caswell Clinic.

A **THE RECORDER:** I am sorry. Things are going on behind you. I am not sure what they are.
Thank you very much. Is the link working? I have no problem with people sitting in the press
box if they cannot hear. (Inaudible from well of the court)

B **THE RECORDER:** I am afraid it is too large a room. I am speaking quite loudly as it is. You
are welcome – yes, I am shouting now but I cannot keep this up. I sit all day every day. I could
not talk at this volume all the time. You are welcome to sit over here, if you wish.

THE ACCUSED: Last time I was refused---

C **THE RECORDER:** You will have to wait. They cannot hear you.

THE ACCUSED: Last time I was refused bail.

THE RECORDER: Sit down, please, Mr Kirk. It is a standing invitation, when I can do it, but
D I cannot always do it. It is contingent on good behaviour. Mr Twomlow.

MR TWOMLOW: Yes, my Lord.

THE RECORDER: The present position is that I do not feel I should have Mr Kirk arraigned.

MR TWOMLOW: No.

E **THE RECORDER:** Because of what appears in the “opinion” section of Dr Tegwyn
Williams’ report.

MR TWOMLOW: Yes. My Lord, I have not seen that report or the previous one for, I think,
F good reason.

THE RECORDER: Right. Well, the present position is, and I should read some of it out and
Mr Kirk will have to put up with it because I am afraid I am obliged to deal with this in this way.

In his report of the 30th September Dr Tegwyn Williams says as follows. I will read it slowly.

G “Due to the complexities of Maurice Kirk’s presentation, he was assessed by Prof Roger
Wood, consultant clinical neuropsychologist brain injury research group, Swansea
University, a recognised world expert in the assessment of traumatic brain injury.
Maurice Kirk has been referred for detailed brain scans.

The preliminary conclusions of these investigations highlighted Maurice Kirk’s self-
reported increasing difficulties with focusing his attention, less able to plan and organise
H daily activities, and some question of personality change, with the previous features of

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his personality becoming more marked. Preliminary assessment suggests that Maurice Kirk suffers with dysfunction of the ventral prefrontal cortex of the brain, which is characteristic of deceleration injuries. However, further neuropsychological testing is required to confirm the severity of such damage.

Maurice Kirk presents with symptoms entirely consistent with a mental illness. Namely, paranoid delusional disorder, fixed false beliefs unamenable to reason. This involves the belief that he is at the centre of a web of persecution concerning the police, criminal justice system, the medical system and freemasonry.”

I will just interrupt because I think I should, so that Mr Kirk and his family can hear it. I am not and have never been a freemason. None of my family, to my knowledge, have ever been freemasons.

MR TWOMLOW: My Lord---

THE RECORDER: In relation to the medical system, the police and the criminal justice system, no-one who sat in this court regularly could think that I am particularly soft on the medical system. For example, I dealt with the case of the boy who, because the supervision was perhaps not as it should, left the psychiatric unit near Bristol and walked across the Severn Bridge and raped at knifepoint a newspaper girl and I do not think anybody who read what I said in that case could think that I am hand in glove with psychiatrists. As for the criminal justice system, if you were here yesterday, you would have realised the harsh words that I had to say to the Crown Prosecution Service, as I have to do as part of my duty and, likewise, I criticise the police on occasions. The idea that, in some way, I am part of some conspiracy to do down Mr Maurice Kirk is absurd, if anybody knew anything about the work and what I do. I only spell that out because I am only trying to help Mr Kirk but, because, at least on the face of it, of a manifestation of this, I am failing miserably because, although I repeatedly say “You need representation, it is available free, you need a solicitor, you can pick your own, then we can make some progress,” he refuses to do so and seems only to wish to talk about a conspiracy in which I am a part and I cannot get anywhere with him and we are having problems because of that.

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The report continues:

“The persecution has an overriding importance for him and any attempt to move him away from such subjects rapidly returns to his perception of being persecuted by the police. Maurice Kirk has evidence of significant brain damage to an area of his brain specifically related to self-awareness, judgment, decision making, self regulation of behaviour and control of emotions. It should also be noted that one feature of this function is paranoid ideation and a very fixed dichotomous way of viewing the world. However, further investigation is required, which would involve further psychological testing to clarify and quantify this.

I understand that the current case before the court involves a precise and highly technical area of law and that is fair. My current preliminary position is that, whilst Maurice Kirk is fit to plead, his difficulties organising and sequencing information, his inability to filter out irrelevant information and his problems with attention and concentration as a result of probable brain injury, combined with his overwhelming perception of himself as being a victim of persecution by the system, means that he would be unable to conduct his own defence. However, before coming to a final opinion, I request that Maurice Kirk is further remanded to the Caswell Clinic under the terms of Section 35 of The Mental Health Act 1983 for another 28 days to allow completion of psychological assessment.”

From the point of view of any judge I am, therefore, placed in a position where there is a question mark placed over Mr Kirk’s ability to look after his own interests.

MR TWOMLOW: Yes.

THE RECORDER: And I have to determine that, on the basis of expert evidence. I cannot give Mr Kirk, unrepresented, legal assistance to instruct people. I keep offering him the possibility of having solicitors and he refuses. I, therefore, cannot get him a psychiatrist of his own choice but I will have to get a second opinion for my own purposes, because I cannot rely only on one person and I never would. So I will choose another psychiatrist to instruct because it looks as though we are going to end up with a fitness to plead hearing at some stage.

MR TWOMLOW: Yes.

THE RECORDER: And I have to move that on, no choice in the matter, because the law protects those who may be mentally ill from damaging their own interests and, at the moment, that is the evidence which I have and there is a letter which has been sent in relation to someone who, obviously, has some connection, who mentions being at school with Mr Kirk and has some

A qualifications, but he does not refer to having seen any of the papers or any examination, so I
cannot take it into account. But that is where I stand, so there is only one piece of evidence that
is of relevance that falls within the statutory duties that I have and that is what I have just read
B out. Therefore, at the moment I am minded to remand for a further 28 days in order to get that
report.

MR TWOMLOW: Yes.

THE RECORDER: It also seems to me almost inevitable I will need a second opinion because
C I have to have a second opinion.

MR TWOMLOW: Yes.

THE RECORDER: And steps will be taken---

THE ACCUSED: I had a second opinion.
D

THE RECORDER: Steps will be taken in order to obtain a second opinion. Mr Kirk, when
you say you had a second opinion, from whom do you mean?

THE ACCUSED: I wish to challenge the authenticity of all those documents. The first one
E served on the court, I understand now, was not even signed. The one that is before you now,
there is no evidence as to who signed it. You have personally refused me the right to serve
witness summonses on medical support to challenge the authenticity of that document.

THE RECORDER: The application for witness summonses---
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THE ACCUSED: I have been---

THE RECORDER: Be quiet. The application for witness summonses that was placed before
me did not, in fact, particularise who it was you wished to summons but today would not be a
G hearing at which it was possible to have oral evidence on such a point. That would have to await
the obtaining of a definitive opinion before I could entertain a hearing at which I would be going
into "He said this and you said that." Thank you very much. Please sit down.

THE ACCUSED: Could I ask who caused my arrest in the first place?
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A **THE RECORDER:** No. Please sit down.

THE ACCUSED: I have been denied access to my own medical records. I am not allowed to even see them in this place that I'm locked up in.

B **THE RECORDER:** Mr Kirk, it is very difficult for me because the evidence from the consultant forensic psychiatrist---

THE ACCUSED: It is not evidence. It has not been proven.

THE RECORDER: The evidence which I have---

C **THE ACCUSED:** Where is the writer?

THE RECORDER: Will you take him down, please? Thank you.

MAN IN PUBLIC GALLERY: You heard the evidence from a (Inaudible)

D **THE RECORDER:** I will ignore it. I know who the gentleman is.

THE ACCUSED: Am I entitled to a bail application?

THE RECORDER: Take him down, please.

THE ACCUSED: Am I entitled to a bail application?

E **THE RECORDER:** You can make a bail application later in the afternoon when you have calmed down. (To person in public gallery) Sir, you will not make a good point by comparing someone to someone who carried out experiments on Jewish children in a concentration camp, particularly to me, who has many friends in the Jewish community and who regards such a remark as being in very bad taste indeed. Be quiet. (Outburst from public gallery) If you start shouting again you will be asked to leave. (Outburst from public gallery) To compare – you will listen to me – to compare (Outburst from public gallery) Please take the gentleman out.

F
G Out, please. If you will not listen to me persuading you to behave, you are not suitable. Please take him out. (Outburst: You'll have to drag me out) Obviously, I could take action. I am satisfied, having read – which I will read out in a minute – having read out some of the material

H he has communicated to the court and Dr Tegwyn Williams, by the way, I am satisfied that this

A gentleman is not in the best of mental health himself and I am not going to lock him up, which I could do. Please leave, though. You are disrupting the proceedings. (Outburst again) Thank you very much. Good afternoon.

B Obviously, I could lock the gentleman up. I think he is 83. 84. I, clearly, would not take such a course but it is not a licence to insult someone who is only trying to do his job. (Outburst from another member of public gallery) Yes, I know he is. But you understand. I do not know whether we have any Jewish people in the room. It is deeply offensive and I do not have to listen to it. (Outburst again) You may be interested to know that when I was at the Bar I worked for nothing for the Islamic Human Rights Association. I can assure you that I have no truck with racism either. Thank you very much.

D Mr Kirk wants to make a bail application and, as I have indicated before, he can make a bail application. The problem is he tends not to make a bail application. He tends to want to deal with other things. I am desperately trying to persuade him that he needs to be represented but he will not co-operate and I really do not know what else I can do. His presentation today is consistent with what Dr Tegwyn Williams says.

MR TWOMLOW: Yes.

F **THE RECORDER:** At the moment, subject to any application he wants to make later in the afternoon, at the moment I am minded to remand him for a further 28 days to The Caswell Clinic. I order a final report from Dr Tegwyn Williams. A second opinion might as well be started up all ready.

G **MR TWOMLOW:** My Lord, I was not aware of the position so far as the Section 35 Order was concerned because I had not seen the latest report.

H **THE RECORDER:** I will direct that a copy of the report be served on the crown. If you want to get your own report you are welcome to do so. The court will order a second opinion report and then I am hoping to move to a position where, and I will ask him whether he wants to

A express an opinion as to who he would like, but once he is found unfit to plead, if that is what happens and I am saying this partly so that others can understand, if that is what happens, then I can take steps to have independently appointed a lawyer to represent him. I cannot do that without his co-operation, until he is found unfit to plead.

B **MR TWOMLOW:** Yes, my Lord.

THE RECORDER: At the moment, if he refuses to have representation, I cannot do anything. Various people, at my request, have gone to see him but he has refused to be represented by them. I would do it today if someone could name names but I cannot get him a lawyer and all he does, looking at the log, is want to talk about other pieces of litigation and so on.

C **MR TWOMLOW:** Yes.

D **THE RECORDER:** I cannot, I am afraid, try to help him any more than I am. Again, people who know me would know it is the case, I had to get rid of that gentleman because he was simply going to disrupt the proceedings and damage the dignity of the place but, actually, I do not care if he abuses and insults me. He appears to be mentally ill and I am trying to look after him. It is obvious to me that he needs representation. He refuses to get it. That is irrational, on its face. I cannot do much else. I will be here, no doubt, till 4.30. I have to presume upon you. If anybody can talk to him and get him to make his application, if you make an application I will listen to it. That is not a licence for just demand information or answers. That is the problem.

F **MR TWOMLOW:** My Lord, I am in a trial in court 9, where the Recorder is, I think, about to sum up. I will inform him of the position.

THE RECORDER: We need to set a date for further consideration of this case. I cannot finalise anything today because I do not have the evidence which is required, as a matter of law, for me to determine fitness or otherwise to plead.

G **MR TWOMLOW:** 28 days, this is the third period of 28 days.

H **THE RECORDER:** Yes. I did not look up Section 35. We need to do that.

A **MR TWOMLOW:** Three periods.

THE RECORDER: So that is the last one.

MR TWOMLOW: This is the last, under Section 35, yes.

B **THE RECORDER:** So that is that.

MR TWOMLOW: Yes. Up to 28 days from today.

THE RECORDER: I am desperate not to do it but, of course, if we got to that stage and he was not co-operative, it is either the Secretary of State or I have to send him back to prison, which he should not be in a prison, is my judgment but I have got to try to do something, however unpopular it might be with some people. So, 28 days from today would be the 29th October. I do not want to leave it till the last day, though.

D **MR TWOMLOW:** Yes. I am in the Court of Appeal on the 29th October, I think.

THE RECORDER: I think probably, I appreciate Dr Tegwyn Williams is not here but I prefer Monday the 26th and I expect a report to be filed by Friday 23rd. We will not have a second opinion report by then.

E **MR TWOMLOW:** No.

THE RECORDER: And can I indicate I do not want a second opinion from The Caswell Clinic. Not because I do not trust The Caswell Clinic but because it will only raise further conspiracy theories.

F **MR TWOMLOW:** Yes.

THE RECORDER: It can be from any forensic psychiatric unit. Llanarth, Whitchurch.

MR TWOMLOW: Mr Kirk has made comments about The Caswell Clinic and the staff there on a previous occasion.

G **THE RECORDER:** Yes. I appreciate you need to go to another court, but there are a couple of other matters I need to raise with you because they are not known to you. I direct a copy of

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A the report be sent to you but it is right that I should share this information with you. Difficult, of course, let me see if I can find. The second paragraph of Dr Tegwyn Williams reads as follows:

“The assessment of Maurice Kirk has been complicated by people who have become aware of Maurice Kirk’s position via his website”

B and I do not know whether you have visited the website but the assertion in here seems to be that material is placed on the website which is untrue or misleading. Certainly, I get the impression, from what I have read, that the fact that he is being offered legal representation that is free, of his own choice, not imposed by anybody, he can have whatever solicitor he likes in England and
C Wales who does criminal work and that is a requirement because it has to be someone who is competent. And counsel would then be available to him and, indeed, the instruction, subject to Legal Services Commission, who might want to see what Dr Tegwyn Williams says first now, D but that would not have been the case historically. Psychiatrist, ballistics expert, firearms expert, all of these things are available to him at public expense if he just says the word but he refuses to do so. That is the position, whatever it says on the website.

E He will, I suspect, at some stage change his mind. I have tried to get through to him but it is not working but this continues:

“The assessment of Maurice Kirk has been complicated by people who have become aware of Maurice Kirk’s position via his website, contacting The Caswell Clinic and making threats to myself and others involved in the case. Copies attached for information.”

F And there is information attached. I suspect, because one of the gentlemen, or the gentleman I asked to leave was wearing his medals, that he is, in fact, Norman Scarfe. Norman Scarfe faxed this court and The Caswell Clinic in the following terms:

G “The criminality of “Dr” Tegwyn Williams, his cronies and accomplices is breathtaking. Shysters and shrinks in collusion reach depths of depravity beyond the comprehension of normal human beings. Drunk with power, protecting each other, they believe themselves to be untouchable.”

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A And it goes on to speak of the execution of doctors at Nuremburg and their suicide and it
includes, “If not I fear for the future” and then, underlined, “and you should too.” I dare say that
Dr Tegwyn Williams and, indeed, myself are sadly used to receiving material of this kind
B because anyone who carries out duty in the public will receive such material. He is an old man
and I have seen enough to form the view that he is foolish. But, making such threats is not to be
treated entirely lightly. He may have previous convictions for violence.

MR TWOMLOW: Well, my Lord, may I assist the court with that?

C **THE RECORDER:** Yes. Are we satisfied that it was Mr Scarfe and can you help, because
there was concern expressed by security, that we might have problems. Is it the sort of thing I
need action taken about? Dr Tegwyn Williams should not be being threatened anyway.

D **MR TWOMLOW:** He has introduced himself as Norman Scarfe. The date of birth of these
antecedents is the 9th October 1925 in Leeds. Can I hand in the antecedents?

THE RECORDER: Yes. You do not need to read them.

E **MR TWOMLOW:** I have a handwritten summary of the offence for which he was sentenced--
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THE RECORDER: I would just like to know the nature of the offence, when it was.

MR TWOMLOW: Shall I hand the document in or shall I tell your Lordship about it?

F **THE RECORDER:** I think it might be better to tell me, given I have had to exclude him from
court.

MR TWOMLOW: 22nd June 2001, wounding with intent to do grievous bodily harm. Plea
not guilty. Imprisonment six years.

G **THE RECORDER:** Six years? So there was a weapon involved.

MR TWOMLOW: Extension period of licence four years.

THE RECORDER: Extended licence. He would still be on licence.

H **MR TWOMLOW:** From June 2001.

A **THE RECORDER:** So, what was the nature of the injury and the weapon?

MR TWOMLOW: Two court bailiffs attended a semi-detached house in Capel Allerton and police attended with an ambulance to prevent a breach of the peace. He barricaded himself in. Bailiffs gained entry, went upstairs and, as a bailiff opened the door, the defendant had a

B chainsaw and caused injuries to the bailiff's hands and arms. The bailiff forced him to the floor.

THE RECORDER: So a bailiff, a court officer.

MR TWOMLOW: Further than that I have no information as to the degree of injury.

C **THE RECORDER:** Well, if he is on licence...

MR TWOMLOW: It was wounding with intent to cause grievous bodily harm.

THE RECORDER: And the weapon was a chainsaw.

D **MR TWOMLOW:** The weapon was a chainsaw.

THE RECORDER: He is on licence. As I say, he appears to be old and foolish to me but he has obviously been capable of causing serious injury in the past and you will get a copy, because it is appended to Dr Tegwyn Williams' report. It is not for myself. You heard what he said to

E me. I am not going to deal with it as a contempt but the safety of Dr Tegwyn Williams or, indeed, others who work at The Caswell Clinic is a matter of some interest. He is a long way from home and we saw how excited he is and his source of information would be the website.

F **MR TWOMLOW:** Yes.

THE RECORDER: I am obviously concerned that it is court officers who have been attacked on an earlier occasion and, as I say, the fax is "Beware the fury of a patient nation" and referring to the execution of doctors. I have no idea what his licence conditions are and I have no desire

G for him to be persecuted but it does seem to me, and I direct you should have a copy of Dr Tegwyn Williams' report of the 30th September and the attachments. Incidentally, the fact that he wishes to associate himself with Mr Kirk's case does not mean that Mr Kirk wants to

H associate with him. So that is also of significance but shows the dangers of all of this.

A Now, can I get any further? I need to try and identify when we might have a trial but the problem is difficult, because of Mr Kirk's position. Whether or not there is a fitness to plead, we then have to move on to "Was the act committed?"

B **MR TWOMLOW:** Has your Lordship seen my case summary?

THE RECORDER: I have.

MR TWOMLOW: It is the prosecution case that there is no defence to this charge and Mr Kirk will need some advice about that or it is going to be a trial where the prosecution has relatively few matters which it has to prove, to prove the actual offence.

C **THE RECORDER:** I understand that and it carries mandatory sentencing.

MR TWOMLOW: It does.

D **THE RECORDER:** Parliament has indicated I do not have discretion about it. Sentence has to be five years' imprisonment. Hence, of course, why I am desperately trying to get him represented. As you may know, I did ask whether the Leader of the Circuit might be able to nominate somebody to at least act as amicus, if he would not help, but, for understandable reasons, partly because of the sort of material I have just mentioned, the Leader of the Circuit felt unable to help because there is concern that a member of the Bar should not be asked to put himself in a position where he might be exposed to that sort of thing and be accused of being part of a conspiracy and so on, which makes life even more difficult. I do not think I can take it any further at the moment. Length of trial, do you think? Well, you think a day.

E **MR TWOMLOW:** The prosecution case and the prosecution evidence required to prove the case would be very short. How one would proceed, once the case began, if Mr Kirk were not represented is difficult to tell. It would largely depend on case management, I think and what it was thought appropriate Mr Kirk could be allowed to adduce.

F **THE RECORDER:** Well, I also have to identify a judge to try it, which is not without its difficulties. He has not ever objected to me.

A **MR TWOMLOW:** No.

THE RECORDER: And I have tried to explain to him what my dealings were with him in the past and I do not feel embarrassed because, actually, I directed an acquittal but he does not see it in that way and he talks of notes from the jury. It is too long ago for me to remember. There were, I believe, notes from the jury. I do not believe they were about what he thinks but I do not know that and I cannot now remember the sort of thing he might have said during the trial. Anyway, I cannot take it---

C **MR TWOMLOW:** Unlikely any copies of, such notes themselves, or copies, would have found their way into the hands of anywhere except the court file.

THE RECORDER: I may well, because it is a fading memory, have been unhappy about the way that some police officers were conducting themselves. He can, in the eyes of some, make a fool of himself and I might have said something. I do not know. Perhaps it was that. Who knows? I would not know. So, there we are. You had better go to the other court. This case is relisted on that date. If Mr Kirk wants to make a bail application later this afternoon we will get Mr Twomlow back.

MR TWOMLOW: I will be available, whenever that is necessary.

THE RECORDER: Thank you.

F **MR TWOMLOW:** Thank you very much.

THE RECORDER: Thank you very much. That concludes that hearing. If there is anyone who feels that I am not part of a conspiracy and I am just trying to help, and who would like to persuade Mr Kirk to get representation, I would be eternally grateful but if everyone simply believes he is being treated in an appalling fashion by someone who is part of a conspiracy, then I am afraid you are wrong but I cannot do any more to try to persuade you to the contrary. Thank you very much.

H **LADY IN PUBLIC GALLERY:** (Inaudible) May I ask if you've got an Oath of office, sir?

A **THE RECORDER:** Do I have an Oath? Yes, I have taken two Oaths of office.

LADY IN PUBLIC GALLERY: Is it with you in court today?

THE RECORDER: I doubt it. It is only put out here when I am swearing other people in.

B **LADY IN PUBLIC GALLERY:** (Inaudible)

THE RECORDER: I can assure you that I am The Recorder of Cardiff.

LADY IN PUBLIC GALLERY: If you don't have an Oath of office you need to step down.

C **THE RECORDER:** That, too, is a contempt. I am The Recorder of Cardiff. Thank you very much. (Further outburst from public gallery) Thank you. Good afternoon.

(Transcript ordered)

D **THE RECORDER:** If it is anything to do with me, as I have on earlier occasions, give leave for, subject to security and the arrangements for any member of his family to talk to him, that is fine. Is Mr Kirk's daughter here? Yes. I meant every word that I say. I would be terribly grateful if you can persuade him to get a solicitor to act for him. I can then start things moving in a very different way. I appreciate he hates me and there is very little I can do about that but I am, in fact, only trying to help him. That is why I am speaking to you in this way but, obviously, with some of the people who are beginning to be associated with this, it is very difficult because I have to consider safety issues, all sorts of things.

F I am afraid, unless we can nominate a solicitor or he can choose a solicitor and I can grant a Representation Order, all hearings will be like this and I do not want them to be like this. I want someone to look after his interests.

G **ACCUSED'S DAUGHTER:** I can talk to him again today and I can ask him to make a bail application this afternoon.

H **THE RECORDER:** Well, you can but it does not mean I can grant it because if he starts simply saying he wants witness summonses to have people here and so on, he does not understand but, as a matter of law, that is not what the bail application would be about. It would

A really be to do with whether he would co-operate with examinations and things like that and that
is the problem, that it is difficult for me to talk to him and persuade him that, given that this is
what I now have, I have to run it to ground, I have to find out can this be done as an outpatient,
et cetera, et cetera. And it is going to be difficult for me to do that, frankly, but he can make a
B bail application but the priority, in terms of trying to get this resolved quickly and fairly, is he
does need representation.

ACCUSED'S DAUGHTER: Yes.

C **THE RECORDER:** And if he refuses to get representation the problem is the only way
someone can be obliged to have representation is if they are unfit to plead and it is much more
complex than this and we have got a report. But, if you face a sentence of five years'
D imprisonment and the prosecution is saying that there is no defence, as a matter of law, on the
facts that they have, then, I have to tell you, I and you are likely to want representation and that
begins to raise a problem if someone is refusing. I cannot get him to serve a defence case
statement, say what his defence is and so on. He wishes to talk about problems he has with
E Barbara Wilding and so on and so forth. Nothing to do with me. I am only concerned with the
legal facts and issues around this case and I have got to try to make progress. A matter which,
again, I can talk to you about but he would not understand, backlog of 800 cases in this court. I
do not have unlimited resources to simply deal with that all day, every day. I cannot. But he
F must have a fair trial about this matter and I am going to do everything in my power to secure it.
He would help me if he said, "I would like to be represented by such and such a firm" because I
can extend a Representation Order. Of course, they will need to be skilful in order to explain
G things to him because he seems not to want to talk about what the case is actually alleged against
him. All right?

I cannot be any more help than that and anyone would tell you I am not the Citizens
Advice Bureau and so on. I am here to try to ensure he has a fair trial. I have to be fair to the
H

A prosecution as well. As I say, he has insulted me in the past. I could not care less. I am only trying to help him. All right. Do your best. As far as I am concerned, I would like him to be able to see his daughter and can you tell him that I said that. Thank you.

B I just need to warn you. There are, obviously, rules about contraband and so on. So be very careful if he wants tablets and things. It is not permitted. Thank you.

C **(3.00pm)**

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BAIL APPLICATION

(3.55pm)

THE RECORDER: (To woman in public gallery) I ought to mention to the lady there, the staff, doing their duty, pointed out you were taking notes. Technically, you have to ask for permission before you were taking notes. I will grant you permission. You are not to know that you have to ask permission. Thank you. (Reply – inaudible) Well, I would not have thought you knew that you had to ask permission. (Inaudible comment from gallery) It is not, actually. It is prohibited for various reasons but I will give you permission. There is a reason for it but I do not have to go into it. It is not lawful. The Press are allowed to. Other people are not, because of the risk of people communicating facts to witnesses and so on. But that is the law, it is not me, all right. Thank you. But I am not stopping you. (Inaudible reply) No, all right. You may not. But you can find it for yourself. I am not here to advise you about the law, I am afraid. Thank you.

Yes, Mr Kirk. You do not have to stand up.

THE ACCUSED: I understand you are allowing me to make a bail application.

THE RECORDER: I am. I want to ask you, before, as I need to, is there any change of your position in relation to seeking representation? I have indicated, and I will indicate on every occasion that you appear because I believe it very much in your interests, that a Representation Order is available. I have indicated one must be granted in this case because you are at risk of a lengthy prison sentence if convicted and I am worried you will not do yourself justice unless you have the help of a lawyer. Lawyers will also be able to instruct experts who are independent, who would be able to help you. I, therefore, offer, once again to grant you a Representation Order if you identify a solicitor who can act for you. Someone will help you from The Law Society or wherever to identify a solicitor if you wish.

A **THE ACCUSED:** My Lord, I am really most grateful for your offer but, unfortunately, I have
been to court before six judges five judges at least, who have refused me the right to apply for
bail, so first of all I am most grateful that now, months on from when I was arrested on the 22nd
B June, I am able to make a bail application.

As for the matter of legal representation, it is causing my family much concern that I
have now (Inaudible) my twentieth law firm that has refused to act for me in this matter. I have
the list and they will be published on my website. The matter that is of worry to my family---

C **THE RECORDER:** If you are having problems getting a firm, identifying a firm who will act
for you, then I do have, not quite the power, but I certainly have the ability to refer that to The
Law Society for Wales, who will identify a firm who will act for you. So, if you want me to do
D that, I will do it.

THE ACCUSED: The judges of this building have closed down my website in the past. It is a
matter of record.

THE RECORDER: Would you like me to try to get The Law Society to help in identifying a
E firm who will act for you?

THE ACCUSED: If I could obtain some information from the court, preferably from the
Queen's---

F **THE RECORDER:** I will do my best.

THE ACCUSED: ... from the Queen's representative here, the Crown Prosecution Service, I
think that may be a time when you might say yes, I really feel there are more reasons to have
legal representation. If I could just take you through the history of my---

G **THE RECORDER:** I am utterly convinced you need legal representation anyway, so it is sort
of pouring it over the top of the pint pot really, Mr Kirk. I am already wholly convinced that you
need legal representation.

H

A **THE ACCUSED:** The problem that caused these lawyers to turn away was the question I
asked you earlier today. I have been trying to establish who instigated my arrest in the first
place. Now, fortunately, on the 28th July, the learned judge of a Cardiff court has ordered the
B prosecution to give full account, in writing. That is just one example of disclosure that is being
withheld from me. One reason for wanting bail is to preserve efforts to gather evidence and to
obtain witnesses. The first matter from being arrested was I was put before the Barry
magistrates and given unconditional bail. Within 24 hours this was reversed by giving me a
C custodial sentence as an unconvicted prisoner.

THE RECORDER: In order for me, because that is not your fault but not the technical thing
that would have happened and I am not familiar with this history. Was there an appeal against
the grant of bail, is that what has happened?
D

MR TWOMLOW: Yes, there was. No custodial sentence was passed. He was remanded in
custody.

THE RECORDER: Yes. So what happened was that the prosecution, as they can do, appealed
E against your being granted bail and somebody must have allowed that appeal, not me. It is not
that you have been sentenced.

THE ACCUSED: To the injured party there is little difference between sentence---

THE RECORDER: I agree with you.
F

THE ACCUSED: I then went before His Honour Judge Hughes on the 25th June and the same
argument was put by the prosecution and, for some reason, it was overturned and I went to jail. I
then went before a Judge Morris, who refused all applications in the presence of my young son,
G who travelled from London because he had great difficulty in believing and he considered
whether I suffered from some paranoia about the state of our law courts. I then, apparently I was
due to go before yourself, my Lord, on the 16th July but somebody, I am yet to establish, told you
that I had refused to come to court.
H

A **THE RECORDER:** Which one was that? The video link or when you were actually not, because the order that it happened---

THE ACCUSED: The video link.

B **THE RECORDER:** Video link. Because what happened, from my end of things and I am happy to share it with you, is that I was told you were refusing to go to the video room. Of course, I am not actually in the prison, so I cannot check that. You only see the screen. That is what I was told. Of course, I did not rely on that in one sense, in that all I can then do is say, C well, if that is right he is to be produced here.

THE ACCUSED: Thank you.

THE RECORDER: Which is what I did. But I do not know what the days were or which day. D You must understand I can have 25 or 30 cases in my list, but it is in a list like that. That is what happened and that side of it, Mr Twomlow was probably here, or someone else on behalf of the prosecution, and that is my memory of it, I think I am right. That is what I was told, Mr Twomlow.

E **MR TWOMLOW:** Yes.

THE RECORDER: There we are. The prosecution agree with us.

THE ACCUSED: I was refused access to a video because they would not tell me what it was F for. I was told that I was to speak to my wife, who is present here today.

THE RECORDER: Well, we did do that later because I was trying to get you to be persuaded. Your wife offered to help and to speak to you with a view to trying to persuade you to appear in the video room, was what I was doing.

G **THE ACCUSED:** That is all I was told and I don't trust them because I have a history with them. I have got judgments against the prison in the civil courts for (Inaudible) et cetera. So I wanted everything in writing. So I eventually got, on the 7th August, to His Honour Llewellyn- H Jones. He refused me the right to apply for bail. Then, a few weeks ago, 29 days ago, I went

A before His Honour Judge Vosper and I clearly applied for bail. I also said that I considered I had
something put in my tea by the hospital that I am compulsorily in. Neither of those aspects of
the hearing appear on the transcripts. That disturbs me, my Lord. So, in effect, this is my bail
B application since it was overturned and I would ask now, because there is such a great passage of
time, has anything changed by the prosecution's position in the matter, because they may not
wish to oppose bail now.

THE RECORDER: Well, they will, of course, have their say in due course.

C **THE ACCUSED:** With all due respect, my Lord, they know that serious aspects of this have
changed in the passage of time, being the argument they had that I was a dangerous man, not to
be let loose on the street, to prepare my case. It would save my address in time if the Crown
D Prosecution could state if they wished to retract any aspects of the 15 points plus that I dispute
that caused my bail without conditions to be overturned. Is that not reasonable?

THE RECORDER: I think I would prefer to hear everything you want to say and then hear the
crown because also, as a matter of fairness, I have to raise matters which concern me with you
E and give you an opportunity to put my mind at rest about things that I might be worried about
because, at the end of the day, I have responsibilities in the matter.

THE ACCUSED: Sorry?

F **THE RECORDER:** I have responsibilities in the matter, to the general public and so on.
Someone has taken the decision you should not be on bail. I have a report from Dr Tegwyn
Williams. I need to find out what your attitude would be to continuing psychiatric assessment if
you were granted bail, for example. I have to find that out.

G **THE ACCUSED:** You consider you have a responsibility in reading the report that the other
judge should have obtained now, about who instigated my arrest and---

THE RECORDER: No, I do not. What I am concerned with now is a bail application and it is
H not relevant to that. What is relevant to that is I need to know whether, if I granted you bail, you

A would co-operate with Dr Tegwyn Williams by attending at The Caswell Clinic as an outpatient, so that his report could be completed. Would you?

THE ACCUSED: Is this the clinic's idea or someone else's?

B **THE RECORDER:** Mine.

THE ACCUSED: Because I have been asking them this from the day I decided to speak to them some six weeks ago.

C **THE RECORDER:** No, it is my idea because, before I can consider bail, I would want to know whether, if I made it a condition that you co-operate with The Caswell Clinic for the purposes of the preparation of a report, you would agree and you would do it.

THE ACCUSED: I wish I had had notice for this information.

D **THE RECORDER:** Not your fault but I have to deal with everything on the hoof and I want to deal with you fairly.

E **THE ACCUSED:** "On the hoof." We were just driving away from the court just now, only to be called back to hear this bail and that has thoroughly confused me. I was told I was certified for another 28 days under Section 35.

THE RECORDER: Well, there must have been a failure of communication because, pretty well straightaway, I indicated if you calmed down I would listen to a bail application.

F **THE ACCUSED:** Well, the three members of the, the four members all said that I had been refused bail.

THE RECORDER: All right. But let us get back to what we were talking about. If you were granted bail would you co-operate with the completion of a psychiatric assessment?

G **THE ACCUSED:** I will answer that at the end, because I have been diagnosed with having a short memory, I would ask you to remind me if I fail to refer to it.

THE RECORDER: Very well.

H **THE ACCUSED:** Thank you.

A **THE RECORDER:** I will have to write it down because my memory is not perfect, Mr Kirk,
but I need to know the answer. I need an answer from you.

THE ACCUSED: Yes. Could I suggest that comments like that, that I have mentioned in the
B clinic, may have influenced the writing of the last clinical report.

THE RECORDER: There are aspects of the report, because I am familiar with you, that I
would be able to factor in that sort of point, so I take your point.

THE ACCUSED: You have also opened something that I would not have considered until you
C addressed it, and I am most grateful, my Lord, and that is will you allow me at the end to refer to
the credence of the document that now is before you?

THE RECORDER: Yes.

THE ACCUSED: Purportedly written by a Dr Williams, who is not here to be challenged.

THE RECORDER: No.

THE ACCUSED: Right. Let us go back to the list which burns very much in my breast. It
D might cause the effect that I have caused on the medical team, to cause such a report to be
E written and it is called delusions, paranoia, evidence of possible brain damage.

THE RECORDER: Well, you and I are in the same boat, in that we have not seen the scans
they refer to and I, therefore, cannot form a view about that. At some stage, before acting on
F such material, I would need somebody to express a second opinion about that, with the same
level of qualifications, if it is disputed. One of the reasons why I would like you to get
representation, because then solicitors would be able to make application to The Legal Services
Commission for legal funding to try and check that sort of material but I cannot do it unless you
G seek representation.

THE ACCUSED: My Lord, I am grateful. You have raised the very point. I am being refused
H sight of. I do not even know if they exist and I am being refused the record that they have made
of such examinations, to cause another doctor, purported to be a Dr Williams, to write the

A document that is before you. It is dangerous, I would humbly suggest, my Lord. Shall I get on with the list?

On the 25th June I was described as unemployed, of no fixed address. Before I finish this list---

B **THE RECORDER:** I have read this list.

THE ACCUSED: I asked for an adjournment to prove these things wrong. I do not need to now because I have now had the prosecution's case served on me during August, where it states quite clearly where I live, what my work is and, if you examine on my website the immense cost there spent, police in France emailing, talking to the person who sold me the gun and the aeroplane on the run from the CIA in Singapore, the expense and time that is spent indicates that they know I was not unemployed. They know that I am---

D **THE RECORDER:** Since you mention – sorry, I know this is a different area but it is related because of something you said. In his report, Dr Tegwyn Williams's report – we will call it that, I appreciate you dispute its authenticity but let us call it that for the shortness of the language – in E Dr Tegwyn Williams's report, and you will have to give me a moment while I get it back again but I remember this part, so I can do it from memory. Thank you very much. I am going to be given a copy again, I am grateful. In that report he says this. "Maurice Kirk has, at times, F opined that The Caswell Clinic is funded by CIA money from America." Now, there are a number of possibilities there. Can you tell me, have you said that?

THE ACCUSED: No.

THE RECORDER: It is just made up, is it? Because you could have said it as a joke, you G could have meant it seriously or it could be that it is just made up. Which of these things is it?

THE ACCUSED: None of those things. My Lord, I said that I had written information from H wiser and more informed people about the research that is going on in Cardiff University and Swansea University concerning psychiatry and psychology and that there is, on record,

A information that states that they have unlimited funding from a certain American organisation. I
was told CIA but I know it must mean a government organisation and the person who relayed
this information to me in writing calls it CIA, obviously it is Pentagon, because, as you know,
B the Megs 4 (sic), when it comes, will be heavily influenced by avoiding nuclear fallout. There is
no point in dropping bombs on a big area and then depleting its usefulness afterwards. They are
using the control of the mind. It is a fact. It started in the First World War. But, anyway---

THE RECORDER: What is the connection between this and The Caswell Clinic?

C **THE ACCUSED:** No, no. If you want me to go, I was going to do it at the end actually.

THE RECORDER: Well, you can. I am not saying I will listen to everything, unless you
compress it a bit but I do not want to stop you from making your points but I was interested as to
D what the explanation was and you have told me what I need to hear.

THE ACCUSED: Yes. I mean, if I deal with this report now, I, of course, refer to a letter that
has been sent to you by a Dr Reed.

THE RECORDER: Yes. Have you not seen it?

E **THE ACCUSED:** I have not seen it.

THE RECORDER: Right. I have read that, of course.

THE ACCUSED: Well, could it be read out for the record?

F **THE RECORDER:** I need the file back that is down there, I am afraid. Thank you. Have you
seen this, Mr Twomlow?

MR TWOMLOW: No.

THE RECORDER: No. It is relatively short, so you are very welcome to sit down, you know,
G Mr Kirk. You do not have to stand up. It is entirely up to you but you might, even if you want
to stand up normally, if you would like to sit down while I read it out. It is a page. I have a letter
from a Dr Nick Reed, MA, MD, Fellow of the Royal College of Physicians, writer, physician

H

A and psychotherapist, it says and he gives his address. I will not read that out in court. Refers to this case. It is clearly intended to be this case.

“I should be very grateful if you could bring this letter to the attention of the presiding judge.” He means me, he does not mean the presiding judge. “I am a consultant psychotherapist and gastroenterologist and work in private practice in Sheffield.”

B You do not have to write it down, Mr Twomlow, because I will direct that a copy is provided to the prosecution, of course.

C “I have known Maurice Kirk for 50 years. We were at Taunton school together and have kept in touch since that time. I would wish to express my surprise and shock to discover that he was incarcerated under,” as he puts it, “Section 29 of The Mental Health Act at The Cassell Clinic. Maurice can be impulsive, provocative and adventurous but he is no criminal. Neither, in my opinion, is he mad. I saw him earlier this year and formed the impression that his naturally impulsive and somewhat suspicious emotional tendencies had been exacerbated by what he experiences as a protracted campaign of harassment by the Authorities, notably the South Wales Police Force. He now realises that the constant need to defend himself is affecting his health. He is, I suspect, suffering from the effects of protracted emotional trauma, which most likely account for the appearances of frontal lobe hyper fusion on functional brain imaging spec scan.”

D I had better insert at that point that I do not know whether this person has sufficient expertise to interpret a spec scan. Having been in, not a great number but certainly a significant number of cases in which spec scans are involved, they require particularly careful interpretation by E qualified persons. At the moment I do not believe this person has seen the spec scan but he is expressing an opinion about it. That is where this stands.

F “Such appearances can, of course, vary according to the stress he is experiencing at the time. He has informed me he now wants nothing more but to put his traumas with the police and the courts aside, settle down, rest and get well. I cannot see that his continued incarceration can be justified. He is, undoubtedly, angry at the removal of his liberty but he is not, in my opinion, dangerous. Any extension of the period of confinement can only result in a further deterioration of his health. I am confident that you will arrive at an appropriate and just decision in his case”

G and then he signs it and, obviously, I have read that in advance. I was not aware of the fact that Mr Kirk was not aware of its contents, which is why I have read it out in full but I have read it myself and, obviously, I will take it into account in relation to the bail application and I H have taken it into account in relation to the direction in which this case should go. Whether

A Dr Nick Reed is the right person, in terms of his qualifications and so on, to express opinions
is, obviously, doubtful to someone in my position, particularly if he has not read the papers et
cetera, but he does express an opinion. Beyond that, I cannot really go at the moment but that
B is what I have. So, I have got it but it is an opinion expressed by someone who has not seen
the scans and who has not read the papers in the case. That is what it is. And, of course, it
would be criticised by anybody if you were to rely on that, so no lawyer would instruct him
because he is not independent because he has known you for 50 years and, therefore, if you
C were having lawyers advising you they would probably say he is too vulnerable to cross-
examination on the basis that he is partial.

THE ACCUSED: Are you suggesting that anything in there is false?

THE RECORDER: It may be, I would not know.

D **THE ACCUSED:** Is there anything false, do you think, in a psychiatric report dated the 30th
September 09 purported to be signed by a Dr Williams?

THE RECORDER: There may be, I would not know.

E **THE ACCUSED:** Well, is that not the worry that the people in the gallery have and why
people have travelled such a long way?

THE RECORDER: I am not here to play to the gallery. I am here to try to apply the law.

F **THE ACCUSED:** I have been denied access to any evidence to support that report, my Lord,
i.e. sight of the medical reports of the other team and have sight of the scans.

THE RECORDER: All you need to do is to indicate that you would take advantage of the
offer of representation and lawyers would be able to instruct a psychiatrist on your behalf, of
G your choosing, with their advice, to have access to all of this material. You are not a
psychiatrist. You would not be able to interpret the matter so as to assist yourself.

THE ACCUSED: Are you saying that, even if I get legal representation, that I would be
denied to have sight of my own medical records?
H

A **THE RECORDER:** That would be a matter for your own lawyers, as to what they wanted to discuss with you. I expect one of the problems they would encounter is that you might well want to do things that they thought was not in your own interests but you would have to discuss that with them and not with me.

B **THE ACCUSED:** There are some huge assumptions here. For example, the clinic at Caswell has obtained my clinical records at the psychiatric hospital of USA, Texas, in the town of Austin. I had to take the psychiatric hospital to a mental health court to fight them to make them hand them over to me and unlock the door to allow me to fly away from five miles from Mr Bush's ranch to go and enjoy an evening 200 miles near Houston. Now, I did that on my own without any lawyers. Now, how is it that the clinical team at HM Caswell Clinic have managed to obtain those clinical records and will not let me see them when they are my D – they have had no permission from me to obtain them from America. I have a copy but I want to know whether it is the same copy that they maintain is the same. They have used words in that report of yesterday, which come straight out of the Texas report and I know that when we eventually beat you lot through the civil courts at The European Court of Human Rights, or wherever, we---

E **THE RECORDER:** What do you mean by “you lot”?

F **THE ACCUSED:** You lot. Well, I am moving that in the next issue.

THE RECORDER: All right.

THE ACCUSED: The document---

G **THE RECORDER:** I just need to know what you mean by “when we eventually beat you lot.”

THE ACCUSED: The document---

THE RECORDER: Am I “one of you lot”?

H **THE ACCUSED:** It is called “HM Partnership,” my Lord.

A **THE RECORDER:** Am I a member of that?

THE ACCUSED: You are because you, well, we digress, you are because I have been before you before and those jury members complained and they sent you notes that the police officer had been sent there by the Chief of Barry police station to see what was going on and he was
B influencing each police officer as I cross-examined him.

THE RECORDER: I have, you must understand that I deal with many many cases. You, of course, know your own better than I would. I have some recollection about being unhappy
C about the way police officers behaved in that case but I cannot now remember the detail. I really cannot. It is a long long time ago, in terms of I would have done hundreds of cases since then. But what I am at the moment finding difficult to understand is why you regard me as one of “you lot” when I directed a not guilty verdict and I treated you as fairly as I think I
D did. That is what I do not understand.

THE ACCUSED: But you should have ordered the arrest of those police officers. They were caught red-handed by a jury, my Lord.

E **THE RECORDER:** But I cannot do that. I cannot just order the arrest of people.

THE ACCUSED: You could have ordered someone to take proper legal action for the conspiracy that was blown by a trial by a jury.

F **THE RECORDER:** It was not blown by a trial by jury. It was ended by me directing a not guilty verdict because you were not guilty of dangerous driving.

THE ACCUSED: They had not finished the prosecution case.

THE RECORDER: Well, they had, actually. It is the end of the prosecution case.

G **THE ACCUSED:** I have the transcript. You do not. If I could refer back to this document, the report, if we turn to paragraph 9. “Maurice Kirk presents with symptoms entirely consistent with a mental illness, namely paranoid delusional disorder” and, in brackets, “fixed
H

A false beliefs, unamenable to reason.” Now, that contradicts all other reports that I have obtained from all the other doctors in the HM Caswell Clinic. It contradicts his---

THE RECORDER: Mr Kirk, does it contradict our conversation a few minutes ago, that you regard a judge who directed that you be found not guilty as part of a conspiracy to persecute you?

THE ACCUSED: The main witnesses were yet to come. If you had allowed the next two police officers to give evidence I would have proved perjury whilst the tape recorder was running. You knew that and I said so and you sent me down for a conviction which The World College of Veterinary Surgeons, for example, made quite sure was not on the list, when they got the list from the South Wales Police, because the substance of that was a classic example of the alleged paranoia that is referred to in this document.

THE RECORDER: Yes. Thank you very much, Mr Kirk. I have seen sufficient to form a view, I am afraid, that you do, indeed, exhibit the symptomology which is spoken of in the report and I will give you another matter that I remain interested in, because I said I would. If I were to admit you to bail, would you co-operate with being assessed as an outpatient at The Caswell Clinic?

THE ACCUSED: I did ask that I could answer it once I had gone through the list, to show that serious changes in the prosecution’s argument to detain me in custody are now flawed and no longer relevant.

THE RECORDER: But I do not accept that at the moment. At the moment, I am afraid, I think that you would not be able to be trusted to co-operate with the completion of an assessment as to your mental health if you were granted bail.

THE ACCUSED: Sorry, why?

THE RECORDER: Because you have refused to answer the question on a number of occasions. I think it is a reasonable question.

H

A **THE ACCUSED:** When it means co-operate, are you saying that if I cannot leave that to the
end of the list, I have only just proved that I am not unemployed, I am a director of a company
and I am going down 15 points. When I have finished, I would have thought I could spend as
B much time as you like on the issue that you now raise, suggesting that I will not co-operate.
Could I now finish the list?

THE RECORDER: Well, I am not saying you can finish the list because I have a duty,
having regards to public funds, to keep it within a reasonable compass and I am not sure it is
C helping me take my decision.

THE ACCUSED: The very reason why---

THE RECORDER: I am trying to ensure that you feel you are being treated fairly, so please
D continue but it cannot just go on for ever when you are not talking about matters that are
particularly relevant.

THE ACCUSED: He said that there was no co-operation, I was not co-operating in the
investigation. I gave a clear statement when I was interrogated, after being examined by a
E psychiatrist, to be satisfied that I was fit to be interrogated under caution. Now, if I was fit
then, how come I am suddenly whisked away to the clinic like I am? That lady was informed
long before, the day before, that I was going to be arrested, I have now found out, along with
F other members who were needed to be at the arrest. Now, if this is so dangerous and so
serious, how come they spent 24 hours waiting to arrest me? The helicopter came over my
house on the Sunday and the police cars arrived at our door. I have a witness here in the court
to confirm that. My wife. It was aborted and I was left, as I sat there drinking my tea I said to
G Kirsty, "I do believe there's somebody wants to speak to me." I have since found out, by their
disclosure, that they were aware of the suggestion that I might have ammunition, a machine
gun, that was it. That was it. Machine gun and ammunition. Many months before I was
H arrested. Hence my question, "Who instigated my arrest?" You will find, when the learned

A judge releases it to me, which I want you to have before you consider this bail application, he would have been informed who caused, and it would have been a lawyer called Adrian Oliver of Dolmans, who instigated my arrest for monetary gain, a civil action due in January 10th, when 200 South Wales police officers are to give evidence. 100 have been admitted by Dolmans after been defending my civil action against them for ten years of consolidated harassment. Now, if that harassment has caused me to suffer from a mental disorder, I am most grateful to get a reply, a result, from The Caswell Clinic, if I can trust them, which is why – that is one good reason why I would wish to co-operate. The other major reason why they objected to my having bail is that I would interfere with the gentleman who sold me the aeroplane, attached to a gun---

THE RECORDER: No, you do not have to worry about that because I am not refusing bail on that basis.

THE ACCUSED: That was their reason.

THE RECORDER: Yes, but the file has now been completed and the evidence has been obtained and so on, so that reason no longer exists.

THE ACCUSED: Thank you. That is why I wanted somebody to shorten this list before we started, with a legal mind to take up less time. So I can cross that one out.

THE RECORDER: If you were represented we might have achieved that.

THE ACCUSED: I would interfere---

THE RECORDER: Please get representation, Mr Kirk.

THE ACCUSED: The other point they said that I would interfere with the police themselves investigating the alleged crimes. Now, can I cross that one out as being withdrawn by the CPS?

H

A **THE RECORDER:** You cannot cross it out as being withdrawn by the CPS. I doubt that I am going to be terribly interested with interfering with the police in that sense. I am more concerned about the commission of further offences.

B **THE ACCUSED:** Well, that is down the line.

THE RECORDER: Yes, it is.

THE ACCUSED: I will get there. So, could I have it from the CPS that they withdraw that allegation?

C **THE RECORDER:** I doubt it but we have to get to the end of your list and then, if I need to ask the CPS, I will ask them.

THE ACCUSED: But you will not because you already know the answer.

D **THE RECORDER:** I do not.

THE ACCUSED: They said that I would run away. I would fly away. I would find myself an aeroplane and fly across to my cottage in---

THE RECORDER: Has your licence been taken away to fly yet?

E **THE ACCUSED:** Does a piece of paper have an effect on how an aircraft can defy---

THE RECORDER: Well, I do not know.

THE ACCUSED: ... the bonds of gravity.

F **THE RECORDER:** Do you have a Civil Aviation licence at the moment?

THE ACCUSED: Well, I have been told by the CAA that they have suspended all my licences.

THE RECORDER: And would you take any notice of that?

G **THE ACCUSED:** No, the question was---

THE RECORDER: No. My question, which I am entitled to ask, is, if they suspended your licence would you take any notice of that suspension?

H **THE ACCUSED:** If I were to do anything at all---

A **THE RECORDER:** “Yes” or “No,” Mr Kirk.
THE ACCUSED: I would never get it back.
THE RECORDER: Would you take any notice?
B **THE ACCUSED:** If I did anything wrong I would never get it back.
THE RECORDER: Would you take any notice of the fact they suspended your licence?
THE ACCUSED: If I did anything to influence it getting back I would never get it back, if I
did something---
C **THE RECORDER:** Mr Kirk, it is an important question. If they have suspended your
licence, would you abide by it and not fly?
THE ACCUSED: Of course. Because that would destroy my chance of getting it back.
D **THE RECORDER:** Thank you.
THE ACCUSED: I said that earlier. They gave Judge Hughes false information about my
forensic history, criminal record. The judge, Llewellyn-Jones, referred to it, or was it
possible, or both, that I had two actual bodily harm convictions. That is false and the police
E knew that and they even influenced the clinic because it is identified on the clinic report. Not
this one but the one before, of August. The issue that they are on about is that 1980 I received
a conviction of actual bodily harm. I did not. The incident they referred to is when police
F jumped on my back and, fortunately, people at a bus stop were found by private investigators
by my solicitor, while I was smouldering in a prison---
THE RECORDER: Mr Kirk---
THE ACCUSED: And had the case overturned.
G **THE RECORDER:** Mr Kirk, I need to ask you some questions about matters that do worry
me. Can I have a chance for a moment, please?
THE ACCUSED: If you would like to hear the one you are waiting for.
H **THE RECORDER:** Well, it is not that.

A **THE ACCUSED:** Will I offend again?

B **THE RECORDER:** It is a more up to date thing that I am worried about and I wonder whether you can help me. Dr Tegwyn Williams claims that he has received, and I think his staff as well, threats. It says, “The assessment of Maurice Kirk has been complicated by people who have become aware of Maurice Kirk’s position via his website contacting The Caswell Clinic and making threats to myself and others involved in the case. Copies attached for information.” Amongst the things he has attached is a fax to The Caswell Clinic and to this court, purporting to be from someone called Mr Scarfe.

C **THE ACCUSED:** Norman Scarfe.

D **THE RECORDER:** Norman Scarfe. And it talks of a word of warning, talks of bewareing the fury of a patient nation. Says, “If there is one among you, lawyer or psychiatrist, with conscience and courage enough to do what you ought, release Maurice Kirk and cease your criminal activities. If not, I fear for the future and you should too.” Now, Mr Scarfe, I am informed, we have been informed earlier, has a conviction for a very serious offence, E wounding with intent, in which he attacked bailiffs with a chainsaw. Now, can you explain to me what is your connection with Mr Scarfe?

F **THE ACCUSED:** First of all, I have absolutely no knowledge or prior knowledge of that conviction. Having been to the law courts before I believe in the expression of “misconceived belief by the jury.” I have been in front of so many juries and watched them get it wrong and they get it wrong both ways. So I have, until I see the facts and sit in a courtroom, I will not believe a newspaper and I will not believe---

G **THE RECORDER:** But what is your connection with Mr Scarfe and what do you say of him writing to the court and saying that we should fear for the future, saying that our nefarious activities are being recorded and will be remembered, referring or making comparisons with

H

A doctors arraigned at Nuremberg. What is your view about that? Is it a decent thing to do? Is it a sensible thing to do?

THE ACCUSED: It is a matter for him, my Lord, but this chap I have only met once in my life.

B **THE RECORDER:** But he speaks of the criminality of Dr Tegwyn Williams, his cronies and accomplices; their depths of depravity being beyond the comprehension of normal human beings. Do you agree with that?

C **THE ACCUSED:** Would you allow me to bring evidence to support some aspect of that? Where he gets that from was not from me. He gets it from the information I get out of this myself.

D **THE RECORDER:** So you have not had any real contact with him, is what you are telling me.

THE ACCUSED: No, I have spoken to him on the phone a number of times but a word of warning---

E **THE RECORDER:** Have you encouraged him to interest himself in this matter?

THE ACCUSED: I had no input into the creation of this A4 document which is attached to Dr Tegwyn Williams's report but I notice you do not refer to what he is warning you about and it says, from Lord Denning, rated by some as the finest judge of the 20th century, in his book What Makes Him a Law (sic), he wrote about abuse of power and that is exactly what we have in common. I can name you a number of people who have been pushed down the gulak (sic) route, as I call it, gulak archipelago, once they have proven to be a problem to society that live within the bounds of a courtroom, they are considered mentally---

F **THE RECORDER:** Have you ever sought information through the website as to the addresses, private addresses, of persons about whom you are aggrieved and, indeed, details of the schools which their children attend?

H

A **THE ACCUSED:** Completely out of context. Could you have it in front of you in order that we could – I have brought it.

THE RECORDER: You correct me and tell me what the position is. Have you offered a financial reward for information?

B **THE ACCUSED:** Yes.

THE RECORDER: And, has that included information as to the schools attended by persons about which you are aggrieved, the schools of children?

C **THE ACCUSED:** This is completely out of context.

THE RECORDER: Well, tell me what the context is.

D **THE ACCUSED:** I referred to an actual bodily harm allegation, which was not, I was charged with common assault on police and it was only overturned because, as I was being arrested in Taunton, I said, “I am a vet, my name is Maurice Kirk,” they were lined up at the bus stop and I said, “I will give you money,” I shouted out a sum of money, but this was 30 years ago and I expect it was £10, now it would be £100. This time it is £10,000.

E **THE RECORDER:** Are you offering £10,000, or have you recently offered---

THE ACCUSED: Yes.

THE RECORDER: ... £10,000 on the website for the private addresses of persons about whom you are aggrieved?

F **THE ACCUSED:** Let me – no, witnesses, not aggrieved, no. The person who instigated my arrest was because they are delaying the procedural matters by way of mutual exchange of witness statements, for example, in my action against South Wales Police during January 2010.

G **THE RECORDER:** Where does this business of the schools attended by the children of these people come from?

H **THE ACCUSED:** If only it was in front of you, but it is a witness, it is an exhibit actually.

A **THE RECORDER:** It is somewhere. I have seen it.

THE ACCUSED: It is an exhibit, good. Well, if you read it completely you will see that this witness list will expand as I get the names. They are for witnesses of police officers who have retired. Can I please explain?

B **THE RECORDER:** But why would that have anything to do with schools attended by children of people?

THE ACCUSED: Please can I answer you? This civil action started 16 years ago. It

C concerns a number of false imprisonments and the police breaking into my---

THE RECORDER: Sorry, just give me one moment. Mr Twomlow?

MR TWOMLOW: This is page 78. It is a printout of the website.

THE RECORDER: Thank you very much.

D **MR TWOMLOW:** Of the exhibits.

THE RECORDER: Could you make a copy available to Mr Kirk?

THE ACCUSED: I do not need one.

E **THE RECORDER:** You do not need one. I am sorry, the pagination is not desperately clear on this.

MR TWOMLOW: Could I hand in?

THE RECORDER: I think it might help if you hand in the document. Just show it to Mr

F Kirk first, that it is the same thing, if he does not want to see it.

THE ACCUSED: It is a letter to Barbara Wilding, the Chief Constable.

THE RECORDER: Yes, it is all right. I have got it in my bundle because, I think I have

G anyway.

THE ACCUSED: That document has---

THE RECORDER: Just let me remind myself of what it is. I should read it out, so that

H everyone knows what we are talking about. It is only fair. I ought to check. This is recent,

A this is current, it is currently or recently on the website? 4th June is the date that appears at the bottom. It says,

“£10,000 reward for information leading to prosecution. See most recent (Inaudible) legal battles”

B and then it says,

“A substantial reward is offered on website (1) Barbara Wilding, Chief Officer South Wales Police. Your cell home and social addresses.

(2) Inspector Jenner, my past veterinary client, living in St Athan. His daughter, Alison Jenner and Alison Gafael (sic), drug dealer, tenant over my surgery and well known to the defendant, the South Wales Police. Paul Stringer, his brother, PC 973 Johan Johnson and occupants of 52 Ty Newydd Road, interviewed by police several times in 1993.

(4) Inspector Twigg, 1993 at Barry police station.

(5) Inspector Webster, Chief Inspector Brian Greaves, Supt Colin Francis, senior CPS prosecutor MG James, EB Brignall, Special Constable 7781 O’Brien, Special Constable 778 Martin and PC Swirson. Divisional Commander Colin Jones, Chief Inspector James H Moore, Inspector Rice, Police Constable Pete Lovell, officer in charge central ticket office Treforest. PC 3719 Killick, RA Prickett CPS, Mr Stopper CPS and JA Caris, clerk of the Barry Magistrates’ Court. EB Brignall, PC 973 Johan Johnson, Paul Stringer, his brother. Inspector 913 Griffiths, Inspector 2947 Coliandris”

D and then it goes on,

E “Car numbers of all of the above, home and social addresses of all of the above. Details of their families and schools attended.”

Now, if I stop there, what I need to ask you, because the law requires me to consider matters of safety of the public and so on in bail conditions, whether you might commit an offence, need to give you a fair opportunity to answer the question, “Why do you want details of the schools attended by those people’s children?”

F **THE ACCUSED:** The answer is at the bottom of the document.

G **THE RECORDER:** Not on mine it is not.

THE ACCUSED: Well, because they have only given you part of what went on the website.

A letter direct for disclosure---

H **THE RECORDER:** All right.

A **THE ACCUSED:** Can I answer your question?

THE RECORDER: So, tell us what the answer is. Why do you want their children's schools?

B **THE ACCUSED:** On the 4th October last year I asked the police to give disclosure of 43
C different police incidents, some of which relate, most of them relate to the civil action. The
D police have repeatedly refused to disclose the identity of the police officers. Now, the
problem now is that this court case started 16 years ago and most of those named people on
that list, which is a sample, have retired and they have told me that they refuse to disclose
where I can serve witness summonses for the action in January. I have to call 150 retired or
police officers in service to give evidence in the prosecution. Now, His Honour Nicholas
Chambers QC, bless him, ordered, under an abuse of process application in November of
2008, to make Barbara Wilding, the Chief Constable, disclose whether they had the
information on this.

THE RECORDER: Mr Kirk---

E **THE ACCUSED:** Please let me finish.

THE RECORDER: You are not answering the question.

THE ACCUSED: I am coming to the relevance of it.

F **THE RECORDER:** Well, please hurry up to it. These are children. Answer the question.

THE ACCUSED: Because these police officers have now retired and because her 25th
February affidavit denies that some of these court cases took place, like Stopper CPS, I
arrested him and called the police because of what he did in court. Now, I want his home
G address because the CPS system will not give it.

THE RECORDER: This is not his home address I am asking you about. Why the children
and the schools?

H

A **THE ACCUSED:** Because people who, if you are trying to find out their home address in
order to serve a witness summons on them, you sometimes have to resort to the most extreme
circumstances and that is to find out where their children go to school, identify them and get
B someone to follow them back to the address where they live. I am sorry, my Lord. You can
interpret that as you---

THE RECORDER: If you were at large, would you do that sort of thing?

THE ACCUSED: No---

C **THE RECORDER:** Follow children?

THE ACCUSED: That would be at the end of the extreme. If the police refuse to give you
the name and address of, for example, you had Twigg, Inspector Twigg. He has retired and I
D know where he is. Since that advert went out I have found out where he lives in Cardiff, right.

THE RECORDER: And are you going to go there if you have the chance?

THE ACCUSED: No, I need to serve a witness summons on him .

THE RECORDER: Have you got a witness summons?

E **THE ACCUSED:** The court has told me that I cannot serve witness summonses for the 10th
January for 200 police officers who have retired on the police station. The police station at
the moment are refusing to answer any of my letters under disclosure under Section 31 CPR
F Civil Rules or under the criminal regulations which relate to this case. Do you understand?

THE RECORDER: I do. I have formed a view, I am afraid. I will give you five minutes to
say anything else you want to but I have to case manage it in terms of the time and resources.
People have waited a long time. At the moment, Mr Kirk, as a matter of fairness, I have to
G indicate that I am satisfied that I will have to keep you in custody at The Caswell Clinic, that
you will not co-operate with a continuing psychiatric assessment if I admit you to bail and that
you represent a significant risk of further offending if I am to grant you your bail because you

H

A are obsessed with this litigation and you would do anything which you feel is justified, criminal or not, in order to further it.

THE ACCUSED: I wish to know the suggestion that I will offend again but, before I do that, I wish to know what offence I have committed.

B **THE RECORDER:** Well, at the moment you are charged and, under the bail provisions that I have to apply, I have to proceed on the basis that that allegation is provable and you have previous convictions. I appreciate you dispute some of them and I put the disputed ones out
C of my mind but you have previous convictions. My major concern, though, is that you are obsessed with this matter, you will not see reason and I cannot trust you not to commit further offences because of your obsession which, amongst other things, is illustrated by your total refusal to accept offers of representation.

D **THE ACCUSED:** But nothing that you have referred to suggests an offence could be occasioned. I was left holding, when the music stopped, apparently I was holding a gun that some people say was in breach of The Firearms Act. Except it is you, I remember, on the
E transcript, you ordered that I should be given a transcript. Nobody gave it to me. I had to buy it six weeks, I think it was, after this case took place in my absence because nobody told me it was going on and you said---

F **THE RECORDER:** I thought it might help if you had a transcript because I thought you might appreciate that I was trying to treat you fairly.

THE ACCUSED: Yes.

THE RECORDER: But it has not worked.

G **THE ACCUSED:** But nobody gave me the transcript.

THE RECORDER: Because your obsession is too powerful.

THE ACCUSED: But nobody gave me the transcript. I did not know what was going on
H and you said---

A **THE RECORDER:** But you have it now.

THE ACCUSED: But you said this has got nothing to do with Mr Kirk, it appears it is to do with the gun, and when the music stopped from 1985, when it was put on the aircraft, to the chap who has it or still has it in Lincolnshire or somewhere, I have parted with the alleged
B item over a year before and you said, yourself, that this is a matter of the legality of the weapon, not Mr Kirk. But now you are saying that I am likely to reoffend. Offend by way of firearms?

C **THE RECORDER:** I would not know. Any offending that you think would further your cause in relation to the litigation about which you are obsessed including, potentially, involving people like Mr Scarfe and others who feel that they are persecuted by some sort of conspiracy.

D **THE ACCUSED:** But I wish to serve witness summonses on police officers and court staff who have now retired and I, the most extreme---

THE RECORDER: Mr Kirk, I am going to stop it now for this reason. What you are
E giving, and I do not think it is fair in some ways, is a demonstration of the extent to which you are obsessed about these matters. I have read Dr Tegwyn Williams's report. You appear to me to be demonstrating the paranoid tendencies which he describes.

F **THE ACCUSED:** But I---

THE RECORDER: Thank you very much. I need not trouble you, Mr Twomlow.

THE ACCUSED: I---

THE RECORDER: I have listened---

G **THE ACCUSED:** The difference between paranoia, it is the belief that you are in a persecution and cannot back it with evidence. I have the evidence here. I have independent witness statements.

H

A **THE RECORDER:** Mr Kirk, it is the end of the hearing but I will ask you once again. Are you interested in taking advantage of a Representation Order so that a solicitor can look after your interests?

B **WOMAN IN GALLERY:** Forgive me, your Honour, I have evidence.

THE RECORDER: Are you interested in a Representation Order?

C **THE ACCUSED:** I have already indicated, my Lord, that 20 law firms, even during the short time of two months, three months, four months in prison, I have, once I ask them to investigate who instigated me being locked up---

D **THE RECORDER:** Well, they are probably going to say – I will try to explain it to you, Mr Kirk, because it is my duty to do so, to try to help you as much as I can. They would be paid for doing work which is relevant to the prosecution against you. That is how the funding works. That would involve them in a consideration of whether the gun is a firearm within the meaning of the Act, whether you were in possession of it, whether you sold it and so on. It would not extend to them being paid for the sort of things you are asking about. So, they are probably only trying to do their duty by the public funds that pay for them and ensuring they only did work which was reasonable. So you are likely to run into that. That is true. They will refuse to undertake work which they feel they would not be paid for because it is not relevant. I understand it is difficult for you to understand that. If you had lawyers whom you trusted and if you concentrated on the idea that it is not a good idea to be convicted of this offence which carries five years' imprisonment, you might want them to do that work. The problem I have trying to get through to you is you are so obsessed about these other matters
E
F
G that you do not really want to talk about that. You want to talk about the other matters. But, the offer is still there but they will tell you they will only do work that is relevant to the prosecution.

H

A **THE ACCUSED:** My Lord, the prosecution's case fails to show intent. If I am guilty of a gun offence there is no evidence of intent. But I was---

THE RECORDER: You misunderstand the law in relation to the statute and that is a good illustration of why you need representation but I cannot force it. You think you know things
B when often you do not. That concludes this hearing. The remand earlier stands

MR TWOMLOW: 26th October?

THE RECORDER: 26th October. Thank you.

C **THE ACCUSED:** Am I entitled to see my wife in private for ten minutes?

THE RECORDER: I think that may be impractical now, I do not know. What is the position due to the time? (Inaudible reply) Not practical. I am sorry. Thank you.

D **THE ACCUSED:** Not practical? (Outburst from gallery)

THE RECORDER: It is not a public meeting. It is not a public meeting.

(4.55pm)

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

B

Signed: Mendip-Wordwave Partnership

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