

A **IN THE CROWN COURT**
AT CARDIFF

Indictment No B20090055

The Law Courts
Cathays Park
Cardiff
CF10 3PG

B **25th June 2009**

Before

C **HIS HONOUR JUDGE HUGHES**

REGINA

-v-

D MAURICE KIRK

E **MR R ACE** appeared on behalf of the Prosecution

THE DEFENDANT appeared in person

F PROCEEDINGS

G Tape Transcript of **Mendip-Wordwave Partnership**
(Official Shorthand Writers to the Court)
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H **25th June 2009**

PROCEEDINGS

JUDGE HUGHES: Yes, Mr Ace?

MR ACE: Your Honour, I appear to prosecute this matter. The defendant represents himself, I understand, in this case. As your Honour has heard, this is a case where it is an application to effectively appeal a decision of the Magistrates Court in granting this defendant bail yesterday. He was charged with Firearms Act offences on 23rd June, those offences being contrary to 5.1(a) Schedule 6 of the Firearms Act, effectively having possession of a Lewis machine-gun and also offering to sell the same. Both of those offences ...

JUDGE HUGHES: Offering for sale?

MR ACE: Yes, in fact selling, offering and then selling ultimately.

JUDGE HUGHES: What is the offence, the sale or the offer?

MR ACE: The actual sale.

JUDGE HUGHES: The sale, thank you.

MR ACE: Sale or transfer, yes. Those offences do carry the minimum term of five years, because the fact that the Lewis machine-gun is effectively adapted or designed for two or more missiles, in this case obviously a normal bullet could be successfully discharged without repeated pressure on the trigger, that comes within the specific ambit of Section 5.1(a).

Giving a history, if I can, of the incident: a DC Parker accessed the internet on 29th May this year. In particular he accessed the defendant's website, called kirkflyingvet.com. He obtained some images or some pictures from that site, showing this defendant holding what the Crown say is a Lewis machine-gun. The titles to those went along these lines: "Dressed for court, Cardiff Court, playing the field, the glorious 12th, crooked ..."

JUDGE HUGHES: Just a minute. "Dressed for court, Cardiff court ..."

MR ACE: "... and a level playing field."

A **JUDGE HUGHES:** Yes.

MR ACE: The others saying, “Glorious 12th, crooked, lawyer, shoot.” Your Honour, I ...

JUDGE HUGHES: Just a minute. Yes?

B **MR ACE:** I have the only copies thus far downloaded from the computer in relation to those photographs. It may be instructive for your Honour to see those.

JUDGE HUGHES: Oh, let’s see them.

MR ACE: Two of them are in plastic folders; one is by itself. (Handed)

C **JUDGE HUGHES:** What is in this?

MR ACE: A further photograph, I understand, I have seen it, showing the defendant holding what looks like a Jack Russell or something.

D **JUDGE HUGHES:** I cannot see the words, “Glorious 12th, crooked, lawyer, shoot,” am I looking at the correct ...

E **MR ACE:** It may be that they have not come up on those specific photographs, a number were obtained, I can tell your Honour from the statements that I have read that there is confirmation of ...

JUDGE HUGHES: The appearance of those words?

F **MR ACE:** Yes, and certainly the last photograph, which is not in the package, is talking of like a crooked vengeance, crooked lawyers.

JUDGE HUGHES: Thank you, I will hand these back. (Handed)

G **MR ACE:** Thank you very much. On top of that, there were other items, there was a photograph which DC Parker found, again one of these photographs with a caption saying, “The final solution, break down in UK law and order.” The officer also accessed the You Tube internet video website; as your Honour may know there is effectively a way of putting small clips and videos on websites called the You Tube. A number of video clips were found

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A which involved this defendant. They were termed “CAA demand flight test,” I will go into
detail what that actually means in due course, “Lost passport,” and then “Judge closes down
vet’s website.” Those videos have been seen by the Crown, taken from the You Tube from
B the internet. The “CAA demand flight test” shows this defendant with what the Crown say is
the 3-calibre First World War Lewis machine-gun ...

JUDGE HUGHES: The same machine-gun?

MR ACE: That is the Crown’s case, yes. There is rusting on it and that appears to be on
C the photograph.

JUDGE HUGHES: Yes.

MR ACE: That has some words on it where the defendant is talking about retaking his
D pilot’s licence, having lost it because he, your Honour may recall from the media attention,
had flown it seems too close to the ranch of President Bush and was arrested for that.

JUDGE HUGHES: I was not aware of that.

MR ACE: As a result of that ...

JUDGE HUGHES: Just a minute. This is a private aeroplane, is it?
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MR ACE: Yes.

JUDGE HUGHES: And the date of that incident?

MR ACE: That is not referred to specifically on the video that I have been told about, I am
F afraid, it is also not referred to within the video itself.

JUDGE HUGHES: Yes, thank you.

MR ACE: Within that clip it is said, I am told, that the defendant appeared tired and
G complaining of arthritis at the time and was saying that he had to take his retest because the
Civil Aviation Authority, the CAA, had revoked his licence for those reasons, with President
Bush’s ranch. He had been flying over 40 years, he was concerned over the re-sit. He then

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A picked up the machine-gun and says words to the effect, “Well, she won’t be with me tomorrow, I hope it won’t be appropriate.”

B The next video is a Royal College of Veterinary Surgeons website, but it is through this defendant and You Tube that the connection is made. That shows this defendant, in what the Crown say appears to be his home address in the Vale of Glamorgan, holding the machine gun ...

JUDGE HUGHES: These are moving images, are they?

C **MR ACE:** Yes. Appearance dishevelled, repeating about flying on the President’s land, says that he was taking the test, that he would have to be polite and charming which appears to disagree with him. He is then seen on the video to raise the gun with his right hand and place it across his chest, gripping the barrel with his left hand and it is down in the summary, I have not seen the video, as adopting a bladed stance, I believe that is a stance with your legs open.

JUDGE HUGHES: A what stance?

E **MR ACE:** A bladed stance, it is down as. I believe that is holding it across his body with his legs open and rocking from side to side.

F The next video is termed “Lost passport.” He is with his vehicle, a red convertible Escort, which is seen in the first video. There are aeroplane parts in the back of a trailer that is with that car, and that becomes relevant in due course when I explain that there is a plane involved in this case that was sold on with the gun, effectively with the machine-gun. He complained about British bureaucracy and explained how he managed to get through Customs at Portsmouth from France without a passport and that he had previously taken live ammunition and a knife in luggage to Florida and out again without being stopped.

G **JUDGE HUGHES:** Had taken what?

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A **MR ACE:** A large knife and large ammunition in hand luggage into Florida and out again without being stopped.

JUDGE HUGHES: Yes.

B **MR ACE:** On the initial website I talked about, the kirkflyingvet.com website, there are also items for sale ...

JUDGE HUGHES: This is back to his own website?

C **MR ACE:** Yes. In particular, it listed for sale Lewis machine-gun with ammunition, or “with ammo” it said ...

JUDGE HUGHES: Just a minute. Yes?

MR ACE: £4,000.

D **JUDGE HUGHES:** £4,000?

E **MR ACE:** Yes. Last year, around the middle of last year, I am afraid the dates at this stage are not more specific than that, a Ronald Cooper, who is in the aircraft business, it seems he has a number of vintage aircraft, around about the First World War kind of period, says he purchased a plane off this defendant. He bought that because it was a fighter plane, a First World War, slightly before the First World War model fighter plane, only two in existence, this defendant had one of them, the other one being in New Zealand and what was good about this plane, effectively, was that you could mount the Lewis gun in the middle of the cockpit and it would not interfere with the progress of the propeller. So he purchased the plane and, in due course, sometime it seems in the summer of last year, he also added to that the Lewis machine-gun from this defendant. It was important, it seems as well, to the stability of the aircraft.

G **JUDGE HUGHES:** What is the name of this gentleman who bought these items?

MR ACE: Ronald Cooper.

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A **JUDGE HUGHES:** And where does he live?

MR ACE: I think he is in the Midlands.

JUDGE HUGHES: In the United Kingdom?

B **MR ACE:** Yes, United Kingdom, yes.

JUDGE HUGHES: When you said to me that a police officer accessed his website on 29th May, is that this year or last year?

MR ACE: That is this year, sorry, DC Parker.

C **JUDGE HUGHES:** Yes?

MR ACE: It is right also that an officer, because Ronald Cooper had thought that the machine-gun was deactivated, because he had been told. The Crown say, well, it is not deactivated, there is a formal process for deactivation ...

D **THE DEFENDANT:** Excuse me, may I interrupt?

JUDGE HUGHES: Not at the moment, Mr Kirk.

THE DEFENDANT: Can I not have a pen and paper or something to record ...

E **JUDGE HUGHES:** If you have not got pen and paper, you may have it, of course. We will pause whilst you are given that.

(Pen and paper handed to defendant)

F **JUDGE HUGHES:** Yes?

MR ACE: The police managed to track down the weapon through Mr Cooper.

JUDGE HUGHES: When was that?

MR ACE: Very recently, I will just check the specific date. Yes, 22nd June.

G **JUDGE HUGHES:** This is having seen it on the website, I assume?

MR ACE: Yes, that was the connection, then they had information which led them to the sale of it to Mr Cooper, he could then tell them the whereabouts; in fact they ended up liaising

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A with him and they have got hold of that, because they have managed to look at the machine-
gun. The armourer says no, it is not deactivated, it needs to go through a proper process and in
fact I understand ultimately their proof house is involved ...

B **JUDGE HUGHES:** Pardon?

MR ACE: The Home Office use specific companies who deal with those matters and deal
with it in terms of Home Office guidelines for deactivation and then the weapon can be
stamped, I understand, saying, "This is now deactivated in accordance with the protocol." So
C simply, for instance, taking a bolt out is not what it is about.

JUDGE HUGHES: Was there any ammunition recovered?

MR ACE: No. An officer, it is right, also contacted the defendant, not indicating that they
D were a police officer, in relation to the offer to sell this Lewis gun, because that remained upon
the website despite it being sold, and talked about deactivation and this defendant said that it
could be used, it was not deactivated, effectively.

JUDGE HUGHES: By which time it had already been sold?

E **MR ACE:** Yes.

JUDGE HUGHES: But it was still advertised for sale on the website?

MR ACE: It seems that, yes ... sorry.

JUDGE HUGHES: What is the allegation of what Mr Kirk said in this conversation?

MR ACE: It is an officer effectively undercover, not saying they were an officer, spoke to
F this defendant on the phone, indicated that they had owned one which was deactivated and the
defendant said this one worked, so clearly this one worked. The terms of the conversation was
G he was saying, "The one I'm talking about, which I no longer have, worked."

JUDGE HUGHES: Yes?

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A **MR ACE:** The defendant was arrested on the 22nd and interviewed. I understand there was a prepared statement that he did not produce at that stage to the interviewing officers. I have subsequently seen that; it seems to be, with respect, not related specifically to this allegation.

B **JUDGE HUGHES:** Does it deal with the allegation, by way of denial or admission?

C **MR ACE:** It deals with many other allegations outside this and does not appear to be specifically related to this allegation. It is quite a thick document, it was given to me shortly before coming to court, I am afraid I have not had the opportunity to read it, but it is substantial. I understand that this is the document here. It outlines numerous allegations, frankly going back over a long, long period of time against many, many members of the judiciary, the Bar, instructing solicitors, which the Crown, with respect, say is frankly not pertinent to this specific allegation in terms of his response.

D **JUDGE HUGHES:** Not to the offence but to the question of risk, is that what the Crown's case is?

E **MR ACE:** Your Honour, yes, and in fact in that regard there is also, and this is in essence what the Crown say is perhaps the plank of the application regarding bail in this case, is this defendant has also on his website offered a reward for personal information, a £10,000 reward, leading to the prosecution of Barbara Wilding, the Chief Constable, and also other persons, F Crown Prosecution Service representatives, retired police officers. But what is pertinent, the Crown say first of all it is a reward. I can certainly hand to the court what I have in relation to that. (Handed) Page 7 appears to be the specifics of what this defendant wants; he wants G names and addresses and where people live.

(Pause – judge reading)

H **JUDGE HUGHES:** Yes?

A **MR ACE:** In addition to that, your Honour, I had passed through the fuller-detailed
antecedent record in relation to this defendant, the ones I handed first of all, I am afraid, were
mine and they did not have the narrative and in fact did not have numerous previous
B convictions from Magistrates Courts around the West Country and also, it seems, in Guernsey,
assaulting police on numerous occasions, drunk and disorderly, drunk flying an aircraft,
damaging an aircraft liable for forfeiture, walking on the motorway, flying an unregistered
C aircraft over the UK, contempt of court in Guernsey in 1984. January 1989, assault police,
four occasions, Guernsey. A number of other matters which seem to have been appealed.

JUDGE HUGHES: Yes.

MR ACE: It is right also that the defendant has, on occasions it seems, offended whilst on
D bail, but the nub of the Crown's application is this ...

JUDGE HUGHES: That is in the year 2000, is that correct?

MR ACE: Your Honour, yes. It is not clear whether that took place on the other matters, I
am afraid, because it is not specifically in the antecedent record. This defendant, I am
E instructed, indicated in court that he has property in France in which he resides from time to
time. His main property is The Marl pits in St Donat's in Llantwit Major in the Vale of
Glamorgan.

JUDGE HUGHES: Do you say he has a second home in France?

MR ACE: Yes, Brittany, I am told. I have had the assistance of an officer this morning for
that kind of detail. There are, in my submission, a number of concerns in relation to this
defendant. He undoubtedly has the wherewithal and ability to flee the jurisdiction. He has, in
G my submission, over the years frankly flouted the court's authority, when we consider his
antecedent record in particular. Allied to that there is of course, in my submission, what

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A appear to be frankly clips of videos and photographs of a threatening nature or intimidating nature, scattered widely against all those involved in the criminal justice system.

JUDGE HUGHES: Yes.

B **MR ACE:** Of great concern, the Crown would respectfully say, is this as well: that latter entry, which I finished by providing your Honour, of course asks for very specific details regarding potential witnesses generally involved in other matters and of course this is an ongoing investigation. The defendant is capable, it seems, of contacting witnesses and the C Crown respectfully say that kind of message that he sends from his website indicates there is also a realistic fear that he will interfere or attempt to interfere with those involved in the process.

D **JUDGE HUGHES:** Does he live alone or with family at his address in South Wales?

E **MR ACE:** He has a wife, I understand, and a child, a 10-year-old child, and the primary residence has been that in St Donat's, but I am instructed by the officer in the case in these matters that there is another residence and it may be that the relationship at present is strained between this defendant and his wife, but of course he has the connection of a young child.

JUDGE HUGHES: Do you mean it is thought he does not live at the moment with his wife and child, is that what you are saying?

F **MR ACE:** Yes. Your Honour, for those reasons, in my submission, a number of reasons, it is my submission that this defendant should be remanded into custody.

JUDGE HUGHES: And what are the exceptions that you rely on?

G **MR ACE:** The submissions are first of all, and perhaps primarily, the interference with witnesses, highlighted, in my submission, by that latter entry on the website; failure to surrender, bearing in mind the consequences, first of all, of this conviction, the five-year minimum; bearing in mind his previous offending history and actually, in these circumstances,

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A bearing in mind he does in fact have quite easily the capability to flee the jurisdiction and
somewhere to go where he has, from time to time it seems, resided. There is also the third
plank of fear of further offending, simply because of the raft of previous convictions and the
B continuation, it seems, through his website of what the Crown respectfully say is (inaudible)
of criminal behaviour against the bureaucracy, as he puts it. Those are my submissions, your
Honour.

JUDGE HUGHES: Yes, Mr Ace, thank you very much.

C **(11.15 am)**

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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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