

IN THE CARDIFF COUNTY COURT

Claim No 10F03546

MAURICE JOHN KIRK

Claimant



1st Defendant

Professor Roger Wood

2nd Defendant

Director of the South Wales National Health Service

3rd Defendant

The Secretary of State to the Ministry of Justice

4th Defendant

PARTICULARS OF CLAIM

1. The 1st Defendant was at all material times the Clinical Director of the South Wales Constabulary's Forensic Unit, Caswell Clinic, Bridgend and the staff of the medium secure psychiatric hospital, hereinafter referred to, were at all material times acting under the direction and control of the Defendant in the performance or purported performance of their functions.
2. The 2nd Defendant was at all material times a psychology professor at Swansea University, South Wales.
3. The 3rd Defendant was the regional director responsible for the conduct of the South Wales NHS staff and safety of the general public when in its care.
4. On or before 1st June 2009, following meetings at South Wales Police HQ, by senior police officers, the 1st Defendant was made aware that 'Operation Orchid' had been conceived following the attempts by the Claimant to sue the South Wales Police relating to over one hundred incidents and was claiming malicious intent, bullying and false imprisonment by them. *pure*
5. His newest complaint, that being the Chief Constable's February 2009 falsely signed sworn affidavit, relating to years of covert police surveillance of the Claimant, led to meetings of the Independent Advisory Group (IAG) and Multi Agency Public Protection arrangements (MAPPAs) in order prevent disclosure of the truth. *pure*
6. Repeatedly, police refused to properly investigate crime committed against his property and person. Well over one hundred allegations of criminal conduct were laid, as a counter measure, only to be withdrawn by the HM Crown Prosecution Service or ignominiously dismissed in the criminal courts despite where HM Partnership had some special relationships with each other in the Principality. *pure*

7. The 1st and 3rd Defendant knew that police 'Operation Orchid' was devised on spurious medical grounds with a real risk of damaging the Claimant by either being a party to causing his 10 year old daughter being taken into care, allegedly for her own safety, by South Wales Social Services.
8. The 1st Defendant, on 8th June 2009, caused members of his staff to attend Barry police station for a MAPPA meeting that led to his knowledge that the Claimant was to be arrested, remanded in custody and should the Claimant 'approach the Chief Constable of South Wales', on the pretext of 'mutual exchange of witness statements', in a civil action, 'he was likely to be shot' by an armed police unit.
9. At no time, to this day, did any of the four Defendants inform the Claimant of the risk to his life, from the South Wales Police nor the existence and possible consequences of 'Operation Orchid' causing damage to both the Claimant and his family.
10. In early and mid June 2009 the Claimant attended various South Wales police stations, in Cardiff, Cowbridge and Barry, lodging further complaints of being refused police investigations concerning crimes committed against him. *Police*
11. On 18th June 2009, in frustration, the Claimant visited and complained at the Chief Constable's office in Bridgend HQ where he was soon surrounded by a heavily armed police sporting flak jackets and tin hats with an array of gas cylinders clipped on their belts. *Police*
12. The Chief constable refused 'exchange of witness statements', despite a court dead line by the following day, and ordered the Claimant be escorted off the premises but not before a thorough search of his car, for any fire arms or explosives and bringing in a road patrol officer off the Motorway who failed to find any defect in the Claimant's old car. *Police*
13. The Claimant put the finishing touches to his 64 page witness statement, for court later, having just 'gone public', on You Tube and on his own web site, www.kirkflyingvet.com, of his knowing, all the time, of the 18 years of expensive covert police surveillance on both his veterinary hospital and home.
14. On 21st June 2009 the 1st Defendant was notified of 'Operation Chalice', arranged by the Chief Constable, for a formidable armed police unit amassed to take the Claimant into custody. *Police*
15. The operation was, however, aborted despite the Claimant being in full view of the twenty odd surveillance team, crowded in the road and crouched behind the hedges with police helicopter hovering overhead.
16. On the 22nd June 2009 the Claimant was arrested on fire arms charges, fabricated by the Chief Constable but examined by a police psychiatrist who found no relevant medical abnormality with her patient to require detention or treatment. *Police*
17. To the contrary, the 1st Defendant wrote his 3rd August 2009 psychiatric report, without even examining the Claimant, recommending the Claimant serve a further

prison sentence, whilst unconvicted but in his experimental unit, Caswell Clinic, thereby further delaying the machine gun allegations coming to trial.

The 1st Defendant wrongly stated his patient suffered a 'paranoid delusional disorder', requiring further detention in custody, due to 'false fixed beliefs' in that the Claimant believed he was being persecuted by the South Wales Police.

On 7th August 2009, upon giving a Cardiff Crown Court judge false information, the 1st Defendant recommended and obtained a Section 35 under the 1983 Mental Health Act.

The 1st Defendant knew or should have known that an appropriately qualified police doctor, HM Prison Cardiff psychiatrists and his own doctors, at Caswell Clinic had already very recently physically examined the Claimant and had found no mental health abnormality requiring further incarceration or treatment.

The 1st Defendant, on or about 28th August 2009, maliciously and/or negligently, caused the Claimant to undergo an unnecessary but intrusive procedure of a SPEC scan requiring the infusion of radioactive isotopes into the Claimant's brain.

The 1st Defendant informed the South Wales Police, HM Crown Prosecution Service, Uncle Tom Cobley and all that Princess of Wales Hospital brain scans revealed 'significant brain damage' and likely to be irreversible..

The 1st Defendant had no appropriate medical qualifications to come to that conclusion especially with the prior knowledge that an expert in the field of brain scans had already written a report stating there was no sign of relevant abnormality or suggestion of any space invading lesion in the Claimant's brain.

Following significant but immediate alarming sides effects on the 'patient' the 1st Defendant repeatedly refused the right for the Claimant to be examined, either privately funded or funded by the 3rd Defendant, by his own general practitioner of some seventeen years standing or independent source from outside South Wales.

The Claimant has suffered these apparent medical complications ever since.

The 1st Defendant caused the 2nd Defendant to be also enticed into the conspiracy, to pervert the course of justice, hatched originally by senior police officers of South Wales in the hope of a few chances in having the chronic litigant 'lawfully' shot.

Professor Wood, the 2nd Defendant, interviewed the Claimant under the pretence he was a doctor of medicine and when he had no appropriate qualifications to write such content in his original report to Dr Ruth Bagshaw of Caswell Clinic.

The 2nd Defendant's report, read by the Claimant on or around 13th October 2009, stated apart from other untruths, the following:

- a. He was an expert in the field of interpreting brain scans and the very purpose of his being called in by the 1st Defendant. He agreed with the doctor's findings, that of irreversible 'significant brain damage'.
- b. Damage was attributed to the effects of excessive alcohol consumption having been an old drinking partner of the late actor, Oliver Reed Esq.
- c. Damage was attributed to the effects of 'previous flying accidents' and the Claimant's recently ditching into the Caribbean in his WW2 light aircraft during an attempted circum navigation of the world.
- d. Damage confirmed by the 2nd Defendant's belief that the Claimant had flown his aircraft from West Wales to Australia 'without a map'.

29. 1st Defendant caused further psychiatric reports to be written containing the following:

"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 behavior and control of emotions".

"Maurice Kirk presents with symptoms entirely consistent with a mental illness namely Paranoid Delusional Disorder (fixed false beliefs unamenable to reason)".

30. More 1st Defendant psychiatric reports caused the Claimant to be further detained in custody, in fear of his life throughout, for the maximum period allowed, under the 1983 law, that of twelve weeks.
31. The 1st Defendant, despite repeated objections by the Claimant each time a new report was written, refused to correct his forensic history of his patient. It included, along with other false information to countless bail judges, that the Claimant, in 1982, had been convicted of 'Actual Bodily Harm'.
32. Following the Claimant's applications under the Freedom of Information and Data Protection Acts, the 3rd Defendant, the NHS, refused to disclose the full relevant medical records caused by the Claimant's detention in Caswell Clinic and in particular including any records of 2nd Defendant or from those of the doctor in his presence at time of his insulting interview.
33. The 1st Defendant then recommended, under a Section 41 or similar, to numerous judges that the Claimant be retained in a psychiatric hospital. He particularly asked his patient be transferred to Ashworth high security psychiatric prison,

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following consultation with the South Wales Police and MAPPA recommending he be imprisoned IPP, imprisonment for public protection and without access to a jury, for an indeterminate period.

34. On the Claimant being returned to HM Prison Cardiff, in late October 2009, the 1st Defendant was now in possession of other doctor's opinions, exceeding eighteen, that the Claimant revealed no relevant mental disorder to have caused his detention in his Caswell Clinic or for any treatment other than obtain independent legal representation, significantly unavailable in South Wales.
35. On 2nd December 2009, before the prospective trial judge in the rapidly approaching criminal proceedings, with the Claimant now indicted on 'being in possession of a machine gun', 'selling it' and 'making financial gain', the 1st Defendant caused some of those present, without ever informing the Claimant, to this day, that the latter now had a brain tumour and was far too dangerous to be released on bail.
36. These further serious attempts to pervert the course of justice, by HM Crown Prosecution Service, the Chief Constable of South Wales Police and Dr Tegwyn Williams, were MAPPA's last ditch attempt to avoid a farcical and publicly watched criminal trial in the capital of Wales.
37. During the 2nd December 2009 Crown Court hearing, in the absence of the unrepresented Claimant, locked up below, two English independent medical reports were considered by the court. The 1st, from HM Prison Ashworth, found no apparent mental disorder while the 2nd, likewise, from a leading specialist in nuclear medicine, went so far as to castigating the 1st Defendant for the unnecessary use of a SPEC scan when a non intrusive scan was all that was needed. The Claimant was again refused bail.
38. On or about 17th December 2009 MAPPA, conducted in Caswell Clinic would you believe, removed the Claimant from their top level 5% category 3 list of most dangerous persons to the general public.
39. MAPPA or their agents, including 1st, 3rd and 4th Defendant have failed to notify the Claimant, to this day, as to when and why was he on MAPPA register at all?
40. Why, now, he was no longer considered a public threat just days before a trial carrying possible convictions with a mandatory ten year prison sentence?
41. On 9th February 2010 the Claimant was cleared of all charges, despite offering no defense BUT only due to the timely intervention of a jury made up of no lawyers and only one police 'plant'.
42. Upon release from prison all four Defendants caused the Cowbridge Health Centre to refuse the Claimant as a continuing patient or disclose what confidential medical information of their patient it had revealed to FTAC, MAPPA or any of the Defendants before or during his custody period.

43. On 10th February 2010, in Bridgend police station, a police psychiatrist and social workers examined the Claimant, yet again, in relation to 'Operation Orchid', still ongoing and again, found no relevant mental disorder to warrant the custody or medical treatment of the Claimant or being continued refusal to get access to his own daughter.
44. The 3rd Defendant refused to disclose the full medical records, yet again, under a repeated Claimant Application, under the aforesaid Acts but included, by mistake a back dated falsified copy, again signed by the 2nd Defendant, as if to be a copy of the original one seen by the Claimant handed to him, during his custody, by a Caswell Clinic doctor to read.
45. Only when the good doctor perceived the Claimant was likely to assault him, if need be, did he hand over the erroneous document to read.
46. This report was clearly designed, as with the 1st Defendant's psychiatric reports, to injure the Claimant's reputation and good name in the Vale of Glamorgan where he had, for many years, successfully practiced veterinary medicine.
47. Continued refusal by all four Defendants, to clarify and correct the Claimant's medical records, caused the Civil Aviation Authority to refuse his renewal for his pilot's licences until further examined by two of their most senior psychiatrists.
48. The Claimant had to travel to the CAA at Gatwick airport to find two doctors who stated, in so many words, that there was no indication of any medical condition that prevented the Claimant from holding a permit to be allowed to lawfully 'break the bonds of earth' in UK airspace.
49. In June 2009 surgeons refused to operate on the Claimant, for an urgently needed total hip replacement, due to confusion caused by the all four Defendants, refusing to clarify whether or not the Claimant had cancer and 'significant brain damage'.
50. The 3rd Defendant refused to carry out another brain scan, via his new GP in Barry, causing serious delay with the Claimant having to travel to a foreign country for one. Only then did the Claimant obtain his much overdue operation, in Brittany once no abnormality was found in the Claimant's brain.
51. In or around July 2010 the 4th Defendant refused to disclose Claimant's medical records relevant in these Particulars of Claim and denied knowledge, despite attending, of MAPPA monthly meetings during the 2009 Claimant's custody.
52. The 4th Defendant would not even allow the Claimant to have his walking sticks returned suggesting malicious intent and part of the conspiracy.
53. All four Defendants caused unnecessary pain and suffering and mental anguish with the seriously debilitating effect of prolonged mind enhancing drugs such as morphine sulphate and Tremadol for nearly ten months.

54. The Claimant's medication and severe pain caused complete havoc and huge expense to the Claimant for numerous court proceedings, both civil and criminal, since June 2010 to around eight weeks after his 25th March 2011 operation, a period for recuperation.
55. Parties in both civil and criminal courts, between June 2010 to date, have taken unfair advantage of the Claimant either ignoring countless monthly medical updates from specialist doctors from both sides of the English Channel.
56. One Cardiff law firm, defending a client for monies owed, actually quoted from the 1st Defendant's false information contained in his psychiatric reports pleading the Claimant was, in effect, insane.
57. The 4th Defendant also caused about a week's false imprisonment, in or about January 2008, when refusing to take from his prisoner, from within prison, his cash, his cheque, supply a credit card machine, to draw the cash or take from his wife, dutifully waiting at the prison gate, the outstanding amount in 'readies'.
58. The Barry magistrates had promised the Claimant he could pay the outstanding CPS costs and court costs at any time during prison custody. The remaining amount from the original £11,000 owed being around £3,500, in lieu of imprisonment.
59. In summary, the Claimant has suffered from all four Defendants' misfeasance in public office and failure of duty of care to their patient and/or prisoner needing the latter to obtain protection from this abuse by temporary asylum in France, now subject to appeal and shortly to be heard, in open court, in Paris.
60. And in particular, the failure by the 1st Defendant to correct and clarify the Claimant's medical records is gross professional misconduct which has caused defamation of the Claimant's name and good character, falsification of medical documents, false imprisonment, serious prolonged unnecessary bullying, pain and mental suffering to cause damages, special damages and/or exemplary damages with punitive damages, his conduct needing a long overdue criminal investigation.
61. And in particular, the 2nd Defendant's negligence has caused defamation of the Claimant's name and good character by falsified medical records causing false imprisonment and unnecessary pain and mental suffering requiring damages, exemplary and/special damages with punitive damages, his conduct also needing a long overdue criminal investigation.
62. And in particular, the 3rd Defendant has caused defamation of the Claimant's name and good character, continues to withhold proper NHS services from the Claimant and relevant medical records that has led to unnecessary pain and mental suffering for the Claimant requiring this claim for damages, exemplary and/or special damages

63. And in particular, the 4th Defendant has caused negligence, unnecessary pain and mental suffering and false imprisonment requiring damages, exemplary and/special damages.

64. And the Claimant claims costs.

Unless restrained by a competent court this rogue psychologist and rogue psychiatrist are likely to repeat their action again, there currently being little or no proper outside independent supervision of what really goes on in the Principality.

The Claimant retains his right for trial by jury and for a lawyer to read and amend this Claim.

Maurice J Kirk BVSc

2nd June 2011

Puits aux Papillons
St Doha
22230 Merdrignac
Brittany

maurice@kirkflyingvet.com

Copy to: Court of Appeal, Criminal Division, Royal Courts of Justice