

In The Cardiff County Court

Case no.BS614159-MC85

CF101741

CF204141

Between:

**Maurice John Kirk**

**Claimant**

and

**The Chief Constable of South Wales Police**

**Defendant**

**Claimant's Preliminary Skeleton Argument**

## **Introduction**

**"We know of Mr Kirk driving around in his white sports car and we will eventually get the bastard"**

**Barry Magistrates Court, 11th July 1994.**

Part of conversation between police officer Basset and HM Crown prosecutor, Miss D Pritchards Witts, overheard by Mr Kirk's receptionist, in his absence, due to a motorcycle accident.

## **Summary**

The Claimant believes that what much of what has occurred, between 1993 to 2001, can be viewed by the Court as done out of malice and in bad faith. As we are aware decisions about establishing a 'duty of care' are subject to the facts. The facts in this case are not of one incident, but of an extreme and unusual situation spanning many years. The Chief Constable and South Wales Police knew there was a problem early on, in this long case. Yet the Defendant failed to act to stop the malice. Therefore the Claimant asks the Court to take the view that, subject to the facts, a 'duty of care' should exist on the South Wales Police and its Chief Constable regarding the allowance of their Officers to engage in years of malicious conduct, including deliberate inactivity, towards the Claimant. Further clarification on this aspect of law can only be hoped by an immediate adjournment due to the Claimant's ill health due directly to the ongoing conduct of the South Wales Police.

Regardless whether a 'duty of care' exists, the existence of malice and/or bad faith can mean that there was not reasonable and probable cause for an arrest (false imprisonment) or arrest and prosecution (malicious prosecution).

Senior police management can be identified, time and time again, in these incidents of being in 'the know' but failing to act.

### **Why?**

In this eighteenth year of legal proceedings, a specialist medical practitioner, only yesterday, assisted the Claimant into understanding a possible reason as this apparent repetitive pattern of police conduct dating back to the early 1970s, soon after he qualified as a veterinary surgeon.

The Claimant, in Taunton, Somerset, having lost his driving licence, took to the air to continue 'practising veterinary medicine'.

In Guernsey, Channel Islands, despite remarkably similar adversity, used his 1916 post office bicycle or his rigid inflatable to continue 'practising veterinary medicine'.

In the Vale of Glamorgan, South Wales, he had to resort to using foreign cars registered in strange names and wear strange disguises in order to continue 'practising veterinary medicine'.

The Claimant was told, **'Authority', upon being confronted with a situation, no longer under their usual 'control', invariably act differently.**

### **Some aspects of the law with regards to the facts**

1. The law of tort is primarily based on common sense, as what should be right and what should be wrong. In this case, relating to numerous original allegations brought against the Claimant, by the Defendant, despite overwhelming resources, potential fire power and a seemingly bottomless pocket of cash.
2. Reality indicates that the vast majority of allegations were either later withdrawn, before charging, charged and then withdrawn by the HM Crown Prosecution Service or lost at Magistrates or at Appeal appearing to reflect, in general terms, the Claimant submits, that the Defendant should not be protected under the usual safeguards promised to a police officer, when generally carrying out his duties as a public servant.
3. Together, the multitude of incidents in such short space of time, by the same Defendant, consisting of targeted malice and /or negligence, and/or false imprisonment and/or 'inactivity' to act, under a 'duty of care', indicates harassment. Evidence, some yet to be disclosed by the Defendant, under his control, will further support the 'modus operandi' originating, what is quite out of the ordinary, in that the conduct of officers, acting on a misconceived belief from the Channel Island's police forces information,

culminating in the employment of Fixed Threat Assessment Centre, FTAC of the Metropolitan Police, Multi Agency Public Protection Arrangements, MAPPA, Level 3, gives still further evidence to give the man on the 'Clapham Common Omnibus' reason to believe, beyond reasonable doubt, that this unlawful conduct by the Defendant was orchestrated for personal gain and punishable by way of damages beyond those originally indicated in the original three Particulars of Claim.

4. The Claimant concedes there are a few incidents cited that, considered on their own, would have carried less weight, in a claim for damages, for a police officer must have some protection from any 'abuse of process' and to be free to exercise his or her powers of discretion in an causing an arrest, imprisonment and/or to prosecute, only for the case to be lost. Without that protection, as long as the police officer had a genuine belief a crime has been committed or is likely to be committed, our country would be a far less a safe place than the community currently enjoys.

5. These Actions are riddled with evidence that the Defendant's misconduct, already proved, if this court is minded not to go behind the 'win rate' of just under 90% of all the allegations put to the Claimant, most prosecutions having been either lost, decided by CPS common sense, stopped by Crown Court judges or by a substantive hearing before a Welsh court of law.

6. Time and time again cross examination revealed undisclosed evidence, unlawfully withheld, that should have been disclosed under both civil and criminal routine procedures before or during a trial. It was the overwhelming factor for the Claimant to win just so many cases without even getting his bus fare to get back to his veterinary practice. An indication of the climate in South Wales should someone chose to 'put his head over the parapet' or 'throw stones at people in tall towers'.

7. A major factor as to why the public servant in a case for damages rarely settles out of court because it is left to instructing lawyers who, whichever way, get paid and often, as is the usual agenda, having presented an untaxed bill for no one to examine.

8. Malfeasance, failure to exercise his powers, maliciously, and causing damage to the Claimant, appears, clearly, in all three Actions and especially if close scrutiny is taken, since 1993 onwards, for the Defendant's blatant repeated refusal to disclose the identity of relevant witnesses, many police officers under his control or release material, under the law, that would undermine in each and every attempt to have the Claimant prosecuted, fined or jailed.

9. 'Targeted and/or untargeted malice' is a general theme almost throughout all these actions and especially highlighted in any incident involving a complaint by the Claimant, for to the Defendant, e.g. arson, GBH, burglary, theft or for an alleged unlawful act against his person or property committed, almost always by the complainant before the Claimant is even implicated.

**10. Before any commencement of the incident details displaying malice and false imprisonment, the major factor to take into account is that, despite the Claimant even handing over some 50 odd full lever arch files of his contemporaneous note of each incident and outcome, there had been about 6 years of prevarication by the Defendant pretending he could not remember court cases that had**

**occurred and as to police officers present or key independent witnesses at these 30 odd incidents, time and time again, the Defendant has denied knowledge of same or has only disclosed essential witnesses, obviously needed by the prosecution of this case but not too late to trace with the exchange of witnesses having now occurred.**

11. This continuing malicious conduct, that goes beyond an argument of 'Abuse of Process', using external solicitors to deny knowing the content of the 50 odd files is apparent criminal conduct and with the need for HM Inspector of Constabulary to intervene.

12. In June 2009, Dolmans solicitors, faced with the problem of the Chief constable, having knowingly falsified her account as to her, or on her behalf, the police were now denying court case had occurred and police breaking into the Claimant's Cardiff veterinary surgery, were minded, in possession of the Claimant's files, identifying court case and the police break in, arranged with their client, Barbara Wilding to have the Claimant arrested on the pretext of the very same solicitor's front window, on the Friday 19th June, solicitors MG 11 signed on or about 20th June while, on the commencement of trial on the 7th September 2010, the Defendant was continued to ignore the trial judge's order to disclose.

13. 17 years of malicious totally unchecked conduct, by the Defendant, experienced by the Defendant including an incident in around 1977, at Cardiff Airport when flying as a commercial pilot, but quashed in the brand new Barry magistrates building, caused him to write his 64 page statement, that did irreversible damage to his family life but announced, for the very first time, his prior knowledge of the South Wales Police covert surveillance on him since 1992.

14. Going public could only happen after he and his wife were no longer dependent on income in the Vale.

15. Desperate to block this trial or more to the point, avoid the disclosure of evidence to which any Claimant, in such circumstances would be entitled under the law, well, in England, "Operation Chalice" was launched by the Defendant for but one purpose, to lock up the Claimant in Broadmoor for life.

16. Defence repeated refusal to identify police officers at incidents will cause the Claimant to ask almost each defendant witness whether they can name and give the whereabouts of colleagues in order that they may be subpoenaed to trial and as to whether they can name the Claimant's police clients, during the nine critical years?

17. Remember, both police and members of the general public regularly were coming into the Claimant's surgery and warning the Claimant of surveillance and what they had heard on their emitter radio scanners, about police often outside the Claimant's surgery, at night, discussing the Claimant's name. Any apparent interest, on the Claimant's part or the gathering of potential statements would have left the Claimant's business 'dead in the water', no doubt, the ultimate object of the exercise for, without cash and lots of it, litigation is a 'no, no'.

**A limited list of the facts relied upon due to the Claimant's current ill health and inability to fully**

## **complete this document**

### **Action 1 Para 8.4**

18. 2nd January 1993, purchase date of veterinary practice, in the Vale of Glamorgan. The Claimant is confronted by police lying in wait. Covert surveillance, experienced by the Claimant, both in Taunton, Somerset and Guernsey, Channel Islands had just crossed the old Severn Bridge. The police car was stationary towards the top of the hill out of Cowbridge, towards Cardiff, with the driver appearing to be reading something. The other officer saw the Claimant's vehicle approaching up the hill and immediately alerted the driver who then followed for a short distance until the Claimant was made to stop. Covert surveillance was apparent, well before this date with the car having been regularly examined at night, outside the Claimant's veterinary surgery so it was of no surprise that this vehicle or more to the point, the Claimant, was the centre of his attention. The police car was moving before the officers could even have examined the rear of the vehicle with a similar scenario as to what was being reported by others and also seen by the Claimant. Despite, often left at night on double yellow lines, covert police were seen examining several vehicles of the Claimant, they usually having foreign registration.

19. The Claimant rarely disclosed his insurance details, on the road side, owing to his experience of police, in the past, having directly visited his various insurance agents sufficient times for the Claimant to have to be asked to take his business 'elsewhere'.

20. This incident would have no reason to have been different with the ownership/keeper details changing in an almost monthly fashion due to years of police harassment.

21. This vehicle, registered in Guernsey caused the police to communicate with the Guernsey police and road fund tax department. The time in which the vehicle had been resident in the UK would have been established, as night is sure to follow day.

22. A Guernsey registered vehicle was not required to have a valid UK MOT to be on this public road.

23. No person informed the Claimant, by post or telephone, of his need to attend a Barry Magistrates Court, as recorded in police files, no doubt for but one purpose.

24. Neither was the Claimant needed to attend the Crown Court, for the appeal, once he had been notified of his disqualification, in his absence, as the Crown Prosecution Service indicated they would not oppose his appeal.

25. The police knew the full extent of Guernsey MOT and tax status at the time of the magistrates hearing but have failed to disclose, further indicating malice.

### **Action 1 Para 8.5**

26. The very same car as featured in 8.3 was the centre of police attention in this incident having been examined by police, in the dead of night some few days earlier. The police officer, by her actions, was

even noticed by a veterinary nurse, the passenger in the car, neither examining the front of the windscreen for 'no tax' or the tyre allegedly with 'insufficient tread'.

27. In Crown Court, at the appeal, even the usher remarked at His Honour Judge Burt's serious rebuke of PC Lott for altering, significantly, the HORT1 form between the magistrate's hearing and the Appeal, relating to the exact condition of the tyre.

#### **Action 1 Para 8.6**

28. Now here is a fairy tale if ever the Claimant had read one!

29. The Claimant was walking in the park and was jumped on by police from behind and knocked to the ground.

30. Despite the Claimant's staff and clients pleading with the police to let the Claimant free, to carry on his surgery appointments, he was arrested for theft, as 'Mr Kirk' but later charged on the understanding that the Claimant was 'unidentifiable'. Charged for possessing 'a garrotte type instrument', despite the prisoner hearing a police officer, the nephew of a local farmer, telling the custody team, it looked like a piece of dehorning / embriotomy wire he had seen his uncle's vet use to dismember a dead calf for a cow with dystokia.

31. The fact the Claimant had just come from His Royal Highness' farm at Boverton, having just cut off the horns of some twenty odd full size steers and the contents of his pockets indicated just who he might be, plus what he kept saying, made it very obvious as to who it might have been. One statement from a client or staff or telephone call to his main surgery or his girl friend, a local government veterinary surgeon was all that was needed, indicates malice.

32. The fact that the police were told he had just left Barry police station, having personally delivered a complaint of continuing police harassment (exhibit) to Inspector Trigg and a Barry police officer arrived in the small hours and positively identified the Claimant did not stop the police from further charging him with numerous other charges and told Cardiff Magistrates they did not know his identity. After four days in custody of police and HMP Cardiff the Claimant was released with all charges dropped, but they were deliberately slow and failed to admit to the damage, done by the Defendant, seen by the Claimant done to his BMW motorcycle.

33. Failed disclosure was as premeditated as is the theme throughout most of these incidents with police withholding the piece of paper seen by both the Claimant and duty solicitor, clipped to the charge book, clearly identifying the Claimant's name as they passed from cell to interview room.

34. As for the tape the Claimant requested it, at the time, in writing, spoke to the lady with it in her hand, in the Fairwater police library, on the telephone, years later, but still the Defendant refused to disclose because the transcript bears little relationship to what had been said...malice.

#### **Action 1 Para 8.7**

35. Stopped by police to produce the usually required insurance documents, not in time, they say, but denied by the Defendant. It was someone else's insurance cover, that narked them, which prevented the police from their age old practice of continually harassing the Claimant's D &K Insurance Brokers, Ilchester, Somerset, based insurance broker, Ms Dawn Kenyon, one aviator extraordinaire's daughter of Charlie Brinson, currently under search by private investigators, across Somerset, hopefully to be found before the trial finishes. Annoyed enough, she was of regular calls by South Wales Police, caused her to do things to help emphasise the collateral damage the police can cause, chasing 'vengeance', i.e. malice

36. Over the relevant period the Claimant was ordered to produce his valid insurance documents at least thirty five times. On the thirty fifth occasion he refused telling the Cardiff magistrates, if he had been found, thirty four times, not with invalid insurance, then under the relevant section of the Magistrates Act, it was up to the Defendant in the proceedings, represented, the Claimant remembers, by a senior CPS prosecutor, immune to prosecution, of course, to produce proof as why they believed the Claimant had been driving uninsured. The case was dismissed.

#### **Action 1 Para 8.9**

37. The typical after thought by the Defendant to, in retrospect, charge an already charged prisoner of something that only makes money or promotion for the boys.

38. An incident stopped by police for 'no tax'. Did the Claimant manage to get any disclosure on this? No.

39. Days later the Claimant is accused of 'no insurance ' that a simple telephone call to Barry Magistrates would have quashed. But no, they want vengeance. 'Lock him up, rough him up, we might get another charge'.

40. This was the beginning of several utterly boring incidents of Barry police enjoying arresting and detaining the Claimant, with the hope of securing an assault charge or 'public Order charge', during his custody, once they had been given the green light. 'Kirky' was fair game. That is what this is really about but, again, disclosure orders and rules have been ridiculed due to forces outside the law.

41. Despite Barry police being reminded a simple telephone call to Barry magistrates, for the facts, will expedite the apparent need of imprisonment of a 'reckless driver', too dangerous to be released for fear of re offending. Malice was their agenda and without prosecutions, no promotions.

42. The Claimant is particularly saddened at the demise or restrictions on the police officers that chose to encounter him honestly, so long ago, many having left the force, too early, while the notable obvious deceitful villains, such as Howard Davis, Kihlberg, Bickerstaff, Ms Lott and Sgt Roe, of our local police force, have jumped promotion or retired far too over paid.

#### **Action 1 Para 8.11**

43. Further nonsense of false imprisonment that a simple telephone call to the judiciary was all that was

needed not to have caused the Claimant locked up for 'driving whilst disqualified', later dropped, desperate to obtain an alternative charge for Claimant's conduct whilst in custody: plain malice, pure unadulterated targeted malice.

#### **Action 1 Para 8.12**

44. A typically South Wales Police exaggerated misleading account, in defence statements, of events that really happened when the Claimant was convicted for 'careless driving', just to have him struck off the veterinary register. Driving around an empty five lane round about, just two and a half times, at around eight in the morning, at no more than four miles per hour, confirmed by officer Kerslake but reliant no evidence was available, as the Claimant, was laid up, following a motorcycle accident and having to be in hospital that morning. The court ignored the information from the Claimant's staff of his incapacity, a subject the current trial judge, His Honour Judge Seys Llewelyn QC, may recall, on a separate occasion when, again unfit for trial, when he dismissed his appeal refusing to accept his medical information from his GP.

45. Introduction of new witness.

46. At that magistrates hearing, without the Claimant present, one of his veterinary receptionists heard the police say, to the effect, " Mr Kirk drives around in his white sports car, quoting human rights, we will eventually get the bastard" and wrote a sworn affidavit, counter signed by a Notary Public. (exhibit).

#### **Action 1 Para 8.13**

47. Once again the Defendant, since the incident, has acted maliciously in attempting to deny the Claimant of his Guernsey motorcycle, all three such registered vehicles, driven by the Claimant, having caused them so much embarrassment in failed attempts to maliciously prosecute the Claimant orchestrated a campaign to have them stolen (see Veterinary ambulance Reg 43083 reported stolen twice in one day of broad daylight and rumoured to have been destroyed by police).

48. Covert police are more than likely to have seen the BMW stolen from the Claimant's veterinary surgery. The speed of their arrival at the crash scene, with thief seen running away, less than half a mile from the surgery suggests just that. With the arrival of the recovery truck and the driver stating there was no number plate on the vehicle further implicates the unlawful conduct of PC Wilson, denied by the Defendant's solicitors, of being involved nor being involved with the (**Action 18.23**) incident concerning the other Guernsey vehicle reg 43083 later to be stolen and never recovered.

49. Late disclosure, in 2010, of Defendant of just who had been at this BMW motorcycle theft crash site, Llantit Street incident and St Nicholas speeding incident, veterinary surgery break-ins, relating directly with the paragraphs, approx 14 to 21 of the Chief Constable's 25th February 2009 sworn affidavit

50. Was because covert police had been assigned to all three including PC Wilson, PC Roche and several others to be produced at trial, if the Claimant is allowed proper disclosure of information held by each



crime number cited in all 6 civil Actions for damages.

51. Barbara Wilding signed in the pretence she knew 'none of these incidents' on police record or was malicious/negligent, 'duty of care', to have made proper enquiries since 1993 especially as the Claimant, by then, had been their subject of covert surveillance with MAPPA level 3 authenticated, later, the information of which is currently being withheld. Criminal conduct?

**Action 1 Para 8.14**

52. The Claimant was stopped in Manor Way, Cardiff and given 7 days to produce driving documents. All relevant documents were disclosed within 7 days to the police but, despite this, prosecution proceedings then continued only to be withdrawn at a later date.

53. Malice, as the whole process of interference by the Defendant was to investigate, beyond all proportion, his insurance status to cause continuing harassment again to D&K Insurance Brokers, Ilton, Somerset, for but one purpose, to prejudice the Claimant's right to carry out veterinary practice in the Vale of Glamorgan.

**Action 1 Para 8.15**

54. PC Kirslake, yet again, appeared to be in the incident with the same old nonsense of being arrested, driving whilst disqualified. His unprovoked assault at the road side, set down in the Claimant's exhibit, MG 11 statement form, is a clear account as to what happened deliberately recorded separate to what happened at the police station that day. The white sports car seemed to make police see 'red'.

55. At the station, in custody, the Claimant told more than one police present, "here we go again, just like last year, I am not disqualified". Last year the Claimant had been repeatedly arrested for driving whilst disqualified under precisely the same circumstances, winning an appeal at Crown court the Defendant denies knowing about.

56. But this time, with some same police as with the previous same incidents of driving whilst disqualified' the collator's office was mentioned in the Claimant's presence meaning they were attempting to put blame on the records elsewhere for their purported ignorance of the facts.

57. The routine and repeated applications, at the time, after and during hearing by both the Claimant and his secretary, the lady is to give evidence, failed to get full disclosure of the full audit trail made by the 'authorities' when a driver is first disqualified with summary conviction but, in front of the CPS, the Defendant's representative, immediately appeals. It is almost always handed in to the magistrates, before the hearing, should the Claimant forget as being the principle of veterinary surgeries, more important things would have been on the Claimant's mind than watching the squabbling by a few in blue frantic to get promotion by the fabrication of convictions.

58. Again, all it needed was a telephone call by the police to the Barry Magistrates to check the outcome of the hearing, immediate appeal and was it pending or won? On the 'balance of probabilities',

someone did.

59. The Claimant submits it is incredible that, not only are they saying they did not, on the first occasion, a year earlier but not on this repeat nonsense unless it was driven by malice, gross negligence and / or misfeasance, etc.

#### **Action 1 Para 8.16**

60. Inspector Davies again features seen pushing the Claimant into the wing mirror of the Coroner's car parked in the police station car park, clearly having lost his rag as he in Action2... The Claimant's MG 11 sets out the anger he experienced when released from custody but denied his faithful gun dog left locked in her cell. Refusal to disclose proper information again features. The Claimant has been disclosed almost nothing of the investigation, to what the Claimant is entitled, following being assaulted twice in one day with the same combatants, Davies and Kirslake. Medical attention required with the immediate release, following a new officer being in charge at 2pm is further evidence to support the allegation of malice.

#### **Action 1 Para 8.17**

61. Hurrah! The white sports car, an aging Triumph Spitfire, once again appears to have aggravated the Defendant. After the Defendant being stopped and arrested, the police sergeant did not seem to have to be reminded, this time, that the obvious telephone calls to magistrates and collator's office would give the most up to date information relating to the suggestion that the Claimant was legal, not an unlikely belief, in the 'real world' for someone employing fifteen people plus and dependant on his driving licence to maintain a standard of personal service, even at three in the morning, inherited from his father's reputation for personal service, in another Vale, the Vale of Somerset.

#### **Action 1 Para 8.18, 19, 20, 21**

62. Just a sample of eighteen years of 'deliberate inactivity' to properly investigate crime by the Defendant, for his public responsibility to maintain levels of law and order on his patch but for others, not on the tax payer's 'gravy train', have much to worry about.

This challenged the defendant to have most struck out but, the Claimant believes, this was appealed in Bristol court, back in the 90s and why it should remain for the evidence on oath.

These incidents surround the history of a multiple occupied house, in Barry, owned by the Claimant and attracted an almost weekly occurrence of trouble with tenants and the Defendant but repeated failure to disclose crime reference numbers of each incident, as with some forty others means the deliberate withholding of identities of police at the scene and indicate, it is submitted, conduct by the Defendant that follows the same pattern, throughout all three Actions and therefore unlawful.

#### **Action 1 Para 8.23**

63. Despite denying the existence of a court case that ended in absolute mayhem as the Claimant chased the culprit, in uniform, for falsifying the evidence he gave, in chief the Defendant, for some ten years or so, denied knowledge of the court case, the Claimant waiting for some suitable tactical manoeuvre of the Defendant to have run out of ammunition to knock down a simple complainant of a planned, exceedingly expensive 'operation, for personal gain, at the full expense of the unsuspecting tax payer.

64. The photographs of the Claimant's veterinary ambulance were in response to the ongoing obsession, for want of a better word, of the Barry police to maintain some so called 24/7 surveillance on the Claimant and his place of work knowing that, should he ever seek help from and so inform the general public, to prosecute the perpetrators in this case, the South Wales Police, his income and the education of his numerous, children in private education, would be 'dead in the water'.

65. The Claimant had to wait until 2009 when the business, in Tynewydd Road, Barry and Llantwit Major, was sold, before he could start seeking witnesses and talking about the years of covert surveillance. This is on video on [www.kirkflyingvet.com](http://www.kirkflyingvet.com) blog, in Jersey, CI, in June 2009, just days before he was jailed, something he knew was coming.

66. [Information after possible 'disclosure' following Cardiff County Court MAPPA 7th September 2010 hearing]

#### **Action 1. 8.26**

67. Relating to a gang of police breaking into the Claimant's Ely, Cardiff, veterinary surgery to re instate an inspector's daughter, Alison Jenner to the overhead flat. PC Roche, the officer in charge, how interesting. [Information after possible 'disclosure' following Cardiff County Court MAPPA 7th September 2010 hearing]

#### **Action 2 Para 2**

68. Christopher Paul Ebbs was the instigator of this bizarre incident with the police, he being a dangerously mentally ill individual, driven by deceit, to cause trouble wherever he can and, in particular, within the General Aviation Industry. More information after possible 'disclosure' following Cardiff County Court MAPPA 7th September 2010 hearing.

69. The Claimant's then girl friend, Kirstie Webb and he decided to fly to Eire, to hunt with the hounds, in County Meath, in the Claimant's two seat 1950s Piper Colt, G-ARSW, with an affectionate nick name. Owing to its performance and low wing aspect ratio she could not operate out of the Claimant's 200 yard field, in St Donats, so she was positioned, the day before, in a longer field near Cowbridge.

70. On that day the Claimant obtained immigration clearance at the Cardiff Flying Club for a 5am flight, next morning, out of the farmer's field in the Vale of Glamorgan to Weston on the Green, Dublin. This was achieved with the assistance of the flying instructor, present, a Sue Jenkins.

71. The police indicated no objection.

72. Whilst hunting and encountering incredible ditches, in inclement weather, the aircraft was blown over, despite being tied down on concrete blocks, meaning the Claimant and his girl friend had to return by boat. Weeks later the Claimant was interviewed, under caution and later prosecuted under the 1989 Terrorism Act which he took to be very insulting when taking into account the history of his family in the past two World Wars.

73. Malicious conduct included the refusal by the police to disclose the fact the Claimant had been 'logged out' of his own airfield, inside the Cardiff Control Zone, the day before, cleared a Flight Plan, en route over Pembrokeshire, returned to UK and spoke to the airfield authorities, on all issues, as she was based at Cardiff Airport and liable for parking fees. Upon being cautioned the Claimant immediately contacted Air traffic for their records.

74. The malicious aspect of the incident did not end there. Apparently Mr Ebbs had telephoned the police to say the Claimant was: 'Smuggling pigs into South Wales from Southern Ireland'. Ebbs had been the Claimant's aircraft engineer until he had been caught stealing, falsifying log books and making malicious allegations to the Somerset police, old adversaries and origin of this on-going conduct by the South Wales Police.

75. In court the main player, police officer Murphy, relied on record in his office made by another policeman with the Claimant is still for its disclosure. A senior CPS officer from London, prosecuted but not before receiving a letter from the Claimant indicating 'all did not appear as it seemed' and NOT to trust the South Wales Police as he was not now dealing with 'the Met'.

76. An adjournment was pressed for, on cross examination, to obtain the documents. He, to our surprise, including that of the Stipendiary, Ms Watkins, produced, at the next hearing, a scruffy piece of paper about the Claimant, purported to have been written by another. On sight of it the Claimant asked the court to seize it as its content was, not only false, it had been written by Murphy, himself!

77. There was a disturbance in the room, not an unusual occurrence when the court refuses reasonable requests from the Claimant. The Stipendiary refused to take possession of it, while it was in the CPRS prosecutor's hand who quickly withdrew the case. There was further disturbance, some would say, with a ruling that, as the case had been withdrawn, the Claimant was not entitled to a photocopy of it. The Claimant may have lodged an appeal, and needs to check, as was his usual practice but this was blocked, as in other collapsed cases, in an attempt to limit the damage to the local police force.

78. It was not until long after this case did the Claimant hear from fellow aviators and a worker with Ebbs, about his story of pig smuggling but the Defendant had used him, more than once, by direct contact, to get information on the Claimant for CAA and RCVS Defendant lodged complaints. All witnesses needed for this trial, with their huge dossier on Ebbs, still not disclosed is just further evidence of malice.

### **Para 3**

79. Another malicious prosecution when the charges of 'no insurance' and 'driving without due care and attention' were quashed without defence witnesses, their identities having again been withheld by the police. The guilty plea of crossing a single solid white line, at no more than 5 mph, to avoid a wobbling aging cyclist, was considered by the RCVS to support the Claimant's name being removed from the veterinary register.

### **Para 4**

80. Police officer Roche stopped the Claimant in his car, whilst he was lawfully going about his business and accused him of having an illegally conditioned vehicle on the road. 'Cracked windscreen', 'back bumper', faulty lights and no 'seat belt', no valid driving documents were just some, he remembers, that were all, later quashed or withdrawn before or in court.

81. Roche, maliciously, had deliberately altered his copy of the unsigned HORT1 traffic ticket and was caught, as with his colleague Ms Lott, in Action 1, also receiving a severe rebuke by the appeal judge, this time, His honour Judge Gaskell QC.

82. Another malicious aspect of this incident, apart from the usual police lies in court, a common theme throughout ALL these incidents, in Actions 1, 2 and 3, was that the insurance certificate was delivered to Ely police station, confirmed by a Cowbridge police officer, but denied by the Defendant.

83. 34 times the Claimant had to produce perfectly valid insurance documents, in the space of time leading up to the 2001 complaint, by the police, to have his name removed from the veterinary register. Since that date, Oak Apple Day, 29th May 2002 he has never been required to produce proof of driving insurance.

84. PC Roche featured in a number of complained incidents in Action 4, as well.

### **Para 5**

85. This motoring incident is yet another example of failed disclosure by the Defendant to identify documents and police personnel who would have, from the start, not caused another malicious prosecution. At least ten people have not been identified, when requested, despite late police disclosure of the police officer, mainly in charge, a Sgt Rice, who again features in other incidents, due, the Claimant now understands, as it would further identify police officers that had been employed to carry out years of covert surveillance on the Claimant's veterinary business and private life.

86. The Claimant had employed a builder to drive his vehicle and was photographed speeding. When the Claimant was contacted as 'keeper of the vehicle' the Defendant maliciously avoided his attempts to see a clear picture of the driver in order to assist them in their enquiries. His secretary spent a considerable time trying to make progress with the relevant departments to quash the matter.

87. At court it was soon clear, to all present there, that the Defendant had already been told of the driver's name and address by the Claimant and police had done nothing to check it out, he, at the time living so close to Barry police station.

88. The Claimant therefore pleaded guilty to emphasize the point the police knew all along it and the driver was not him. The CPS, a Mr Stoffa, did not intervene in the proceedings, now aware of the full circumstances but simply allowed the case to be withdrawn. He was therefore arrested and out fell from his prosecution bundle, tucked under his arm, a 'clear photograph' of the Claimant's employee, Mr Kevin Fairman.

89. This malicious prosecution conduct did not end just there, far from it. Sgt Rice, with two full sirens blaring ordered, police vehicles and personnel to be dispatched from Barry police station, about six officers in all, all their identities still being withheld. For many years the police have denied knowledge of the incident despite having a copy of the claimant's file on the full record of this example of malice.

90. Incidentally, The Claimant would not let go of the CPS prosecutor's collar until Sgt Rice agreed to examine and seize the prosecution file, following the claimant's complaint of '**conspiracy to pervert the course of justice**'. He did nothing of the sort, of course.

#### **Para 6**

91. Yet another case of a purported positive breath test, on the road side with a negative at the police station. Even with zero reading by a definitive test the South Wales Police have pursued a conviction for 'failure to supply at the road side', each time with the Claimant unlike with other motorists stopped in the Vale of Glamorgan.

#### **Para 7**

92. Not one police helicopter but two helicopters were 'scrambled' in this expensive incident, just to check on whether the Claimant was piloting his WW2 D-Day Piper Cub that sunny Sunday afternoon. The Defendant's apparent obsession, since the mid 70s with the Claimant, when police lose control on the free movement of an individual, simply going about his lawful business, seems to be Claimant's problem and underlying grievance.

93. On 4th July 1999 the Claimant was returning from giving a talk at the PFA (now LAA) Aircraft Rally, Cranfield near Milton Keynes with Anrew Aishe as 'pilot in command'. As the cub was East of Cardiff, low level, it received a call from Cardiff Air Traffic despite having made no previous radio contact since leaving his base and Cardiff Zone boundary, early that same morning.

94. Interesting, as the cub had landed, an hour or so before, for fuel at Gloucester airport and parked alongside a huge yellow and black helicopter with 'HEDLEU' written on the side.

95. "Golf Kilo India Romeo Kilo, caution, traffic in your immediate vicinity", a very familiar voice was recognised on the aircraft radio. Interesting, the Claimant thought, that was obviously a warning of a

'bear in the air' or a 'hun in the sun'. Sure enough, after being made to wait, orbiting south East of Wenvoe TV aerial, for no apparent reason, no conflicting traffic to be seen or heard on 'tower' frequency, a hurriedly scrambled helicopter later appeared filming, dangerously close as their video portrays, later to be shown to ATC and all and sundry but not to the Claimant, following his numerous court applications. The immediate telephone call, on landing, to ATC, when an official 'air miss' report was recorded caused no CAA papers to arrive or copy of radio transmissions to be released.

96. If the object of the exercise was to establish just who was pilot in command why didn't someone just deploy a less expensive procedure, as they had plenty of time to think about it? Send their local Llantwit 'bobby' around in his car and wait for the Claimant's arrival at St Donats International Airport.

97. The Claimant later found out, through contacts, that as the Claimant, clearly seen on the withheld police video, sitting in the rear seat of a 1943 J3L4 the Defendant decided not to proffer charges as it was believed the pilot had to be sitting in the front seat!

98. The rest of this public paid scandal is best put down in book!

99. Claimant's repeated applications to both Air Traffic Control and Defendant achieved no disclosure whatsoever and the CAA refused to be drawn by this repeated nonsense information, supplied to them by the Defendant, identical to senior police mentality, in Somerset, forty years earlier.

100. The Claimant's recent success, delayed for a year by the prevarication of the relevant authority and has escaped the risk of Broadmoor, for the time being, the CAA have, under FOI Act application, last year, been made to reveal all sorts of 'goodies' and with the 'leave of the court, the Claimant will indicate the extent to which the Defendant's malice will stretch.

## **Para 8**

101. This malicious prosecution arose when the Claimant was stopped in Pontypridd Road, Barry, accused of jumping a red light, would you believe, with a marked police car on his tail!

102. It was clear by the prepared interrogation in Barry police station, by Sgt Lott, husband, no doubt, of WPC Lott of Ist Action 8. 5, it was a 'put up job' to try and further lean on the Claimant's current insurance company, always kept, by the Claimant, as a 'moving target'. Any delay in producing the insurance certificate meant less time for the police to 'hound' his insurance broker for the name of his, that week's insurance company.

103. The usual red light, he was told, on the road side breath test and a zero reading at the police station within around 20 minutes. Even His Honour Judge Jacobs remarked, on how it was that Mr Kirk had experienced exactly the same scenario as before, when upholding his Crown Court appeal.

## **Para 9**

104. PC Kilberg excelled himself that night. Not only did he admit the Claimant had no reason to believe

he broken no law, to be stopped in the first, he used the excuse to demand a breath test on the fact he smelt alcohol in the large animal veterinary surgeon's car. He then , upon obtaining a negative breath test at the Cardiff police station, around 15 miles away, despite every other police officer offering to run the released prisoner back to his car, refused and deliberately refused to inform the Claimant the car would not be there, anyway, refusing to indicate where it had gone. Left six weeks on the roadside, elsewhere, completely unlocked and with broken window, with many dangerous drugs inside, eg Immobilon / Revivon.

Despite the Claimant reporting of the car, as stolen, the police refused to tell the Claimant of its whereabouts. Later, when tipped off by a policemen client of its whereabouts, was only to be arrested and handcuffed for its theft, whilst crossing the Severn Bridge. The time between the Claimant passing the police car to being arrested was quicker than Kihlberg took, in PNC identification of the BMW, that night, if he were to suggest, on oath, he did not already know the car was under my control and the likely driver.

#### **Para 10**

105. A typical malicious case of being stopped by one police on the M4 on recognising the number plate but allowed to drive on, telephoning a colleague ahead just to provoke but failing to get a positive breath test or an excuse to identify his driving documents. The excuse of the second bunch of police, with nothing better to do, to do a breath test, for being seen, 'weaving all over the road' came out of Laurel and Hardy or a Buster Keaton film and, again, the excuse of smelling alcohol in the same car a few weeks previously is not surprising.

#### **Para 11**

106. A classic example of covert surveillance with the Claimant in Crown Court most of the day, winning more than not, against the police, just to be followed by an officious police man, on the pretext the Claimant appeared 'under drink or drugs'. Fortunately the overhead video further disclosed their malicious intent as it revealed 'no speeding' as the police had insisted and the ring leader caught dragging the Claimant from a parked car in traffic and throwing him across the side of the car as if acting in some US gangster movie.

107. The Claimant spent years in courts, in both Cardiff and London trying to obtain disclosure ordered by more than one judge. Even the custody video of his interrogation of 'refusing a breath test, his word against the Claimant's. Eventually the custody video was disclosed but deliberately cutting off all the police present just below head height!

#### **Para 12**

108. Arrested, in the 'dead of night' for 'dangerous driving', at two mph and for a positive breath test on a couple of lagers drunk at lunch time! Now that was only the start of their malicious conduct. There was no positive red light at the road side and in custody it soon became apparent their excuse, this time



for a breath test was the usual, " the smell of intoxicants from within the car', rarely on the breath of the Claimant, apparently.

109. The trial by jury was equally scandalous and malicious with a Claimant defence statement perfectly sufficient, alone, for an acquittal.

110. BUT all the police wanted now, even more desperately than a few years earlier, was to cut the Claimant's income in order to prevent the launching of still more Civil Actions for damages, already lodged at Cardiff County Court. Still his motoring insurance remained in jeopardy and the need to trace the owner of **D&K Insurance Agents, Mrs Dawn Kenyon** living somewhere near Ilchester , Ham or Yeovil.

111. The Chief Officer of Barry police station, a position that had been bombarded by the Claimant, over the years, by letters of complaint, demand for preservation of evidence and disclosure with forced visits and ejected exits of protest, to ' to finally get of his back', culminated in the usual conspiracies, when it came to witnesses 'giving evidence' and the briefing of awaiting officers to enter the witness box.

112. On this occasion, the Chief Officer, had instructed a senior police inspector to sit himself directly in front of the police, under cross examination and note the witness evidence and report back as the Claimant had summoned him as his defence witness.

113. When caught red handed, by the jury, no less, as the inspector was signalling to the current witness, after each question from the Claimant, that case did not stop meaning the obvious.

114. The Claimant was only too well aware of this but as with others present, in positions of responsibility, we all let it run but for perfectly different reasons.

115. The Claimant was very annoyed, therefore, when the jury intervened, passing notes to His Honour Judge Cooke who had hoped no one would notice.

116. It was the culprit witness the Claimant wanted to nail, once and for all but the Judge realising the Claimant had summoned the Chief Officer, stopped the trial, part heard and refused the Claimant copy of the damning evidence. Nicholas Cooke, despite pleadings from the Claimant, to the contrary, ordered the jury find him 'Not Guilty'.

117. What then followed, of course, was entirely predictable and the Claimant was jailed, a habit he is yet to break when finding himself with such company, for too long.

118. Disclosure of the usual post Crown Court investigation material, on obvious continuing police criminal conduct, some five or six hearings by now, the Claimant was found impossible to obtain.

### **Para 13**

119. Another case of police officer Kihlberg's brutality and lying purely to obtain promotion in the force. A malicious, targeted and with much aforethought act of unlawful violence leading to yet another false

imprisonment.

120. The swearing, alleged, in note books, statements and information given to the custody officer, videoed was in keeping with the conduct the Claimant had experienced with Kihlberg, on previous encounters, especially on the 1st December 1999 incident, Action 2.9.

121. If it had not been for the standard of apparent integrity of his colleague, Holmes, in Lantwit Major square, before at least thirty witness, still needing to be traced, pleading with Kihlberg to 'go easy ' and refuse to write in his statement what Kihlberg told the custody officer, on tape, the Claimant would have been, struck off the veterinary register for life even earlier, following the 2001 Defendant's complaint by Inspector Collins, in January 2001.

122. Yes, the Claimant did shout "cash for anyone to be a witness", £500 was offered, possibly, at the time as the tactic in Taunton, in the 70s, had proved highly successful to get it 'talked about' in the 70s. That reward, on his website, has now been risen to £20,000 but circumstances, alas, in our community have changed.

#### **Para 14.1 & 14.2**

123. Another malicious act to obtain pressure on the Claimant's insurance company on the argument that the Claimant's vehicle was obstructing the highway, covered in banners of protest about the current state of our law courts, was different to the daily parking outside the Cardiff Court by thousands of others, before, some during the incident and many since.

124. Served with yet another HORT1, eventually 35, in all, during the period of most persecution by the Defendant, was to try and find some unforeseen error, by the Claimant or owner of the vehicle of the day, in his 3rd party cover, frequent necessary such changes making it both expensive and time consuming but highly effective.

#### **Para 14.3**

125. This incident involved the Ely police entering his consulting room, during surgery, obtaining a negative breath test on some vague allegation the Claimant had committed or that he had been involved in some traffic accident.

126. The Claimant has obtained very little disclosure from the Defendant as to the complainant(s) the information laid, the outcome, police officers involved or outcome following their failure, on this occasion to prosecute successfully. A sample of malice.

### **Action 3**

#### **Para 2**

127. The Vale of Glamorgan Show. Now this is the big one. It involved police, HM Crown Court Service

staff and others altering the official record from an original 'Breach of the Peace' minor public order offence but with subsequent arrest and custody. This was witnessed by the Claimant's secretary who had slipped into the back of the Barry magistrates court, uninvited by anyone, including Claimant, to witness the 'charge', conviction or 'agreement to be bound over for one year' to be quickly 'swept under the carpet' as, it is submitted, the arresting officer had served on the court, not one, not two but three versions of the 'allegation' and right to arrest.

128. The 'powers that be' then presented, much later, in open Crown Court, to the then Recorder of Cardiff, His Honour Judge Evans, a 4th version!

129. HM Crown Prosecutor barrister, Mr Ieun Rees, wrote to the Royal College of Veterinary Surgeons, in 2001. Had he been properly briefed by the Cardiff based CPS and police, of the truth behind the incident, causing the Claimant to be arrested, he would have refused to prosecute the Crown Court Appeal.

Subsequent charges, common assault, resist arrest and a section 5 public order offence, many months later were served, for the first time, during the BOP hearing, in Bridgend Magistrates court. No adjournment was allowed with the Claimant 'very summarily' convicted, somewhat reminiscent of the Nazi run trials, in Berlin, at the height of their problems in WW2.

130. The Claimant had to face disciplinary proceedings in 2002, before the RCVS, with the college maintaining the incident was the major reason for his name being removed from the veterinary register, that has been proved, for life.

131. Had there been a chance for the Claimant to have agreed to 'be bound over for one year' the RCVS could not have used any aspect of the incident against him as the allegation is extinguished after that year unlike the other convictions obtained from the Defendant.

The Claimant does not have the current capacity to fulfil his liabilities, in his **temporary skeleton argument**, to furnish the court or do justice with the full exposure of intrigue of just so many, revealed in his ten leaver arch files and , as yet, relevant documents of evidence still withheld by the Defendant.

### **Para 3**

132. This case involved two members of the Claimant's temporary employ, whilst he was away for a month flying his piper cub aircraft to Australia following the fortunate unexpected late offer of £35,000 sponsorship from a fellow infatuated aviator living in Phoenix, Arizona, following his reading the Claimant's web site [www.kirkflyingvet.com](http://www.kirkflyingvet.com) exposing just as to what really goes on in our UK Courts, nowadays.

133. One trusted employer would steal the Claimant's cheque book from his office while the other or both, would fill in the cheques, so one, registered with Cash Generators, Holton Road Barry, would cash them. Some £1,500 or so, about three cheques in total were stolen.

134. Investigation, as with some seventy or so other incidents, of theft, criminal damage, arson, burglary etc, of the Claimant's or staff's or wife's property, was as perfunctory, as this one turned out to be. Similarly, the Defendant's investigation on complaints from the Claimant of common assault, grievous bodily harm or threats of criminal damage etc, were also dealt with in similar cavalier fashion.

135. The Defendant refused to let the Claimant or staff see the video but instead, as with the St Nicholas 'speed camera' case, (Action 2 Para 5), deliberately only submitted to potential witnesses of the crime, grainy out of focus 'stills' taken off the clear video.

136. The Defendant told the Claimant the likely offenders could not be traced even though the police said they had visited his last place of known abode, his father's house!

137. The Claimant saw the other one, a few months ago, outside his own house, in Tynewydd Road, Barry but he escaped.

138. The Claimant identified the younger one, Mr Baker, only this week, in Barry main Post Office filling and carrying out complex time consuming transactions. There was no police officer to be seen in the vicinity and attempts to follow him, with the Claimant on crutches and dosed on high levels of pain relieving drugs, meant he also escaped an arrest. So, both appear to still live in the area and neither has been arrested.

139. The Claimant, therefore, witnessing the thief's current identity was most likely being recorded by the lady at the counter and who knew the Claimant or later did, offered her £1000 for the information. Regretfully, the lady declined.

140. There was clear evidence on the shop video, the culprits were identified and there record was relevant but still the Defendant failed to properly investigate and/or prosecute. A clear example of malice and/or failed 'duty of care' in similar incidents, listed in the 4th Claim for damages the trial judge has refused to be heard at the same time as these 3 Actions.

#### **Para 4**

141. Another motoring incident achieved only because the Claimant was well known to the South Wales Police force, having tried to conduct his veterinary works between his clients farms and houses in the Vale of Glamorgan, for well over eight years, now being stopped time and time again on the road, by the Defendant, calling the defendant to countless incidents relating to squatters, drunken tenants, criminal acts upon his person and his property, meaning few in the local police stations did not know him from a distance or know his cars, motor bikes vintage aircraft used for his work or little leisure time.

142. PNC audit trail, some obtained by countless applications, some under the Data Protection Act and Freedom of information Act, having been interviewed by the huge team of RCVS investigators, dispatched for the purpose, from London, that year, at veterinary surgeons' expense, following the malicious allegations laid by the Defendant, in January from Barry police station. It was highly unlikely,

the police failed to identify the vehicle and or driver even before the Claimant was arrested. The police followed the Claimant over ample distance to PNC etc for the origins and possible identity of both vehicle and driver especially as both had featured in previous encounters with the Defendant.

## **Para 5**

143 Another police fabricated motoring incident, this time in the heart of Cardiff, 'driving whilst disqualified' that caused the Claimant to be arrested, assaulted by both PCs Cocksey and Osborne, both featuring in other encounters of gratuitous violence upon the Claimant. Jailed, for no good reason with full custody record and overhead video of, at least, one of the assaults deliberately destroyed following the Claimant making his routine, in cell and after release, request for full disclosure of evidence, in this particular case, citing the need for the street camera videos all around the arrest site of The Hayes.

144. Appearance in court from custody, next day, was equally outrageous with the Claimant having to tender his own driving licence to the magistrates from behind some bullet proof glass to obtain his freedom.

145. All charges were later dropped except the one the Defendant was originally after, calling for the most senior HM Crown prosecutor to take charge.

146. Yes, you guessed it, proof of the Claimant's current insurance and details of his latest insurance company for the scent had gone cold, the hounds were in complete array as their master's hip flasks were dry and tempers were short.

146. At the subsequent hearing it had to take the learned Clerk of the Court, with whom I was to meet again, in Barry Magistrates, in slightly more serious circumstances, to remind Their Worships that the Claimant's, so far, unaccepted legal argument, to no longer need to produce insurance proof to the South Wales Police, having already produced valid certificates on 34 previous occasions.

147. The 'burden of proof', under the 'balance of probabilities', reliant on the Magistrates Act, meant the Defendant, not the Claimant, had to produce 'good reason' 'to demand that information'.

148. The case was dismissed against the Claimant, without cost awarded, of course, without the Claimant having to reveal the identity of his new insurance company much to Mrs Kenyon's relief, his broker, for fear of another onslaught of police harassment.

149. As a matter of court record, over the subsequent eight years, to time of this temporary skeleton argument being lodged with the court, no obligation has been exercised by the Claimant to producing driving documents.

150. Why? Because only eight days after the South Wales Police had failed, again, they obtained the ultimate objective and had the Claimant struck of the veterinary register on the 29th May 2002.

## **Para 6**

151. Another clearly orchestrated motoring incident riddled with police malicious intent, with ample time and money to have traced the eye witnesses pleaded for by the Claimant at the time of his violent arrest, at the time and written in police officer's note book.

152. An eventual expensive and time consuming acquittal, by Her Honour stopping the Newport Crown Court appeal, when it had been suggested that a police officer, PC Holehouse had experienced 'harassment and alarm', larger than the Claimant, the latter having been stopped in Cowbridge High Street, thrown to the ground and accused, yet again, for driving whilst disqualified only for all charges to be eventually dropped or lost in two court proceedings.

153. Particularly malicious in that police took details of witnesses and their car registration, at the scene and promptly buried them.

This document is not completed.

Maurice J Kirk BVSc

6th September 2010