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PROTECT: PERSONAL

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21st December 2012

Ein cyf/Our ref: 1200734025

Eich cyf/Your ref:

Dear Sir

Re: Application to Amend a Restraining Order

With reference to the above, and to the hearing before this court on the 20th December 2012, please find enclosed all copies of relevant documentation that has been submitted by Morgan Cole solicitors to the Crown Prosecution Service and given to the Court.

Your application will next be heard on the 22nd January 2013 at 10.00 am and you should attend court by that time on that date in order that your application may be heard. If you do not attend, the Court may proceed to hear the application in your absence.

Yours faithfully

Court Administration



Our Ref: TWH.448470.79

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13 December 2012

By Fax and Post

Dear Sirs

Mr Maurice Kirk

We are instructed by [REDACTED] and Abertawe Bro Morgannwg University Local Health Board ('the LHB').

We are informed by our clients there are proceedings ongoing in respect of the restraining order which was put in place to protect [REDACTED] following Mr Kirk's conviction for criminal harassment of [REDACTED]. We understand that there is to be a hearing on **20 December 2012**.

We are aware that [REDACTED] has made a recent complaint to the police about Mr Kirk's presence outside his home. Mr Kirk was moved on by the police at that time, but not arrested. We presume that you will already be aware that Mr Kirk has attempted to break into the medium secure psychiatric unit at Caswell Clinic, [REDACTED] place of work. Against this background, Mr Kirk's presence outside his private dwelling has caused Dr [REDACTED] considerable anxiety, not only for himself, but for the safety of his wider family.

In addition to this incident, Mr Kirk has continued a derogatory and threatening commentary on [REDACTED] actions via his website, www.kirkflyingvet.com. Although it is accepted that [REDACTED] is not actually named in more recent posts, there is sufficient information to enable [REDACTED] to be identified, particularly by those familiar with Mr Kirk's activities. Indeed, any general internet search against [REDACTED] name or the Caswell Clinic will lead directly to entries on Mr Kirk's website and to other websites which repeat Mr Kirk's views. [REDACTED] is concerned that this ongoing internet campaign, and the ease with which it can be accessed, could be an incitement to others to take action against him.

Our clients are extremely disturbed by the fact that it is apparent that Mr Kirk has not been dissuaded from his harassment of [REDACTED] despite the criminal proceedings against him.

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Our clients are anxious that all appropriate steps be taken to safeguard [REDACTED] and his family, and that there should be a strengthening, or at the very least no weakening, of the limitations placed on Mr Kirk's actions in respect of [REDACTED]

In addition to highlighting our client's current concerns as above, we have been requested to provide you with details of those actions (of which we are aware) which have been taken by Mr Kirk in respect of [REDACTED] since 2009 with a view to assisting your management of any proceedings involving Mr Kirk by providing some background and context. The matters set out below are issues which our clients would wish to see reflected, to the appropriate extent, in any submissions made by the Crown.

1. [REDACTED] involvement with Mr Kirk began on 23 July 2009 when he attempted to assess Mr Kirk at HMP Cardiff. On 8 August 2009, Mr Kirk was admitted to the Caswell Clinic in Bridgend from HMP Cardiff under s35 of the Mental Health Act 1983 for assessment of his fitness to stand trial for charges relating to the ownership of a secondhand machine gun.
2. As part of [REDACTED] assessment, Mr Kirk underwent radiological examination in the form of MRI and SPECT scans of the brain on 28 August 2009.
3. Mr Kirk was examined by Professor Wood, Neuropsychologist, on 18 September 2009 and a report was prepared. The report makes reference to there being some evidence that Mr Kirk had minor changes in the pre-frontal cortex of his brain, possibly due to decelerative injury exacerbated by aging. It has since been suggested by Mr Kirk that Professor Wood subsequently re-wrote his report and that the report which has been disclosed to Mr Kirk on several occasions (see below) is not the original report. The basis for Mr Kirk's claims is not understood.
4. On 19 October 2009, [REDACTED] submitted a final report on Mr Kirk for consideration by the court. [REDACTED] referred to supporting evidence of 'minor' changes in the area of the brain associated with thinking and behaviour. [REDACTED] also quotes from Professor Wood's report. [REDACTED] concluded that there was some degree of neuro-cognitive damage (brain damage), that Mr Kirk was fit to stand trial with legal representation and that his presentation did not warrant compulsory treatment. If a second opinion were to be sought, then this ought to be from a High Secure Hospital, although any requirement for High Secure input would stem from Mr Kirk's communication with and encouragement of others to act on his behalf, rather than any risk posed personally.
5. Mr Kirk has never accepted the opinions of [REDACTED] and Professor Wood as set out in their reports. Communications received from Mr Kirk regarding these reports indicate that Mr Kirk has misconstrued and misunderstood the information and conclusions within them. Amongst other issues, Mr Kirk appears to rely on the fact that other psychiatrists have come to differing conclusions regarding him as evidence of Dr Williams having given a false opinion.
6. Mr Kirk also believes that [REDACTED] gave unsupported evidence to the Crown Court on 2 December 2009 to the effect that Mr Kirk had a brain tumour and brain damage and required committal to Broadmoor. It is worth noting that it is our understanding

that Mr Kirk was not present at this hearing. Again, there it appears that Mr Kirk may have misunderstood or misconstrued the information available to him.

7. On 5 October 2009, Mr Kirk submitted a request to the LHB for release of his medical records relating to treatment received from 22 June 2009 to the date of the request. Copies of all forensic psychiatry records were hand delivered by the LHB to Mr Kirk at HMP Cardiff on 18 November 2009. These records would have included the reports of [REDACTED] and Professor Wood.
8. His assessment complete, Mr Kirk was discharged from the Caswell Clinic to HMP Cardiff on 26 October 2009. By December 2009, [REDACTED] had been removed from all contact with Mr Kirk due to threats having been made. Mr Kirk was acquitted of the charges relating to the secondhand machine gun on 9 February 2010.
9. The LHB received a further request from Mr Kirk for release of his medical records on 13 May 2010. Mr Kirk was provided with a complete set of all forensic, acute, A&E and radiology records held by the LHB on 9 June 2010. Mr Kirk would have received further copies of the reports of [REDACTED] and Professor Woods and details of the MRI and SPECT scans undertaken at the Caswell Clinic.
10. We first became involved with Mr Kirk on behalf of [REDACTED] when Mr Kirk issued a claim against [REDACTED] for expenses incurred by Mr Kirk in attending at the Caswell Clinic to obtain copies of his medical records. This claim was issued on 8 June 2010 and Dr Williams applied to strike out the claim in September 2010 (**Documents 1 and 2**). We were advised that Mr Kirk had, in fact, attempted to break into the Caswell Clinic on a number of occasions.
11. By January 2011, Mr Kirk had accepted that he had received his medical records. His primary concern was to obtain copies of all documents held by [REDACTED] and/or the LHB which might relate to the alleged diagnosis of brain damage and a brain tumour made by [REDACTED] and Professor Wood. Mr Kirk was advised that he had received all of the relevant reports and radiographical images, but was provided with further copies.
12. Over the course of the claim, its ambit was unofficially widened by Mr Kirk to include allegations that [REDACTED] had falsified medical records and that the LHB had prevented Mr Kirk from accessing treatment for a hip condition by failing to disclose records to Mr Kirk's treating doctors. It is the case that the LHB did not receive, at any time, a request for records from Mr Kirk's treating doctors, but had such a request been received, this would have been dealt with in the same way as any other such request. A consent order setting out terms for the discontinuance of this claim was filed on 1 June 2011 (**Document 3**).
13. On 7 June 2011, Mr Kirk issued a further claim against [REDACTED] Professor Wood, Paul Williams (then Chief Executive of NHS Wales) and the Secretary of State for Justice (**Document 4**). The basis of Mr Kirk's claim was unclear, but included allegations of defamation of character, falsification of medical records and false imprisonment. [REDACTED] and Professor Wood applied to strike out this claim (**Document 5**), however, at a hearing on 29 July 2011, rather than strike out the claim,

Mr Kirk was ordered to file documentation clarifying his allegations. To date, no such clarification has been received and the claim is stayed.

It should be stressed that this is not and does not purport to be a complete and comprehensive account of all dealings with Mr Kirk. Similarly, the bundle does not contain all documents. Indeed, Mr Kirk has generated a considerable amount of correspondence and documentation in which he has, at various points, made many wide-ranging allegations against various individuals. Mr Kirk holds the view that his medical records have been altered or edited in some way, although the basis for his view, and what he considers to have been changed or removed, has always been unclear. Mr Kirk has not been reassured in this regard, despite having received his forensic medical records twice and a complete copy of all records held by the LHB once. All reports or records created by [REDACTED] would have been included in those records. It is the LHB's position that Mr Kirk has seen everything that the LHB has to disclose in the way of medical records up to June 2010. [REDACTED] has not had any involvement in Mr Kirk's medical care since December 2009.

As the foregoing makes clear, Mr Kirk's harassment of [REDACTED] has taken many forms since 2009 and is ongoing. Given recent developments, which indicate that Mr Kirk is not complying with the terms of the order made against him, [REDACTED] wishes to stress his concerns that Mr Kirk's behaviour continues to present a potential risk. As his employer, the LHB shares [REDACTED] concerns and wishes to ensure that [REDACTED] is provided with full support and all appropriate protection.

If you consider that any action or response planned in respect of Mr Kirk would be assisted by having further detail regarding any of the issues summarised above, please do not hesitate to contact Tina Whitman of this office.

Yours faithfully



Morgan Cole LLP

Email: tina.whitman@morgan-cole.com