

Cardiff

15th October 20120

## **Kirk v South Wales Police CF101741 etc**

### **Claimant's Position Statement**

Dear Sir,

#### **Continuing Failed Disclosure by Police**

#### **Update on Incidents applied for by the police to be 'struck out' in current trial**

**1.** The trial judge, we notice, has not been given a copy of the fifty odd leaver arch files of exhibits I served on you, so many years ago, once I suspected I had been swindled out of having a 'Trial by Jury'. Why not?

**2. 3rd Action para 2:** The court is now aware of the change in circumstances with the police's continuing refusal to investigate and apprehend the two thieves of £1,500 of cheques from my surgery. No contact either with the post office, who can identify one, I understand or approaches to me has been done by the police, since my recent reporting the new sightings of Adam Baker, directly to Barry police station. Please confirm.

#### **3. 2nd Action para 11: PC Osborne 5th April 2000 smashing his way into my car**

**4.** The judge is now in possession of one of PC Osborne's later statements, on oath, on 31st January 2001. It is at 'gross variance' to the information given to the original Cardiff Magistrates by CPS, on behalf of the Defendant, the latter then reporting the conviction to the RCVS to have my name removed from the veterinary register. The poor copy, with the trial judge, of overhead traffic video, on [www.kirkflyingvet.com](http://www.kirkflyingvet.com), needs replacing by your client's **original copy**, identified in your held 31st January 2001 pages D3/ 47 to 125 of RCVS transcript of PCs Osborne, Kerslake (1st Action 8.12) and Kilberg (2nd Action paras 9 and 11) under cross examination.

You will ensure the judge has those pages and 50 odd files, won't you, long before he rules on any suggestion of 'strike out'? Please confirm by return.

The original police video will catch the apparent enjoyment expressed on policemen's faces and the fear in mine as I was dragged out of the car and then thrown back against it. I am still asking for **original copy**, under the law of 'best evidence', of the 5th April 2000 Albany police station custody videos (2) before they were redacted, [all custody police identity obscured from waist upwards], soon after the Court Order to disclose by HHJ Vosper QC, June 2001, in Newport Crown Court...see exhibits.

**5.** The QC, for the Royal College, upon seeing the video of PC Osborne smashing his way into my car, quickly withdrew the conviction charge from the proceedings using, incidentally, the excuse it was 'found to be' currently before the Royal Courts of Justice in one of my many futile Judicial Review Applications. She, of course, did not do this until she had achieved its purpose, to prejudice the lay jury without facts.

**6. 2nd Action para 9 (11): PC Kilberg smashing his way into my car.**

The judge should have sight of PC Kilberg on cross examination at the 2001 RCVS hearing, as well, again in transcript D3/47 to 125.

**7. 4th Action para 1: Cub Aircraft and Garage Fire 1992 ITV video**

The judge is in possession of this recently acquired video, found in the search of police custody videos taken, unlawfully, from my office in 22nd June 2009 police raid.

Mention made of numerous burglaries and acts of arson which is why it is my intention to appeal to the court of Appeal for the court refusal to join the 4th Action with that of the current three.

**8.** Following from that, I am still waiting for the 'Occurrence crime reference numbers' of each incident in the current seven Actions against your client being further evidence for the current judge's deliberations as to whether this is an unusual case, so far outside your argument in law.

**9.** I am still asking for the police video of my office and contents taken of the 22nd June 2009 when so many police custody videos and .303 ammunition appeared to disappear. Please confirm their whereabouts and immediate disclosure thereof.

**10.** I am still waiting for the trial judge's Order, over a year ago, to disclose the Dolman's 20th June 09 statement to the police causing my 22nd June arrest and incarceration into Caswell Psychiatric prison.

**11.** Who else has the MAPPA 'executive summaries', other than the Defendant, whilst not subject to PII and 'monthly minutes', next to be applied for?

**12.** Who else, other than the Defendant, has the MAPPA level 3 'risk assessment plan' on me, last year, refused release by police HQ to my London lawyers?

**13.** Who else, other than the Defendant, has the MAPPA 2nd December 2009 Crown Court medical evidence, denied me, expressing public interest that I be immediately transferred to a High Security Psychiatric prison?

Maurice J Kirk BVSc