

Maurice John Kirk

Claimant

v

Dr Tegwyn Williams

Defendant

Claimant's Position Statement re 15 March 2011 Hearing

Document(s) Received at Court, that are not Received by The Trial Judge.

- 1) At the 20 January 2011 hearing problems occurred because the Claimant's main document had been received by the Court but not by His Honour Judge Philips. The Claimant asks that *the 48 point submission by the Claimant of 18 January 2011*, received at Court, but not by the Trial Judge of 20 January, now be taken into consideration.
- 2) The Claimant also sends papers of March 2011 via Ms Tina Whitman to try to ensure the His Honour Judge Philips receives them.

Other Courts and Medical Reason for Postponement

- 3) It may help the Court to know that in another case, in the Criminal Court of Appeal and Cardiff courts, proceedings are stayed based on missing medical evidence. Please see explanations below and Dr Roper's letter 17 February 2011.

Update for the Court:

- 4) The last hearing was on 20 January 2011 in the Claimants absence due to ill health. A team of volunteers helps the Claimant write replies. As explained below and by *Dr Roper's 17 February 2011 letter*, the Claimant is not well enough to take part in the hearing 15 March 2011.
- 5) The Defendant's have been offering that the Claimant to accept opportunity to withdraw this minor claim, with no claim for costs by the Defendant and they end the civil restraint application.

- 6) The Claimant wishes to accept the obvious blackmail over this minor £800 claim, to withdraw, subject to no costs of **£7, 343.38p** being claimed by the Defendant and they end the civil restraint application.

What next if Dr Tegwyn Williams implies that he is guilty, by ‘No Comment’ style replies?

- 7) Yet again Dr Tegwyn Williams has refused to make a signed statement or comment, leaving Ms Tina Whitman to try to make a statement of sorts, to try to cover up Dr Tegwyn Williams’ refusal to simply clarify in issues as serious as brain damage, brain cancer and severe disorders of the mind.
- 8) As we are aware, to provide an honest and competent medical opinion, there must be a valid process that will be shown by the existence of relevant medical records. The profession requires medical records to be full and copious.
- 9) Please compare the paragraph below, that is the only comment of reply from Ms Tina Whitman to the Claimant’s letter 3 March 2011 email and his 48 point submission, asking Dr Tegwyn Williams makes a statement to clarify. The Claimant underlines comment by Ms Tina Whitman of Morgan Cole with her being in a very difficult position, because she is a lawyer for the employer of Dr Tegwyn Williams, and is to uphold standards that act in the employer’s best interest, as opposed to his:-

“14. On 3 March 2011, I received a letter from the Claimant requesting a statement from the Defendant responding to a 48 point submission made by the Claimant to the court on 18 January 2011. The Claimant's key concern continues to appear to be to obtain documentation relating to the diagnosis of brain damage. As previously stated, and as the Claimant has been advised, all medical records held by the LHB, including those produced by the Defendant, have already been disclosed to him.”

Paragraph 14 letter 9/3/11 by Ms Whitman, Morgan Cole to Cardiff Civil Justice Centre

Dear Morgan Cole, solicitors
Cardiff

Kirk v Dr Tegwyn Williams (part heard)

Thank you for your email of today, 3 March 2011.

It may help if today I immediately reply this morning by return regards the missing medical records, reports and notes

In your email today you invite reply on what medal records are missing, where we feel what is missing is quite obvious and that we believe Dr Tegwyn Williams should have offered by now:-

1) To personally make a signed statement, before 10 March 2011, as to the pointed issues and questions I raised in my 48 point 18 January 2011 submission to the Court.

2) To explain and provide the medical records, reports and notes that allow ‘the leap’ between what properly qualified medically qualified doctors see as an “all clear” brain scan, to Dr Tegwyn Williams huge leap to say “clear evidence” of brain damage. That

leap can only occur by appropriately medically qualified doctors giving written Opinion, (and not a psychiatrist or psychologist with what amounts to merely an interest in the medical aspects of brains). Please can we see the medical records, notes or reports of an appropriately qualified 'medical' opinion of brain damage?

3) It is on Court logs and transcript 2 December 2009 that Dr Tegwyn Williams says to the CPS, with the intention of influencing an outcome at the Crown Court, that the Claimant may have brain cancer. Please would Dr Tegwyn Williams supply any medical records, notes or reports that allow or justify Dr Williams making such comment to come before a Crown Court, and in such serious matters?

I look forward to a reply with the above information where readily and promptly offering and providing that information as above, is central to events in 2010 and the case before the Court.

Thank you

Maurice J Kirk BVSc

Copy to court

Update Dr Tegwyn Williams (& Prof Wood) not “medically qualified” to reverse an ‘all clear’ opinion, to give an opinion of “Clear Evidence” of brain damage/brain cancer .

10) It seems that Dr Tegwyn Williams & Prof Wood are not “medically qualified” to challenge an ‘all clear’ brain scan, especially by giving his opposite opinion of “Clear Evidence” of brain damage/brain cancer obtained whilst the Claimant was incarcerated, in terror, in the Caswell Clinic. The Claimant understands that ‘the profession’ can be expected to object to the conduct of Dr Tegwyn Williams and Prof Wood.

- It appears to the Claimant that Prof Wood is a clinical psychologist and although as a psychologist he is entitled to have his interest in brains or neurology, he is not a medical doctor and so not medically qualified to give formal medical opinion on issues that require a medical doctor with an appropriate specialism, A set of qualifications that seemingly neither Dr Tegwyn Williams or Prof Rodger Wood had when recommending the Claimant be Sectioned under the 1983 Mental Health Act for a possible life imprisonment in a high security psychiatric prison.
- The Claimant understands that Dr Tegwyn Williams’ is a medical doctor with a specialism is forensic psychiatry and so he is only qualified enough to know that he should not use the work of a colleague who does not hold an appropriate medical qualification, to comment on a highly specialised area of brain scans.

If all other doctors say brain scan “all clear”, before 2nd December 2009, has Dr Tegwyn Williams been dishonest?

11) The Claimant and his team, especially with constantly emerging evidence, believes that the issues now appear so serious, that Dr Tegwyn Williams appears to have been dishonest and seemingly malicious, the Claimant believes he should not take part in any present proceedings until the Claimant has taken adequate legal advice and the Cardiff Court has brought this matter to the attention of Director of Public Prosecutions with the obvious need for an outside police force to be called in to investigate.

**Defendant's pretence at being reasonable – what is the point in disclosing flawed records?
When the request is to clarify issues?**

- 12) There is little point the Defendant pretending to be reasonable by being ready to send flawed sets of medical records to a team waiting to operate if those medical records suggest brain damage to stop an operation.

Claimant needs stay of proceedings to take legal advice

- 13) As stated the Claimant also now needs to take legal advice about transferring grievance into the higher and or criminal courts, and to take advice about the obvious potential for a claim against Dr Tegwyn Williams for compensation, where the claim for compensation could be substantial
- 14) AND to establish why the 2nd Defendant, the National Health Service, continues to refuse to clarify by carrying out another brain scan or give date for the total hip replacement operation.

The Original Case that was Listed & an Obvious Cause of Action

- 15) This case was listed when petty expenses, £800, were incurred on four futile visits to Caswell Clinic when the Claimant was promised but then not allowed to collect medical records.
- 16) The Information Commissioner website says that errant officials, who may not be breaking criminal law, may still face actions for damages and loss in local courts. The Information Commissioner also says that the Harassment Act (1997) can be used by persons with a grievance against officials in a data protection or information case.

Remedy to counter vexatious lawyers when it appears Dr Tegwyn Williams has said that which he knew or should have known was not true.

- 17) The Claimant is led to believe that one or more lawyers are vexatious such as by saying the Claimant was vexatious in bringing a case about brain damage and brain cancer.
- 18) Also the Information Commissioner suggest there is an obvious cause of action in cases like this, so that the Claimant is not vexatious and that remedy should be available for lawyers wrongdoing by unreasonable and unjustified hostility towards the Claimant, and the lawyers' being seemingly negligent their responsibilities to the Corporate body of the NHS and to the public purse.

Claimant Requests Opportunity to Submit Counter Claim to Civil Restraint Order Claim.

- 19) The Claimant and his team believe that even mentioning the words around vexatious or civil restraint order, in a case as serious as this, is unacceptable wrongdoing by some of the lawyers involved in decisions on behalf of the Defendant.

- 20) Should it become relevant that the Claimant needs to use a counter claim, as a reply the Defendants wishing make assertion of vexatious or to pursue an application to civil restart order, then the Claimant requests opportunity to counter claim with similar to the ethos of or specifically **Civil Procedure Rule 7C-210 “Jurisdiction to order a solicitor to compensate others for his neglect or misconduct in proceedings before the Court”**
- 21) This point would seem especially relevant given the Defendant’s lawyers have run up inflated costs, totally disproportionate, as usual, to the Claim. The Claimant believes the actions of the Defendant’s lawyers as highly improper and seemingly negligent.
- 22) Now give the bill for lawyers misconduct and/or negligence to the public purse to Morgan Cole or contribute to the Claimant, given the distress and harm from apparently false and malicious reports about brain damage/cancer. If it becomes relevant, the Claimant seeks opportunity to present the case as to why it may be entirely correct that the lawyers managing and overseeing decisions in this case at Morgan Cole etc, to personally pay costs.
- 23) Two million pounds of the taxpayer’s money, each year, is the contribution for the South Wales Area NHS to hand over to lawyers, when it is neither taxed nor properly supervised, an issue that needs to be addressed from outside Wales.
- 24) Should it become relevant, for a counter claim, to issue a civil restraint order then the Claimant asks opportunity to upgrade the Claim to where the Court would have jurisdiction to receive representations from Counsel for the Claimant, to pursue **Civil Procedure Rule 7C–209 “Jurisdiction to strike a solicitor off the roll”**.
- 25) Alternatively or additionally, as a reply to the civil restraint order application, the case law and correct procedure for what evidence has emerged, regards Dr Tegwyn Williams, and his refusal to clarify, is that he should be returned to the Crown Court via a CPS or private prosecution to clarify to the Court, as part of facing allegations of Contempt of Court for providing that Crown Court with potentially malicious assertions and seemingly false evidence that was material to serious issues before the Court.

Medical Update: Claimant Unwell.

- 26) The claimant believes that as a result of the Defendant’s conduct the Claimant remains too unwell to conduct the prosecution and encloses 4 medical reports.

Other Medical Records in Existence as indication of wrongdoing by Dr Tegwyn Williams.

- 27) It may be most helpful to end this submission about Dr Tegwyn Williams by showing parallel medical notes written by one of his colleagues who was also at multi agency meetings with police and possibly duplicated in MAPPA minutes.
- 28) The relevance of these notes is that Dr Tegwyn Williams hides his own notes of how he felt he could justify three consecutive one month Section 35s, to Caswell Clinic, on the grounds that Dr Tegwyn Williams said the Claimant was ‘delusional’ about the specific issue of being harassed by police. The science is that no one can be seen as delusional about just one specific fact where a rational person is entitled to rightly or wrongly have a view that the hundreds of incidents in this case is harassment.

- 29) In his case, below, the Claimant, as with many of his cases, was found not guilty and so any intended detention or assertion of 'risk' is now believed to have been malicious and/or dishonest.
- 30) The Claimant was found not guilty at the Crown Court, for trading in machine guns, without defence evidence even being needed and was released from custody with no mention of future medical attention being required!
- 31) It may help to note the different, if not supportive style of writing below, by Dr Williams' colleague, compared to Dr Tegwyn Williams attitude to the Claimant.
- 32) Is Dr Tegwyn Williams correct to say the Claimant is not entitled to rightly or wrongly believe that police were not harassing him in what is said below?

Extract from Claimant's 4 March 2011 submission to clarify some principles in the Court of Appeal:-

1. A Claimant with no serious convictions and has by this time two formal assessment that means he poses no risk, but the Claimant, when doing no wrong wants to take police before a civil court for bullying him. How should UK police respond? Is the police response below honest and proportionate?

.....The meeting was informed that in recent discussions with the CPS, it has been clarified that several of Mr Kirk's recent actions do not constitute an offence. Even his approach to the Chief Constable could be seen as his right to request an interview with her, necessary for the procedure of his civil court case..... social worker Page one:

....It was also reviewed that South Wales Police have a firearms response which could mean that the MAPPAs subject would be shot if he attempted to make any approach to the Chief Constable..... social worker Page one:

.....It was reviewed that Mr Kirk has a criminal history - mostly minor offences. Does not (*the underline is by the social worker*) have a criminal history which includes previous use of firearms.... Social worker Page one:

At the meeting, it was reviewed that the police intend to take certain action which they anticipate will result in a remand into custody. (Social worker page two first MAPPAs meeting)

I am not absolutely clear on the sequence of events but I understand that on 24 June 2009, Maurice was granted unconditional bail in the Magistrates Court (**query offences**). Mrs Kirk has informed that, on the following day, Maurice was in the Crown Court when the CPS opposed bail and has been remanded in custody ever since. (social worker page 6 SECOND MAPPAs MEETING 20.08.09)

It was explained that the subject of the MAPPAs was deemed to be Level 3 - partly because of the risk of attracting media attention (Social worker P 1)

The risk of media attention on these occasions was also discussed - police will be the lead agency in management of that risk. (Social worker Page 6, SECOND MAPPA MEETING 20.08.09)

2. The Claimant believes close consideration is needed for incremental change in case law and public policy to deal with the meaning of police have become judge, jury and executioner that even control the media.
3. Especially when elements of police can 'target and bully' an individual for twenty years and indefinitely.
- 33) The Claimant's team believes this case should be taken out of the control of HM Court Service (Cardiff), transferred to an English court and only heard after an appropriate outside police investigation has acted on the motives of Dr Williams involvement with the South Wales Police, to obtain both a malicious prosecution and false imprisonment, that could only have only been achievable in South Wales with such a thoroughly corrupt HM Court Service and judiciary.

Maurice J Kirk BVSc

10th March 2011

Enclosed medical reports