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IN THE CROWN COURT
AT CARDIFF

Indictment No: T20097445

The Law Courts
Cathays Park
Cardiff
CF10 3PG

2nd December 2009

Before:

HIS HONOUR JUDGE BIDDER

REGINA

- v -

MAURICE KIRK

MR R W TWOMLOW appeared for the Prosecution

The defendant appeared in person

ALL PROCEEDINGS

Tape transcription by **Mendip-Wordwave**
(Official Court Reporters to the Court)
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ALL PROCEEDINGS

(11.39)

JUDGE BIDDER: ... appropriately qualified psychiatrist then the fitness to plead doesn't really arise. I have one report by you reaching a conclusion; I have another report by Dr Silva reaching a different conclusion. I can't act on the basis of that issue without there being two such reports and there aren't two such reports. In the circumstances I don't think there is a great deal of purpose in you remaining in court.

MR TWOMLOW: May I just say perhaps, having spoken to Dr Williams this morning, that I think having seen the contents of Dr Silva's report he is also of the view that Mr Kirk would be fit to plead subject to the ... it was only the case of whether he has cancer or not I think that Dr Williams was concerned about, but I didn't wish to ...

JUDGE BIDDER: Well, it is a decision for the court but it is a decision the court can only act upon if there are two reports which reach a particular conclusion. The position is complicated in this case because Mr Kirk of course represents himself, so that is the factual situation that we are dealing with, but I think in the circumstances there is no purpose in you remaining because there is no need for you to give evidence with regard to the report. The report stands as it is and there is no purpose in you being questioned by any party because, as I say, without the two reports the issue doesn't really arise. So could I thank you, Dr Williams, for attending court. So far as I am concerned now you are free to leave and we will have Mr Kirk brought up in a moment. I gather he has refused to take copies of the two reports. He will take copies when he arrives in court and he would like to read them in court. So he hasn't actually read either of the reports as yet.

MR TWOMLOW: I sense his argument is going to be, I think, I am reluctant to say too much when he is not here, but he is saying he is fit to plead and there isn't an issue about that any

A longer, so one can move on to perhaps setting a plea and case management hearing before Christmas, before the custody time limit has run out.

JUDGE BIDDER: Yes, I think we will have to make arrangements in regard to that.

B **MR TWOMLOW:** Maybe there is no need for Mr Kirk to ... since there is no argument about it, it may be there is no need for him to read ...

JUDGE BIDDER: Right. How long is he going to take to ...? A few minutes? Okay. Well, I will rise for a few moments until Mr Kirk is brought into court.

C (11.43)

(A short adjournment)

(11.49)

D **CLERK:** Are you Maurice Kirk?

JUDGE BIDDER: Mr Kirk, are you going to answer the court at all?

DEFENDANT: Sorry?

E **JUDGE BIDDER:** Are you going to answer the court at all? Are you Mr Kirk? Because I haven't met you before. Could you please tell me whether you are Mr Kirk or not?

DEFENDANT: What is my obligation?

JUDGE BIDDER: Well, I just would like to know your name please.

F **DEFENDANT:** Well, I have been having difficulties in prison being able to get clearance under the (inaudible) laundering of money laws in order to get to instruct a lawyer and to pass funds accordingly. I find it quite amusing that my identity needs to be confirmed here in court, having enough trouble in prison on that very matter.

G **JUDGE BIDDER:** Alright. Well I am merely asking you out of courtesy because I have never met you before, but I assume the clerk recognises you. Is this Mr Kirk? Right, very well, well it is confirmed to me that you are Mr Kirk. Would you mind sitting down for a moment, Mr Kirk?

H Now, we are here, as you may appreciate, to consider the issue whether you are fit to enter a

A plea and stand trial and I caused this morning two reports to be sent down to you for you to consider those and I was told that you didn't wish to read the reports but that you would read the reports in court. Is that correct?

B **DEFENDANT:** (Inaudible) I am here on a matter of (inaudible) to corrupt public morals for outrage under decency. When I was last in court the other side, that is to say you lot, it is an expression I use with all due respect for a complete stranger, (inaudible) you are my seventh judge on this matter I believe. Two issues before the court (inaudible) three and I wish to know which it is. Now, there is a matter of importance here. When I was first brought to Crown Court I had been given unconditional bail by Barry Magistrates, on the 15th of June the Crown Prosecution strung out a pack of lies none of which I could cross-examine on or form any form of rebuttal to allow the judge to come to a fair decision and that matter was to do with a threat to break a window. Anyway, it was (inaudible) bail. Since then there came a matter that was raised just now and that is a matter under the Mental Health Act 1983, but this week, only this week I have managed to get from the authorities, one of the disadvantages for the prosecution is if they choose to lock up an accused party for too long the laws of disclosure eventually cause something to happen. Now I am now in possession of, I think it is ten psychiatric reports in my favour, and I also have, which is far more important, matters relating to PII, public (inaudible) which is what this case is really about. The police had me arrested for private purposes because the civil action (inaudible) relevant to the 19th of June caused the (inaudible) Chief Constable to do certain things that led to me being arrested on the Monday, the following working day.

E Now, getting back to what you believe we are in court for, can I ask, with respect, do you believe that this case is only to do with whether I am mentally fit to conduct my own trial?

F **JUDGE BIDDER:** Well, Mr Kirk, can I tell you that the charges that you face in this court are under the Firearms Act of 1968, they are nothing to do with the corruption of public morals as you indicated earlier. You face two charges of firstly possessing a prohibited weapon, and

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A secondly selling or transferring a prohibited weapon, so those are the charges with which I am
concerned in this court, and as part of considering those charges a previous judge on an earlier
occasion raised the issue and wish to have it considered as to whether you were fit to plead.
B Now, I think that you have seen already Dr Williams' report, Dr Tegwyn Williams' report. If you
have not then you are welcome to see a copy of it, but there is also a report now by Dr Silva who
saw you more recently, and again if you would like to see that report then you may have a copy
of it. But I can indicate to you in general terms what the reports say, so far as Dr Silva is
C concerned he is content that you do have capacity to enter a plea, and by implication consider
and conduct your own case on your own behalf. Dr Williams comes to a different view to a
degree in so far as you acting on your own behalf is concerned, but I can tell you that I cannot act
upon the reports unless there are two reports from qualified psychiatrists who tell me that you
D are not fit to plead, and I do not have two reports. Therefore the court's position today is that you
are fit to plead and by implication you are fit to conduct your own defence, alright?

DEFENDANT: This raises serious difficulties. I am talking about the Criminal Law Act 1977
E which clearly relates (inaudible) the parameters for corruption and conspiracy being brought by
the prosecution and I wish for you to see the documents that are psychiatric reports that were
written in June and July that clearly state that I was fit to plead and was capable of conducting
my own defence. This delay of five months has been deliberate to interfere with my civil action
F and my criminal action against the Chief Constable (inaudible) who is purely (inaudible) I must
say but because of the history of Maurice Kirk in Wales she currently is (inaudible) Chief
Constable, (inaudible) the magistrates court in Cardiff where I am prosecuting her under the
G Conspiracy Act to which I referred earlier. Now, she has chosen to use lawyers in this town
(inaudible) who made complaint by way of statement which I am being denied, and I ask you to
get them to hand them over. But of course they caused me to be arrested to cause me to be put

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A in prison. Now, I believe five months down the line on indictable offences with sentences that have, forgive the expression but you know what I am going to say ...

JUDGE BIDDER: There is a minimum sentence of five years imprisonment.

B **DEFENDANT:** ... yes, thank you, Your Honour.

JUDGE BIDDER: Yes.

DEFENDANT: That I must be entitled to see the written evidence that caused me to be arrested, caused me to be arrested for charges that in fact no longer are before the court. I was arrested for threats of criminal damage which were quickly withdrawn because they never intended to bring them, they used it as an excuse for me to be detained for five months. The next one was that I was in current possession of a machine gun, albeit whatever model they had in mind, which they withdrew within a few days. And the third charge which I find the most interesting that I was in possession of ammunition. Now, because of my experiences with the South Wales Police I was minded to prepare myself and I informed my wife and others that following the 25th of February affidavit being signed by the Chief Constable denying court cases took place in this building, took place in Barry Magistrates, took place in Bridgend Magistrates, took place in Cardiff Magistrates, and Newport Crown Court, and the fact that she denied that on the 6th of June 1995 Sergeant Rowe with a number of other police officers, four other police officers (inaudible) used a sledgehammer and a crowbar to break into my surgery (inaudible) with a drug dealer called Anthony (inaudible). These are incidents which relate to my civil action ...

JUDGE BIDDER: Right.

G **DEFENDANT:** ... which started 16 years ago, and we were in court last week, and only today at five o'clock this morning have I found fresh evidence that must have been handed to me on Friday in the County Court last week, which I failed to see, but it is dated last week so it must have been created by the prosecution, by the police, admitting disclosure of further incidents that

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A so far they have denied for 16 years. Now these all relate to my custody. These all relate to why
I am being detained. The machine gun is a smokescreen, that will be my defence. I have been
asked four times no less by the prosecution, in June, July, August and September to submit a
B defence statement. Now this is all new to me, I don't understand the law and that is not for me to
be expected to understand it, but it is interesting that they say, "You will supply within 14 days
the defence statement." I have got one with me here now. I carry one, and each time I come to
court it gets bigger and bigger because now that I have been classified as one of the top five
C percent of most dangerous people in the United Kingdom I have in writing, signed yesterday by
the, I think the Court Probation Services, she, like everybody else has no proof of identity, all
these doctors, Silva, Sylvester, Williams, I have been in front of 12 psychiatrists, I have had a
meeting ... they have had a meeting of 16 doctors round a table on the 1st of September
D discussing Maurice Kirk for two hours, plus high-powered nurses and psychologists, sorry, and
psychotherapists and others at the Caswell Clinic, and I have in my cell below this court, Your
Honour, psychiatric reports that were written before they served a Section 35 on me under the
E '83 Act. That is a conspiracy and I ask you, sir, as (inaudible), the six previous judges clearly
could not (inaudible) and I wait to see whether you can, because down in my cell down there I
have the law which will beat the lot of you in the end, and the only aspect of madness that I have
is what I have witnessed or what I have inherited from my parents and that is that the rule of law
F is what we live by and if I am so stupid to believe that now in this Welsh court that is the only
bit of madness that I have ever suffered. But what is important, I have been classified, and I
leave it until the end, I have been classified as a level three multi-agency public protection
G arrangement enemy of the state and because of that disclosure of my medical records that have
only occurred yesterday, how convenient, how is it all this is coming to me just before I come
before my seventh judge? I wonder if you have some influence on this. I will not hold my
H breath to hear the answer. But in the records of the medical records, which I ask you to see and

A will go before a jury in any event, they will be published, put it on my website when I have the
money and time to have it done, it clearly shows that they had me under surveillance for up to,
they have admitted a month before I was arrested in the disclosure in June, July and August,
B each time they are trying to prod me in the testicles to hand over a defence statement. Now the
medical records disclose, and they are withholding some of the major parts, that I have been
under surveillance, that is covert police surveillance for at least two years in order to prosecute
me for the indictments before you, Your Honour, today. I believe you have a duty to establish
C aspects of what I have raised on how this case is to continue. I want my computers. I want
proper rights to conduct my defence under article six of the European Commission for Human
Rights and Fundamental Freedoms 1948 (inaudible) days next week (inaudible). I would ask
D that you consider some of the things that I have raised and I am grateful (inaudible) I think it is
going to be my 13th psychiatric report which is a Dr Silva. I don't remember being examined by
a Dr Silva but nothing will surprise me anymore when it comes to that nutty inexact science
called psychiatry that is being utilised, it is being abused, and I am in prison (inaudible)
E psychiatric hospital this summer with people who have not had the education or the ability to be
bloody-minded like I am, and there are people locked up across the world, across our country,
who have been given IPP which was the other issue (inaudible) report last time, imprisonment
F for public protection and that means an indeterminate prison sentence. Because of your
decision, I was I to know your decision was going to be that I am mentally fit? I haven't been
examined by a psychiatrist in this court, this court ordered a Roland Jones to do it, and I asked
Roland Jones to do it, I wrote to him. This court named other lawyers to give a second opinion,
G long before the name Silva has arisen. I want the audit trail of what happened to the people prior
to that because if they have also given psychiatric reports that I am fit to conduct my case this
delay has been due to the prosecution service and the South Wales Police, and HM
H conspiratorial partnership of which you are one. I am entitled to all these things, and the refusal

A to have all these things will be made public across the world via cyberspace because, sadly, that
is the only avenue I can turn to in order to seek justice.

JUDGE BIDDER: Well, Mr Kirk, you have raised a number of points there. Can I just clarify
B with you, do you remember seeing Dr Silva on the 3rd of November, that would only be a matter
of a few days ago?

DEFENDANT: No.

JUDGE BIDDER: You don't remember that? Well, I can ...

C **DEFENDANT:** (Inaudible) I saw a doctor, a female doctor, is it male or female?

JUDGE BIDDER: Well, Dr Edward Silva.

DEFENDANT: Well, I saw a Dr Gaynor Jones.

D **JUDGE BIDDER:** Well he called to see you, I think, at the prison in Cardiff he says in his
report, and he spoke to you for one and a half hours.

DEFENDANT: That is ... how long?

JUDGE BIDDER: For an hour and a half is what he says in his report. The door of the cell
E was open and he spoke to you through the door of the cell.

DEFENDANT: No.

JUDGE BIDDER: Alright. Well I can indicate to you that I have read the psychiatric reports
F of Dr Williams, I have read Dr Silva's report, I have not seen any of the earlier reports that you
mention, but so far as the psychiatric position is concerned, as I have explained to you, there are
no two psychiatrists who say that you are not fit to plead or conduct the matter yourself and
therefore that issue no longer arises. So far as your civil action is concerned, this the Crown
G Court not the County Court so I am concerned with the offences under the Firearms of 1968, and
I would like to know from you whether you intend to conduct this litigation yourself or whether
you would like to instruct somebody to act on your behalf, because I can see in the report of Dr
H Silva that there is some doubt about that.

A **DEFENDANT:** May I please make (inaudible) I have come (inaudible) I have been locked up
down there without my medicine, without paper, I am not allowed pens, I am here, I have got fed
up with carrying the seven lever arch files from the prison. I have come here, seven, this is
B eight, nine times now, this summer, carrying all of my papers, and I have come for some bail
application issues which have been a farce, a public disgrace. Each time I come the prosecution
give a different reason why I am to be detained in custody, and now suddenly I am before yet
another, which of course I am not complaining about, to be told, to be asked whether I am to be
C legal represented. Well, am I obliged to answer you?

JUDGE BIDDER: Well, can I just quote to you something which appears in Dr Silva's report?
According to him you told him that you were adamant that you had not declined legal
D representation and that Dr Silva was mistaken. You told him, according to this report, that your
daughter had been strenuously looking for a lawyer to represent you and that she had approached
20 or 30 solicitors who had declined to take the case, but your family had approached lawyers
who had represented him in other matters and you apparently told Dr Silva, as he notes, that you
E are currently instructing various lawyers in matters relating to the family, to business interests,
and to the civil litigation against the police. "He wanted a lawyer he could trust and thought to
be competent." Now can I just ask you is that an accurate account of what you told Dr Silva?

DEFENDANT: Well, I told Dr Silva, it is a good summary, a good account of what the current
F situation is (inaudible) to me and I find it considerably worrying that on each occasion I have
heard judges say, "You will get the transcript in order that you can instruct lawyers," only
yesterday I managed to get, just five months into this nonsense, I managed to get hold of the
G people that do the transcripts down in Honiton in Devon, where I come from, and they say that I
am the only person now asking for these transcripts. I have sent them nearly £600 so far for
these transcripts, I haven't got them all yet, and yet I have come before somebody called Judge M
H Cooke, with an 'e', who has repeatedly said, and somebody else did as well, I think it was

A Vosper, or was it Llewellyn-Jones, or was it Ellery Jones or was it Morris, or was it Judge
Hughes, they have all said between them that I can have these transcripts at the cost of the tax
payer (inaudible) but I haven't got them and I have had it confirmed yesterday that you lot, you
lot, not you personally sir, that lot had no intention of me having those transcripts, nor access to
B what I am entitled under Article 63 of the European Charter of Human Rights and that is called
proper disclosure, discovery, evidence that they are deliberately withholding. Please don't forget
the ammunition charge that was dropped. The situation was set up minutes before I was
C arrested, it is what they called in the film business a 'sting'. They entered, 30 police officers
entered my home with sniffer dogs and went away with documents relating to my civil action for
damages. That is what this case is all about. You know that, we all know that, but no one in this
D room has the moral fibre to take the subject seriously and consider the final consequences of the
conduct of a bunch of bent lawyers who started all of this, protected under the immunity of being
part of HM conspiratorial (inaudible).

JUDGE BIDDER: Well, Mr Kirk, you have told me, you have given me a full answer again
E but I am afraid you haven't answered the question that I specifically asked you, whether you did
wish to have legal representation now or whether you wish to conduct this matter yourself. Can
you just focus on that for a moment and give me a direct answer to a direct question?

DEFENDANT: If I recall I agreed with what, in basic terms what you read out from
F somebody's report. What date would that report be please? I am fascinated by this.

JUDGE BIDDER: It is, let me just have a look. The 25th of November.

DEFENDANT: Is there any proof that he wrote it?

JUDGE BIDDER: Well, he talks about seeing you in Cardiff prison, so ...

DEFENDANT: Well, yes, it is all (inaudible), I mean Dr Tegwyn Williams, the local
G (inaudible) the local Welsh (inaudible) down there in Bridgend had me locked away for 12
H weeks and he, he churned out, one, two three, four, I think it was four reports, but the report

A before that is with me in my possession now under the Data Protection Act and the other one
(inaudible) ...

JUDGE BIDDER: Well Mr Kirk, it is difficult for me to take this matter any further since you
B refuse to take a copy of the report. If you took a copy of the report and read it then you could tell
me what it is ...

DEFENDANT: Well, I was under the impression that I had a mental illness that caused me not
C to be fit to (inaudible) myself in this case and it was up until you tell me, and you have created
no evidence of who you are, but I respect and accept that you are the judge you say you are, you
have produced another bunch of paperwork from some shrink who says that he did this and he
D did that, I don't believe a word. There comes a time when I have been locked up in a cell
surrounded by some very unsavoury people, being subjected to the environment, un-convicted,
with only £12 to spend per week on the telephone, once I can get to it. Do you know, I spent
E three weeks trying to speak to a lawyer, and I am un-convicted. Three weeks it took to speak to
a lawyer on the phone for advice, because you are only given £12 to spend in a week, but
(inaudible) open the door at eight o'clock in the morning and they close it again before the
F lawyer comes to work in the morning. And then, when you eventually get the (inaudible) found
you have got to arrange to speak to him, and then of course they change the shifts in the prison
don't they? Not due to me of course, I mean that is the problems that they have because the
prisons are being run incorrectly just like the law courts are being run totally incorrectly
G nowadays. But it took me three weeks to speak, and all I can do is speak ... and I was taken off
the phone because there were 16 people queuing for it. Those are the conditions that these little
bastards down there seek against ...

JUDGE BIDDER: Now, Mr Kirk ...

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A **DEFENDANT:** I used the word 'bastards' and I meant it. They know that I will be in difficulties, as they say, in your (inaudible), I would be embarrassed if I got locked away (inaudible) and brought to court in handcuffs.

B **JUDGE BIDDER:** Mr Kirk, you have explained to me what the position is, clearly, there is no need to use bad language in this court room. Can I ask you please, do you wish to see Dr Silva's report or not?

DEFENDANT: Of course I would like (inaudible) report ...

C **JUDGE BIDDER:** Yes.

DEFENDANT: ... and in order to answer your questions any further I need access to my computers.

D **JUDGE BIDDER:** Right, well ...

DEFENDANT: Which I am also being denied.

JUDGE BIDDER: The clerk will hand to you now, if you are prepared to take it, Dr Silva's report. I think you have already seen Dr Williams' report, so you have the documents which I have referred to earlier which I have tried to summarise to you this morning what their contents is and the issue of fitness to plead does not arise. Now, can I return to the question I asked you a little while ago, do you wish to have legal representation or do you wish to conduct this matter yourself?

F **DEFENDANT:** I repeat what I said earlier, in the light of the change in circumstances, the dramatic change in circumstances could I ask the court to confirm in the form of writing that yes, I have been a level three matter surveillance un-convicted person in society and when was I first
G classified as that and why was I classified as that. You understand my reason being that the jury will want to know why, if the police had all this information under covert surveillance that I am possibly an innocent party in this nonsense about an antique machine gun, I believe the jury will want to know, well why was this information withheld from Mr Kirk right up until December
H

A the 1st, five months after he was arrested, that he was even under surveillance before he was
arrested, and the prison officers tell me that it is really most unusual that you are even classified
as a MAPPA, what do you call it, (inaudible), when you haven't even been convicted. So
B therefore am I in that category because of some previous conviction, or what? I need this
information, Your Honour, in order to answer your very simple question. And please don't
forget I have asked for my computers because that is where the history of all this lies. I took the
precaution, Your Honour, to bring, with the hope that I might be before a new judge, and it is
C down there in the cell, is my defence statement that I wrote in advance of being arrested and
charged. It is no longer completely relevant because I didn't know which charges they were
going to use, the helicopter was hovering over the top, well in fact it hovered quite a few times
D that week, so I wrote the final pages of my 64 page written statement for the jury, for a judge
(inaudible) for the psychiatric doctors ...

JUDGE BIDDER: Well, do you wish to produce, Mr Kirk, this document that you refer to,
your statement?

E **DEFENDANT:** It is what you read out to me, I haven't read it.

JUDGE BIDDER: No, I am not talking about ...

DEFENDANT: What you read out to me is a good appraisal of my position today.

F **JUDGE BIDDER:** No, I am not talking at the moment about Dr Silva's report, I am talking
about the document you just mentioned, your statement which you say is your defence
statement. Do you wish me to have a copy of that? Do you wish to produce that to the court?

G **DEFENDANT:** I actually anticipated your interest and sent a copy dated the 19th of June to an
address to the Recorder of Cardiff, so His Honour Judge Cooke, and I caused the county court
judges last week to obtain a copy of that so therefore I am confident now there are several copies
circulating.

H **JUDGE BIDDER:** Well, if it is the ...

A **DEFENDANT:** Of course it is on website, the, once the magistrates on the 24th of June were told that it was on the website the learned clerk had it printed out and they quickly gave me unconditional bail.

B **JUDGE BIDDER:** Just give me a moment to see if I can find the document.

DEFENDANT: It has got black numbers in the bottom right hand corner, 1 to 64, and the front page has got (inaudible) civil action (inaudible) with the numbers (inaudible). I could send the (inaudible). If I could just ...

C **MR TWOMLOW:** This court did have it, Your Honour, because this court sent it to the county court and we have copies of it.

D **DEFENDANT:** If I can assist, when I was arrested I referred the police whilst I was being (inaudible) having first been examined by a psychiatrist of course to check that I was fit to be examined ...

JUDGE BIDDER: Well, Mr Kirk, it is a document ...

E **DEFENDANT:** ... and I gave them that report then on the website, but the prosecution on the 15th of June, a person called Richard Hayes, jumped in court when lying about my position when asking for bail, lied his head off on a number of points, I haven't bothered to read this statement. That is the level of information that has come to me showing that this has got nothing to do with the machine gun case, this has got to do with politics. The fact that once again if I get disclosure I win, if you lot succeed in withholding evidence, like you have done in the past, I will lose. I am going to fight you for disclosure all the way through the courts and I will win.

F **JUDGE BIDDER:** Right, Mr Kirk, I see the document you referred to, it is in fact headed, 'A witness statement' and it refers to a number of actions before Mr Justice Collins, before Judge Chambers QC, before Judge (inaudible) Llewellyn QC, and before Mr Justice Goudy QC, so is that the document you say is your defence case statement with regard to these two charges that you face in this court?

H

A **DEFENDANT:** No.

JUDGE BIDDER: No. There is another document is there?

DEFENDANT: No.

B **JUDGE BIDDER:** There isn't?

DEFENDANT: I have documents downstairs, I have five files in my, seven lever arch files in my cell in prison. I have got 142, I think it is, lever arch files spread around in Wales, England and Brittany, and of course I have my computers. Remember I asked to have access to my computers. Judges have already asked that I have access to my computers, so I want to hear a succinct (inaudible) ...

C **JUDGE BIDDER:** Can I please ask you, Mr Kirk, is there a document where you set out your defence to these charges? Does such a document exist?

D **DEFENDANT:** Yes.

JUDGE BIDDER: You have a copy of it?

DEFENDANT: Yes.

E **JUDGE BIDDER:** Will you produce it to this court?

DEFENDANT: It is out of my control.

JUDGE BIDDER: Where is it at the moment then?

F **DEFENDANT:** I am not telling you because I am not daft. If I tell you they may get at it first.

JUDGE BIDDER: Right. Can I return then, I am afraid, do you wish to have legal representation or not? Because you mention various firms of lawyers who you have instructed, presumably you could contact one of those firms and ask them to represent you in these proceedings.

G **DEFENDANT:** I have personally contacted about 20 plus lawyers.

JUDGE BIDDER: Yes.

H

A **DEFENDANT:** My daughter, my oldest daughter has contact a number, my oldest son has
contacted a number in Bristol, (inaudible) ring-fenced around here in South Wales, it is very
difficult to get an independent lawyer so close to this court room. I have been spending my time
B mainly to London on those limited phones, you remember how I described how so difficult to
get to a lawyer or even a clerk in a lawyer's chambers in London to try and explain the
difficulties of this case as to whether they will represent me or not. I will continue to pursue that
until we go to trial.

C **JUDGE BIDDER:** Right.

DEFENDANT: But for you to expect me to answer in an unambiguous manner now is unfair.

JUDGE BIDDER: Alright. Well, Mr Kirk, can I ask you this, do you have a copy of the
D prosecution's depositions in these proceedings? Have those been served upon you?

DEFENDANT: I believe they have, yes.

JUDGE BIDDER: Right. And have you considered their contents carefully?

DEFENDANT: I haven't read all of it because I know the real motives behind it I haven't taken
E it, not wishing to appear flippant, I have not taken the aspect of the machine gun case that
seriously.

JUDGE BIDDER: Right.

DEFENDANT: I have been facing an indeterminate prison sentence until today. I would have
F been sent off to Broadmoor. I was sharing my time in Bridgend with boys, young boys who
don't have my education. One of them had spent ten years in Broadmoor. Now, I am just in a
(inaudible) I have been in four (inaudible) but I can see that that poor boy had been sectioned for
G ten years of his life.

JUDGE BIDDER: Alright, well ...

DEFENDANT: He had only been put back into the system because he got drunk one night in
H some back street in Swansea.

A **JUDGE BIDDER:** Mr Kirk, can I just please ...

DEFENDANT: I am more concerned about my imprisonment than this stupid machine gun case. It is only this morning that you have decided, who are you to decide that I am fit to defend myself in this case? I find it outrageous. They can lock me away and delay these proceedings for their own benefit only for five months and ...

JUDGE BIDDER: I am the ... Mr Kirk ...

DEFENDANT: ... (inaudible) we have got a piece of paper here from some doctor who came to see me apparently, I gave no permission for a doctor (inaudible) ...

JUDGE BIDDER: Mr Kirk, will you sit down for a moment? Will you sit down for a moment? I am the person who decides because parliament says I am the person who decides under Section 4 of the Act. That is the reason I decide. And I can only make the decision if I have two medical opinions which confirm that, and I have explained to you on more than one occasion now that there are no reports of that kind and therefore you are competent to stand trial and you are competent to defend yourself. Now, you will understand that ...

DEFENDANT: You were denied competent psychiatric reports signed in June and July that have now come into my possession which were in the possession of the prosecution and Tegwyn Williams, and the whole office at the prison, now called the Justice Ministry, they were in the knowledge of, and that doctor, one of them came to see me in the prison yesterday to support me. I even made her write it down because I knew, anticipated what might be happening today and you have come with a difference. It is outrageous the disgraceful way that this sort of thing goes on when they use the (inaudible) cover for somebody who just happens to be a bloody-minded, somebody with political views that you don't like. It is called honesty in a court room, you lot can't seem to stomach any more, you have to break every rule in the book. You allow these people, these lawyers, these barristers here to lie and cheat. They are answerable to no one but their maker. I find it outrageous. Sorry to go on so much ...

H

A **JUDGE BIDDER:** Right, well, Mr Kirk, please be seated. That is the second time you have
used bad language, if you use it for a third time I will not stay to hear you use language of that
kind again or treat this court with disrespect. You have answered the questions perfectly
B properly that I have asked you this morning, there is no need either to raise your voice or to use
bad language, alright? Now, Mr Twomlow, does Mr Kirk have a copy, or does he have copies
of the prosecution depositions?

C **MR TWOMLOW:** The prosecution depositions, I was going to suggest to Your Honour, will
also confirm to Mr Kirk and I know he has got a copy of it because I handed it to him myself, the
case summary which sets out the prosecution case, the relevant law, and why he is on trial in
D respect of the offences in relation to the Firearms Act and one money laundering count, and so
that summarises the prosecution depositions but he has also has had the prosecution depositions.

E **JUDGE BIDDER:** Now, since the issue that I have mentioned on several occasions has been
resolved and there is no impediment to this matter proceeding to a trial it seems to me that the
next step is the matter should be listed for a PCMH to resolve when it is the trial is going to be
F listed, how long it is going to take, whether Mr Kirk does have legal representation at that stage
or not, and if not that he is going to conduct the proceedings himself.

G **MR TWOMLOW:** The custody time limits expire just before Christmas and Mr Kirk has had
the depositions and the case summary for a considerable time. We would invite the court to list
the plea and case management hearing in the week before the last week before Christmas at
some point, which is now only a short time away so that arrangements can then be made for
trial. There is an application to extend custody time limits which can be heard at the same time.
H There is another application in relation to anonymity of a witness which may or may not be
appropriate to be dealt with at that time. But we would invite the court to consider a date in that
week.

JUDGE BIDDER: The time limit expires on the 22nd does it? Have I got that right?

A **MR TWOMLOW:** Well, the 22nd is the date the court has then the matter ought to be listed before that in any event.

JUDGE BIDDER: The 17th of December.

B **MR TWOMLOW:** The 17th of December. Thursday the 17th of December. I know that I am defending in a trial on that date, but it is ... whichever day it is that week I will be available (inaudible).

C **JUDGE BIDDER:** It may be that the plea and case management hearing will be heard by the Recorder as is customary. It may be that he would make arrangements for me to come and try this case. If that does happen it is likely to be in February when I am next in Cardiff. I am one of the judges who Mr Kirk has obviously not seen before, I don't know whether he has confidence in me or not but at least I am a person who he has had no previous involvement with.

D **MR TWOMLOW:** Yes.

E **JUDGE BIDDER:** So there will need to be witness availability ready for the 17th of December and an idea of how long this trial is going to take. If it is not convenient for me to deal with the matter then obviously somebody else will have to be made available to deal with the matter. Mr Kirk, this case will be relisted on the 17th of December for what we call a plea and case management hearing. That will give you some time between now and then if you wish to obtain legal representation if you wish to avail yourself of that opportunity you must instruct a solicitor or a barrister to represent you to be present in the Crown Court on the 17th of December. Arrangements will be made on the 17th of December for the trial of this indictment and you will either have legal representation or you are perfectly able from the documents I have read to conduct this case yourself so you will be conducting your own defence. In the meantime you will remain in custody because there are no changes of circumstances ...

H

A **MR TWOMLOW:** May I suggest, if it hasn't been done, that Mr Kirk be given a copy of the plea and case management hearing form so that he can see the questions that will have to be addressed specifically at that hearing in relation to the trial?

B **DEFENDANT:** You say there are no changes to the circumstances, can you elaborate on that please?

JUDGE BIDDER: Well, I am not told that there are any changes in circumstances between the last time the bail application was heard and now.

C **DEFENDANT:** Yes, but you see, you judges aren't told in the first place. The lawyers for the prosecution on the 15th of June said I was unemployed, I have no fixed abode, interfere with witnesses, would abscond, all the list, there were 15 nonsense statements, not of it backed with evidence, none of it ... I wasn't allowed to bring any evidence in rebuttal and then I hear you D (inaudible) say, just as you are about to walk out, "Oh, there are no changes in circumstances, you can't apply for bail," I have a letter from this court saying I am not entitled to apply for bail. Are you aware of that?

E **JUDGE BIDDER:** Well, can I explain one thing to you, Mr Kirk, which you may not have picked up from what Mr Twomlow said? The custody time limit expires I think on the 22nd of F December. There will be an application made by the prosecution to extend that period and therefore on the next occasion the issue of whether you are to be remanded in custody or whether you are to be granted bail will be very much at the forefront of the court's consideration. So could I suggest that between now and the 17th of December you either, one, get legal G representation to enable that application to be made cogently on your behalf, or two, you prepare yourself to make that application on the 17th of December, alright?

DEFENDANT: So you can't stand corn, can you?

JUDGE BIDDER: I can't stand what?

H **DEFENDANT:** Stand corn. Yes.

A **JUDGE BIDDER:** I'm sorry, I don't understand what you mean.

DEFENDANT: (inaudible) they have overturned bail was on a pack of lies and you are the seventh judge who hasn't the moral fibre, the moral fibre to hear a legal argument that (inaudible) what was his name? Ace, Richard Ace, on the 15th of June told Judge Hughes a pack of lies and caused the magistrates bail application which I was given bail unconditionally, you are yet another Welsh judge which is why I have been applying to be transferred to an English prison and to an English court.

C **JUDGE BIDDER:** You remain in custody until the 17th of December, the application will be considered then.

(12.38)

(Adjourned)

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A We hereby certify that the above is an accurate and complete record of the proceedings, or part thereof.

B

Signed: Mendip-Wordwave Partnership

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