

IN THE COUNTY COURT

**CASE NO. BS614519-MC65
CF101741
CF204141**

12th January 2016

BETWEEN

MAURICE JOHN KIRK

Claimant

And

THE CHIEF CONSTABLE OF THE SOUTH WALES CONSTABULARY

Defendant

Claimant's Position Statement

South Wales Police breach Article 3 of the European Court of Human Rights

1. What is torture?

Torture occurs when someone acting in an official capacity (for example a police officer or soldier) deliberately causes serious pain or suffering (physical or mental) to another person. This might be to punish someone, or to intimidate or obtain information from them.

2. What is malice?

A prosecution is malicious if the police's motive for pursuing the prosecution is something other than bringing the offender to justice. For example, if the police are seeking revenge on an individual, this could qualify as an improper motive which would make the prosecution malicious if it was a motivating factor in the decision to prosecute. Similarly, if the police fabricated the evidence used in the prosecution, then the prosecution is malicious.

3. What is 'Musical ChAIRS'

Failure to produce one's motoring insurance is an absolute offence.

4. If any motorist is refused insurance he or she cannot properly conduct a business requiring 24/7 road transport such as for his farm veterinary practice. In Guernsey harassment by the local police of his insurance agent finally caused him to have to obtain his compulsory motoring insurance cover from outside the Bailiwick.
5. Similarly, since the Appellant purchased a South Wales veterinary practice, he was forced to continue 23 years of lawful tactics but to extreme lengths, in order to, at least, slow down and if possible, avoid easy identification of either him as the driver or having to disclose the name of his agent or current insurance company who would then be their centre of harassment. No claims were ever made against any insurance company, in the 90s, to further prejudice the Appellant's mandatory insurance cover
6. The Appellant has since been stopped by police seven more times to produce his insurance after his name was removed from the veterinary register in May 2002, the original purpose of the police conduct to curtail his income. He has refused to produce a certificate of insurance on each of those seven occasions without a single subsequent prosecution. This, along with fairy tale names of registered owners on at least twenty of his vehicles, in the 90s, to further slow them down, must be still further confirmation 'a course of conduct' of malice was occasioned by senior police management as no prosecutions followed for fear of the publicity that would threaten their whole agenda past on from Guernsey during the 'garrotte type weapon' offensive weapon/theft of his own motor bike incident in May 1993.
7. The majority of incidents, in these first three South Wales Actions, originated from the Appellant's 1992 alleged offence (see TV footage) of arson of an aircraft causing Barry police to have to contact the Guernsey police to 'trigger' these 23 years of revenge tactics to commence.
8. Even before this incident the Appellant's motor vehicle and insurance details had been made known to the Barry police.
9. From as early as 2nd January 1993, to justify the directions from senior management to stop the Appellant on whatever excuse, police set about examining the 'roadworthiness' of both vehicle and the driver and when that had failed to obtain a prosecution to pursue its statutory right to obtain that motorist's insurance details, anyone's 'Achilles heel', in order to jeopardise his livelihood.
10. Much is not referred to in the 26th October 2015 judgment yet to be handed down, which is both unusual and worrying, including oral unchallenged evidence from both the Appellant and his insurance agent heard supporting these 'extremely unusual and exceptional conditions' for this victim of police harassment to be subjected to when simply trying to go about his chosen vocation as a country veterinary surgeon.
11. **24th August 2010 MAPPA Executive Summary Enclosed**

12. The 25th July 2011 'Judge's 'Note' enclosed

The Judge's Note is incorrect

- 13. Paragraph 6** identifies the content of part of 'leaked minutes', now in possession of the court, indicating the Chief Constable deliberately delayed the arrest of her victim for several weeks in hope he may be shot by her own 'shoot to kill' policy
- 14. Paragraph 7** identifies those present, on 8th June 09, at the MAPPA Barry police station meeting in Barry police station, consisting only of senior police officers and their chief psychiatrist, Dr Tegwyn Mel Williams with his psychiatric nurse, Ms Elizabeth Paul.
- 15.** The manner was contrary to regulations with the co-ordinator, Mr Nigel Rees, now having to deny relevant regulations existed at the time.
- 16.** Police conduct is highlighted by the November 2009 evidence enclosed when the Appellant first became aware he was a MAPPA registered victim.
- 17. Paragraph 8** content confirms that the 8th June Barry police minutes, relied upon for Appellant's MAPPA registration, was as equally erroneous as the 1st June 2009 Independent Advisory Group (IAG) meeting at police HQ and 2010 Executive Summary, while also redacting any sensitive record, explaining why Dolmans so fiercely resisted its disclosure (see transcript), before the nurse's notes being leaked
- 18. Paragraph 9** is misleading in that the Appellant was a MAPPA subject before 8th June 09.
- 19. Paragraph 10** again is misleading. His Honour Judge Nicholas Chambers QC, in November 2008, had resistance from Dolmans as to anyone actually signing the affidavit as it knew, now proved, there had been extreme and exceptional fabrication of evidence in the original criminal and civil proceedings in order to obtain convictions for the Appellant and to have his name removed from the veterinary register.
- 20.** ALSO, fabricated police evidence in this civil court, was dependant on the police:
- i) preventing the Appellant from having key witness summonses served
 - ii) withholding the identity of police officers and other eye witnesses for service
 - iii) ignoring numerous Appellant applications surrounding the numbered identity numbers of some sixty odd police incidents involving the Appellant
 - iv) having free access to any HMCTS court records, to copy, alter or purloin, as was the case in at least twenty four of current incidents, currently under appeal and now repeated in 1st Dec 2011 harassment conviction fiasco.
- enclosed

21. MAPPA 'minutes', recording the Appellant '*attempted to enter police HQ' and was unsuccessful' and 'has taken to Bridgend police station' was a deliberate lie.*
22. On that 18th June 2009, the Appellant had gained access to the Chief Constable's inner sanctum, to exchange witness statements with him following a direct order from his Honour Judge Seys Llewellyn QC. He went on to the other police station in his own car and demanded a statement of complaint be taken. **Enclosed**
23. Exactly the same course of conduct was required of the Appellant needing to be done, back in the 70s at Taunton police station in England, to again prove conspiracy. The Appellant obtained entry to the Chief Superintendent's office drawers to take evidence to foil the original 'dreamed up' fire arms conspiracy (a 18th century flintlock) that has, ever since, been the 'trigger' of police harassment anywhere he has then chosen to work as a veterinary surgeon and raise a family. See Appellant's 2009 witness statement **enclosed**
24. The South Wales Police MAPPA 'minutes', of course, failed to record that the Appellant was already walking out of the building before being surrounded by tin-hatted, flack jacketed police officers with many of them sporting both stun grenades and their own model of machine gun. He was refused the witness statements exchange.
25. Next day the Appellant was again refused 'exchange' at the police's solicitors' offices.
26. Not once did the Appellant get asked as to the whereabouts of his own machine gun **enclosed** as they searched his motor vehicle (see website photographs and police CCTV) as Senior management had known, all along, it had already been sold almost a year earlier and examined on day of sale, by an armourer, as being decommissioned with an issued proof house certificate.
27. 2010 Crown Court was told by the purchaser, under cross examination, that the antique had a blocked barrel on day of purchase but when the police had returned the gun, at some point, he found someone had unlocked it.
28. Only the jury was unaware, in that evil Cardiff court room, that the police had repainted the gun to fool them, while on its almost 2000 mile journey around England and Wales when in search of someone to get the World War One Lewis machine gun to function.
29. This deliberate police inference, to obstruct the Appellant from getting his evidence before both his civil and criminal courts, these past 23 years, had the full backing of Dolmans, the Chief Constable's solicitors, as they were also all 'officers of the HM courts' and therefore immune to any criminal or civil prosecution.

30. Police allegation the Appellant was a threat to the community

It was precisely this as to why the Appellant's private investigator, employed to serve the witness summonses, indicated a 'search and service' fee was likely to be in excess of £10,000 just to find the nearly two hundred police and private civilian addresses across the UK. It would require his having to laboriously follow them home from work or after having collected their children at schools to achieve a residence for a lawful service.

31. This retrospectively written 'executive' document was hurriedly prepared by senior police only due to the Appellant's successful application before this trial judge. Its then fabrication was to further prejudice civil proceedings by using extremely erroneous 'facts' deliberately concocted in order to criminally pervert the course of justice.

32. Paragraph 11.1. The Appellant knew exactly where some of the witnesses, needed for this case, could be found as they were his registered veterinary clients.

33. Paragraph 11.2. Of course the gun had 'live ammunition'. All but one cartridge was still in the gun's magazine when lying on the court room table a year later and, no doubt, they were the very same ones seen on the You Tube piece of film **enclosed** played to the jury off the Appellant's website, www.kirkflyingvet.com as prosecution evidence!

34. Again police continued to refuse to disclose what they did with the missing round of ammunition deliberately left as a paper weight in his office, in his home, following the second of many aborted visits to the Appellant's airfield to snatch his then ten year old daughter to be put into the dreaded 'Council care' no doubt for random adoption—anything, so desperate or unaccountable they were, to tilt the 'playing field' still more.

35. The police chose to try and fool the jury by using that same You Tube footage that had already caused them to repaint their own exhibit a different colour.

36. But who cares what the South Wales Police regularly get up to when the locals all seem to be so looking forward to their very own independent police force and judiciary free from the constraints of either Whitehall or Strasbourg?

37. Having now signed the affidavit, had handed it in six weeks late, that there had been 'full disclosure' of the facts, to which the Appellant was entitled, the Chief Constable has now, clearly, been shown to be an inveterate liar which explains her then bizarre need for immediate Fixated Threat Assessment Centre (FTAC) intervention fortunately very soon stopped by direct Home Office after the Appellant had threatened another visit.

38. So she switched to nebulous MAPPA in order to use her blackmailed chief forensic psychiatrist, Dr Tegwyn Williams, to have her victim lawfully shot or locked up for

life, just anything to block this civil case from hearing oral evidence from the Appellant's few remaining witnesses due their now disappearance over this extreme passage of time, had emigrated, become mentally ill or had simply died off.

39. To further torture their victim and so affect his performance as the Claimant, having now failed in having him shot, Barbara Wilding had her victim incarcerated in Cardiff prison by using this fabricated information throughout this 'executive summary'.
40. Without a remotest hope of any fire arms conviction being successful, from either the W11 Lewis machine gun or those amongst the June 2009 £10,000 worth of confiscated, never returned, legally held weapons, Barbara Wilding had him sectioned under the 1983 Mental Health Act s. 35 and imprisoned in Caswell Clinic, Bridgend, South Wales with the plan to avoid the jury trial.
41. On 2nd December 2009, with further use of the erroneous content of this 'executive summary' but this time ensuring it was in a 'closed court' before His Honour Judge Neil Bidder QC, unbeknown to the then Claimant, the Chief Constable had tried yet again to torture her victim by applying, on still withheld Tegwyn Williams' oral medical evidence with him in court, that the Appellant be further incarcerated but this time, indefinitely, in Ashworth high security Psychiatric Hospital.
42. This police doctor, with neither appropriate qualifications nor evidence, had informed the court Maurice Kirk had '*significant irreversible brain damage*' with CPS Mr Thomlow chipping in to say the doctor had said it as it was believed to be caused from a brain tumour. **Enclosed**
43. At January 2013's OCF03922 Cardiff County Court 'strike out' application, for the Appellant's damages claim against NHS (Wales) with both Dr Tegwyn Williams and Swansea University's Professor Rodger Wood's having also falsified police medical records, His Honour Judge Seys Llewellyn QC refused it being struck out. as the police psychiatrist had not even been qualified to diagnose from specialist brain scans **enclosed**
44. There already existed, orchestrated by Dr Williams on behalf of the Chief Constable, Appellant brain scans taken about two weeks earlier proving to be non specific.
45. To this day the Appellant has never been officially told about any of this 2nd December 2009 court record of so serious medical diagnosis. To find out there had been a hearing before (part of which deliberately without being tape recorded) was only by the quick thinking of a retired magistrate, his sister, as to there, of course, having been no follow up by NHS (Wales) so well implicated in this conspiracy to pervert the course.
46. This attempt failed miserably, to have the Appellant locked away for life without trial, only because the Appellant's old friends, past Vale of Glamorgan MP, Walter Sweeney and his lovely consultant radiologist, Nula, together had obtained an expert

opinion before His Honour Judge Bidder QC, proving both CPS and police also as flagrant liars.

47. With her victim released from Caswell back in Cardiff prison, in December 2009 and with no less than seventeen doctors and forensic psychiatrists, now, having opposed the findings of Dr Tegwyn Williams, she was forced to remove the Appellant from the MAPPa register entirely but making quite sure the Appellant, meaning the media, knew nothing about these unusual and exceptional changes of events as it had been the fear of the media and certain of his followers that caused the registration in the first place! (see September 09 and 19th October 2009 Psychiatric reports by Dr Williams **enclosed**).
48. The Appellant was difficult to be eliminated now he was in prison on 17th December 2009 and no longer in the elite top 5% MAPPa most dangerous in the UK so anything had to be done to avoid both the imminent civil trial and 'machine gun' hearings being so 'risky' to her pension due to her in just a few days time.
49. 'Risky' as it involved just too many police officers expected to survive their lying for their own pensions yet alone hers.

Using the erroneous executive summary, yet again, she therefore did the following:

- i) Had her staff 'repaint' the gun in an attempt to fool the jury
- ii) used both seller and buyer of 'the gun' as prosecution witnesses
- iii) planted a police informant on the jury
- iv) switched 'Foxy', her undercover agent, to a male person in witness box when, originally, a WPC had telephoned both him and then, wife
- v) instructed her own agent in court, now His Honour Judge Richard Thomlow, NOT TO DISCLOSE the aircraft log book to the jury as it distinctly recorded that this decommissioned relic was registered as an integral part of the British registered aeroplane
- vi) successfully, each time, opposed release on bail of her victim by using fabricated PNC data as used in this civil hearing to also fool the judge
- vii) introduced, in the dying minutes of the criminal trial another 'prohibited weapon' dressed up, this time, as a 30 mm US machine gun not dissimilar to one on a Jeep or RAF Spitfire
- viii) persuaded the jury trial judge, His Honour Paul Thomas QC, in refusing this Appellant examination of either 'guns', their paper work or the a/c log books, with Tomlow denying any certification record

even existed not realising his victim, behind him in the dock, could see the a/c books had half slipped out from where they had been deliberately hidden on the police solicitor's bench right behind him.

- 50.** This 1918 DH2 replica fighter, displayed by him at Farnborough Air Show, had caused the Appellant to be well versed in Civil Aviation Authority legislation and had, in particular, sharpened up his finger nails, over the many months smouldering in a Welsh gaol, to expose the 'paint' conspiracy right before the jury but His Honour Judge Paul Thomas QC had refused the Appellant examination of CPS Exhibit One.
- 51.** Whereas this above list, from the February 2010 criminal trial acquittal, is far from exhaustive the few examples below, from the subsequent ninety nine witnesses heard in the denied jury civil trial, during its twenty three year duration, barely scratches the surface of all the evidence now available to an outside police force required by this Appellant to force 'equality in arms' such as simple disclosure.
- 52.** By using the same executive summary 'evidence', concocted by IAG/MAPPA and NHS(Wales) the police achieved the following:
- i) blocked Appellant from serving summons on key witnesses
 - ii) had his witnesses threatened or gaoled so as not to be available to give evidence
 - iii) kept having the Appellant gaoled on fabricated allegations, in France, Portsmouth and Cosham, three times in London and eight times in Cardiff, all after the 'machine gun' /Dr Tegwyn Williams fiasco had collapsed, with no intention, what so ever, of obtaining new convictions but just to cause more delay, mental torture and for, most importantly, memories to fade
 - iv) in opposing her victim bail, these past 23 years, by giving false evidence and failing to disclosure of relevant PNC data to the contrary
 - v) confiscation of Crown Court exhibits (1st May 12, 4th May 12, 3rd Oct 12 etc)
 - vi) alteration of HMCTS records (1st Dec 2011, 4th May 12 etc criminal hearings)
 - vii) destruction of court records (1st Dec 2011, 4th May 12 etc criminal hearings)
 - viii) succeed in causing serious memory and hearing loss in this Appellant by her maliciously forcing Caswell Clinic's horrific experience not knowing whether drugged every night, a succession of fabricated criminal trials and the recent doubling of a term of imprisonment by her officers not allowing his attendance at Cardiff's Llandoch hospital for a pre diagnosed serious medical condition.

Summary of outstanding malicious conduct for 21st January 2016 hearing

Malicious Prosecutions

1. 2009 'machine gun' trial acquittal when police had even painted the antique a different colour to try and fool the jury. Almost eight months on remand.
2. Dec 2009 fabricated police psychiatric report requesting victim be sectioned, indefinitely, to Ashworth high security psychiatric prison to try and avoid publicity of obviously hopeless but imminent 'machine gun' trial.
3. Obtain 1st Dec 2011 Cardiff Magistrates court file already indicated by judges should be disclosed to the victim. Both CPS and CCRC admit having copy.
4. 1st Dec 2011 police doctor harassment conviction 'abuse of processes' with prosecution exhibits switched, seized by police and then court records re written/shredded as no service of any restraining order ever happened that day.
5. 1st March 2012 harassment appeal 'abuse of process' when witnesses barred from court, exhibits police confiscated and redrafted by CPS, victim not allowed his own legal papers in court (every case between 2009 to date) etc.
6. May 2012 **1st Breach of Restraining Order** jury trial culminating in Their Lordships being lied to (see judgment) when told victim and jury (asking for records by jury note) had received the crucial court clerk's notes taken down in the tape recorded 'harassment' conviction fiasco witnessed by 10 human rights workers. Nov14 Bristol appeal CPS barrister, David Gareth Evans admitted a draft restraining order was the one most likely taken to victim cell.
7. Sept 2012 **2nd Breach of Restraining Order** jury collapse when CPS found out the police and their black mailed doctor had both fabricated the incident that the victim had visited the doctor's house to 'burn it down'.
8. 2013 Malicious criminal prosecution for 'common assaults' and 'intimidation of witnesses', fabricated to obtain victim's five months imprisonment on remand, only to be dropped while South Wales Police and courts knew the allegations had been fabricated by convicted villain Mark Davenport, Cardiff.
9. March 2014 **3rd Breach of Restraining Order** jury trial Cardiff, Swansea, Park and Bristol prison's well catalogued litany of 'abuse of process' by South Wales Police orders restricting the victim to prepare for his trial.

10. 2013 malicious criminal prosecution for '**common assaults**' and '**intimidation of witnesses**' fabricated to obtain victim's five months imprisonment on remand in order to prejudice both 3rd jury trial and victim's ongoing twenty three year running civil damages claim for police bullying. All charges then dropped while South Wales Police knew, from the start, the allegations had been fabricated by convicted villains Mark Davenport, Cardiff and a Nathan somebody who beat up Bristol bailiffs, attempting eviction, while twelve Cardiff police idly stood by.

11.

Ministry of Justice Abuse

12. July 2014 eight month Min of Justice 'recall' to prison of victim on parole with out reasonable cause , failing even to produce any documentary evidence to substantiate and cancelling successive parole board hearings admitting it could find no South Wales forensic psychiatrist prepared to sit on board.

Civil Damages and Urgent Rectification Needed for Victims Medical Records

13. Police, doctors and NHS (Wales) for ongoing fabricated medical and MAPPA level 3 section 3 reports of their victim, ever since, out of pure vengeance.

Civil Aviation Authority refuses Victim's Medical Examination for Revalidation

14. Medical was issued for Sept 2013 for Schneider Trophy Race only to be cancelled, an hour later, following Dr Tallant's secretary reading on victim's web site the already proven 2009 Caswell clinic's fabricated South Wales Police psychiatric report that their victim has '**significant brain damage**' with CPS having informed His Honour Judge Neil Bidder QC the victim 'may have cancer'. Dr Tallant has refused ever since to discuss, divulge or explain why he cancelled victim's certificate, as per reputation, when knowing both Dr Hunter, chief psychiatrist for the CAA and another doctor, at their Gatwick HQ in 2010, had already ruled out any mental disorder risk following their own extensive examination. Their realisation was based on the South Wales Police doctor neither having been qualified and had already contradicted two clear appraisals by specialists at Princess of Wales Hospital, Bridgend, before his being black mailed by police, in writing his 19th Oct 2009 report, designed to protect himself, personally and had nothing what so ever to do with the general public's safety is just one more example of the inherent deceit under lying all this wicked nonsense driven by avarice. Do not forget the similarly fabricated and back dated altered Sept 09 report by Professor Rodger Wood of Swansea University who, in character, had also been in on the act for the cash.

Geo Amey Custodial Services Disclosure of 1st Dec 2011 Prisoner Records

15. Identity of the five staff who dragged their victim out of the cell, throwing his crutches on their victim's head, deposit him in the court corridor for his pre planned 'gate arrest' and back to London for '**failing to attend**' MUSA child snatch Haringey Council related case because police would not authorise prison to produce him.

Disclosure 1st Dec 11 records of police officer's custody and London Magistrates

16. Will identify or not whether any restraining order was even mentioned!

Maurice J Kirk BVSc

12th January 2016