

B E T W E E N :

MAURICE JOHN KIRK

Claimant

And

CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

1. I Alan James, an Investigative Assistant within the Special Legal Casework Department in South Wales Police, make oath and say as follows.
2. I understand that on 19<sup>th</sup> April 2016 His Honour Judge Seys-Llewellyn made the following Order :

By 4pm on 29<sup>th</sup> April 2016 the Defendant must file and serve an affidavit as follows:

- a. Setting out the circumstances in which the cassette tape, handed into and retained by the Court on 15<sup>th</sup> April 2016, was discovered.
  - b. Identifying all documentation which was located with the cassette tape; the affidavit to be accompanied by a document identifying which of such documents (if any) were not in the trial bundle and which (if any) were not disclosed in these proceedings.
  - c. Setting out so far as possible whether the cassette tape handed into Court on 15<sup>th</sup> April 2016 is, or appears to be either the working copy tape or the copy tape which by handwritten memorandum dated 14<sup>th</sup> April 2015 (copied at Trial Bundle 1/1 page 311) Inspector Hill instructed should be made and sent to Mr Kirk.
  - d. Setting out an explanation of why the cassette tape, handed into and retained by the Court on 15<sup>th</sup> April 2016, was not previously disclosed by the Defendant.
  - e. The existence or otherwise and location if known of the master tape and working copy tape of the interview conducted with the Claimant on 20<sup>th</sup> May 1993.
3. I will address the issues raised by His Honour Judge Seys-Llewellyn as set out at paragraph [2.a] above.

On the 5<sup>th</sup> February 2016, I was tasked by Ms Rachel Davies, a Solicitor within the Special Legal Casework department to conduct enquires in respect of the two documents requested by Mr Kirk.

I was provided with a copy of Mr Kirk's application dated 4<sup>th</sup> February 2016 which I now attach as exhibit "AJ1" in which he requested a complete copy of his custody record relating to his arrest on 20<sup>th</sup> May 1993, and inspection of the tape of his interview in relation to the aforementioned arrest. For the purpose of this Affidavit, it is the second item that Mr Kirk requested, which refers to inspection of the tape relating to the interview conducted following his arrest of the Grand Avenue Ely on 20<sup>th</sup> May 1993 which I will address in my Affidavit.

In the course of seeking to locate the tape, I looked in file 1732F and discovered the tape.

The file contained a sub-index with a blue covering divider entitled "File No. 1732 Re: Maurice John Kirk, Documents re: Incident No. 5" and which I now attach a copy as exhibit "AJ2" and an index of documents, a copy of which I attach as "AJ3".

The sub index contained the following items

1. A one page letter from DC 3052 PL Thomas to R. Leighton Hill dated Monday 10<sup>th</sup> March 1997.
2. Copy of arrest information sheet and custody record DA/1955/93 relating to Mr Kirk dated 20/05/93 from which page 2 is missing.
3. Typed and handwritten section 9 statement of Philip Thomas dated 10<sup>th</sup> March 1997.
4. Typed and handwritten transcript of interview DA/1955/93
5. Tape in brown envelope.

Items number 5 appeared to me to be the audio tape sought by Mr Kirk. The tape cover was marked with DA/1955/93/1.

I advised Ms Rachel Davies of the existence of the tape on 8<sup>th</sup> February 2016.

I have not at any time sought to listen to the tape or make a copy of the same and I understand that the tape has now been lodged at Court.

Sworn this 28 day of April 2016

*Vale Solicitors*

*Mordeq Bowden R d*  
At *Warrington*

*Vale of Cumbria*  
Before me *Elizabeth Hunt,*

Solicitor / Commissioner for Oaths



IN THE CARDIFF COUNTY COURT

Claim No. BS614159-MC65

BETWEEN:-

MAURICE JOHN KIRK

Claimant

-and-

THE CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant


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EXHIBIT

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This is the Exhibit marked "AJ/1" referred to in my Affidavit.

Sworn this 2<sup>8</sup> day of April 2016

At Vale solicitors  
Frederic Beveton Rd  
Llantrisant major  
are of Llantrisant CK61 1X2  
Before me  
  
Elizabeth Hunt.

Solicitor / ~~Commissioner for Oaths~~



4th Feb 2016

**Claimant Position Statement**

**Maurice John Kirk v Chief Constable of South Wales Police**

1. The Claimant's custody first few pages of police records of the Prince Charles/Garrotte type incident (Action 1 claim 8.6, 20 May 1993 arrest at Grand Avenue Cardiff) appear missing.

2. In the light of The Claimant already having been lied to by several members of the South Wales Police, concerning the official PACE regulated interview tape taken under caution, he now applies to inspect the original tape and his 52 arch lever files that had to be prematurely filed following the loss of his others during the Cardiff County Court and others attempt to register him a vexatious litigant without first informing the relevant parties.

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Maurice J Kirk BVSc

IN THE CARDIFF COUNTY COURT

Claim No. BS614159-MC65

BETWEEN:-

MAURICE JOHN KIRK

Claimant

-and-

THE CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

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EXHIBIT

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This is the Exhibit marked "AJ/2" referred to in my Affidavit.

Sworn this 28 day of April 2016

At

Before me

Solicitor / Commissioner for Oaths

*[Signature]*  
Vive Solicitas  
1 Boverita Rd  
Llanfair, Major  
Vive of Llanfair CF61 1X2  
*[Signature]* Elizabeth Hunt



**FILE NO. 1732**

**RE: MAURICE JOHN KIRK**

**DOCUMENTS RE: INCIDENT NO. 5**

IN THE CARDIFF COUNTY COURT

Claim No. BS614159-MC65

BETWEEN:-

MAURICE JOHN KIRK

Claimant

-and-

THE CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

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EXHIBIT

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This is the Exhibit marked "AJ/3" referred to in my Affidavit.

Sworn this 28 day of April 2016

At *viae Solicitors*  
*4 Pen deq 1 Boverda Rd*  
*Union rd. - m. yon*  
Before me *Wale cef 12 usuborgum CF611X2*  
*Elizabeth Hunt*

Solicitor / Commissioner for Oaths



S:\INDEX - 1732(5)

INDEX

1. REPORT DATED 10TH MARCH 1997 OF D.C. 3052 P. THOMAS.
2. ARREST INFORMATION SHEET AND CUSTODY RECORD.
3. STATEMENT OF PHILIP THOMAS DATED 10TH MARCH 1997.
4. TRANSCRIPT OF TAPE RECORDED INTERVIEW OF MAURICE JOHN KIRK ON 20TH MAY 1993.
5. TAPE - REF.NO. DA/1955/931