

ROUGH DRAFT

Action 1 claim 8.23 May 1995 The vet ambulance

Facts referred to in this judgment are contrary to the facts in the case

If ever there was a conspiracy so proved in a court of law before it was this one.

The learned judge was deliberately led away from the truth, from day to day, over the many weeks of evidence by Dolmans, the police solicitors, waxing eloquent for they knew full well certain police incidents and magistrates hearings needed to be buried, as if they never had occurred or 'the whole pack of cards' of their client's 24/7 surveillance would come falling down around their ears.

*Just as in **Action 1 claim 8.5 24th March 1993 stopped by PC Jane Lott**, when she had driven up alongside the Guernsey registered Ford escort and quickly jumped out to go straight to the driver's door window accusing the driver of 'no tax' and a 'defective tyre' (later switched to a 'bald tyre' for effect), having not even having had the physical ability to have seen either, this new incident with the veterinary ambulance van, in Llantwit street, Barry, was also to be buried from the learned judge, in any subsequent civil proceeding seeking compensation from malicious conduct.*

Again, the incident was purely in the imaginations of the Appellant so often having been sectioned under the 1983 Mental Health Act following police chief psychiatrist, Dr Tegwyn Mel Williams' fabricated psychiatric reports when written for a string of Cardiff judges whilst when knowing he was neither appropriately qualified and was under black mail by senior police management from Bridgend HQ for a return favour.

*This Appellant's Guernsey Honda Acti van, as with PC Lott's Guernsey Ford Escort, which had also come under the 24/7 surveillance, see- **Action 2 paragraph 5 speed camera St Nicholas 2.10.1997**, the former causing photos originally destined for this court cover up 'back fired' during the course of the trial as Messrs **HM Crown Prosecutor Stofer, Inspector Rice and Inspector Howard Davies** and others, implicated, were not prepared to give evidence for fear of self incrimination.*

***Rice**, however, when pressed did saying no magistrates hearing had occurred as with the Aust Ferry meeting (see para 308 etc), with Christopher Ebbs/ Alexander, CAA personnel anrred but denied Avon and Somerset police to have the veterinary surgeon finally struck off the register.*

Stipendiary, Mrs Watkins and clerk of the court, Ms J Caress also clerk in Inspector Khilberg's fabricated cases, were both prevented from either disclosing the relevant court records, each time or giving evidence to prove senior police officers had been lying that so many court cases did not occur.. (cf paragraph 435 in judgement)

Now, in 2015, having thought they have got away with it in the CPS Stofa court cases, after four years of trying, Cardiff magistrates have reluctantly disclosed, for £110, the supposed 1st Dec 2011 'court records' in the Dr Tegwyn Mel William's harassment concocted conviction.

There is no record, in the court file, of the service of the restraining order on the Appellant in his cell by Barker or by any court official and to the contrary of clerk's notes recording Maurice Kirk actually being given a part hand written draft, the jury asked for but refused, by CPS and altered by District Judge John Charles.

No doubt this was the same one part seen by the Appellant and admitted to have most likely been given to their prisoner as he described in 2014 Bristol Crown Court following his earlier arrest for perverting the course of justice on 1st December 2011. Garreth David Evans had switched the court exhibit, mid trial, following Judge John Charles having said too loud, for those in the gallery to hear, 'beef it up' as Charles' venom, where this Englishman was concerned, went way back.

Both CPS and police had already had him gaoled, in their anxious frenzy to prevent him properly defending himself but had over looked, in law, their victim was not even facing charges eligible to a term of imprisonment....but who cares?

H Morgan Esq, 2015 Cardiff Magistrate Court's main legal advisor, has, again, deliberately redacted all record of the evidence given at those 2011 shambolic hearings, court exhibits used or not used but tendered or not tendered, any contemporaneous notes taken during the course of the twelve day case or just how where and when was first, the draft restraining order originally served on the Appellant, locked in the cell for most of the day and then with the FINAL COPY?

[It may be of interest to the web site reader that even in Lord Leveson et al March 2012 judgment , dismissing the Appellant's nine month prison sentence, actually quoted, paragraph 19 , possibly, the jury had made no such request, by jury note, to see original 1st December 2011 Cardiff magistrates court file as the transcript had been clumsily redacted just as in previous appeals finally finishing up in the RCJ.

The very same questions were asked by 4th May 2012 jury and lied to also, consecutively first by CPS barrister David Gareth Evans, who was subsequently arrested for it and then the trial judge, at the time, His Honour Judge Paul Thomas QC, stating the magistrates records were 'no longer available'.

The deliberating jury, for verdict, was also lied to by Geoamey Custody Services giving evidence that the absence of the unrepresented Appellant, through all this rodeo, was due to the fact he had been rushed back to Cardiff prison because the prison doctor was too idle to come to a patient with blood streaming from his rectum.

Their victim had been incarcerated in a cell under the court throughout the whole of the end of the trial and rushed nowhere for the urgently needed medical attention now supported by rectoscopy examination in a private clinic and Jersey States hospital.

[One 1st Dec 2011 Cardiff magistrate's exhibit was only introduced, by special permission and argued over, into proceedings on the day of substantive evidence as the police/ CPS Evans had 'overlooked' that, without a purported 'letter and WANTED poster sent to Dr Williams, in fact appeared to have been sent to another at Caswell Clinic member of staff, later denied being given the right to give relevant evidence to further prove conspiracy, so needed. to legitimise their victim's prison term already served!

*Back to the covered up other South Wales magistrates hearings a half hearted attempt by **Inspector Rice**, in saying he had not been to any court case, where the Appellant had arrested Stofa, almost in front of him and numerous other officer by the scruff of the neck.*

Stofa was prevented from attending the civil trial by Dolmans for to have done so several were at risk of prison.

*However, as time has gone by, suppressed police evidence such as photos of the actual driver on that day of the incident, not the Appellant, is so conduct so supportive of a theme that percolated through to the Inspector's 'new evidence', late in civil trial, re 'mouth wash' to hide the string of fabricated arrests at the roadside, to the smell of alcohol in a veterinary surgeon's car, the most notorious of which having been **Inspector' Kilhilberg's** on the Llantwit bypass so unfortunately 'struck out' by this civil trial judge before relevance could be disclosed by the Appellant..*

There were similar unprepared coached comments from ex police, on cross examination, that always wakes up a litigant just about asleep listening yet a string of lies and innuendo all immune to criminal prosecution.

*Such was retired Sergeant Booker saying he had 'seen' the Appellant's stolen BMW motorcycle in broad daylight driven by a youth with no helmet on near the Barry magistrates cf see- **Action 1 claim 8.13 stolen motorcycle not returned***

The latter incident, following cross examination of many of the six or seven or so police surrounding the Appellant's car that night, later to be stolen by them, prosecution offered a much lesser charge, one of 'obstruction' carrying no threat to his livelihood, anything to prevent elements of the Chief Constable's long term strategy requiring a war of attrition.

The police had to back track, as after Khilberg's cross examination, mid trial as in numerous other cases, try to 'bury', 'as a figment of the Appellant's vivid imagination that the Llantwit Street incident had ever occurred n the first place.

The police planned magistrates hearing even BEFORE the Appellant had even gone to Llantwit Street to the RBS bank or was requiring, 'left in the dark', Special Constables Martin and O'Brian, the above named Barry police station inspector.

***Stoffa** later, served these photos on the Appellant apparently unaware the the police were trying to concoct two separate incidents with the photos knowing, as they telephoned the Appellant's insurance agent in Taunton and company in London almost on a weekly basis,*

- i. There was a Barry magistrates hearing when PC O'Brian was the only prosecuting witness**
- ii. The case followed a 'stop' in Llantwit Street, Barry, outside the RBS, the Appellant's bank, for having no UK road fund Tax despite knowing exempt as an animal ambulance and Guernsey registered. Despite already knowing this at the local police station he had been ordered to set up an incident, again, for their victim, the Appellant to have to produce motoring documents**

again including the fanciful MOT certificate not required on a foreign vehicle.

- iii. What was really getting up the police noses, yet again, was no copy of the van's vehicle registration book could be obtained from Guernsey police without causing the audit trail the Appellant may well be tipped off about as in the past, following his veterinary reputation with the members of the public. [one overriding reason as to why this court case has taken over 23 [in evidence before, albeit their local judge, were now in difficulties in explaining the weeks of lies vomited out to the 2002 Disciplinary Committee of the The Royal College of Veterinary Surgeons and to their Lord and Lady ship et al, Lord Hoffman and Lady Hale.
- iv. It is of note Swaffer and many other key HM Partnership members all denied this trial court and custody records as without their personal co operation no prosecution was ever going to succeed when no offence had been committed in the first place. [appellant's conviction fro attempting to shoot the Lord Mayor of Cardiff with his accurate Lewis Machine Gun is a case in point].
- v. Police eventually, in utter frustration as the 'right arm' did not know what the left arm' was doing, caused desperate moves, to prove try and persuade the next magistrates no valid insurance existed, made almost daily contact with Guernsey police from as early as 2nd January 1993, the main reason for Action 1 claim 8.3 2 January 1993 back lights incident in the pleadings,
- vi. Owing to the unlawful passage of time, the registered owner, a Ms Marianne Fanshaw could not be traced for His Honour Judge Seys Llewellyn QC's attempt to unravel the police intrigue hatched those many year's ago, shown by a Guernsey prison officer to the Appellant , the handwriting in the custody book of Taunton police statione's Chief Superintendant 'Curly' Hawkins' own hand writing, 'he is extremely violent and will attempt to try and escape'.
- vii. on his cars and motor cycle, the latter registered as Joseph F Bloggins, to prove any just one of the six or seven foreign vehicles used in the veterinary practice was , in fact owned by the Appellant and therefore unlawfully driven on the different declared , within seven days after a police 'stop'
- viii. The case collapsed by CPS officer, Swoffer, having to withdraw all allegations including 'failing to produce documents' as no copy of the HORT1 'could be found' by the police officer.
- ix. In truth the preceding cross examination produced proof the van had been previously been examined by SPC Martin and photos taken]
- x. Those photos were mysteriously denied and 'not' known about by police civil legal team so the Appellant produced copies of exhibits used by PC O'Brian's evidence in chief

- xi. Of course both exhibits and photo as had gone walk like so many of the critical police documents do when it was coming close to proving yet another conspiracy in the face of a South Wales court.**
- xii. CPS officer, Swoffer, of course, refused to be called as a witness with the police legal team actually stating his remembering the case but reluctant to attend.**
- xiii. ‘Reluctant to attend’ as he knew he would have to admit another case riddled with conspiracy the police now conveniently forget was the hearing when I arrest the deceitful little shit as had in his police folder a face of the driver when it was the Appellant was being prosecuted for it.**
- xiv. Inspector Rice denied all knowledge of attending with two car loads of police, sirens ablating, when the Appellant had the CPS crook by he scruff of the neck before at least five police officers]**
- xv. Throughout these civil proceeding the Appellant was refused any disclosure from the courts or allowed to be call protected HMCS staff all part of HM Partnership**

433. **1. Action 1 claim 8.23 May 1995 The vet ambulance.** I take this incident next, out of pleaded order, since it is next chronologically. The allegation is that in May 1995 “the Plaintiff was stopped and detained by the Defendant’s officer in Barry and required to produce his driving documents, which he did. He was maliciously charged with failing to produce and found not guilty”.

434. The Defence pleads that enquiries, including a physical check of HORT books and checks of computer records, found no trace of Mr Kirk producing driving documents in respect of this matter, likewise enquiries of the summons section of the ASU (Administrative Support Unit) and the record section of Barry Magistrates Court; but that additional enquiries revealed that in about May 1995 Mr Kirk’s veterinary ambulance was observed parked outside his surgery on Tynewydd Road, Barry, at which time it appeared not to be displaying a road tax disc. “Special Constable Martin entered the Claimant’s surgery and spoke to the Claimant asking him whether he had any road tax for the vehicle. The Claimant refused to answer her question, instead of which he asked for her name and collar number.... As a result of the Claimant’s refusal to answer the officer’s questions she issued him with an HORT 1 requiring him to produce his driving licence insurance documents MOT and registration documents of the vehicle”.

435. As to this incident, the witness statement of Mr Kirk dated 19 June 2009 is not easy to follow, since reference to this incident is interpolated between other incidents. The witness statement does say that, in May 1995, Mr Kirk was stopped by PC O’Brien “and his accomplice known to me as one of the surveillance team seen outside my surgery and recorded on film,. PC O’Brien, questioned me on the veterinary ambulance with Guernsey registration... I was later summoned to Court for no insurance without the issuing of a traffic ticket HORT 1”. Mr Kirk says that twice this same policeman had stopped the Guernsey ambulance, only to find someone else in the driving seat, and on each occasion his staff insisted that the PC failed to give a reason for stopping the vehicle

(paragraphs 616 to 622). (This depends on what staff did or did not experience; I did not receive any witness statement or see any letter from any member of his staff). Mr Kirk also signed, on 18 June 2009, a copy of a statement prepared earlier by his solicitors stating that he was outside the bank, and was approached by an Irish-named police officer demanding driving documents for this vehicle, “which led to a court case which was won without me needing to call evidence, as the cross examination indicated that the case should be withdrawn; but only achieved by pressure from the bench and clerk of the court”. (A1/4.100D).

436. Inspector Sidney Griffiths was asked to investigate a number of incidents of which Mr Kirk made complaint, including this one. Mr Kirk referred to this in the pleading as police reference 33139/a. Mr Griffiths states that he made enquiries with the ASU department [the Administrative Support Unit which processes matters arising from HORT1 forms] including a physical check of all HORT books and computer records, a physical check undertaken by himself, which showed no trace of Mr Kirk producing driving documents at this time (May 1995).

437. Mr Griffiths told me that a further check was also made with the summons section of the ASU, with negative result, and that he made further enquiries with the record section at Barry Magistrates Court, who, after checking their records for 1995 and January 1996, could find no trace of Mr Kirk having appeared before them in respect of failing to produce driving documents. The reference number ‘was of no significance to either the summons department or the Magistrates’ Court’ and was not a police reference (witness statement 19 May 2000 A1/5.104–5). His investigation was in about 1996.

438. Deren Martin was a female Special Constable, stationed at Barry from 1994 to approximately 2006. She states she was on patrol in Barry with another Special Constable Frank O’Brien, when she noticed the vet van parked on a public road outside his surgery on Tynwydd Road, Barry and not displaying any road tax. “The vehicle was registered in Guernsey but I knew that it had been being used by Mr Kirk in Wales for over 6 months, as he was our family vet, and I therefore knew him by sight. When I saw that there was no road tax on the vehicle and knowing that it might be registered in this country, I knew that road tax should be displayed”. She states that she wished to ascertain whether the vehicle was taxed, and that the licence might simply have come off the windscreen, so she went into the veterinary surgery where she was shown to Mr Kirk in a treatment room. She asked Mr Kirk if he had road tax for the vehicle but Mr Kirk refused to answer, and asked for *her* name and collar number. As he had refused to answer her question, she issued him with an HORT 1 requiring him to produce driving licence insurance documents MOT and the log book for the vehicle.

439. “As a result, I was charged with gathering evidence in relation to Mr Kirk’s vehicle. I recall that at some time I was aware that Mr Kirk denied owning the vehicle. At a later date I arranged to meet PC Robin Wilson, a traffic officer at the time and authorised photographer to take photographs of the vehicle.... There was an entire book of photographs including photographs of the registration plate and the front window as evidence that there was no road tax.” During the trial before me, Mr Kirk showed particular interest in police photographs of this ambulance van, (A1/4.100E to 100X, all poor quality copies) and the fact that some of them showed it parked in a parking space and some of them on yellow lines. Presumably his concern as to this fact is that it was

photographed on more than one occasion, consistent with his theme that he was under surveillance.

440. In oral evidence she told me that she felt duty bound to follow up whether there was tax on the vehicle, and to establish that the vehicle was registered with a foreign plate, these being her own enquiries. She said that she never went to court in respect of this matter. Mr Kirk asked how, then, he secured copies of these photographs (as it is clear that at some time he did). She said that she remembered speaking to the police in Guernsey, and she told me that she remembered them, saying that there was an open warrant for the arrest of Mr Kirk, she did not know for what. "I was told there was an open warrant and it would remain open for you, I didn't ask why, I was only interested in the vehicle".

441. Mr Kirk asked Ms Martin in evidence whether all of his vehicles were under covert surveillance. I remind myself, as always, that the demeanour of a witness should not necessarily be given undue weight. Nonetheless her reaction, shaking her head enquiringly, was overwhelmingly that of a witness genuinely puzzled by the suggestion.

442. In answer to questions from myself, she said that she did not report Mr Kirk for whether he was displaying a tax disc or not, but that the photographs were taken to try to prove that the vehicle belonged to Mr Kirk. (The van shown in the photographs does appear to have sign-written on it, "Animal Health Centre" or the like; and above the back window, it has sign-written "Barry" with the telephone and number which is that for Mr Kirk or his veterinary surgery/surgeries). She said "it would have been of my own initiative. Knowing what I was like as a Special Constable I liked to see an investigation through as far as I can".

443. A1/4.100E and 100G there are copied documents which have evident signs of having been put into a photograph or film book, as Ms Martin confirmed.

444. On its own, the taking of a suite of photographs seems odd. However the photographer in question was PC 556T Robin Wilson. PC Wilson was the "pretty blunt officer", to whom Mr Kirk warmed at the hearing before me, and whom I found an impressive witness (see above). The evidence of PC Wilson was that in those days it was the traffic department who were armed with cameras to take photographs of an incident and that "it would be a regular occurrence to be called to an incident to take photographs for an officer I think the films were 12's, if you took one photo you might as well take 24, they'd print them all". Just as Mr Kirk warmed to Mr Wilson, I found him a direct and straightforward witness and I accept his evidence.

445. In turn, there is a photography department booking, in receipt of South Wales Constabulary dated 15/5/95. The photographer did so under the name and rank of 'PC 566 Wilson' with a prints description being given as "another set of proofs for OIC (Officer in Charge)" and handwritten "SC7781". I note that SC Martin was SC7781, which corroborates her evidence. There is a receipt which has a reference number 33139/a, which is presumably why Mr Kirk has pleaded this incident as being under that police reference.

446. Hannah Woods, a civilian police photographer with the South Wales Police in January 1989, gave a statement that the reference "33139/a" is a reference within the

photography department; but that the present reference number now relates to a different matter not related in any way to Mr Kirk, in that all photographs are provided with a unique reference number; but after 7 years photographs are destroyed and the reference numbers are often re-allocated to new matters. In her witness statement, this alleged incident having taken place in May 1995, she states that the photographs would have been destroyed in approximately May 2002 thus explaining why the reference number now relates to a matter not involving Mr Kirk. I permit myself the observation that if reference might be required in the long term, a less helpful system could scarcely be devised than this re-use of reference numbers, but her evidence was not challenged or explored and I have no reason to doubt it.

447. In oral evidence, (as opposed to his pleaded case) Mr Kirk said that this incident was in March and that the court case was in May. He was prepared to accept that if SC Deryn Martin did come into his veterinary surgery, her account was correct as to how it happened. He said that his recollection was returning from the bank when a tall officer O'Brien asked him about insurance. He did not raise the fact of the van being parked on a double yellow line, as it was, (which caused him to believe that a photograph he used "in the May trial" was taken at some other time and so supported his view that there was covert surveillance).

448. For completeness, I record that Mr Kirk, in questions as to this incident, referred to the incident with a prosecutor Mr Stoffa and 'one of the incidents with a St Nicholas speed camera' where Mr Stoffa was the prosecutor. I found the relevance of any reference to this difficult to follow; and insofar as this incident is concerned I believe Mr Kirk must be confused.

449. Mr Kirk makes claim (in Action 2 paragraph 5) in respect of an incident at St Nicholas when a speed camera took a photograph of his vehicle, and subsequent altercation with Mr Stoffa, but this was in February 1998, whereas the present incident is alleged to have been in March/May 1995. In his own cross examination, he said he did not remember the woman police officer being shown into his treatment room, but 'that does not mean it didn't happen'. He insisted that if he was given an HORT 1, he "imagined", there would be a paper trail, which there was not. Leading counsel did not pursue this matter further.

450. Up to the moment when Mr Kirk first gave evidence in chief, this claim has proceeded on the basis that it was an incident which took place in May 1995. This is consistent with PC Wilson taking the set of proofs for SC 7781 Martin in a book of photographs which is dated 15/5/95. In my judgment: (i) I cannot fairly consider claim in respect of a different incident occurring in March 1995, not identified as such to the Defendant over the years leading up to the hearing, if it appears to be a different occasion when Mr Kirk says identifies the "Irish" officer as being the one who "stopped" him "in Llantwit Street". (ii) The shift in dates is indicative, in my judgment, that Mr Kirk's memory in relation to this incident is not secure. (iii) Mr Kirk is willing to accept that there may have been visit to him in his surgery by SC Martin. There would be nothing out of character in him declining to respond to the enquiry as to tax as SC Martin said he did. If he declined to do so, it is predictable that an HORT1 would be issued, as SC Martin says she did. (iv) Like Mr Kirk himself, who was willing to congratulate Mr Griffiths for his enquiries, I found the evidence of Mr Griffiths straightforward. If so, then diligent enquiry much closer to the period in question failed to find trace of any process or charge

or court hearing in relation to the incident pleaded, and the physical check of HORT books and records for May 1995 was carried out by Mr Griffiths himself. (v) It is to be noted that the attention of SC Martin was drawn to it because the vehicle was a Guernsey registered vehicle, displayed no tax, and she knew Mr Kirk as the family vet and that he had been driving this for some time. There is no suggestion that she suspected alleged or reported no insurance, which is what Mr Kirk's witness statement refers to. (vi) Her evidence is that she did not go to court in respect of this matter, which she would have had to if there was a contested hearing such as Mr Kirk describes. I accept her evidence.

451. There was no police detention of Mr Kirk, and there was no charge brought against him. The claim in respect of this incident therefore fails.

452. I have considered nonetheless whether the evidence in relation to this incident supports Mr Kirk's case that he was harassed by the police, or police attention given to him, because of his Guernsey connection. As to interest in this particular vehicle, which was displaying no tax (a matter not challenged by Mr Kirk) I accept the evidence of SC Martin. It was obvious to me that she took her duties as a police officer rather solemnly; that may have been because she was a Special Constable, or in part because of her personality: see her answer "Knowing what I was like as a Special Constable ...".

453. I note that she did speak to the Guernsey police. It was not, in fact, suggested to her by Mr Kirk that her enquiry was prompted by others or improperly motivated; however Mr Kirk was disorganised during the trial and distractible, so that I have throughout endeavoured to be alert to points which he might have taken but did not. In this case, the contact with Guernsey police was precisely because this was a vehicle registered in Guernsey.

454. I gained the strong impression from her evidence that, by personality, she was someone who liked to leave no stone unturned. If so, her asking for police photographs to demonstrate that it was a vehicle of Mr Kirk's, with the emblazoned details of the veterinary surgery, after she had visited him but elicited no response whatever (other than his request for her collar number), is plausible. I do not consider that this incident supports inference of covert surveillance or of harassment.