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IN THE CROWN COURT
AT CARDIFF

Indictment No: T20097445

The Law Courts
Cathays Park
Cardiff
CF10 3PG

13th November 2009

Before:

HIS HONOUR THE RECORDER OF CARDIFF

REGINA

- v -

MAURICE JOHN KIRK

MR R W TWOMLOW appeared for the Prosecution

Defendant appeared in person

ALL PROCEEDINGS

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

(9.42am)

MR TWOMLOW: There is an application, I think, in respect of them already, anticipating the possibility that this case will not be listed by then, but I think they expire in December.

RECORDER OF CARDIFF: They do. I am conscious of the position. It is not a case in which I can list the fact-finding hearing immediately after the fitness to plead hearing because I don't have anybody to act. So ...

MR TWOMLOW: It is also the difficult question perhaps of Mr Kirk's actual status of somebody who is able to ...

RECORDER OF CARDIFF: Well I was only, I am afraid, going to ask him, if I ask Dr Silva to come back will you cooperate? That was the extent of what I was going to ask. Then it is a question of law of what is the position if I can't get an informed second opinion?

MR TWOMLOW: Complicated, I think is the answer to that. Potentially, My Lord.

RECORDER OF CARDIFF: Yes. Perhaps it is a matter that the other judge will have to ... but I am willing to give him another chance, but obviously at public expense Dr Silva had come once from Liverpool.

MR TWOMLOW: Yes.

RECORDER OF CARDIFF: I have to say, most of this has been covered in the past. I don't think it comes as any surprise to Mr Kirk. Has the website been closed down incidentally?

MR TWOMLOW: I don't know.

RECORDER OF CARDIFF: Flyingvet.com.

MR TWOMLOW: Yes, I don't know.

A **RECORDER OF CARDIFF:** I don't think I need go beyond asking him whether he will cooperate and say to him that actually it is the doctor who is going to decide whether documents are provided to him and not me. That is sufficient for today's purposes isn't it?

B **MR TWOMLOW:** Yes, thank you.

RECORDER OF CARDIFF: Yes.

MR TWOMLOW: The site was still operating last week apparently.

C **RECORDER OF CARDIFF:** Yes. Yes, it is still operating. It is appearing below me. I don't want to see anything on it, I just want to check that it hasn't been stopped. Much of the problem relates to the site, you see. Yes, I can also add that I received some personal letters about this; that's life so to speak, they are not matters which would assist the prosecution or the defence, we just do what we can, but it did seem to me that it is best that a judge who has no knowledge of Mr Kirk deals with it, otherwise there is a problem if he is going to write to everyone. Yes, can we have him up please? Oh, well he may refuse to come up of course, which is another ...

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

DEFENDANT: Am I entitled to have my medicine this time.

F **RECORDER OF CARDIFF:** That is Mr Kirk, I recognise him from other occasions. Obviously if there is any problem with him not being given medication that he should have that is a matter for the prison service and for Reliance and not for me, but I would expect information as to any problems that arise to be provided to me because I am always interested in the welfare of people who are in my court, but I can't do anything at the moment. Mr Kirk, please sit down.

G **DEFENDANT:** With all due respect, sir, last time you let it slip that I was under medication at the Caswell Clinic and I had a splitting headache, like I have now, and at five to eight this morning I was told that I was in court, I didn't know which court. At least I got here this time,

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A at least I managed to get here, and from each point at each gate I asked for my medicine that
had been left behind in my cell, I just want some tablets, I want a ten minute adjournment, and
please can I have my medicine this time?

B **RECORDER OF CARDIFF:** Can you tell me whether any of Mr Kirk's medicine is here?

MALE SPEAKER: It has arrived with his property.

RECORDER OF CARDIFF: It has arrived with his property, thank you very much. This
case is put back for him to have access to his medication if it is material he can be provided
C with. Thank you very much.

(9.54am)

(Recording switched off)

D (9.59am)

(Recording switched on)

RECORDER OF CARDIFF: ... for ten o'clock and now I won't be able to deal with his case
until one o'clock. I appreciate the difficulties.

E **FEMALE SPEAKER:** (Inaudible).

RECORDER OF CARDIFF: Well, all I can ask you to do is to try to speak to whoever can
do something so that we can try to make some progress. I do appreciate the difficulties. If he
refuses to come up under any circumstances at one o'clock I will just have to try and deal with
F matters anyway but the problem is if I can't speak to him, we have a hearing scheduled at the
beginning of December, he has failed to cooperate with a psychiatrist who travelled from
Liverpool to see him. At the end of the day it is creating problems for himself, I can't get him
G representation, if he won't engage he can just be taken back to prison but I can't do anything
unless he comes and talks. Alright? And I am only trying to help him but he doesn't see it
like that I realise. Thank you.

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A We can go on with the trial. Mr Twomlow, I am sorry it is into your lunch, but there is not going to be a long hearing, alright? Thank you. I simply want to give the opportunity for him to engage with the second opinion, notwithstanding what has occurred, that is all.

B **MR TWOMLOW:** Yes, I understand.

RECORDER OF CARDIFF: Thank you.

(10.01)

(Adjourned)

C (13.12)

RECORDER OF CARDIFF: Good afternoon, Mr Kirk. Please sit down.

DEFENDANT: I still haven't had my medicine, I suppose you realise that?

D **RECORDER OF CARDIFF:** I don't because I have been working on other cases ever since.

I am sorry about that, but I have to try and deal with the matter ... you don't have to stand up.

I have to try and deal with the matter which has led to having you in here today as quickly as I can; that is in your interests and everyone else's. I need to ask you a question. You, I hope,

E are able to remember that a doctor called Dr Silva came to see you. He has reported back that

you would not consent to be interviewed by him, instead you made demands of him to provide you with documents; that is what he has told us, I wasn't there so I don't know whether it is

F true or not. That is what he has told us. Now, I am anxious, if I can do it, to get a second

opinion from Dr Silva who is a doctor based in Liverpool, so that the judge who is going to deal with the question of whether you are fit to plead or not has two opinions, but if you are

not going to cooperate I can't spend more public money having a doctor come from Liverpool

G if you say, "I am not going to see him unless he provides me with documents." So, I just need

to know from you, if Dr Silva comes back will you see him and allow him to examine and interview you with no preconditions?

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A **DEFENDANT:** If I could assist the court, Dr Silva is my eleventh psychiatrist. Now, I
believe I am entitled to the majority of those reports and I am being denied those reports; that
is one thing. On the matter of whether I have declined ... I made it quite clear each time I am
B harassed by a person who is supposed to be psychiatrist on each occasion without fail they
have failed to produce any proof of identity but on this occasion he appeared, he appeared to
be in that line of (inaudible) by his questions. He managed to get into my cell uninvited. I
have, in writing, on previous occasions said, "I believe I am entitled to at least 24 hours notice
C before I am ..."

RECORDER OF CARDIFF: Mr Kirk, I am sorry to interrupt you but it is the future that I
have to look to because of public money; if he comes back will you assist him and submit to
D an examination and interview by him without preconditions?

DEFENDANT: Without preconditions?

RECORDER OF CARDIFF: Well, without saying, "I want these documents," and so on.
He had some problems in relation to that, in giving you documents, because of other people's
E interests and their fears and worries. Are you prepared to agree to be interviewed by him,
examined as a psychiatrist without demanding documents from him?

DEFENDANT: Am I not entitled to the psychiatric reports already being taken that are in my
F favour?

RECORDER OF CARDIFF: As a precondition to being examined by him the answer is no.
In terms of disclosure of documents for the purposes of the hearing that is a different matter
and that can be dealt with by the judge who is going to deal with that hearing on the date in
G December that has been set. All I am trying to do at the moment is to save public money from
being wasted; I don't want to send him to see you again if you are going to say no. On the
other hand I want to give you an opportunity to have that second opinion if you will agree to
H cooperate.

A **DEFENDANT:** With all due respect the involvement of the (inaudible) card being played
and the question of whether I get an IPP served on me, a prison sentence of indeterminate
length at Ashworth High Security Hospital, I think it is far more important some Noddyland
B allegation that I have gone and bought a machine gun to shoot Barbara Wild. Now could I
please have what I am entitled to?

RECORDER OF CARDIFF: Will you agree to be examined by him without making
demands that he provide you with documents?

C **DEFENDANT:** On condition that it is tape recorded and I have an independent witness to
that questioning.

RECORDER OF CARDIFF: Thank you very much. I have no intention of asking Dr Silva
D to visit again in these circumstances. That concludes this hearing; I order a transcript so that it
is available to the judge who deals with the fitness to plead allegation. Thank you very much,
Mr Kirk. Can you take him down?

DEFENDANT: I have asked to look at the court record. There are letters going between the
E County Court, the prison, and Caswell's Hospital discussing me and my future. I have been
putting disclosure applications into the court to seize the firearm before it is tampered with
any more, etcetera, etcetera. Could I please have half an hour sometime this afternoon to look
F at the letters because no one is answering my letters. The County Court is not answering my
letters; this court is not answering my letters; the High Court is not answering my letters.
Some have answered two months late. Could I, while I am in this building, at least have sight
of the rest of it?

G **RECORDER OF CARDIFF:** The answer I am afraid is no, however, I remind you there is a
standing offer of legal representation and public funds available to fund it ...

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A **DEFENDANT:** I am not going to be blackmailed by you. You blackmailed me before and I am not going to do it. I represent a lot of people to prove what is going on and that is meltdown in this building.

B **RECORDER OF CARDIFF:** Thank you very much. As I have indicated, there is to be a transcript of that available to the judge who deals with the fitness to plead allegation.

C **DEFENDANT:** You said that on the 30th of July, the 16th of July. I have to pay for them months afterwards to try and find out what you were talking about and it was clear on the 30th and the 16th of July that you had been discussing my case with the Crown Prosecution Service and with some chap over there, a barrister whose name I can't remember, and it is clear and that is why ...

D **RECORDER OF CARDIFF:** Please take ...

DEFENDANT: ... I find it outrageous that I am not entitled to have these ...

RECORDER OF CARDIFF: Please take him down.

DEFENDANT: Sorry to be outspoken but somebody has got to say something.

E **RECORDER OF CARDIFF:** I will continue to try to assist Mr Kirk but it is very difficult if his reaction is as we have just seen. That concludes that matter. The court will sit again at two o'clock. Thank you, Mr Twomlow, I am sorry your lunch has been intruded into but it was worthwhile in the circumstances. I don't believe there is anything else I can do. Thank
F you.

(13.19pm)

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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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