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IN THE CROWN COURT
AT CARDIFF

Indictment No T20107454

The Law Courts
Cathays Park
Cardiff
CF10 3PG

24th June 2010

Before

THE RECORDER OF CARDIFF
HIS HONOUR JUDGE NICHOLAS COOKE QC

REGINA

-v-

MAURICE KIRK

MR COBBE appeared on behalf of the Prosecution

THE DEFENDANT appeared in person

APPLICATION

Tape Transcript of **Mendip-Wordwave Partnership**
(Official Shorthand Writers to the Court)
3 Chinon Court, Lower Moor Way, Tiverton, Devon, EX16 6SS
Tel: 01884 259580 Fax: 01884 250235

APPLICATION

(11.02 am)

THE RECORDER OF CARDIFF: I will start with Mr Cobbe, Mr Kirk, because I may not have to trouble you very much, because I am going to order the disclosure of documents, I believe. I have only asked for it to be listed because it did not seem I should deal with it administratively and also so that I could explain what I do have on the court file. I have been through it myself and the court staff have been through it.

I have received a letter – I am dealing with this in chambers because it involves Mr Kirk’s mental and physical health and has nothing to do with the public, there is no substantive criminal proceedings, there has been some contact with the office and I have been shown a letter from a consultant anaesthetist in which he makes the reasonable point as follows: “I am not able to undertake his anaesthetic care because of the conflicting medical information that I have received. On the basis of imaging reports available to me, Mr Kirk has bilateral multiple small cerebral ischemic foci. There was no evidence of any space-occupying lesion. I believe the CT scan of the head was performed in December 2009. However, I received conflicting information from Mr Kirk who has “heard” from the Crown Prosecution Service. This information includes words such as tumour and cancer in the brain.”

I interrupt my reading to indicate straightaway that there is absolutely nothing about any cancer or tumour in the brain in any reports which the court holds. I have seen no such material.

“As I have not had all the medical information available to me, I am unable to make a judgment and take on Mr Kirk’s anaesthetic care. Leave this matter with Mr Kirk to either

A pursue further investigations through his general practitioner or obtain written reports to
B resolve this conflicting situation.”

B Now all I can do, which I will do, is to order the disclosure of all the reports that the
C court has and I have made a bundle up and I will order them to be photocopied, but that is all I
D can do, there is no other proceedings before me, but they do not include any reference to such
E things. There is a quotation from a report prepared by, I had better get the terminology right, a
neuropsychologist, which is included in one of Tegwyn Williams’ reports, but no copy of the
neuropsychologist’s report itself appears on the court file and there were clearly radiological
investigations undertaken, but those reports are not on the court file and I was not the trial
judge, I did not deal with the fitness to plead. Had I been dealing with the fitness to plead, I
might well have asked for such reports, but there is no evidence that anybody did and the
matter was resolved in Mr Kirk’s favour and therefore nothing arises, so any pursuit of those
reports would have to be through separate proceedings, but I do not think I have the power to
do anything else and Mr Kirk is clearly entitled to what I have got, and that is why, subject to
anything you say, Mr Cobbe, I order it.

MR COBBE: No, thank you, my Lord.

THE RECORDER OF CARDIFF: Well, I order the disclosure of everything I have got.

F **MR KIRK:** That is the very (inaudible). I have the transcript here saying that I have
cancer.

THE RECORDER OF CARDIFF: I have not seen that, Mr Kirk.

G **MR KIRK:** No, you have not seen the neuropsychologist’s report, who has rewritten the
document, trying to hide the information that Dr Tegwyn Williams told the judge on 2nd
December, his Honour Judge Bidder QC, for half an hour, saying that I was mad, bad and

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A dangerous to know and that I was to be transferred to Ashworth Psychiatric Hospital. I served on this court the transcript of the 2nd ...

THE RECORDER OF CARDIFF: Mr Kirk, this is ...

B **MR KIRK:** You are trying to wash this under the carpet. We knew you would do this. I have come with the documents ...

THE RECORDER OF CARDIFF: I am not, Mr Kirk, I have only been asked to disclose documents to assist your anaesthetist and I have indicated everything we have got will be disclosed and I have made the bundle up.

MR KIRK: I am giving you what he has not got.

THE RECORDER OF CARDIFF: Well, if you have got it, you do not need it from me.

D **MR KIRK:** I want you to confirm, because the transcript has been doctored. The official Cardiff transcript has been doctored. They waited until Tegwyn Williams stopped talking and then they switched it on. But this Mr Tumbledown, CPS Tumbledown, he says that Mr Tegwyn Williams believes I have cancer and then the judge says, "But we do not have two relevant medical reports to ..."

THE RECORDER OF CARDIFF: I will gladly look at it, but I do not think I can make any orders.

F **MR KIRK:** I am serving it on this court.

THE RECORDER OF CARDIFF: Well, you are not, Mr Kirk. You do not serve things on the court in that way ...

MR KIRK: Right, I throw it at you.

G **THE RECORDER OF CARDIFF:** ... if you speak to me politely and you want me to look at it, I will look at it.

MR KIRK: I have a file to lodge with this court.

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A **THE RECORDER OF CARDIFF:** You cannot lodge files, there are no proceedings in being.

MR KIRK: I wish you to see the contents of this report and adjourn and come back after you have studied this document.

B **THE RECORDER OF CARDIFF:** These proceedings are concluded, thank you very much. I have ordered the disclosure of the documents to assist the anaesthetist. The rest of this ...

MR KIRK: I have done it under Data Protection Act, I have done it under Freedom of Information Act, I have done it three times now.

C **THE RECORDER OF CARDIFF:** The rest of this is an abuse, Mr Kirk.

MR KIRK: It is an abuse application that I am making today.

D **THE RECORDER OF CARDIFF:** Mr Kirk, there is no abuse application, there are no proceedings against you.

MR KIRK: It is right here.

E **THE RECORDER OF CARDIFF:** Arrest him. For the purpose of the record, Mr Kirk then threw a file at me and he missed. Arrest him, put him in the cells please. Thank you very much. I will put the matter before the High Court judge later today. Thank you. Take him down please, clear the court. Take him straight down please.

F **(11.09 am)**

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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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