

A  
B  
C  
D  
E  
F  
G  
H

**IN THE CROWN COURT**  
**AT CARDIFF**

**Indictment No: T20097445**

The Law Courts  
Cathays Park  
Cardiff  
CF10 3PG

**26<sup>th</sup> October 2009**

Before:

**HER HONOUR JUDGE REES**

-----

**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)  
3 Chinon Court, Lower Moor Way, Tiverton, Devon EX16 6SS  
Tel. 01884 259580 : Fax 01884 250235

ALL PROCEEDINGS

(12.35)

**JUDGE REES:** Yes, take a seat.

**MR TWOMLOW:** Your Honour, I represent the prosecution. I understand that there is somebody here who apparently is going to represent Mr Kirk.

**JUDGE REES:** Right.

**MR TWOMLOW:** Somebody by the name of Mr Waring, although my understanding is that he is not actually qualified himself, but perhaps represents, or is going to give some information about a firm of solicitors who may want to be involved in the case, but that is my latest information. I have not spoken to or seen Mr Waring, or spoken to Mr Waring this morning.

**JUDGE REES:** Can I just ask? Is there a Mr Waring in court? Ah, Mr Waring, would you be so kind as to come forward for a moment please? Mr Kirk, are you content for Mr Waring to speak to the court? Is he here to help you?

**DEFENDANT:** I am anxious that those in the auditorium can hear what is going on and I wondered if they could sit in seats nearer because I am a bit hard of hearing and therefore I am speaking up, but I have the back to the auditorium, and last time they were ushered by the judge to sit there so that they could hear the judge.

**JUDGE REES:** I am not prepared to allow them to sit in the jury box, but I will speak especially loudly to ensure that they can hear me.

**DEFENDANT:** I am most grateful.

**JUDGE REES:** Alright. But are you content for Mr Waring to speak with the court?

**DEFENDANT:** The emphasis last time was that they could not hear the Queen's representative; the Crown Prosecution's representative.

A **JUDGE REES:** Mr Twomlow, perhaps you could take that on board. Can I just mention one thing, Mr Kirk, we do have a loop system if you are hard of hearing, and we can make the loop system available to anybody who is having difficulty.

B **DEFENDANT:** I am obliged.

**JUDGE REES:** Can we have a loop made available please? Are you content for Mr Waring to speak with me on your behalf? Just to explain what his position is? It is a matter for you, Mr Kirk?

C **DEFENDANT:** I would need notice for a question like that, when you say on my behalf.

D **JUDGE REES:** It is just that I was just being told that Mr Waring may be making enquiries for somebody to help represent you and I just wanted to confirm, I don't want to embarrass Mr Waring and I don't want to embarrass you, but would you like me ... perhaps we can just establish ... well, have you spoken with Mr Waring?

E **DEFENDANT:** I have spoken to a person purported to be a Mr Waring and I told him I had been denied all my medical records and legal papers just like last time I was sectioned, and I have spent since the 7<sup>th</sup> of August trying to establish who instigated my arrest, who instigated my being sectioned to a Section 35 under the 1983 Mental Health Act. I have been trying to establish a lot of other things and I tried to impart ...

F **JUDGE REES:** I am sorry, Mr Kirk, that is not the question I asked. Have you spoken to Mr Waring today? You have.

**DEFENDANT:** Yes.

**JUDGE REES:** And Mr Waring was endeavouring to assist you in some way?

G **DEFENDANT:** He ...

**JUDGE REES:** Presumably you know Mr Waring?

H **DEFENDANT:** He, I am sure, anybody can assist me because I have been deprived of nearly all my rights since I was arrested, and the important thing is that only this Friday, and I have

A brought five witnesses with me, several of them were there in the county court before His Honour Judge Llewellyn QC to establish in writing that it is the private lawyers for Barbara Wilding that she comes to court, who instigated my arrest for me to be here in the dock.

B **JUDGE REES:** I am sorry, Mr Kirk, you are going off the point. Take a seat for a moment please. Alright, Mr Waring, you have come today voluntarily at the invitation of Mr Kirk or just off your own bat?

**MR WARING:** A little bit of both, I think, My Lord.

C **JUDGE REES:** Right. Do I understand that you might be endeavouring to seek legal representation for Mr Kirk?

**MR WARING:** Yes, My Lord.

D **JUDGE REES:** And where are you in that process?

**MR WARING:** I spoke to the solicitor concerned this morning in London and he guided me in regard to one or two matters that relate the days I am here.

**JUDGE REES:** So, well is that as far as you can take it at this point?

E **MR WARING:** I can take it a little further, My Lord, if I may?

**JUDGE REES:** Yes please.

**MR WARING:** Do I stand here?

F **JUDGE REES:** Yes, do come into the bench there. I have no objection to your sitting, there is no need to stand.

**MR WARING:** The area of concern is that Mr Kirk does not have access to his laptop which contains all his records. The solicitor concerned in London will need his medical records over quite a period of time which Mr Kirk has asked for but he has not received. In addition to that he has difficulty in receiving faxes at Caswell, apparently he is not allowed to send faxes out and if he uses in the telephone I gather it is in a public room, which is very difficult.

H

A **JUDGE REES:** Well, can I say I appreciate what you are saying but my understanding is that he cannot go back to the Caswell now because the period is up. We have expired ... the three periods of 28 days for making enquiries has expired so he will not be going back to the Caswell.

B But that means that he would be in custody which is unlikely to make it any easier for him to communicate by fax.

**MR WARING:** If he was in custody, ma'am, would he be able to obtain all those papers and records?

C **JUDGE REES:** I think only if he had legal representation.

**MR WARING:** Right.

D **JUDGE REES:** If he had legal representation he could authorise his solicitors to obtain all those records and medical records. They could do so on his behalf and my understanding is from the record that the court has made it abundantly clear that they will grant a legal representation order for any lawyer to be paid out of public funds without hesitation. The court is very anxious for Mr Kirk to have the best legal advice that he can obtain.

E **MR WARING:** Is it appropriate, Ma'am, to talk about a bail application today or not?

**JUDGE REES:** My understanding is that he has had the bail applications.

F **MR TWOMLOW:** On the last occasion Mr Kirk made a bail application to the Recorder of Cardiff and that bail application was refused.

**JUDGE REES:** Yes.

**MR WARING:** I am not sure if I can ask this question; can I ask why it was refused, Ma'am?

G **JUDGE REES:** Well, I think that is a matter of record and I believe that there is a transcript of the hearing which is available to all and I think has been seen by many people.

**MR TWOMLOW:** Yes.

**MR WARING:** I am sorry, I didn't ..?

H

A **JUDGE REES:** I think there is a transcript of the full hearing and I don't sit in an appellate jurisdiction from the Recorder of Cardiff, so that has been dealt with.

**MR TWOMLOW:** That he would interfere with witnesses was the major concern.

B **JUDGE REES:** Thank you, Mr Twomlow. Was there any indication from the solicitor you spoke to as to how long it would take him to, if he was asked by Mr Kirk to represent him, to become involved in the case? Would he be asking perhaps to attend or instruct counsel on behalf of Mr Kirk?

C **MR WARING:** I think so, Ma'am, yes.

**JUDGE REES:** And how long would that take to arrange, do you believe?

D **MR WARING:** I would imagine that he would have to come down and see Mr Kirk and then he would instruct counsel.

**JUDGE REES:** So are you asking for an adjournment for that purpose? The difficulty I see is today, and if I can just explain it, is that the custody time limit expires I think somebody mentioned ...

E **MR TWOMLOW:** The 24<sup>th</sup> of December.

F **JUDGE REES:** ... the 24<sup>th</sup> of December. Custody time limits are in place to ensure that people do not remain in custody without having their guilt or otherwise determined for as little time as possible. I am very concerned, there are two issues, one is whether Mr Kirk is fit to represent himself or to instruct solicitors and conduct his own case with lawyers or without, and secondly whether of course he is guilty of the offence with which he is charged. But the fitness issue is a matter that would have to be determined by a preliminary hearing and one would want Mr Kirk, G if he wishes to, to instruct any psychiatrist on his own behalf, but it would have to be somebody who was approved under the Mental Health Act; it can't be just any practitioner, it has to be one of those on the list. We would have to then list the matter for a fitness trial before a judge and if H in fact Mr Kirk was found that he should, if he is not suffering under any disability then he can

A go to trial through his lawyers or not, and that needs to be listed very shortly after that. On the  
other hand if he instructs solicitors himself, they may wish, as you say, to obtain information and  
make investigations; they may wish to appoint an expert witness in relation to the firearm on his  
B behalf, but all that needs to happen fairly soon because Mr Kirk is still in custody awaiting  
court's decisions. So what I had anticipated today was actually listing initially a fitness trial  
shortly followed by a trial by jury of the other issues in the case, namely whether Mr Kirk has  
committed any offence. But we are also anxious that he has the benefit of legal representation  
C and I would be prepared to allow some time for that.

**MR WARING:** May I just have a word with Mr Kirk?

**JUDGE REES:** I am more than happy. I don't know how long did you have to speak with Mr  
D Kirk?

**MR WARING:** One minute.

**JUDGE REES:** Well I am prepared to put the matter back for you to have much longer than  
that. If we are able to ensure that Mr Kirk can have a conversation, because clearly you need to  
E have a proper discussion between you.

**MR TWOMLOW:** Mr Waring has spoken to Mr Kirk, I don't know for how long, so Mr  
Waring has said that he only needs at the moment a short time to speak to Mr Kirk.

**JUDGE REES:** Oh, he only needs a minute.

**MR WARING:** I just want to ask Mr Kirk a question.

**JUDGE REES:** If I rise and leave you so that you can have a word with him, yes?

**DEFENDANT:** Your Honour. Your Honour, I am sorry to intervene but I fear that you are  
G labouring under a lot of erroneous information. First of all the 35 Act applied to me has not  
expired; it expires later this week. And the second thing is that the medical records that they rely  
on in order to have detained me unlawfully for the past 11 or so weeks are still in the custody of  
H HM Caswell Clinic. All of my papers and all the documents to support the fact that I have

A exhausted all possible routes to obtain a second opinion; for example I am privately insured and  
I have used my best means available to get a second opinion before you this morning and I have  
B been deliberately denied. His Honour the Recorder of Cardiff last week, last time on the 1st of  
October, ordered for there to be an independent psychiatric report in order to comply to Section  
41 of the Act.

**JUDGE REES:** Have you seen the letter from Dr Tiher?

**DEFENDANT:** I have seen very little.

C **JUDGE REES:** If we could just pause, I just want to make sure you have seen everything I  
have seen.

**DEFENDANT:** Thank you. Thank you.

D **JUDGE REES:** I have a letter here and I don't know whether you have seen it or not?

**DEFENDANT:** Am I entitled to a copy of it?

**JUDGE REES:** Have you?

**DEFENDANT:** Am I entitled to two copies of it ...

E **JUDGE REES:** Oh, of course you are.

**DEFENDANT:** ... one to give to someone in the auditorium?

F **JUDGE REES:** Well I have no objection to that. Can I just read it for a moment, there is  
nothing confidential in it. It says, "At the instruction of the Crown Court I had arranged to  
assess Mr Kirk at Penarth Ward, Caswell Clinic." And he says there, this is dated the 21st of  
October and this is from Dr Tyeb Tiher, Consultant Psychiatrist.

**DEFENDANT:** Sorry, what name?

G **JUDGE REES:** Dr Tyeb Tiher. I don't know if I am pronouncing it ...

**DEFENDANT:** The court ordered a Dr Rowland Jones, a psychiatrist from Cardiff.

H **JUDGE REES:** Well, can I just finish this and then we will come back to that. It says, "On  
arrival Mr Kirk objected to see me and refused to come out of his room. He questioned why I

A was there and wanted to see an instruction letter from the Crown Court." Well, it is only a  
short order, we don't give a letter of instruction. "Despite my request and assurance that I was  
there to provide in independent report Mr Kirk refused to see me. I took this opportunity to  
B review his medical notes and discuss the details with the nursing staff and Dr Teguin (?)." He  
just says, "I can only summarise, on the basis of information provided I can only summarise  
Mr Kirk's long-standing personality traits and so on." I will give you a copy. But then he said  
that his understanding is that you refused to see him.

C **DEFENDANT:** I did not refuse, I invited him into my cell, Your Honour, and he accepted  
that because he could not produce proof of his identity and that he came onto the building and  
off the building and no one in my ward had any written record of his coming or any evidence  
D that he had been there or any proof of his identification from anybody in the establishment, he  
said it was quite right for me to ask for a minimum of 24 hours notice, and that is when he  
said he would make a written record that we had left on the most courteous of terms.

E **JUDGE REES:** Can I just ask you then, it seems to me that this is probably from Dr  
Rowland Jones' team at Whitchurch, so are you saying, Mr Kirk, that if we asked Mr Tiher  
and gave you notice of 24 hours that he is coming that you would be prepared to see him?

**DEFENDANT:** I see no reason, subject to advice, but he only came last week.

*(Phone rings)*

F **JUDGE REES:** Sorry, could we have that switched off please? Thank you. I am going to  
pause for five minutes so Mr Waring can have a word with you. I am going to ask for this to  
be copied ...

G **DEFENDANT:** Something far more important, as soon as I was arrested I asked who  
instigated my arrest. Well, we had a court case and I had witnesses both sides of me, Clive  
and Mr Lionel Richards who was present in the County Court and the police had to admit in  
H writing, I have been deprived of the statement now because it is back in the clinic, that it was

A Barbara Wilding's private solicitors that instigated my arrest on the morning of the 21st of June, and it is extremely relevant, circumstances concerning a bail application have seriously changed, I would ask you to investigate, for me to be allowed to make a fresh bail application.

B Now, when I was arrested I asked that the court seize the purported 1916 Lewis machine gun into the custody of the court, whilst I still had some faith left in that system, and I have been told since that it has been tampered with by the police; I asked that it could be seized by the court for one reason only, that it will not be tampered with by the police.

C **JUDGE REES:** I am going to rise for the purpose that I have already indicated ...

**DEFENDANT:** And I ask to see the records, I wrote to the court asking to see the records of the court before I address it.

D **JUDGE REES:** We are going off the point. Number one point is can we arrange for you to be legally represented? I am going to allow Mr Waring to have a word with you, I am going to copy this letter, has the Crown seen this letter from Dr Tiher? Copies for the Crown as well, if you please, and then we will resume.

E **DEFENDANT:** I wish to see a ...

(12.54)

(Adjourned)

(14.25)

F **JUDGE REES:** I just wonder, could we just enquire whether Mr Waring is outside, or on his way up?

G **DEFENDANT:** Can I assist the court in the time available? I took the precaution of making sure that the transcript of the last case was available. I purchased all the transcripts and they are available to you here in court.

**JUDGE REES:** Right.

H

A **DEFENDANT:** Now, the other matter is, please, it is being suggested that I can be legally  
represented at no cost to me. I would like to correct that what was said to Mr Waring this  
morning, I know full well that if I should be found guilty of any indictable offence I am liable  
B for the costs and I feel that it was unfair to indicate to Mr Waring that he should find a lawyer  
and that I am guaranteed legal aid at the tax payer's expense.

**JUDGE REES:** I understand the point you are making. The point that I was trying to submit  
to Mr Waring is that any solicitor that he approaches who is familiar with legal aid will know  
C that they are guaranteed payment through the public funds, yes, there may well be recovery of  
costs from yourself, but so far as the solicitor is concerned they are not dependant on whether  
you pay or not, they will be paid.

D **DEFENDANT:** The other matter while we have got a moment, Your Honour, is that I have  
written a number of times asking that I see the court record before I address you and in the  
court record I am confident there is a letter from lawyers who were in the throes of  
representing me. Now, the last judge on the 3rd of September, the outbreak of war, His  
E Honour Judge (inaudible) QC appeared to some (inaudible) he was not aware that there was a  
letter before him from my firm of lawyers with (inaudible), they will have, there is a lot more  
in that file which is indicated that the County Court and the Crown Court and the Caswell  
F Clinic have been writing to each other throughout the summer during my incarceration  
without my knowledge and with information that is both erroneous and, from one source,  
downright scandalous. And I asked for full disclosure of HM Court Service of the records  
pertaining to me for an indictable offence that can carry two five year sentences consecutively.

G **JUDGE REES:** You say solicitors wrote to the court on your behalf?

**DEFENDANT:** I am saying that I could see from where I was standing that there was a letter  
that I suspected due to its colour was before the court and it was referred to in a transcript  
H which is why I put it up on the website for not just Your Honour's opportunity to get quick

A access, but for others around the world to see just what is going on in Her Majesty's court of law.

**JUDGE REES:** Andrew Markham and Company?

B **DEFENDANT:** I would need to see the letter because I have not seen it.

**JUDGE REES:** Well, I am more than happy for you to see it.

**DEFENDANT:** Two copies of it please. Two to be retained as I have no knowledge of what it says and I therefore have no copy of it.

C **JUDGE REES:** Well, these, I have not read it but I am reading it now and I am more than happy for you to have copies.

**DEFENDANT:** No, don't read it out in public until I have seen it because I don't know what it contains.

D **JUDGE REES:** No, no, but you are right, there is a letter here and I am more than happy for you to see it, and ...

**DEFENDANT:** The date of it please?

E **JUDGE REES:** The 25th of August.

**DEFENDANT:** The 25th of August. I appeared on the 3rd of September and I am quite satisfied it was before the court.

F **JUDGE REES:** I will just say this, they say, "As a matter of courtesy we are advising the court of this and should we receive instructions we will inform the court," so they appeared to be awaiting your instructions but please have a look at it. I don't know whether that, is that the letter you were thinking of?

G **DEFENDANT:** I have no idea.

**JUDGE REES:** Okay. You can make a couple, I have no objection to that.

H **DEFENDANT:** The Caswell Clinic not only took away all of my legal papers but the prison on the 7th of August made sure that the moment I left this court to go to the South Wales

A (inaudible) known as the Caswell Clinic I was deprived of all my legal papers for almost eight  
weeks. Here we are repeating the same situation today, I have no idea what information is  
before you, there is a question of a Section 41 before you as one of your permutations for the  
future of Maurice Kirk and the fate of his family.

B **JUDGE REES:** What do you mean by Section 41?

**DEFENDANT:** A 41 is within your powers to expedite today subject to your interpretation  
of the psychiatric reports that I have been refused that you have available to you. Professor  
C Wood, Dr Bagshaw, Dr Joseph Sylvester, Dr Gaynor Jones, a psychotherapist, Mrs Pat  
somebody or other. All of these reports were made during the month of August and since I  
was sent back down to that place I have not had any examinations to give evidence, further  
D evidence, to have required me to be retained there for a further 28 days, and I am entitled to  
have those documents.

**JUDGE REES:** May I just have the names again? Dr ...?

**DEFENDANT:** Dr Professor Roger Wood.

E **JUDGE REES:** Right.

**DEFENDANT:** Dr Ruth Bagshaw. Dr Joseph Sylvester.

**JUDGE REES:** Yes.

**DEFENDANT:** Dr Rowland Jones.

F **JUDGE REES:** Rowland Jones?

**DEFENDANT:** I did not see him but he has made a report.

**JUDGE REES:** Could that be shown to Mr Kirk? Could you just have a look at that letter  
G while I ... I am just going to have a look through my file to see if I have any of the reports that  
you have mentioned.

**DEFENDANT:** They have taken away my glasses so could I have an order that I have my  
H glasses returned so that I can read it?

A **JUDGE REES:** Where are your glasses?

**DEFENDANT:** I have no idea. I do not know where my legal documents are either.

**JUDGE REES:** Would you like, perhaps Mr Waring could read that to you quietly.

B **DEFENDANT:** On a document of such importance I would really like to read it myself.

**JUDGE REES:** Alright. You will be given a copy but we can't wait for that. Unless somebody can say ... have you brought his glasses with him? No? Not that you are aware of. Right, okay.

C **DEFENDANT:** If I could assist the court ...

**JUDGE REES:** Can I just say this, there is a correspondence here, they are not reports as such, but there is correspondence between the court asking for the report, then we have Dr Gaynor Jones, a letter, all it is is it confirms that you were admitted to Caswell Clinic. Then I think there is a letter from yourself, then there is a, I think the interim psychiatric report from Dr Teguin Williams, but I don't see anything from Professor Roger Wood, Dr Bagshaw or Dr Sylvester.

E **DEFENDANT:** I have seen some of the documentation and I have been promised it by members of the clinical team of MAPPA which is the Multi Agency Public Protection Arrangements committee which they have all sat on during the spring before I was arrested. I was arrested on June the 22nd and the psychiatrists and social workers of the clinical team had already been invited to the police prosecution to get opinions on me and their director, Dr Teguin Williams, like a big black spider out in the middle of a web Mr Patrick described him, drew me into his laboratory for research, genetic research for Carrick University and Swansea University. Members of all those organisations came and interviewed me during August and July, and I feel that I am being used as a guinea pig where, in my job as a veterinary surgeon for 40 years, the conditions under which I would have kept a guinea pig bear no relationship to the way I have suffered serious mental cruelty in the Caswell Clinic.

H

A **JUDGE REES:** Now, what I am going to direct is that the only correspondence we have, and one is a letter from Dr Gaynor Jones, it is on this file, be copied and given to you. You then have all the letters I have on this file relating to medical reports.

B **DEFENDANT:** Your Honour, I refer to the comments on the 23rd of October, His Honour Judge (inaudible) Llewellyn QC caused documents to be identified in my action, my 16 year running action against the South Wales Police for harassment and malicious prosecutions, of letter that the County Court had written to the Crown Court, so therefore they should be there  
C with my name on, and the letters from the Caswell Clinic concerning their right to prevent me from attending my own civil actions whilst I am in the ... 28 days of any assessment.

**JUDGE REES:** Alright. Alright. I have no information about that matter whatsoever apart  
D from the fact you have raised the matter and as I understand you may have a trial sometime next year, in the civil courts.

**DEFENDANT:** The Chief Constable is listed for, I think it is three months trial, involving  
E 100 defence witnesses as police officers, and the whole story why I am locked up now is to prevent me from getting the retired police officers by advertising, and my reward was £10,000, I have just doubled it to £20,000 for the names and addresses so I can serve witness  
F summons on the police that broke into my surgery on the 6th of June 1995 who went to court in Barry Magistrate's before Miss Cary, I think her name is, who is still alive, I have just checked up with the court.

**JUDGE REES:** Mr Kirk ...

**DEFENDANT:** The police deny these court cases ever existed.

G **JUDGE REES:** Mr Kirk, please take a seat for a moment. I want to have a word, could I just ask whether you have discussed the matter of legal representation further?

H

A **MR WARING:** To an extent, Ma'am. With your permission Mr Kirk has asked me to draw certain matters to your attention concerning a new bail application. Am I able to make one on his behalf today?

B **JUDGE REES:** No you are not.

**MR WARING:** I see.

C **JUDGE REES:** What I would say is that sympathetic consideration will be given if legal representation was obtained then an application could be made as to what change of circumstances, if anything, would justify a further bail application. But are you asking the court to allow any time for him to obtain legal representation? Because I have to set a timetable now, we have come to the point that the issue as to whether in fact Mr Kirk is suffering under a disability or indeed is fit to stand trial and conduct his own defence, that is a preliminary issue that needs to be resolved, and I am minded to fix a date where there is a judge who has not previously had any dealings with this matter might be available and that would be the 4th of December. That would involve calling doctors, but that would allow time between now and the 4th of December for Mr Kirk to obtain legal representation and any other information he wished. I would also give a direction to the prison to allow another doctor, whether Mr Tiher is prepared to do it, but somebody other than the Caswell Clinic to attend at the prison to see whether Mr Kirk would in fact ... right. Where did this come from?

F (Inaudible) Ah, yes. It has been suggested that there may be a doctor at Ashworth Hospital in Liverpool who would be prepared to do a second report, a Dr James Collins. I am not familiar with Dr James Collins. But what I am urging on Mr Kirk is that if he does not accept the findings of Dr Teguin Williams that he allows another doctor to speak to him and examine his case, so that there is an independent opinion that the court can consider on the 4th of December.

G **MR WARING:** My advice to Mr Kirk would be to seek legal representation.

H

A **JUDGE REES:** Well, we have discussed it and I appreciate he has quite rightly pointed out  
that should he be convicted there could be a recovery of defence costs against him if he has  
the means to pay it. What I am saying is that from a solicitor's point of view they are  
B guaranteed payment up front from public funds, so it is not a question of them being hesitant  
because they might worry about whether the remuneration would be there, but Mr Kirk is ...  
but then on the other hand Mr Kirk is in a precarious situation as he has pointed out he is fully  
aware of the likely sentence if convicted, and there is in this case no doubt matters that should  
C be explored on his behalf.

**MR WARING:** May I just therefore say, Ma'am, that as I understand the situation Mr Kirk  
would have to appoint a solicitor to make a bail application on his behalf, or alternatively  
would act in person if he was found to be fit to act in person, is that a correct summing up?  
D

**JUDGE REES:** No, what I am saying is this; the first matter is whether in fact Mr Kirk is fit  
to conduct his own trial and that of course the court is dependent on medical opinion, but  
there has to be a hearing, a preliminary hearing and that is ... I am going to fix that for a day  
E on the 4th of December so that we can come to some decision on it, whether Mr Kirk is able  
to conduct his own defence or whether the court has to appoint counsel on his behalf. If, of  
course, he has appointed and chosen counsel before that to represent him it is more than likely  
they would continue to represent him. I can't say at this point what the decision will be on that  
F day, but at least then the date to fix the trial by jury can be made. What I am saying is that if  
he has legal representation they may be able to put together a case why there is a change in  
circumstances and the basis for making a further bail application, but at this stage it has  
G recently been decided by the Recorder of Cardiff, there have been previous bail applications, I  
am not prepared to contemplate another today.

**DEFENDANT:** With all due respect, Your Honour, in the light of what you have just said I  
H withdraw any need for a further adjournment purporting to seeking legal advice, I wish to

A represent myself, I wish to give a pleading and I wish to do it now, and I wish to present my  
case to the jury as soon as possible in the interests of what this is doing to my family. There is  
no need for any further adjournment, I have been examined by six psychiatrists and when you  
B get the report there is no need to wait until December for your second opinion, I would argue  
that should you go past the 28 days there is a legal argument that you cannot detain me in  
custody for a second opinion for a Section 41 for Broadmoor. If you look ...

**JUDGE REES:** No, no, I have no intention of doing so. I would remand you in custody  
C back to the prison, but the time for Caswell Clinic's involvement has passed. They have  
prepared what reports they can but on the 4th of December we will hear, the doctors will have  
to be called and the judge who will conduct the trial eventually with the jury will first of all  
D determine the issue as to whether you are under a disability. If you are under a disability the  
court will appoint counsel to conduct your case. In the meantime, if you choose your own  
counsel I would very much believe that the court would allow you to continue with that  
counsel, whether you are fit to stand your trial or not. But, I can't say what the outcome will  
E be on the 4th of December because I haven't heard from the doctors. In the meantime I am  
going to ask the prison to arrange for a second opinion and I urge you to cooperate, because  
that way, if, as you say, you are not suffering under a disability so that you should not conduct  
your own trial then at least we will have that other opinion as well.

**DEFENDANT:** Please, Your Honour, serious evidence has come forward since the hearing  
on the 23rd of October that puts further flaws in the argument of the Crown Prosecution  
Service; they said today for the first time since the Barry Magistrate's on the 24th of June that  
G I have been interfering with the witnesses and in fact in Barry Magistrate's they said the main  
witness is the person who sold me the 1916 Lewis machine gun, and if you could make your  
own enquiries, and I am happy (inaudible) seven days in doing it and me stay on remand, but  
H the person who sold it has a warrant for his arrest by the CIA, his wife has been jailed for five

A years in America for espionage and he has been living in Singapore for a number of years  
since he sold me the weapon attached to this vintage aircraft for air shows in 1997. His name  
is Brian Woodford. He is known to the police. They have been trying to arrest him for a  
B number of years. My wife came ... it came to our notice last year when she read the Daily  
Telegraph on a Wednesday in March of last year and she rang me, I think I was smouldering  
in a psychiatric hospital in Texas at the time, or somewhere, and caused me concern which  
C caused me to make enquiries with the Royal Air Force and other people who have been in  
possession of the firearm and aeroplane, and it would be wrong, I would submit with all due  
respect, Your Honour, to detain me in custody without the opportunity of applying for bail  
based on new evidence that what the 15 lies, as I call them, before His Honour Judge Hughes  
D on the 25th of June, that were given by the advocate by Rice, or Rose, for the prosecution, that  
you with all due respect, Your Honour, new evidence that is in front of him in writing to  
address a bail application today and I feel that you are not in the position to hear it today and  
the prosecution will use the excuse, they are not ready (inaudible) but I would ask that within  
E seven days I should be entitled to make a bail application. Only one bail application has been  
made, of relevance, since I have been detained. The Barry magistrate's gave me unconditional  
bail. The prosecution came out with 15 lies two days later and last time, on the 1st of  
F October, the judge said something about the main exhibit that is in the civil action against the  
police, which is eight pages in the bundle before you, I forget the numbers because I couldn't  
read it because it was so badly stamped on the bottom, seventy something, I think it was 72 to  
79, something like that, which is my letter deliberately written in anticipation for this hearing  
G ...

**JUDGE REES:** Enough, Mr Kirk. You have had your bail applications, I have explained  
very clearly the court is only too anxious for you to be represented, whether it is by Andrew  
Markham and Company, whether it is by any solicitors of your choice, but time is running out  
H

A if you wish to have legal representation. They say, the man who has himself for his counsel is a fool, and that is for very good reason.

**DEFENDANT:** Say that again please.

B **JUDGE REES:** Somebody who employs himself as his counsel is a fool, they say.

**DEFENDANT:** I hope everybody heard that.

**FEMALE SPEAKER:** Nonsense.

**JUDGE REES:** Would you leave the court madam?

C **FEMALE SPEAKER:** Under whose authority am I ...?

**JUDGE REES:** Yes, would you remove that lady please? I will not have any outbursts in my court.

**FEMALE SPEAKER:** (Inaudible).

D **JUDGE REES:** Leave the court. Leave the court.

**FEMALE SPEAKER:** (Inaudible).

**JUDGE REES:** Take her away. Right. Everybody urges you ...

E **DEFENDANT:** You said that if I was legally represented a bail application would be heard before December.

**JUDGE REES:** An application could be put together to persuade the court that there was a genuine change in circumstances.

F **DEFENDANT:** It is right there in front of Mr (inaudible) ...

**JUDGE REES:** Alright. I think we have come to the end of this. The matter will be listed for the 4th of December. Any application for legal representation will be expedited by the court. We have given copies of the solicitors from Andrew Markham, we will ask for a second opinion but we will list it before a judge who hasn't previously had any dealings with this matter to hear that application as to fitness. From then on directions will be given according as to whether Mr Kirk is to represent himself and conduct his own trial; if he is the

H

A court will then set it down as quickly as possible for trial before a jury. I don't think there is anything useful that we can now achieve further.

**DEFENDANT:** Yes (inaudible) ...

**JUDGE REES:** That concludes the hearing. You will not go back to Caswell Clinic because there is very little purpose in your going there.

**DEFENDANT:** Well at least I have got something right. I am most grateful. The most frightening experience I have had in my life.

C (14.50pm)

(Adjourned)

D

E

F

G

H

A We hereby certify that the above is an accurate and complete record of the proceedings, or part thereof.

B

Signed: Mendip-Wordwave Partnership

C

D

E

F

G

H