

FAO

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Solicitors for Chief Constable
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Wales

C90CF012

13th October 2017

A Formal warning not to claim excessive costs or to claim costs for preparing and using false and misleading papers at Court.

HHJ Keyser dismissed my claim regards my being returned to Swansea prison for the second half of my sentence because, in short, HHJ Keyser believed the whole matter was very simple indeed and roughly around that those who made decisions had powers of discretion to make such decisions.

1) If that simple approach of HHJ Keyser is correct, then there was no justification for the Defendants to run up anything more than minimal costs. If lawyers have an expertise in these areas of law, as is claimed, then that is even more reason that there were no grounds to run up anything more than minimal costs.

2) Trying to claim more than minimal costs will leave Defendants more open to counter allegations and claims of impropriety and fraud. Obviously it can be a criminal act to prepare and use false and misleading papers. But more so if a lawyer tries to claim costs for preparing false or misleading papers.

3) The Defendants sought to defend the claim by making assertions they knew were not true. As one example, none of the defendants respond to myself as if I have significant irreversible brain damage. Mr Oliver claimed I was unclear but made no mention of being mentally unfit as Dr Williams claims.

4) As Mr Adrian Oliver is well aware, if Dr Williams 2009 reports are honest or true then I am so mentally ill and brain damaged that I would be subjected to MAPPA Level 3 Category 3 restrictions today. Likewise with the time limits. So why does Mr Oliver, on knowing that, say I am out of time to claim? As already stated it can be impropriety and fraud to claim costs for writing such improper submissions and affidavit. It can be impropriety to seek internal advice based on untrue facts and then to try to claim costs for writing untrue facts and the flawed advice that will arise from that.

5) In 2009 Dr Tegwyn Williams worked for ABM NHS and his staff arranged I have a brain scan. They arranged for the radiology staff at the ABM NHS at the Princess of Wales Hospital, who are medically qualified, to determine the presence or absence of brain damage from brain scans to comment.

- a. The 28 August 2009 result of the ABM NHS Princess of Wales Radiology Dept is attached and shows that the result as normal – all clear. No brain damage.
- b. If you scroll down the same attached two page PDF of radiology results from the ABM NHS Princess of Wales you can see a second radiologist verifies a normal all clear result.
- c. Yet what is certain is that in 2009 neither psychiatrist Dr Tegwyn Williams nor psychologist Prof Rodger Wood are medically qualified to determine the presence or absence of brain damage from brain scans and report their opinion to the Crown Court.
- d. Furthermore the year before in 2008 Dr Tegwyn Williams wrote Chapter 19 of the Handbook of Forensic Mental Health to explain how expert witnesses should not go beyond their expertise.
- e. Add to that, I have had many brains scan results since 2009 and all have confirmed I do not have any brain damage.
- f. So how did Dr Tegwyn Williams make the leap to claim I have significant irreversible brain damage as in the conclusion of his 19th October 2009 report ?
- g. So how did Dr Williams inform the 2nd December 2009 Crown Court and then Crown Prosecutor, now His Honour Judge Richard Thomlow and all during my forced absence, that I suffered from cancer requiring indefinite incarceration in Ashworth high security psychiatric hospital?
- h. Who else is colluding with Dr Tegwyn Williams' agenda of bad faith ?

6) As regards what will happen next, although all three lawyers need to act here, I believe that Mr Adrian Oliver has made several affidavits which he knows are substantially misleading.

7) Mr Oliver may defend a claim by saying a different view but he is not entitled to give excessively misleading accounts by substantial omissions of obvious truths, as occurred in the affidavit 25 August 2017 that he drafted for the then Chief Constable, Barbara Wilding and signed on 25th February 2009

8) The whole theme as used by the defendants is also towards that I am a level of higher risk, that obviously I am not. Even by the way that I am responded to in recent months by the Courts and by South Wales Police is of me not being an actual risk.

It has been explained to me by a third party what South Wales Police say regarding them prosecuting lawyers for dishonesty in civil legal papers. The lay victim (non lawyer) of the lawyers dishonesty, only needs to formally inform the lawyer(s) that they are being dishonest. South Wales Police say

the lawyer is the professional and it is up to the lawyer to know and identify the false and misleading detail, and why the detail is false and misleading.

I again draw the attention of Mr Adrian Oliver to the fact that he not only has an obligation to not act dishonestly at Court but that he must obviously advise his Client South Wales Police with integrity.

It is clear that Dr Tegwyn Williams was doing wrong and seemingly a criminal wrong. It follows for me to be convicted at Court as Mr Oliver says, when Dr Tegwyn Williams was doing obvious wrong means that police officers must have been dishonest at Court.

It also follows that Mr Adrian Oliver now has an obligation to properly advise his client South Wales Police of wrongdoing by Dr Tegwyn Williams and the police officers who colluded with him. Obviously if Mr Oliver does not fairly and honestly raise concern with South Wales Police as how dishonest Dr Williams and some police have been at Court, that can be evidence of bad faith or even collusion. I will write further on this point to both Mr Oliver and South Wales Police.

All of the defendants lawyers are formally warned that in this situation the various criminal acts include trying to claim costs to prepare information that was misleading, misleading by omissions and not true.

I hope and trust that this makes clear what response may now occur and particularly if any defendant claims a penny more than minimal costs.

Yours sincerely

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Maurice J Kirk BVSc