

14 Nov 2013	Clinical Letter to Gp Clinic
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Letter From	

A HANDLED TO DR MARNEW
BY MR K. 4/11/13

2nd December 2009

ALL PROCEEDINGS

(1139)

B **JUDGE BIDDER:** ... appropriately qualified psychiatrist then the fitness to plead doesn't really arise. I have one report by you reaching a conclusion; I have another report by Dr Silva reaching a different conclusion. I can't act on the basis of that issue without there being two such reports and there aren't two such reports. In the circumstances I don't think there is a great deal of purpose in you remaining in court.

C **MR TWOMLOW:** May I just say perhaps, having spoken to Dr Williams this morning, that I think having seen the contents of Dr Silva's report he is also of the view that Mr Kirk would be fit to plead subject to the ... it was only the case of whether he has cancer or not I think that Dr Williams was concerned about, but I didn't wish to ...

CANCER

D **JUDGE BIDDER:** Well, it is a decision for the court but it is a decision the court can only act upon if there are two reports which reach a particular conclusion. The position is complicated in this case because Mr Kirk of course represents himself, so that is the factual situation that we are dealing with, but I think in the circumstances there is no purpose in you remaining because there is no need for you to give evidence with regard to the report. The report stands as it is and there is no purpose in you being questioned by any party because, as I say, without the two reports the issue doesn't really arise. So could I thank you, Dr Williams, for attending court. So far as I am concerned now you are free to leave and we will have Mr Kirk brought up in a moment. I gather he has refused to take copies of the two reports. He will take copies when he arrives in court and he would like to read them in court. So he hasn't actually read either of the reports as yet.

E **MR TWOMLOW:** I sense his argument is going to be, I think, I am reluctant to say too much when he is not here, but he is saying he is fit to plead and there isn't an issue about that any

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(Handwritten mark)