

IN THE CROWN COURT AT CARDIFF

The Law Courts
Cathays Park
Cardiff
South Wales
CF10 3PG

BEFORE:

HIS HONOUR JUDGE PAUL THOMAS QC

BETWEEN:

R

PROSECUTION

- and -

MR MAURICE JOHN KIRK

DEFENDANT

Legal Representation

Mr Richard Twomlow (Barrister) on behalf of the Prosecution
Mr Kirk, Litigant-in-person

Other Parties Present and their status

Mr Kirk's note taker (name unknown)

Whole Hearing

Hearing date: 2 February 2010
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A **Court Usher:** Court rise.

(parties confer)

B **Court Clerk:** Return to trial of Maurice Kirk.

C **His Honour Judge Thomas:** We've lost half an hour this morning because of *the* boxes having to be brought up. I don't know whose fault it is, but it will not happen tomorrow. All boxes must be in Court by the start time. Otherwise, we're going to be losing half an hour in, of precious time every day. Now, Mr Kirk, I've just been handed a copy of a statement from Arthur Martlew with photographs attached. Have you seen those?

D **Mr Kirk:** No.

His Honour Judge Thomas: And in addition there should be the notes from the gentleman from the proof house, which he's faxed down to us.

E **Mr Twomlow:** I did hand that *to him*.

Female: I --

F **Mr Twomlow:** I did hand it to him.

His Honour Judge Thomas: Well, that, I'm told, has been handed to you.

G **Mr Kirk:** I was promised a copy of the instructions to Burr, to, of, concerning the search of the property. You will recall that he read from a document. I said I will be getting a copy of that. You'll recall that he had no understanding that there were other police officers at the scene, a Stuart Davies and a female, Saunders, who were there particularly to ask for my wife, which is referred to in, in his notebook, which is available here today ...

H **His Honour Judge Thomas:** Did I order that?

A **Mr Kirk:** That, that he was there, he was there under a different occurrence number to investigate my mental state. The statement you've just given me, I notice by just looking at it, is dated 7 August, and the police officers who went out to Haverfordwest to take a statement from a Martin Martlew, Geoffrey Martlew ...

B **His Honour Judge Thomas:** Can you get the Jury in please?

Mr Kirk: Was specifically asked --

C **Mr Twomlow:** Your Honour --

Mr Kirk: About --

Mr Twomlow: Could I raise a --

D **Mr Kirk:** The state of my mental --

Mr Twomlow: Well --

E **Mr Kirk:** Health --

Mr Twomlow: Can I raise some matters before the --

F **Mr Kirk:** On the --

Mr Twomlow: Jury come in?

G **Mr Kirk:** Very day --

His Honour Judge Thomas: Right.

H **Mr Kirk:** Could you just --

His Honour Judge Thomas: Wait a --

Mr Kirk: Let me finish --

A

His Honour Judge Thomas: Wait a minute.

Mr Kirk: Please?

B

His Honour Judge Thomas: Wait a minute. Yes, Mr Twomlow.

Mr Kirk: The, the, the Mr --

C

His Honour Judge Thomas: Yes, Mr Twomlow.

Mr Kirk: Mr Martlew statement --

D

His Honour Judge Thomas: Sit down, Mr Kirk, *could you?*

Mr Kirk: Ah, you don't like to hear it, do you? You --

E

His Honour Judge Thomas: Mr Kirk --

Mr Kirk: Can't stand corn either, can you?

F

His Honour Judge Thomas: Mr Kirk, sit down please. Yes, what is it?

G

Mr Twomlow: Your Honour, can I hand in to Your Honour a list which I hope is helpful, which Mr Kirk has had, *or* his representative has had this morning, of the remaining witnesses to be called and what they say. I, I hope, I hope, I hope not forlornly, that this might be able to shorten matters somewhat.

H

His Honour Judge Thomas: Yes.

Mr Twomlow: And may I deal with one or two matters on that list? First of all we would like to know if all those witnesses are actually required to attend now. Those are the remaining witnesses who it is proposed to call. For example, DC Griffiths --

His Honour Judge Thomas: What about the person from the CAA?

A

Mr Twomlow: Sorry?

His Honour Judge Thomas: What about the person from the CAA?

B

Mr Twomlow: The, the, he gave evidence yesterday.

His Honour Judge Thomas: No, the other one.

C

Mr Kirk: Ah, look at this. Look. The bastards should have typed that eight months ago. Yes.

His Honour Judge Thomas: McMillan.

D

Mr Twomlow: I'm sorry?

His Honour Judge Thomas: Malcolm McMillan.

E

(defendant confers with note taker)

Mr Twomlow: I just ...

F

(defendant confers with note taker)

Mr Twomlow: *The*, he's always been a conditional witness on my, on our list. That was what was determined before His Honour Judge Bidder.

G

His Honour Judge Thomas: Right, OK.

Mr Twomlow: So he, he, he's --

H

His Honour Judge Thomas: Could this, could this be handed to Mr --

Mr Twomlow: Yes.

A **His Honour Judge Thomas:** Kirk?

Mr Twomlow: Yes. Now, can I say this? As far as the witness who's fifth on that list, Sophia Christou, is concerned, she only produces documentation about the landing.

B **His Honour Judge Thomas:** Yes, well, we'll deal with that in a moment.

(jury returns)

C **His Honour Judge Thomas:** If these witnesses are here, you may as well call them and see what, see what happens. Or if, if you want, just tender them.

Mr Twomlow: Very well. I'll call Dominic Glyn please.

D **Mr Kirk:** Your, Your Honour --

E **His Honour Judge Thomas:** Members of the Jury, members of the Jury, I'm sorry that there's been another delay. For one reason or another, I don't quite know why, the boxes weren't brought up into Court before 11 o'clock. That will not happen again. I have made it abundantly clear that the boxes are to be in Court for the time that I tell you we're starting. And if necessary, simply those boxes which are relevant should be brought in. We're now in a position to continue. Yes, thank you, Mr Twomlow.

F **Mr Kirk:** Your, Your, Your Honour ...

His Honour Judge Thomas: Yes.

G **Mr Kirk:** I have only just been brought from the cells, and I believe the Jury should know exactly what's going on. In prison I was, the, my writing material was taken off me. Whilst in custody below I've been denied the right to have a pen. I have spent several days in this trial without papers because they said I had to sign for them. On Monday, on Friday --

H **His Honour Judge Thomas:** Did you sign for them?

A **Mr Kirk:** And Monday, I said, yes, I'll sign as long as you give me a copy of what I've signed. This morning I said, now, where are the copies of my signature for my property to be brought to the Court? And today I said, right, I'm not going to sign. Now, I've managed to get my papers in here somehow, I didn't know they were here, without signing the paper, without getting a copy. And I have been denied medical, access to my tablets, arthritic, diuretic and headache tablets. That's the main one.

B **His Honour Judge Thomas:** Mr Kirk, what --

Mr Kirk: And, and --

C **His Honour Judge Thomas:** What happens in the prison about your medicine, I'm afraid I have no control over.

D **Mr Kirk:** Yes you do. Are you a man or a mouse? You're a Judge of the, the Court, British Court of law.

His Honour Judge Thomas: Mr Kirk --

E **Mr Kirk:** They took away my legal papers. And because I get up at 7:00 in the morning and come back after they've all gone to, gone off to the pub, I do not get access to healthcare, so therefore I cannot get access to my, any fresh tablets. They have been detained with my legal papers because of the bureaucratic daft process that they have in the prison and the

F Reliance system.

His Honour Judge Thomas: Right, Mr Kirk, I have made enquiries as to whether you were getting the medication to which you have been prescribed. I have been told that you have.

G Now please sit down.

Mr Kirk: Show me where they are.

H **His Honour Judge Thomas:** Sit down.

Mr Kirk: They are not in my papers. They are --

His Honour Judge Thomas: Sit --

A

Mr Kirk: Not in there.

His Honour Judge Thomas: Down.

B

Mr Kirk: They are not downstairs. They're still sitting in the prison with my, with my Defence exhibits.

His Honour Judge Thomas: Mr Kirk --

C

Mr Kirk: With my Defence exhibits.

His Honour Judge Thomas: Sit down.

D

Mr Kirk: You are denying me the, the Court exhibits to the Jury. There is a list there.

His Honour Judge Thomas: Sit --

E

Mr Kirk: On that, oh.

His Honour Judge Thomas: Down, Mr Kirk.

F

Mr Kirk: I apologise.

His Honour Judge Thomas: Sit down please.

G

Mr Kirk: I apologise, but you are provoking me.

His Honour Judge Thomas: Yes.

H

Mr Twomlow: *I call Detective Constable Dominic Edward Glyn please. He's at page 14, Your Honour.*

(defendant confers with note taker)

(usher confers with witness)

A

Court Clerk: Please repeat after me. I swear by Almighty God ...

DC Glyn: I swear by Almighty God ...

B

Court Clerk: That the evidence I shall give ...

DC Glyn: That the evidence I shall give ...

C

Court Clerk: Shall be the truth ...

DC Glyn: Shall be the truth ...

D

Court Clerk: The whole truth ...

DC Glyn: The whole truth ...

E

Court Clerk: And nothing but the truth.

DC Glyn: And nothing but the truth.

F

Court Clerk: Thank you.

His Honour Judge Thomas: Yes.

G

DC Glyn: Your Honour, I'm DC Dominic Glyn from South Wales Police.

Mr Twomlow: Yes. Mr Glyn, where were you, please, on the morning of Monday 22 June of last year?

H

DC Glyn: I was on duty in the area of The Marl pits, Your Honour.

Mr Twomlow: Is that in St Donats?

A **DC Glyn:** Yes, that's correct.

Mr Twomlow: And what time were you there?

B **DC Glyn:** I arrived at the location at approximately 7:20 on that morning in question.

Mr Twomlow: What did you see please?

C **DC Glyn:** At approximately 8 o'clock, 8:02 on that day in question, I saw Mr Kirk exit the driveway to a premises, together with a young female. Mr Kirk and the young female generally walked towards St Donats at the time.

Mr Twomlow: Yes. Yes, thank you very much. Mr Kirk may have some questions for you.

D **Mr Kirk:** Sorry, what was your name please?

DC Glyn: Dominic Glyn, Your Honour.

E **Mr Kirk:** How much warning were you given to come to this Court?

DC Glyn: Can you repeat yourself again, Mr Kirk, sorry?

F **Mr Kirk:** How much warning did you get given to come to give evidence?

DC Glyn: Warning? I was warned initially last week, Your Honour.

G **Mr Kirk:** Right. What was the name of your operation that day?

DC Glyn: I'm not, not obliged to disclose that --

H **Mr Kirk:** Why not?

DC Glyn: Your Honour, because I don't think it's relevant --

His Honour Judge Thomas: Well --

A

DC Glyn: Your Honour.

His Honour Judge Thomas: What, what was the question again, sorry, Mr Kirk?

B

Mr Kirk: The name of the operation that's cost the taxpayer so far over £1 million.

His Honour Judge Thomas: You've been asked the name of what the operation is. Members of the Jury already know it's Operation Chalice, so is that the name?

C

Mr Kirk: I don't want you to lead him. He's on a different occurrence number on a different issue. You know this. You've, you --

D

His Honour Judge Thomas: Mr Kirk. What's the name of the operation?

DC Glyn: As you discussed, Operation Chalice, Your Honour.

E

His Honour Judge Thomas: Any other operation name that you were given?

DC Glyn: No, Your Honour.

His Honour Judge Thomas: Thank you.

F

Mr Kirk: And what's the occurrence number to your operation of surveillance?

G

DC Glyn: For one, I can't answer the first question, because I wasn't involved in any occurrence. My role on that day in question was to observe movement from the premises ...

Mr Kirk: What time --

H

DC Glyn: Your Honour.

Mr Kirk: Did you get there?

A **DC Glyn:** 7:20, as discussed, Your Honour.

Mr Kirk: Right. How many of you?

B **DC Glyn:** I can't answer that, Your Honour. I was tasked with one task and one task only. That was to observe movement to and from the premises.

Mr Kirk: This had been going on for months, hadn't it?

C **DC Glyn:** I can't answer that question, Your Honour.

Mr Kirk: Why can't you answer that?

D **Mr Twomlow:** Your Honour, these questions have, the answers would have no relevance whatsoever to the issues that the Jury have to determine in this case.

E **His Honour Judge Thomas:** Well, I've said, haven't I, that he can have 15 minutes? And if anything relevant arises, if there is anything of a sensitive nature, then you'll have to make the appropriate application.

Mr Kirk: Sit down. Come on.

F **Mr Twomlow:** Well, Your Honour, the question of relevance is the first question, and how any answer to that could be relevant to the issue in the case is impossible to see. And that's the start --

G **His Honour Judge Thomas:** I have to bear in mind that Mr Kirk is representing himself, and therefore I have to give him more latitude than I would, a great deal more latitude than I would to a lawyer.

H **Mr Twomlow:** I understand that, Your Honour, yes.

(defendant confers with dock officer)

His Honour Judge Thomas: I'm trying to have a balance between what is relevant and bearing in mind that Mr Kirk is not legally trained.

A

DC Glyn: Your Honour, I can --

His Honour Judge Thomas: And therefore certain, sorry.

B

DC Glyn: Sorry.

His Honour Judge Thomas: And therefore certain questions may well be asked which would not be allowed were a lawyer to ask them.

C

(defendant confers with dock officer)

Mr Kirk: The Court has already heard a statement that was late in being disclosed, written by the investigating officer, DI Hughes, dated 3 or 6, 6 June, concerning Sarah Williams.

D

DC Glyn: Firstly, I know who DI, the DI in question is. In respect of the second name, I've never heard that name in my life.

E

Mr Kirk: Yes. Well, the Court has already seen or, or, that, that, that, gave evidence in fact, I think, yeah, *that*, that investigation into Maurice Kirk and exhibit 1 started at least on 3 June or 6 June, when that statement was written, handwritten by Hughes for Sarah Williams to sign. Now, what was I going to ask you? That is the relevance of my question as to why were you there that early in the morning. And I put it to you that you had been involved before that day.

F

DC Glyn: In answer to your first question, Your Honour, my involvement with the operation on the day in question was the involvement of watching for movement in and out of the premises. I suggest that Mr Kurt [sic] would ask DI Hughes the, the first question. And the second question was, I was directed to attend that address and I arrived there at 7:20 in the morning.

G

H

Mr Kirk: Yes. Who directed you there?

DC Glyn: I was given a briefing by my line manager.

A

Mr Kirk: Who? Name?

DC Glyn: The line manager of myself is Superintendent McKenzie.

B

(defendant confers with note taker)

Mr Kirk: Yeah. Was that, was that day the first day that you knew anything about Operation Chalice?

C

DC Glyn: No, that is not correct, no.

Mr Kirk: No. What was the helicopter doing in a raid two days before, with the same --

D

DC Glyn: Well --

Mr Kirk: Pilot in command?

E

DC Glyn: In two days before I was actually off duty, so I can't answer that question, Mr Kirk. I suggest that ...

F

Mr Kirk: If you were off duty, does that mean that you have selective amnesia because you're not aware of the incident?

G

DC Glyn: If you want to know, Mr Kirk, I was not on duty, as I've discussed. And secondly the helicopter, I have minimal knowledge of the police helicopter. In fact, I have no knowledge of it. I know we have one, but their operational needs and their duties, I don't have any knowledge whatsoever. That's not my role.

H

Mr Kirk: It is a matter, it is a fact that Dolmans, acting for the Chief Constable, who signed a sworn affidavit which was false, or, to use a more accurate expression, erroneous, drafted by Adrian Oliver, the senior partner of, of Dolmans, caused the helicopter and a tactical surveillance team to come to my door, in front of my wife and myself, on the Sunday afternoon of 20 June, just two days before you were doing surveillance work at 7:00 in the

A morning at the same place. Now, are you telling this Jury that you had no idea about it and the fact that it aborted when the police officers were actually at my gate with marked police cars and Q cars at the T junction by the pond?

DC Glyn: In answer to your question, Mr Kurt [sic], I was off duty on that day in --

B **Mr Kirk:** No.

DC Glyn: Question.

C **Mr Kirk:** Were you aware --

DC Glyn: No, I was not --

D **Mr Kirk:** Of an --

DC Glyn: Mr --

E **Mr Kirk:** Aborted --

DC Glyn: Kurt [sic].

F **Mr Kirk:** Operation on the Sunday?

DC Glyn: As I've discussed, Mr Kurt [sic], I was off duty, and I'm not aware of any operation or any movement the police force carry out on my days off.

G **Mr Kirk:** On that, including that Sunday that I've, I've just mentioned?

DC Glyn: Well, can you confirm whether it was a Sunday? Because you've just told me two days before, and we're talking about a Monday.

H **Mr Kirk:** No, it was --

DC Glyn: Which would tell me --

A **Mr Kirk:** Tuesday --

DC Glyn: A Saturday.

B **Mr Kirk:** The 22nd.

DC Glyn: On the Sunday?

C **Mr Kirk:** Well, the 22nd was a Tuesday.

DC Glyn: I think you'll find, Mr Kurt [sic], you're mistaken.

Mr Kirk: Well, could we have a --

D **His Honour Judge Thomas:** Well, did you --

Mr Kirk: Diary please?

E **His Honour Judge Thomas:** Have any knowledge, whatever day it was?

DC Glyn: On the Saturday I was off duty, Your Honour. I know nothing about anything that happened, and that was, I can't answer the question, because I wasn't on duty.

F **Mr Kirk:** Is it because you're off duty that you, your brain is able to switch off the information that was known to you, I put it to you was known to you on Tuesday morning when you were hiding in the bushes.

G **DC Glyn:** Mr Kirk, firstly, on the Saturday in question, I was off duty. I don't know every job or every operation South Wales Police carry out, firstly. And secondly, I was not hiding in any bushes. That's all I can answer you, Mr Kirk.

H **Mr Kirk:** Your, Your Honour, you know how put, put a question to have him for perjury here. I'm going to invite you to finish this line of questioning by putting that question.

A **His Honour Judge Thomas:** At any time before you went to the, the driveway to The Marl pits, did you have any knowledge of any previous police operation before that date?

DC Glyn: On the Sunday I was aware of *this* operation, *for* which I was doing exactly the same role I carried out.

B **His Honour Judge Thomas:** So you were there the --

DC Glyn: On the Saturday --

C **His Honour Judge Thomas:** Previous day?

DC Glyn: On the Saturday I was actually off duty, Your Honour.

D **His Honour Judge Thomas:** So, on the Sunday, what did you know on the Sunday, the previous day?

E **DC Glyn:** Exactly the same. My, my role on that day was to carry out observations of the driveway in order for, to identify any movement to and from the location. That's all I was issued with, my orders.

F **Mr Kirk:** Was it, were the orders from the same officer that's on the name of my arrest document? *The* --

G **DC Glyn:** First, I don't know which officer arrested you, Mr Kurt [sic]. And secondly, I was told by Superintendent McKenzie, as I discussed previously, to do that role and carry out that role.

H **Mr Kirk:** Why was the, if, if you all believe that I had a, a, a, an operational Lewis machine gun, contrary to the Section 50 whatever of the '68 Firearms Act, why didn't you just come and knock on my door on the Sunday?

DC Glyn: As I said, I think you need to discuss that with Mr McKenzie, Mr Kirk. I'm just a DC and I carry out orders.

A **Mr Kirk:** For your interest, this Judge has refused me witness summonses for the three people who are relevant to the Defence, and, once they are in the witness box, I will not be required to call the 30 other Defence witnesses --

DC Glyn: Well, I suggest --

B **Mr Kirk:** In lieu.

DC Glyn: Mr Kirk, you speak to Your, Your Honour about whether, who you, who you call and who you don't call.

C **Mr Kirk:** We've --

D **DC Glyn:** As I say. I'm a detective constable. I carry out orders which I've been ordered to do. And I've --

Mr Kirk: Right.

E **DC Glyn:** Told you on several occasions my orders were given by Mr McKenzie to sit outside that house and observe movement to and from that location.

Mr Kirk: You'll agree that the police cars were all unmarked cars.

F **DC Glyn:** I can't agree on anything, Mr Kirk, because, like I said, my role was one role and one role only. Once that role had finished I vacated the area, and I was not involved at all with this operation, apart from today and giving statements previously to this day.

G **Mr Kirk:** Who were you with?

DC Glyn: I don't think I need to answer that, Mr Kurt [sic].

H **His Honour Judge Thomas:** Just answer the question please.

DC Glyn: I was with another detective, called Detective Cox.

Mr Kirk: Got that. C, O, X?

A

DC Glyn: Yeah, that's correct.

Mr Kirk: Were you there when I was arrested?

B

DC Glyn: Yes, I was.

Mr Kirk: Yes. Tell the Jury, please, roughly how many cars and how many people were there when I was arrested.

C

DC Glyn: You were arrested by the firearms team. I can't answer how many cars because I didn't see. I *would* say approximately the firearms team in question is approximately six to eight officers strong.

D

Mr Kirk: Yeah. Can you confirm that I gave no indication of obstructing the due process of law?

E

DC Glyn: When, Mr Kirk?

Mr Kirk: Right, OK. You saw me. I saw you. I took my little daughter down to a house in the village. Your police cars kept following me, turning around, going backwards and forwards, pretending to talk into their, into their lapels --

F

DC Glyn: Well, I can't --

Mr Kirk: On a phone.

G

DC Glyn: Answer that, Mr --

Mr Kirk: You --

H

DC Glyn: Mr Kirk --

Mr Kirk: Witnessed --

A **DC Glyn:** Because that --

Mr Kirk: None of that?

B **DC Glyn:** Wasn't me. I cannot answer that, Mr Kirk. That was not me.

Mr Kirk: Yeah. Did you witness it though?

DC Glyn: No, I didn't.

C **Mr Kirk:** *No*, right.

DC Glyn: I witnessed you exiting your property with --

D **Mr Kirk:** Yeah, yeah, yeah.

DC Glyn: A young lady, and then I witnessed, after the fact, you being arrested on the corner. That's all I witnessed.

E **Mr Kirk:** Yes.

(defendant confers with note taker)

F **Mr Kirk:** Can we have the names of the most senior officer at the scene?

G **DC Glyn:** The most senior officer I was aware at the scene was the briefing officer prior to a, the operation, which is Mr McKenzie.

Mr Kirk: No, no, at the scene of the --

H **DC Glyn:** I can't --

Mr Kirk: Of the --

DC Glyn: I can't answer that --

A

Mr Kirk: Arrest.

DC Glyn: Because I don't know.

B

Mr Kirk: Why was the Sunday operation aborted?

DC Glyn: Like I said, Mr Kurt [sic], I was given an operation and I was given a task to observe movement. I cannot answer that question, because it's not my position to answer that question.

C

His Honour Judge Thomas: Well, do you know why it was aborted?

D

DC Glyn: I haven't got a clue, Sir, to be honest.

Mr Kirk: On that point, I believe you should clarify it in the Queen's English, which is, I have difficulty with. In --

E

His Honour Judge Thomas: Well, do you know why on the Sunday nothing was done?

DC Glyn: No, Your Honour. I was told on the day in question we were on duty. And we were told to stand down, which means we go back to the office. And then it wasn't, I don't, I don't believe I was party to that ...

F

His Honour Judge Thomas: Were you --

G

DC Glyn: That information.

His Honour Judge Thomas: Told why you were standing down?

H

DC Glyn: If I can explain, Your Honour --

His Honour Judge Thomas: Were you told why you were --

DC Glyn: No, I wasn't.

A

His Honour Judge Thomas: Standing down?

DC Glyn: No. We were told to stand down at a certain time, and then basically we don't, well, I'm not a party to that information. That is discussed at a lot higher level than myself.

B

His Honour Judge Thomas: Thank you.

Mr Kirk: The C --

C

His Honour Judge Thomas: *You've got* one minute left, Mr Kirk.

Mr Kirk: The CV of the then Chief Constable is her speciality in covert surveillance, isn't it?

D

DC Glyn: I can't answer that, Mr Kirk. I've never seen the lady's CV.

Mr Kirk: But she'd been your boss for how many years?

E

DC Glyn: Approximately five to six years, and I've never met the lady.

Mr Kirk: Right. Were you aware of any evidence to suggest that I was a threat to the general public on the days in which you were involved?

F

DC Glyn: The information I was given prior to the operation was that you were in possession of a prohibited weapon, Mr Kirk ...

G

Mr Kirk: Right.

DC Glyn: Which, in my limited knowledge of --

H

Mr Kirk: Right.

DC Glyn: Firearms --

A Mr Kirk: Right.

DC Glyn: Would suggest, yes, you are a threat to the general public.

B Mr Kirk: Right.

His Honour Judge Thomas: Now, that's, I'm afraid --

Mr Kirk: Was --

C **His Honour Judge Thomas:** That --

Mr Kirk: Exhibit 1 the --

D **His Honour Judge Thomas:** That's --

Mr Kirk: Item?

E **His Honour Judge Thomas:** That's --

Mr Kirk: Well, he's just --

F **His Honour Judge Thomas:** The end. That's the end of the questions. I'm sorry.

Mr Kirk: What, you mean I can't answer a --

G **His Honour Judge Thomas:** None of these are relevant, I'm afraid, to the question of whether you were in possession of it.

Mr Kirk: He is the first person to admit that they believed I was in possession on the day of 22 June. He is the first one to come through, apart from a lot of other goodies we've got --

H **His Honour Judge Thomas:** Well, they --

Mr Kirk: This morning.

A **His Honour Judge Thomas:** They must have thought you were in possession. Otherwise, they wouldn't have tried to arrest you for it.

B **Mr Kirk:** But they knew it had been sold a year earlier. The Jury want to know which firearm they have to consider is relevant to the charge on the indictment. They've put it in a note.

C **His Honour Judge Thomas:** Mr Kirk, I have ruled rightly or wrongly that you can only ask relevant questions. Thank you, officer.

DC Glyn: OK, thank you, Your Honour.

D **Mr Kirk:** Well, I don't, I don't disagree with that.

(usher confers with witness)

E **His Honour Judge Thomas:** They clearly suspected that you had a firearm on you. Otherwise, they wouldn't have sought to arrest you for it, Mr Kirk. Let's --

Mr Kirk: Well --

F **His Honour Judge Thomas:** Return to the, to ...

Mr Kirk: Well --

G **His Honour Judge Thomas:** Reality.

Mr Kirk: It, it, it's not been made clear that he is the first Prosecution witness to say they believed I had a machine gun in the house.

H **His Honour Judge Thomas:** No, you're not, because --

Mr Kirk: And they are deliberately withholding the ammunition because when they came in with the camera they realised I had them by the short and curlies.

A

His Honour Judge Thomas: Right.

Mr Kirk: And the Jury --

B

His Honour Judge Thomas: Thank you.

Mr Kirk: Are being denied sight of the Court exhibits, which includes the ammunition that I was using as a paperweight. If you go down the list. And remember, you stopped me at the most crucial position at the last witness yesterday. When I, when my wife, who, if we believe half of what they talk about, should be behind bars, she took police officers up and showed them where the other machine gun, the one that they thought they were coming to get on 22 June, was --

D

His Honour Judge Thomas: Well, that --

Mr Kirk: Attached to --

E

His Honour Judge Thomas: Is not --

Mr Kirk: The red aircraft.

F

His Honour Judge Thomas: That is not what your wife says in her statement, Mr Kirk, as you well know.

G

Mr Kirk: But the Jury are being denied what she said in her statement.

His Honour Judge Thomas: Well, you can call her to give evidence then, Mr Kirk.

Mr Kirk: Then I can't cross-examine her, because she will be a Defence witness.

H

His Honour Judge Thomas: Well, why do you need to cross-examine her if she's telling the truth, Mr Kirk?

A **Mr Kirk:** Oh, come on, which world do we live in? I'm in a Cardiff Crown Court where I've had, what do they say, corrupt Cardiff Court, cosy, culinary, cosmetic customs, all caught on camera. How dare you insult the Kirk family by suggesting that I call her as a witness?

B **His Honour Judge Thomas:** Next witness --

Mr Kirk: They have --

C **His Honour Judge Thomas:** Please.

D **Mr Kirk:** Written on the exhibit that the police have written. And it's there. It's been served on me and I want the Jury to see it, that they have written that Mrs Kirk was interviewed about my mental health and that they took her, that's Stuart Davies, is he coming now? Are you going to let him come, and Saunders? And --

His Honour Judge Thomas: Mr Kirk, the next witness will now be called please.

E **Mr Kirk:** Yes.

Mr Twomlow: David Griffiths please.

F (defendant confers with dock officer)

(usher confers with witness)

G **Court Clerk:** Please repeat after me. I swear, I swear by Almighty God.

DC Griffiths: I swear by Almighty God ...

H **Court Clerk:** That the evidence I shall give ...

DC Griffiths: That the evidence I shall give ...

A

Court Clerk: Shall be the truth ...

DC Griffiths: Shall be the truth ...

B

Court Clerk: The whole truth ...

C

DC Griffiths: The whole truth ...

Court Clerk: And nothing but the truth.

D

DC Griffiths: And nothing but the truth.

Court Clerk: Thank you.

E

Mr Twomlow: What is your full name please?

DC Griffiths: I am David Griffiths, Sir.

F

Mr Twomlow: And what's your occupation please?

G

DC Griffiths: Detective Constable 2784, South Wales Police, and I currently work at police headquarters in Bridgend.

Mr Twomlow: On Sunday 21 June of last year were you on duty at South Wales Police Headquarters in Bridgend?

H

DC Griffiths: I was, yeah.

A **Mr Twomlow:** And did you, with the aid of third part freeware and software, print off colour screenshots of the content of movie files from the website www.kirkflyingvet.com?

B **DC Griffiths:** I did, Sir.

Mr Twomlow: And did you print off two of those?

C **DC Griffiths:** I did.

Mr Twomlow: Are they DG1 and DH2, which appear at page 21 and 22 of the green folder that you have in front of you?

D **DC Griffiths:** Yes, they are, Sir.

E **Mr Twomlow:** Can you have a look at the green folder please?

(counsel takes instructions)

F **Mr Twomlow:** Page 21 and 22.

(pause)

Mr Twomlow: Those are prints from the movie clips, the, is that right?

G **Mr Kirk:** Can I make an objection? They've not been proved.

His Honour Judge Thomas: I think it's about to be. That's why the witness has been called, to prove them.

H **Mr Kirk:** No, the documents.

His Honour Judge Thomas: That's what he's about to do.

A

Mr Kirk: Yes, do you have the documents with you?

DC Griffiths: Yes, I do, Sir.

B

Mr Twomlow: I was just asking you *to*, have you, or, have you looked at the documents and confirmed that those are the documents?

C

DC Griffiths: They are the documents.

Mr Twomlow: The exhibits. And are copies of those shown at 21 and 22 in the Jury bundle?

D

DC Griffiths: Yes, they are, Sir.

Mr Twomlow: Yes. Yes, thank you very much. Mr Kirk may have some questions for you.

E

His Honour Judge Thomas: Mr Kirk.

Mr Kirk: Sorry, where did you get that photograph from? Sorry, what's your name, first of all, please?

F

DC Griffiths: I am Detective Constable David Griffiths.

G

Mr Kirk: Griffiths?

DC Griffiths: Yes.

H

Mr Kirk: I don't have a statement for Griffiths. Could somebody, I've not been served with a statement under the name of Griffiths.

A **Mr Twomlow:** Griffiths is page 10.

His Honour Judge Thomas: What page is it, Mr Twomlow, please?

(counsel takes instructions)

B **His Honour Judge Thomas:** Page 10, is it?

(no audible response)

C **Mr Kirk:** Unless it's extremely short ...

His Honour Judge Thomas: It is extremely short. Have that.

D **Mr Kirk:** Ah. Is he here just to prove those two pages? Is that --

His Honour Judge Thomas: Yes.

E **Mr Kirk:** What it's for? Ah, I see. Ah, right.

(defendant confers with dock officer)

F **Mr Kirk:** No, I don't recognise it. Oh, yes, I do. It's got:

“£ movie clips.”

G Instead of how many. How many movie clips did you do?

DC Griffiths: How many movie clips did I do?

H **Mr Kirk:** Yes, you've printed the:

“£ ...”

A Hang on, I'm not very good on a computer, but that means only two, isn't it, or is it four?

DC Griffiths: I'm just producing two ...

B **Mr Kirk:** No, no.

DC Griffiths: Still images.

C **Mr Kirk:** Yes, but your statement, it's, it says you produced:

“£ movie clips.”

D On the computer, on a keyboard.

(defendant confers with note taker)

E **Mr Kirk:** How many did you actually produce?

DC Griffiths: Two, DG1 and DG2.

F **Mr Kirk:** All right. From where? From what?

G **DC Griffiths:** From a, from a computer.

Mr Kirk: Whose computer?

H **DC Griffiths:** South Wales Police's.

Mr Kirk: Right, so what's that got to do with this case?

A

DC Griffiths: I have no idea.

Mr Kirk: No, well, nor has the Jury. I might be quite wrong here, Your Honour, but this is a photograph off a South Wales Police computer.

B

His Honour Judge Thomas: It's a --

Mr Kirk: What --

C

His Honour Judge Thomas: Photograph of what came up when you examined what ...

Mr Kirk: When, when I did what?

D

His Honour Judge Thomas: What did you take a photograph of?

DC Griffiths: Yes, they, they are movie files. So ...

E

Mr Kirk: Oh, right.

F

DC Griffiths: So what I've done, I've done a screen dump, in --

Mr Kirk: Right.

G

DC Griffiths: Effect, of ...

Mr Kirk: And you got the --

H

DC Griffiths: One of the frames.

Mr Kirk: Right, whose movie?

A

DC Griffiths: Your movie.

Mr Kirk: How do you know that?

B

DC Griffiths: Well, I think this is hearsay. I'm just producing --

C

Mr Kirk: Ah.

DC Griffiths: These --

D

Mr Kirk: That's right. Now --

DC Griffiths: These --

E

Mr Kirk: Now --

F

DC Griffiths: Images.

Mr Kirk: Did you follow that image? Did you hear the starting gun for the under fives' 100 yard relay being conducted at the sports field in the background of the picture?

G

DC Griffiths: I think under evidential rules I can produce a document. I have produced a document.

H

Mr Kirk: No, no. Didn't you hear one of the other starters for the race?

DC Griffiths: This is a document I've --

A

Mr Kirk: Who just might have, who might just have a licence, a permit for, for that person to hold a machine gun in St Louis [sic], to, in, a, a Lewis machine gun to start a relay race for the under fives.

B

His Honour Judge Thomas: You start, did you say that someone started the relay race to the under fives with a Lewis submachine gun?

C

Mr Kirk: If you allow the Jury to have the exhibits of the Court, it would actually speed up the, the time this case is going to take, for you stopping --

His Honour Judge Thomas: What --

D

Mr Kirk: It --

His Honour Judge Thomas: What --

E

Mr Kirk: Or for me getting the disclosure. Whoever gets there first wins.

His Honour Judge Thomas: It's not a competition, Mr Kirk. This case --

F

Mr Kirk: It's a competition between you and eight other very dishonest Cardiff Judges, who have deliberately kept me in custody on the pretext that you've now heard from that previous witness, on the pretext that I'm a very dangerous person, in order to prevent me from preparing and, in this particular trial, preserving evidence of my innocence.

G

His Honour Judge Thomas: Mr Kirk, your views on myself and the other Cardiff Judges are no doubt of interest to you and maybe to others, but please ask this witness any questions that you have of him.

H

Mr Kirk: Did you hear the voice of the other people at the scene when that video was taken, if that's what you're saying it is? Did you hear speech on that video?

DC Griffiths: Oh, yes.

A

Mr Kirk: Right. Did you hear speech from more than one person?

DC Griffiths: I can't recall.

B

Mr Kirk: I don't want to take up the Court's time by showing it again, but there is one advantage to it, and that is for the Jury to have an, a better look at the aircraft in the background, which my wife, written down by the police, item 19 of 382 items, states, sorry, 18, item 18 of, of --

C

His Honour Judge Thomas: Well, this --

D

Mr Kirk: Form --

His Honour Judge Thomas: You can --

E

Mr Kirk: MG6C.

His Honour Judge Thomas: This ...

Mr Kirk: Oh, yeah, come on, you stopped me cross-examining --

F

His Honour Judge Thomas: Mr Kirk --

Mr Kirk: The last witness because --

G

His Honour Judge Thomas: Mr Kirk --

Mr Kirk: Of this, and you're going to try and stop me on the next one. I'm --

H

His Honour Judge Thomas: Mr --

Mr Kirk: Going to produce this document --

A **His Honour Judge Thomas:** Mr Kirk --

Mr Kirk: For every future --

B **His Honour Judge Thomas:** Mr Kirk --

Mr Kirk: Prosecution witness.

C **His Honour Judge Thomas:** Mr Kirk, when you give evidence or when you address the Jury, you can play that clip again if you wish.

Mr Kirk: Oh, it, no, no, I'm not worried about that.

D **His Honour Judge Thomas:** At that particular time. This officer has said that he brought something up on the computer and it was, there were two photographs. Now, are you saying that they are not two photographs of you, or are you accepting that they are?

(no audible response)

E **His Honour Judge Thomas:** Mr Kirk, are you accepting that those are two photographs of you?

F **Mr Kirk:** I'd need a notice for a question like that. I meant number 19, not 18 in the list of ...

His Honour Judge Thomas: You don't --

G **Mr Kirk:** Right.

His Honour Judge Thomas: Need notice. Is that a photograph of you or is it not, so that members of the Jury know where we're going?

H **Mr Kirk:** Right.

His Honour Judge Thomas: Yes or no, Mr Kirk.

A

Mr Kirk: What are my legal obligations to answer your questions?

His Honour Judge Thomas: None at all at this stage. But if you want the Jury to understand what is going on, then it may help your case if you say whether you accept that that is a photograph of you or not.

B

Mr Kirk: If you don't, spend less time protecting a bunch of very crooked, high ranking police officers and allowed the Jury to be, answer their question which is on their note, which says:

C

“Which gun is which?”

D

We can all proceed.

His Honour Judge Thomas: Do you have any --

E

Mr Kirk: And --

His Honour Judge Thomas: More questions?

F

Mr Kirk: I can --

His Honour Judge Thomas: Do you have any more questions, Mr Kirk?

Mr Kirk: Yes, it's item --

G

His Honour Judge Thomas: Well, ask them --

Mr Kirk: 19.

H

His Honour Judge Thomas: Then please. Your --

Mr Kirk: I'd like --

A **His Honour Judge Thomas:** Time is --

Mr Kirk: You to --

B **His Honour Judge Thomas:** Wasting.

Mr Kirk: Look at it please. Could the Prosecution show him item 19?

C **His Honour Judge Thomas:** What is item 19?

Mr Kirk: Oh, I'll read it out to you then. Action number 18:

D "Identify and locate the red coloured World War One aircraft. This aircraft was pointed out to officers ..."

We have now found that it was Stuart Davies and WPC Saunders.

E "By Mrs Kirk. When questioned by officers re machine gun, Mrs Kirk states it was attached to the red coloured aircraft shown behind Mr Kirk in the photograph."

That is --

F **His Honour Judge Thomas:** Right.

Mr Kirk: The photograph that's just in front of you now.

G **His Honour Judge Thomas:** Right.

Mr Kirk:

H "She added ..."

No, let me finish.

A “She added he has since sold the aircraft to a film company within the UK.”

Now, when we get that officer coming into Court, unless you can speed this up, the registration is clearly in the photograph, isn't it?

B

DC Griffiths: Which exhibit are we talking about? DG1 or --

C **Mr Kirk:** Whatever --

DC Griffiths: DG2?

D

Mr Kirk: You want to produce in this farcical Brian Rix nonsense, scandalous escapade at the taxpayer's expense. Read out the registration of that red, apparently First World War aircraft.

E

DC Griffiths: I'm referring to DG1, Your Honour.

(defendant confers with dock officer)

F

Mr Kirk: Just, look, it's Golf, Alpha, Sierra, Oscar, Oscar, Charlie, isn't it? G-ASOC.

G

DC Griffiths: It could well be, yes.

Mr Kirk: Yes.

H

His Honour Judge Thomas: Say that again please, Mr Kirk. What is it? G what?

Mr Kirk: I've had 13 Austers. Golf, Alpha, Sierra, G-ASOC, yes, Golf, Alpha, Sierra, Golf, Alpha --

A **His Honour Judge Thomas:** G, A, S --

Mr Kirk: There's one missing, Sierra, Oscar, Charlie. There's something missing. Oh, no, that's it. Yes, Golf, Alpha, Sierra, Oscar, Charlie.

B
DC Griffiths: The, I should imagine, not that I was any part of this, they'd be better photographs of this ...

C **Mr Kirk:** Well, which is why I was --

DC Griffiths: Aircraft.

D **Mr Kirk:** Going to show the Jury --

DC Griffiths: *So if --*

E **Mr Kirk:** The video, but it --

F **DC Griffiths:** It'd probably --

Mr Kirk: Takes time.

G **DC Griffiths:** Be better, it'd probably be better if you didn't rely on me for my --

Mr Kirk: OK.

H **DC Griffiths:** Eyesight.

A **Mr Kirk:** OK, well, I put it to you that the Prosecution had the power, like they did with my De Havilland 2 replica, based on the registration alone, to find out who took that aircraft with the machine gun, based on Mrs Kirk's evidence, not mine, and that the Court would be interested to know that he has only been to the police station last week to make a statement in advance of the conspiracy as it unfolds. And also you'll be interested to know that my house has been raided last week by the police without even using a key and that my house **B** has been raided, in France, last week, professionally done. And on this same page that I referred to that I read out, of the 382 items that the police, the taxpayer has had to pay, they have been in close communication with the Brittany Gendarmerie at Merdrignac. And it, because of evidence that unfolded in the last few days, the gendarmes or a professional has managed to get into my house and take original information relating to your information, Mr **C** Griffiths, which I needed for my defence. Now, is there anything from those photographs to suggest that that firearm there that you appear to have, an ornamental piece of furniture for an aircraft, has anything to do with item 1, the only thing that the Jury can play with at the moment, after they've checked that it's not loaded? **D**

DC Griffiths: I --

E **Mr Kirk:** Is that --

DC Griffiths: I --

F **Mr Kirk:** The photograph? Is that the gun?

G **DC Griffiths:** No, this is not a, this is a screen dump of a movie file ...

Mr Kirk: Yeah.

H **DC Griffiths:** The quality of which is poor.

Mr Kirk: Right.

A **DC Griffiths:** I've produced this as documentary evidence. As far as any other issues you've just brought up, I cannot comment on them.

B **Mr Kirk:** No, OK.

DC Griffiths: I'm certainly not part of a --

C **Mr Kirk:** OK.

DC Griffiths: Conspiracy of --

D **Mr Kirk:** *Right, yeah.*

E **DC Griffiths:** South Wales Police.

Mr Kirk: I, I, oh.

F **DC Griffiths:** I'm a --

Mr Kirk: Please.

G **DC Griffiths:** Forensic computing expert.

Mr Kirk: Yes.

H **DC Griffiths:** And I was just simply asked to print these two documents off for the benefit of the inquiry.

A **Mr Kirk:** Mr Griffiths, at not time has the Defence team considered you in any way involved with a conspiracy. Thank you.

His Honour Judge Thomas: Thank you very much. Thank you.

B
DC Griffiths: Thank you.

(usher confers with witness)

C
His Honour Judge Thomas: Yes.

Mr Twomlow: Daniel James Minto please.

D
(defendant confers with dock officer)

(usher confers with witness)

E
Mr Kirk: Your Honour, there is just one small point. You are threatening me to call my wife.

His Honour Judge Thomas: I'm not threatening you at all. If you want to --

F
Mr Kirk: I'll do a --

His Honour Judge Thomas: Call your --

G
Mr Kirk: Deal.

H
DC Minto: Wife, if you want to call your wife, that's a matter for you, Mr Kirk. I can't say who you will and will not call. If you wish to call your wife, that's your right. If you don't want to call your wife, that too is your right.

Mr Kirk: And that applies to the CPS as well, does it?

A **His Honour Judge Thomas:** No, no. The CPS will call who they want to call, and you will call, as long as they are relevant, those who you want to call. Thank you.

Mr Kirk: Thank you.

B **Court Clerk:** Please repeat after me. I swear by Almighty God ...

DC Minto: I swear by Almighty God ...

C **Court Clerk:** That the evidence I shall give ...

DC Minto: That the evidence I shall give ...

D **Court Clerk:** Shall be the truth ...

DC Minto: Shall be the truth ...

E **Court Clerk:** The whole truth ...

DC Minto: The whole truth ...

Court Clerk: And nothing but the truth.

F **DC Minto:** And nothing but the truth.

Court Clerk: Thank you.

G **Mr Twomlow:** What is your full name please?

DC Minto: My name's Daniel James Minto.

H **Mr Twomlow:** And what is your occupation please?

DC Minto: Detective Constable 2644.

A **Mr Twomlow:** Detective Constable Minto, on the morning of 22 June of last year did you go to the home of Mr Kirk in St Donats in the Vale of Glamorgan?

DC Minto: I did, yes.

B **Mr Twomlow:** Did you go into the premises?

DC Minto: Yes, I did.

C **Mr Twomlow:** Were you with Mr Kirk's wife?

DC Minto: I was, yes.

D **Mr Twomlow:** Did she show you to a ground floor room where you found a laptop computer?

DC Minto: I did. She did, yes.

E **Mr Twomlow:** Was that an Acer computer?

DC Minto: I can't remember off the top of my head. I, can I refer to my pocketbook?

F **Mr Twomlow:** Yes, please. When did you make the notes?

DC Minto: As soon as I got back to the, to headquarters.

G **Mr Twomlow:** Yes, yes, would you have a look, please, to see what make of computer that was?

DC Minto: No, it was a Dell laptop.

H **Mr Twomlow:** Yes. Was there a second laptop that you found subsequently?

DC Minto: Yes, the, a second one was a, an Acer laptop.

A **Mr Twomlow:** Yes. It's that one I want to ask you about. Did you take an image, subsequently, of the hard drive of that laptop?

DC Minto: Yes, I did.

B **Mr Twomlow:** And did you find a file which at the top of the page said:

“French houses for sale”?

C **DC Minto:** Yes, I did.

Mr Twomlow: Is that reference DGM3?

D **DC Minto:** Yes, that's correct.

Mr Twomlow: DJM3.

E **DC Minto:** That's correct, yes.

Mr Twomlow: And we can find that, can we, in the green bundle at page 29, your green bundle? Does that appear to be a continuation page of property for sale?

F **DC Minto:** I believe so, yes. That's correct.

Mr Twomlow: And does it include a De Havilland 2 with original machine gun, £40,000, the fifth down in this, the last list on the page?

G **DC Minto:** Yes, that's correct.

(counsel takes instructions)

H **Mr Twomlow:** Thank you very much, Mr Minto. Mr Kirk may have some questions for you.

Mr Kirk: Could I see the laptop to which you refer?

A

DC Minto: The, the laptop is stored at headquarters, Mr Kirk.

Mr Kirk: What is the name, manufacturer's name of that laptop?

B

His Honour Judge Thomas: Acer, A, C, E, R.

Mr Kirk: Right, right. Now, look at the Court exhibits for the Jury please.

C

(usher confers with witness)

His Honour Judge Thomas: It is on page 29, Mr Kirk.

D

Mr Kirk: Exhibit 30 says:

“Acer laptop.”

E

The Defendant, which means the Jury, are being denied sight of the Court exhibits. It's going to be a long few weeks getting these before the Jury, but we will start with the Acer laptop.

F

His Honour Judge Thomas: It will not be a long few weeks, Mr Kirk, because I will only be allowing relevant evidence. Now, in order for me to decide whether this line of questioning is relevant, please answer this question. Do you say that this exhibit at page 29 is genuine or not genuine?

G

Mr Kirk: Are you asking me?

His Honour Judge Thomas: Yes.

H

Mr Kirk: How do I know? I've been locked up since 22 --

His Honour Judge Thomas: Well, you know --

Mr Kirk: June.

A **His Honour Judge Thomas:** Whether or not, have a look at the exhibit. It's on page 29. Tell us whether that's genuine or not genuine. And then we can decide whether these are relevant questions to take up the Court's --

B **Mr Kirk:** I cannot --

His Honour Judge Thomas: Time and --

C **Mr Kirk:** Answer --

His Honour Judge Thomas: The Jury's --

D **Mr Kirk:** That --

His Honour Judge Thomas: Time.

E **Mr Kirk:** Question, you, and you know it's extreme circumstances for somebody who's been jailed unlawfully for eight months --

His Honour Judge Thomas: Did you --

F **Mr Kirk:** As being a threat to the community --

His Honour Judge Thomas: Did you make that entry, Mr Kirk?

G **Mr Kirk:** I'm not in a position to say.

His Honour Judge Thomas: Right. In that case do you have any other questions for this officer?

H **Mr Kirk:** Yes, I do. I want him to produce for the Jury ...

His Honour Judge Thomas: No. Unless --

A **Mr Kirk:** The, the --

His Honour Judge Thomas: You tell me, unless you --

B **Mr Kirk:** The item.

His Honour Judge Thomas: Tell me what your case is on it, I'm not going to do so. Is that clear?

C **Mr Kirk:** It's a Court exhibit.

His Honour Judge Thomas: Unless you tell me why it is relevant and why it is taking up this Court's time, I will not allow it.

D **Mr Kirk:** Ah, I --

His Honour Judge Thomas: So you --

E **Mr Kirk:** I --

His Honour Judge Thomas: Tell me why it's relevant --

F **Mr Kirk:** I'm sorry.

His Honour Judge Thomas: Mr Kirk.

G **Mr Kirk:** I, you want a back door. Yes, of course I can answer your question, with, with, with accuracy, once I have examined the computer.

His Honour Judge Thomas: Right, any other questions for this officer?

H **Mr Kirk:** Yes, oh, plenty, plenty. Sorry, your name was ...

His Honour Judge Thomas: Don't forget you've got 15 minutes.

A **Mr Kirk:** Yeah, your name is Minto, is it, sorry?

DC Minto: Yes, Sir, my name is Daniel --

B **Mr Kirk:** Right.

DC Minto: Minto.

C **Mr Kirk:** Sorry about the impolite approach, but I didn't catch your name at the beginning. You entered, you entered a very untidy room, you wrote. Are you suggesting that was my room?

D **DC Minto:** I was just taken into a room by Mrs Kirk. I, I didn't know whose room it was, Mr Kirk.

Mr Kirk: Who was the first person into that room in Operation Chalice?

E **DC Minto:** I'm sorry, I, I can't answer that question.

Mr Kirk: Why not?

DC Minto: Because I don't know him.

F **Mr Kirk:** Well, were you first on the scene?

DC Minto: I wasn't first on the scene, no.

G **Mr Kirk:** You were first on the scene at 11:46, it says in your statement. If, were you in fact, ah, that's when you took possession of the, do you remember a, a Stuart Davies there, and a lady police officer?

H **DC Minto:** A who, sorry?

Mr Kirk: A Stuart Davies and a lady police officer, Saunders.

A **DC Minto:** There were, there were a few police officers there. I, I don't recall exactly who they were and how many there were.

Mr Kirk: Do you mean you recognised none of them?

B **DC Minto:** No, I'm not saying I didn't recognise any of them. I recognised some of them.

Mr Kirk: Yes, who were they please? Can you have the names?

C **DC Minto:** I'm sorry, I don't recall who they were.

Mr Kirk: Is this part of your Hendon police training?

D **DC Minto:** Pardon?

Mr Kirk:

"I do not recall."

E It's a favourite police officer expression in South Wales Police, isn't it? Are you saying that you do not recall the other people involved with an Operation Chalice?

F **DC Minto:** That's correct, Sir, yes.

Mr Kirk: Yeah. Who gave you instructions to go there?

G **DC Minto:** I was asked to go there by my line manager, Mr Webb.

Mr Kirk: Mr ...

H **DC Minto:** Mr Webb.

Mr Kirk: Mr Webb. Is that J Webb? Is that K Webb?

DC Minto: No, it's P, Paul, P for Paul.

A

Mr Kirk: Oh, no, I, I married a K Webb, didn't I? Yeah. So you went away. They went away with a number of firearms, ammunition, a computer. Were you, did you take any of those?

B

DC Minto: All I took possession of was a, a laptop, an Acer laptop. That's all I personally took away from the scene.

Mr Kirk: Good. I'd like to look at your notebook now please.

C

His Honour Judge Thomas: Is there any reason why Mr Kirk can't see your notebook?

Mr Kirk: He's referred to at least three pages. I'm entitled to see it.

D

His Honour Judge Thomas: Mr Kirk ...

DC Minto: It starts --

E

His Honour Judge Thomas: Despite --

DC Minto: There.

F

His Honour Judge Thomas: What you may think, I make the legal decisions in this Court, not you.

(usher confers with witness)

G

Mr Kirk: We have an awful lot to get through, Your Honour.

His Honour Judge Thomas: And we will get through it quickly, Mr Kirk.

H

(defendant confers with dock officer)

(pause)

A **Mr Kirk:** You in fact would have a complete copy of what was on the, on the laptop, then.

DC Minto: That's correct, Sir, yes.

B **Mr Kirk:** Good. Could I have a copy of it please? Then I wouldn't need to see the exhibit.

His Honour Judge Thomas: As far as this exhibit is concerned, I've asked you several times, what is the relevance of it?

C **Mr Kirk:** I --

His Honour Judge Thomas: Tell me --

D **Mr Kirk:** Question --

His Honour Judge Thomas: What the relevance --

E **Mr Kirk:** I --

His Honour Judge Thomas: Is.

Mr Kirk: I question its authenticity.

F **His Honour Judge Thomas:** You do?

Mr Kirk: Yes.

G **His Honour Judge Thomas:** Do you say that you didn't create that ...

Mr Kirk: No, I --

H **His Honour Judge Thomas:** Entry?

A **Mr Kirk:** Question it because of the passage of time, and you aren't, even allowed me to check it on my own computer, because you won't let the Jury see what may have been my computer. There's no evidence that that computer was mine.

B **His Honour Judge Thomas:** Because the evidence is that it was shown to this officer by your wife in your house. *And* that is the evidence.

Mr Kirk: That is all --

C **His Honour Judge Thomas:** Look at page --

Mr Kirk: Hearsay, and you know it.

D **His Honour Judge Thomas:** Look at page 29, the entry that says:

“De Havilland 2 with original machine gun, £40,000.”

Did you create that on your laptop?

E **Mr Kirk:** Until I see my laptop and compare it with what you are trying to put before the Jury, it is not, in law, allowed to be evidence.

F **His Honour Judge Thomas:** Well, again, I'm very sorry, but the law is decided --

Mr Kirk: Is your department.

G **His Honour Judge Thomas:** In this Court by me, not by you.

Mr Kirk: Yes, and eight other Cardiff Judges, remember.

H **His Honour Judge Thomas:** No, I think you'll find today --

Mr Kirk: You're all --

His Honour Judge Thomas: It is --

A Mr Kirk: Tarred --

His Honour Judge Thomas: Just me.

B Mr Kirk: With the same brush, Your Honour, in this particular --

His Honour Judge Thomas: Mr Kirk.

C Mr Kirk: Incident.

His Honour Judge Thomas: Ask any further questions you have please.

Mr Kirk: What is an HTTP tracker?

D DC Minto: An HTTP tracker is a piece of software that's used to copy a, a website, so a, at, at, I can go, I would go to a particular website at the time and physically copy that as it is at that time, onto my own, onto my own computer.

E (defendant confers with note taker)

His Honour Judge Thomas: Now, Mr Kirk, Mr Kirk, the Court will take a copy of the notebook if there's one to be taken.

F Mr Kirk: Yes, but I've not been given copies of things that I've asked. And we've argued in the absence of the Jury about this. This is the only way I know --

G His Honour Judge Thomas: *Now*, now --

Mr Kirk: I'm going to --

H His Honour Judge Thomas: That can be --

Mr Kirk: Get it.

His Honour Judge Thomas: That can be photocopied by the ...

A

Mr Kirk: All right.

His Honour Judge Thomas: Usher.

B

Mr Kirk: OK, OK, it's OK. Thank you for that. So you don't, you didn't recognise, did you all come from South Wales HQ?

DC Minto: I work in South Wales Headquarters. Yes, that's --

C

Mr Kirk: Yes.

DC Minto: Correct.

D

Mr Kirk: Were you aware that I was searched by the South Wales Police at the gates of your HQ a few days before?

E

DC Minto: I'd heard that there'd been somebody at, a, a red car at the scene, but I, I didn't --

Mr Kirk: Yes.

F

DC Minto: Know who it was, Mr Kirk.

Mr Kirk: Yes. Well, it, it's on the front page of, of the, the front page. Were you the officer that, that created what's in the Jury bundle, the front page of my website, well, my second website.

G

DC Minto: No, Sir, I, the only page I, I've made for the Jury bundle is exhibit --

H

Mr Kirk: Right.

DC Minto: DJM3.

Mr Kirk: OK.

A

(defendant confers with dock officer)

Mr Kirk: Would you like to just look at the Jury bundle, at page 16? Could I have an usher please? Usher.

B

(counsel takes instructions)

Mr Kirk: Could you look at the bottom of page 16? You'll see that there were, possibly by coincidence, possibly not, photographs under the heading:

C

“Legal.”

D

Which, a printed copy is before you now. Because you --

DC Minto: Sir, Sir, page 16 of the Jury bundle is two copies of the --

E

Mr Kirk: Yes.

DC Minto: The website.

F

Mr Kirk: Yes, but if you look at the legal, a, a selection that just appear to be remarkably relevant to the Court case, first --

DC Minto: Right, yes.

G

Mr Kirk: The first one being a, a, a number of armed police officers searching my car on 18 July, three days before the second attempt with helicopters and sniffer dogs to come to my house looking for a machine gun. Next to that picture or the one after is a printed, you have on your left a printed copy of that picture. If there's any dispute by the Prosecution, you are in the position, are you not, to use this computer you say you obtained the images DMJ1 [sic] so that what I have put in front of you can be authenticated for Jury purposes?

H

DC Minto: That's correct, Sir, yes.

A **Mr Kirk:** Good, and if you move along the line there, you'll see, or maybe on the next line that's not showing on the face page, photographs of all the prison, South Wales Police Authority members, including that of Mrs Jacqui Gasson, who was, who was, is now ignoring my letters because she witnessed the police breaking into my surgery with a sledgehammer and crowbar on 6 June 1993, being just one of the police incidents that --

B **Mr Twomlow:** Well --

Mr Kirk: That the Chief of --

C **His Honour Judge Thomas:** What's this --

Mr Kirk: Police --

D **Mr Twomlow:** With respect --

His Honour Judge Thomas: Mr Kirk --

E **Mr Twomlow:** Mr --

Mr Kirk: Denies --

F **Mr Twomlow:** Kirk is --

Mr Kirk: Ever, ever happened.

G **His Honour Judge Thomas:** Mr Kirk, what has this got to do with the issues that the Jury are trying?

Mr Kirk: It is why I've been kept in jail, Your Honour, and this is why they wanted to --

H **His Honour Judge Thomas:** Well, it may, it may well be one of the reasons that you were kept in jail, but it's got nothing to do with this case.

A **Mr Kirk:** It's to do with the Jury considering the credibility, the veracity of evidence, the credibility of the witnesses.

B **His Honour Judge Thomas:** Well, at the moment, as far as I'm aware, there is no credibility to assess, because the issues are whether you had the machine gun and whether it was a prohibited weapon. Now, whether the police in South Wales are, as you would contend, the biggest bunch of liars that God ever put on earth ...

C **Mr Kirk:** Not all of them.

His Honour Judge Thomas: Most of them, then --

D **Mr Kirk:** No.

His Honour Judge Thomas: Or not --

E **Mr Kirk:** Not most of them.

His Honour Judge Thomas: Or some of them are that --

F **Mr Kirk:** That's better.

His Honour Judge Thomas: In that category doesn't really impinge on the issues that the Jury have to try, because either you had that or you didn't have it.

G **Mr Kirk:** Have what?

His Honour Judge Thomas: The Lewis gun.

H **Mr Kirk:** No, no, hang on. Do you mean item --

His Honour Judge Thomas: No, I'm not going to --

Mr Kirk: 1?

His Honour Judge Thomas: Bandy words. Do you have any further questions?

A

Mr Kirk: Or do you mean the one my wife directed the police to?

His Honour Judge Thomas: Do you have any questions? Well, we'll hear from your wife perhaps in due course. Could you ask any more questions?

B

Mr Kirk: Would you like any more?

DC Minto: Sorry?

C

Mr Kirk: Would you like any more questions?

DC Minto: I'm, well, it's not a question I've ever been asked at Court.

D

Mr Kirk: No.

DC Minto: *So that's --*

E

Mr Kirk: That's why I did it. Thank you very much for your help.

(clerk confers with witness)

F

Mr Twomlow: Yes, thank you.

His Honour Judge Thomas: Thank you.

G

Mr Kirk: Could I have a pen please? No, don't you dare.

His Honour Judge Thomas: Sorry?

H

Mr Kirk: I have been denied a pen whilst in custody since 8 o'clock this morning. I wish -
-

His Honour Judge Thomas: Yes. I'm sure --

A **Mr Kirk:** To have a --

His Honour Judge Thomas: I'm sure.

B **Mr Kirk:** Pen.

His Honour Judge Thomas: Does the young lady who sits in front --

C **Mr Kirk:** No.

His Honour Judge Thomas: Of you have a pen?

D **Mr Kirk:** I'm not going to have my cousin, my niece, who's come all the way from Oxford, leaving her studies because they are so concerned about your personal behaviour in this, your personal behaviour, her mother report back, and she's come down on behalf of my sister. Now, will you give me a pen --

E **His Honour Judge Thomas:** Would she --

Mr Kirk: To write with or not?

F **His Honour Judge Thomas:** Yes, you can have a pen in a moment. Here it comes, look.

Mr Kirk: I'm grateful, Your Honour.

His Honour Judge Thomas: There we are.

G (defendant confers with dock officer)

Mr Twomlow: I call --

H **His Honour Judge Thomas:** Yes.

Mr Twomlow: James Phillips at page 76, Your Honour's page 76.

A **His Honour Judge Thomas:** Sorry? James Phillips?

Mr Twomlow: James --

B **His Honour Judge Thomas:** Right.

Mr Twomlow: Phillips.

His Honour Judge Thomas: We'll have this witness and then a break.

C
(pause)

Mr Kirk: Could, could I have a, a number for his statement please, a, a page --

D **His Honour Judge Thomas:** Page --

Mr Kirk: Number?

E **His Honour Judge Thomas:** 76.

Mr Kirk: Thank you.

F (clerk confers with witness)

Court Clerk: Please take the book in your hand and repeat after me. I swear by Almighty God ...

G **DC Phillips:** I swear by Almighty God ...

Court Clerk: That the evidence I shall give ...

H **DC Phillips:** That the evidence I shall give ...

Court Clerk: Shall be the truth ...

A **DC Phillips:** Shall be the truth ...

Court Clerk: The whole truth ...

B **DC Phillips:** The whole truth ...

Court Clerk: And nothing but the truth.

DC Phillips: And nothing but the truth.

C **Court Clerk:** Thank you.

DC Phillips: I'm Detective --

D **Mr Twomlow:** What is your full name, your rank and your status please?

DC Phillips: Yeah, I'm Detective Constable 779 Phillips.

E **Mr Twomlow:** On Wednesday 15 July 2009 did you go to the Forensic Science Laboratory in Chepstow?

DC Phillips: That's correct.

F **Mr Twomlow:** And did you collect there a case which contained the exhibit AJR1, the Lewis machine gun that is on the desk?

G **DC Phillips:** That's correct. I did.

(counsel takes instructions)

H **Mr Twomlow:** Was that to be taken for examination to London at the Worshipful Company of Gunmakers, where a, a member of staff was to examine it?

DC Phillips: That's correct, yes.

A **Mr Twomlow:** And did you arrive at that office in London, their office, and speak to Richard Mabbit?

DC Phillips: I did. That's correct.

B **Mr Twomlow:** He's the superintendent of the Worshipful Company of Gunmakers.

DC Phillips: That's correct, Your Honour.

C **Mr Twomlow:** Did he examine the exhibit AJR1?

DC Phillips: He did.

D **Mr Twomlow:** Was the, the exhibit taken there in a case?

DC Phillips: Yeah, a big black plastic case.

E **Mr Twomlow:** Yes, and was that case sealed?

DC Phillips: That's correct. Yes, it was.

F **Mr Twomlow:** And did Mr Mabbit have to break the seal to get the exhibit out?

DC Phillips: That's correct. Yes, he did.

Mr Twomlow: Did he then provide a statement?

G **DC Phillips:** He did.

Mr Twomlow: In relation to his examination?

H **DC Phillips:** That's correct. He did.

A **Mr Twomlow:** And did he provide you with a document showing specification and standards of deactivation, as recognised by the Home Office?

DC Phillips: Yes, he did provide a copy, yes.

B **Mr Twomlow:** What did you then do?

DC Phillips: We, after taking the statement, we left London and went back to headquarters.

Mr Twomlow: Yes, and did you take the gun with you?

C **DC Phillips:** The gun came with us, and we took it to the armoury in the police headquarters.

Mr Twomlow: Yes, thank you very much. Mr Kirk may have some questions for you.

D **Mr Kirk:** *You*, you said we. Who was with you?

DC Phillips: Detective Constable Dodge.

E **Mr Kirk:** And where did you get the gun from?

DC Phillips: From Chepstow Forensic Science Laboratory.

F **Mr Kirk:** Yeah. What were they doing with it there?

DC Phillips: Sorry?

G **Mr Kirk:** What were they doing with it there?

DC Phillips: I don't know.

H **Mr Kirk:** Why don't you know?

DC Phillips: That wasn't my job. I was just there to collect and take to London.

Mr Kirk: Who took it to Chepstow forensic?

A

DC Phillips: I don't know, Sir.

Mr Kirk: How long had it been there?

B

DC Phillips: I don't know.

Mr Kirk: The Prosecution have not produced a witness to indicate how the gun got to Chepstow forensic. *Could* --

C

DC Phillips: I --

Mr Kirk: You give a reason for that?

D

DC Phillips: I can't comment on that. I had one part to play in the investigation, which was to take the gun to London. I had no other involvement.

E

Mr Kirk: Because the Prosecution are denying the Court information in this, what is the general purpose of the forensic unit?

DC Phillips: Well, there's all sorts of forensics they --

F

Mr Kirk: No, for guns, for guns.

DC Phillips: I'm not sure.

G

Mr Kirk: You're not sure. It's to examine whether it's dangerous, for a start, isn't it?

DC Phillips: I don't know much about guns myself, and I had one task, which was to take the gun to London to be examined by someone who did. So --

H

Mr Kirk: Yeah.

DC Phillips: That's what I did.

A **Mr Kirk:** Yeah. The, the, the, the, this gun travelled over 2,000 miles during the time I was in custody. Why did it need to go to London?

DC Phillips: To be examined by someone who knows about guns, as far as I was concerned.

B **Mr Kirk:** It was a proof house. Are you aware that just one phone call to the Home Office department and they would have informed the South Wales Police that it is exempt of the 1968 Act?

C **DC Phillips:** No, I wasn't. I had, as I say, I had one job to do, which was to take it to the proof house in London and for it to be examined.

D **Mr Kirk:** Are you aware that this, the Prosecution have deliberately withheld Home Office information relating to firearms generally that were in, in circulation prior to 1988 or when the law came into effect, 1989?

DC Phillips: Am I aware? No.

E **Mr Kirk:** No. Well, your taxes are paying for it. What happened to it when it got back to Bridgend?

F **DC Phillips:** It was given to the force armourer, I think, who I believe has given evidence already.

Mr Kirk: His name was ...

G **DC Phillips:** I think that's Mr Huxtable.

Mr Kirk: Right. How many, approximately, force armourers were around in the time when you dealt with this?

H **DC Phillips:** That I saw or in force?

Mr Kirk: You know, generally. You know, in, in general terms.

A **DC Phillips:** I haven't got a --

Mr Kirk: Unless it's a security matter --

B **DC Phillips:** I haven't got a clue.

Mr Kirk: Which I appreciate --

C **DC Phillips:** No, I haven't. The one I dealt with, I don't know how many there are in, in force.

Mr Kirk: When you handed it back did he open it to check it was the same one?

D **DC Phillips:** No.

E **Mr Kirk:** No. Are you aware that I have information, reliable information that a number of force armourers at HQ passed it between them and they had conflicting views as to its authenticity or its danger to the general public, and/or? Are you aware of that?

DC Phillips: What was that part of the question again, sorry?

Mr Kirk: Well, are, are you aware --

F

His Honour Judge Thomas: Well, if you identify who the reliable source is, he may be able to help you.

G **Mr Kirk:** Are you aware, in your station where you stayed, that, that the item that you brought back from London, is that item you brought back from London that one?

DC Phillips: It looks very much like it, yes.

H

Mr Kirk: Now, come on. We've had about seven, is it eight now, identified it from that distance. Can you clearly confirm, is it the same item?

DC Phillips: It looks very much like it. I don't, I ...

A

Mr Kirk: Right.

DC Phillips: I don't know much about guns at all. Looks very much like the one we took to London.

B

Mr Kirk: Are you aware that when Viv Bellamy made a number of replica First World War aircraft, a batch of virtually identically looking Lewis machine guns, decommissioned, were purchased by him?

C

His Honour Judge Thomas: Just, Mr Kirk --

DC Phillips: I don't know who that is.

D

His Honour Judge Thomas: It's, it's not permissible to try to impart information, correct -
-

E

Mr Kirk: But if he's --

His Honour Judge Thomas: Or otherwise --

Mr Kirk: Got that information, it's buzzing around the police station at the moment.

F

His Honour Judge Thomas: Well, this line of questioning, putting a proposition and saying, are you --

G

Mr Kirk: No.

His Honour Judge Thomas: Aware?

H

Mr Kirk: You do it. You do it. Come on, let's have you do it.

His Honour Judge Thomas: Now, Mr Kirk, please just listen. You can't simply make a statement and then say, are you aware that ...

A **Mr Kirk:** Your Honour --

His Honour Judge Thomas: This officer has told you that he, and told the Jury that he, took a gun from Chepstow to London and back to Bridgend. Now, putting to him these propositions isn't going to help you, the Jury or anybody else. Now, do you have any direct questions about his involvement in what happened?

B

Mr Kirk: Are you aware of the conversation currently going around Bridgend HQ and Barry Police Station that in the light of late disclosure by the Prosecution Service during the trial, that it is most unusual for police forces, on issues like this, relics hanging over *the* fireplace in the pub, old father dies and they go through the cupboards and they find an old revolver, etc. that if there's any doubt whatsoever, the Home Office department responsible for all this is contacted by the, the police if they don't contact the, the, the person currently in possession? That is the situation, isn't it?

C

DC Phillips: I don't know.

D

Mr Kirk: So you're not aware of any conversation relating to this trial, in the last few days.

E

DC Phillips: Am I aware of conversation relating to this trial? Yes.

F

Mr Kirk: Yeah.

DC Phillips: I am.

G

Mr Kirk: In the prison, in your police station.

DC Phillips: In the police headquarters?

H

Mr Kirk: Yes.

DC Phillips: Well, there's quite a few officers in headquarters.

Mr Kirk: No, are you aware of the substance of any of the conversation relating to what I have just covered?

A

DC Phillips: No.

Mr Kirk: Thank you. Yes, I think, thank you.

B

His Honour Judge Thomas: Thank you. Thank you very much. Members of the Jury, a ten minute break. We'll try and get a couple more witnesses in before lunch if we possibly can. Thank you ...

C

DC Phillips: Your Honour.

His Honour Judge Thomas: Very much.

D

(jury retires)

His Honour Judge Thomas: Mr Twomlow, it may be risky to rely upon the present witness status of Mr McMillan.

E

Mr Twomlow: I'm sorry, Your Honour?

His Honour Judge Thomas: It may be risky to rely upon the present witness statement of Mr McMillan, thank you, bearing in mind an unrepresented Defendant.

F

(defendant confers with note taker)

G

Court Clerk: Court please rise.

(short adjournment)

H

Court Usher: Court rise.

(counsel takes instructions)

His Honour Judge Thomas: Who's the next witness please, Mr Twomlow.

A

Mr Twomlow: Mr Dodge, at page 77 and notice of additional evidence page 107.

(jury returns)

B

His Honour Judge Thomas: Yes, Mr Twomlow.

Mr Twomlow: *I call Julian Dodge please.*

C

(usher confers with witness)

Court Clerk: Please repeat after me. I swear by Almighty God ...

D

DC Dodge: I swear by Almighty God ...

Court Clerk: That the evidence I shall give ...

E

DC Dodge: That the evidence I shall give ...

Court Clerk: Shall be the truth ...

DC Dodge: Shall be the truth ...

F

Court Clerk: The whole truth ...

DC Dodge: The whole truth ...

G

Court Clerk: And nothing but the truth.

DC Dodge: And nothing but the truth.

H

Court Clerk: Thank you.

Mr Twomlow: Your full name, your rank and your station please.

A **DC Dodge:** Detective Constable 1908 Julian Dodge, currently stationed at the Violent Crime Team's headquarters in Bridgend.

Mr Twomlow: Yes. On the morning of Thursday 6 August 2009, did you go to the South Wales Police armoury at Bridgend?

B

DC Dodge: I did, Sir.

Mr Twomlow: And did you there take possession of reference number AJR1, a Lewis gun?

C

DC Dodge: I did, Sir.

Mr Twomlow: Did you convey that weapon to the Birmingham Proof House in Banbury Street in Birmingham?

D

DC Dodge: I did, Sir.

Mr Twomlow: And at quarter to 1 that afternoon did you speak to Samuel Perry, the superintendent of that proof house?

E

DC Dodge: I did, Sir.

Mr Twomlow: And did he examine the Lewis gun?

F

DC Dodge: He did, Sir.

Mr Twomlow: Did you then obtain a witness statement from him?

G

DC Dodge: Yes, Sir.

Mr Twomlow: And subsequently did you take the Lewis gun back to the armoury of South Wales Police?

H

DC Dodge: I did, Sir.

A **Mr Twomlow:** At headquarters in Bridgend.

DC Dodge: Yes.

B **Mr Twomlow:** At 10 to 7 on the morning of Friday 14 August did you, of the same year, did you attend the secured force armoury at South Wales Police headquarters at Bridgend again?

DC Dodge: I did, Sir.

C **Mr Twomlow:** Did you retrieve the reference mark AJR1 Lewis gun?

DC Dodge: I did, Sir.

D **Mr Twomlow:** And did you take it to Lincoln?

DC Dodge: I did, Sir.

E **Mr Twomlow:** And did you that morning at 25 minutes before midday speak to Mr Page?

DC Dodge: I did, Sir.

F **Mr Twomlow:** And did you show him the gun and obtain a witness statement from him?

DC Dodge: I did, Sir.

G **Mr Twomlow:** And then at shortly after midday did you speak to Ronald Henry Cooper?

DC Dodge: Yes, Sir.

H **Mr Twomlow:** And did you show him the gun?

DC Dodge: I did, Sir.

Mr Twomlow: And obtain a witness statement from him?

A

DC Dodge: I did, Sir.

Mr Twomlow: And then at half past 12 that afternoon did you speak to Jennifer Cooper and

--

B

DC Dodge: I --

Mr Twomlow: Show her the Lewis gun?

C

DC Dodge: I did, Sir.

Mr Twomlow: Did you obtain a witness statement from her?

D

DC Dodge: I did, Sir.

Mr Twomlow: And then at quarter past 2 that afternoon did you go to The White House, Primrose Hill in Besthorpe, in Newark, Nottinghamshire?

E

DC Dodge: I did, Sir.

Mr Twomlow: And did you there speak to Mr Michael Scott?

F

DC Dodge: I did, Sir.

Mr Twomlow: Did you show him AJR1, the Lewis gun?

G

DC Dodge: I did, Sir.

Mr Twomlow: And did you obtain a witness statement from him?

H

DC Dodge: I did.

A **Mr Twomlow:** And then did you subsequently convey that gun back to Bridgend and that evening at 5 past 7 replace it in the South Wales Police Force armoury?

DC Dodge: I did, Sir.

B **Mr Twomlow:** Thank you very much, Mr Dodge. Mr Kirk will have some questions for you.

Mr Kirk: Was the gun the same one that you transported before?

C **DC Dodge:** Yes, Sir.

Mr Kirk: How do you know?

D **DC Dodge:** Pardon?

Mr Kirk: How do you know?

E **DC Dodge:** Because that's the gun there. I signed the exhibit labels.

Mr Kirk: Yes, but surely you rely on a bit more than a piece of paper.

F **DC Dodge:** Pardon?

Mr Kirk: Is that the same one that you took to London?

DC Dodge: Yes.

G **Mr Kirk:** How do you know?

H **DC Dodge:** Because I signed the exhibit label, and the exhibit label was attached to the same weapon in the armoury, and it's the only one like it in --

Mr Kirk: OK.

DC Dodge: The armoury.

A

Mr Kirk: OK. So, if somebody had changed the labels, you may therefore be what?

DC Dodge: The force armoury is secured, and only the force armourer would have access to it. So no, nobody could have altered the exhibit labels.

B

Mr Kirk: And that is a, that is the information for the Jury upon which you rely.

DC Dodge: Yes.

C

Mr Kirk: Thank you. Did, *I, so* I'm trying to find, you showed it, you showed it to a Mr Ronald Henry Cooper on 14 August. Is that right?

D

DC Dodge: I've said that, Sir, yes.

Mr Kirk: Yeah. Do you remember how he was somewhat concerned about the item shown to him, compared to what he had memory of?

E

DC Dodge: If I remember correctly, he put what I would describe as a large pipe cleaner down the barrel and he expressed some, some comment.

Mr Kirk: Well, in --

F

DC Dodge: I think it's in the statement, isn't it?

Mr Kirk: Yes:

G

“I would like to add that I can now push a wire rod ...”

Meaning a cleaning rod.

H

DC Dodge: Yeah.

Mr Kirk:

“Down the barrel.”

A

Can you offer the Jury any information relating to the possibility that it was the same barrel that you transported to London?

B

DC Dodge: As far as I'm concerned, it's the same weapon.

Mr Kirk: Only based on the fact it had the same police tag on it.

C

DC Dodge: Well, and the look of it. It's exactly the same as I remember it.

Mr Kirk: *Do you*, do you know an Enfield?

D

DC Dodge: Pardon?

Mr Kirk: Do you know the Enfield we used in the war?

E

DC Dodge: No.

Mr Kirk: No. Can you imagine that a case full of Enfields looked similar to each other?

DC Dodge: No. All I know is that that is the gun that we took around the country.

F

Mr Kirk: Why do you think it's the --

DC Dodge: Pardon?

G

Mr Kirk: Why do you think it's the same one?

H

DC Dodge: Because when I took it to London, Mr Mabbit said that there's, screws have been added to it which made it very distinctive because it, it, it had Allen keys on them. And at the time, Allen keys weren't invented.

Mr Kirk: So, in fact, it had undergone some modification before 1988 law or after 1988 law?

A

DC Dodge: I don't know. *I have*, I've got no idea.

Mr Kirk: You see, the Prosecution have failed to give evidence yet on a very important point of law to do with replica firearms used on replica or imitation aircraft and used in, in The Sealed Knot and all sorts of muskets and so on. Do you understand where I'm coming from or going to? No.

B

DC Dodge: No, Sir, I don't.

C

Mr Kirk: No, no.

(counsel takes instructions)

D

Mr Kirk: Mrs Cooper. Were you present when she looked at it?

DC Dodge: Yes, it, I took the statement off her.

E

Mr Kirk: Right. What did she say? Hang on. Hang on. *Goodness*, it must be, you went there for the, for the purpose of what? Why did you go to see Mrs Cooper?

DC Dodge: If I remember rightly, Mrs Cooper flew down to Cardiff to pick up the weapon from yourself.

F

Mr Kirk: Yeah, but she didn't. Who was the pilot?

G

DC Dodge: Mr Page was the pilot.

Mr Kirk: You're wrong. He wasn't the pilot.

H

DC Dodge: Well, I think the statement I took off Mr Page indicates that he was the pilot.

A **Mr Kirk:** We'll come back to that, but I'll forget. Let's just stick to Mrs Cooper. Why did you show the, what you had to Mrs Cooper on the, oh, I see, I'm on the wrong day, that's why, on the, oh, I don't actually have it. On, on whatever day you did, you took it all the way back for her to do what? What was the purpose of her examining it?

B **DC Dodge:** Because that was my action, my task, to show it to those individuals, to see if they recognised it.

Mr Kirk: But what was the Prosecution worried about that the taxpayer had to have that gun travelling around the country again?

C **DC Dodge:** I've got no idea. I was just doing what I was told.

Mr Kirk: I put it to you, because there was doubt as to which gun was which.

D **DC Dodge:** Compared to what?

E **Mr Kirk:** Other, how many thousand? 400,000 of those were made. What was it over the period? It's a mass produced, it was originally a mass produced weapon of mass destruction, to use a topical expression. They made lots of virtually identical weapons --

DC Dodge: I don't --

F **Mr Kirk:** To stop us having compulsory German in our schools, wasn't it?

DC Dodge: I don't dispute that, but that's the only one that South Wales Police had.

G **Mr Kirk:** Oh, how do you know that?

DC Dodge: Well, that's the only one that I've seen in there.

H **Mr Kirk:** Yes, but evidence has been, no, no, information has been stopped by the Judge, which is a Prosecution document stating that my wife showed an aircraft that she said was First World War that had a machine gun. And that --

His Honour Judge Thomas: Mr Kirk --

A

Mr Kirk: That --

His Honour Judge Thomas: Please don't misrepresent what that statement says. You've done so now on three or four occasions.

B

Mr Kirk: You haven't --

His Honour Judge Thomas: Please don't do it.

C

Mr Kirk: Let me introduce it. Let, I read it out, didn't I?

His Honour Judge Thomas: You read out an action. The statement --

D

Mr Kirk: Yes.

His Honour Judge Thomas: Doesn't say that --

E

Mr Kirk: Exactly.

His Honour Judge Thomas: Mr Kirk.

F

Mr Kirk: And you are deliberately attempting to block it --

His Honour Judge Thomas: Mr Kirk --

G

Mr Kirk: And its relevance.

His Honour Judge Thomas: Mr Kirk, I'm not trying to block it. You can call your wife to give evidence. You have every right to do so. And she can tell the members of the Jury exactly what she did or didn't do. That is your right.

H

Mr Kirk: But it --

His Honour Judge Thomas: But please don't misrepresent --

A

Mr Kirk: It's in --

His Honour Judge Thomas: What she says --

B

Mr Kirk: Stuart Davies's --

His Honour Judge Thomas: In her statement.

C

Mr Kirk: Notebook under the control of the Crown Prosecution Service which should have been disclosed to me now because it's no longer non sensitive. It is now sensitive. And under the law of 6A of the 1966 Criminal Procedure and Investigations Act, that should have been disclosed to me when I asked for it at last hearing.

D

His Honour Judge Thomas: Mr Kirk, if you want to call your wife, you have every right to do so.

E

Mr Kirk: I, I'm still trying to find, oh, right, here we go, got it. 14 August, she wrote:

"I am unable to say that it is the same gun given to me by Maurice Kirk at Cardiff Airport [on the] in August 2008."

F

Does that, is that how you recall the situation?

DC Dodge: Yeah.

G

Mr Kirk: Right. Why was there a need for all this expense, when the police knew, from day one of my arrest, it has been already examined by the Royal Air Force? I have just been served only this lunchtime with a statement which I haven't even read yet, I don't need to, a statement by Robert Turner. To make sure there's no misunderstanding, this is the first time it's been served on me. Could the Prosecution confirm that they're now giving me statements that I should have had eight months ago?

H

(no audible response)

A **Mr Kirk:** Well, I don't recognise it. I beg your pardon. I, having now looked at it, are we now going to be able to get these as witnesses? Is this the understanding of it now being served on me again?

His Honour Judge Thomas: Well, we'll deal with the question of witnesses ...

B **Mr Kirk:** Well, it depends on how I question this chap.

His Honour Judge Thomas: Well, just ask the questions in this manner please. Just, just ask him what questions you have for him.

C **Mr Kirk:** Yeah, well, we don't want to give the impression that I've got one up, hand behind my back fighting for a 10 year prison sentence, do we?

D **His Honour Judge Thomas:** No, Mr Kirk. Please just ask --

Mr Kirk: Right.

E **His Honour Judge Thomas:** Your questions.

Mr Kirk: So you then took it back to police HQ, did you?

F **DC Dodge:** Took it to Newark first and then took it back to the HQ, yeah.

Mr Kirk: Oh, hang on, you took it to Newark. I've got a little --

G **DC Dodge:** Mr Scott, wherever, Mr Scott's home.

Mr Kirk: Oh, you took it to him as well, right.

H **DC Dodge:** Yeah.

Mr Kirk: Hang on, I *just* can't remember what he says.

(pause)

A **Mr Kirk:** I don't have the, can you tell me anything about MAPPA?

DC Dodge: Sorry?

B **Mr Kirk:** MAPPA, police controlled, from police HQ, of the top 5% most dangerous people at large from the prison. Can you --

DC Dodge: I've got --

C **Mr Kirk:** Tell the Court --

DC Dodge: I've got no knowledge of that at all, Mr Kirk.

D **Mr Kirk:** You are a service, a serving police officer.

DC Dodge: Yeah.

E **Mr Kirk:** And your, and your rank?

DC Dodge: Detective constable.

F **Mr Kirk:** I, I have a letter here from the prison, of last week, frantic to give me the information that I've been asking for, for six months. So why was, when was I first put on MAPPA surveillance? Why was I put on MAPPA surveillance? Who caused me to be under

G MAPPA surveillance as the top 5% most dangerous terrorists, sex offenders, those sort of thing? And why is it that, that, that a Jonathan Bailey of the prison service came to me in early December to say that, at the MAPPA meeting of the 1 December, my name had been removed from all further involvement with surveillance, or suggestion that I am a IPP,

H imprisonment as a public, for public protection? Are you saying that you have no knowledge of these things generally? Because each time I try and raise it the Judge is determined to make sure no evidence, that's direct evidence, is, is put before the Jury on this issue. Are you saying, as an acting, a, a, a serving police officer in the South Wales Police Force, you don't even know what the MAPPA system is?

A **DC Dodge:** Yes, I do, but I didn't know that you were on it.

Mr Kirk: How would you go about it if you wanted to know?

B **DC Dodge:** Pardon?

Mr Kirk: How would you go about it if you wanted to know?

C **DC Dodge:** Well, if the, the senior investigating officers wanted to inform us of this, they would have.

Mr Kirk: Exactly. It's only controlled by, in, if you're in Level 3, that's top of the range, isn't it?

D **DC Dodge:** Yeah.

Mr Kirk: It's, yes, and it's only the most senior police officers, the superintendents and the Chief Constable ...

E **DC Dodge:** No, that's not true. An SIO can be a detective inspector, can be a sergeant, whoever's in charge of the inquiry.

F **His Honour Judge Thomas:** Mr Kirk, you've got two more minutes.

Mr Kirk: Yeah, and you can confirm, I have evidence here, that once a month they discuss my position. And they had, did that prior to my arrest.

G **DC Dodge:** I've got no knowledge of that, no.

Mr Kirk: Yeah, but can you say that that is the routine way they deal with MAPPA named people?

H **DC Dodge:** I can't comment on that, no.

Mr Kirk: OK. Just one last thing. I, hang on.

A

(defendant confers with note taker)

His Honour Judge Thomas: Any re-examination, Mr Twomlow?

B

Mr Twomlow: No, thank you. Thank you very much.

His Honour Judge Thomas: Thank you very much.

C

(usher confers with witness)

Mr Twomlow: Your Honour, the next witness is going to be Mr Martlew, who I anticipate will take well past 1 o'clock. It might be helpful to raise the administrative matters that I raised this morning in relation to witnesses, at, at this stage ...

D

His Honour Judge Thomas: Yes.

Mr Twomlow: Rather than go for a short period and then --

E

His Honour Judge Thomas: What about --

Mr Twomlow: And then break --

F

His Honour Judge Thomas: Detective --

Mr Twomlow: I --

G

His Honour Judge Thomas: Constable Christou? Is she available?

Mr Twomlow: I'm sorry?

H

His Honour Judge Thomas: Detective Constable Christou on your list.

A

Mr Twomlow: Detective Constable Christou is on maternity leave and has difficulties in *arriving*. That was one of the matters I was going to raise.

His Honour Judge Thomas: Right, right, all right. Well, you actually got through ...

B

Mr Twomlow: We, we have very few witnesses left, apart from interview witnesses.

Mr Kirk: Your Honour, can I assist?

His Honour Judge Thomas: Not for the moment, thank you, Mr Kirk.

C

Mr Kirk: Well, I thought I'd help.

His Honour Judge Thomas: Yeah, I, I'm sure, I'm sure you're doing your --

D

Mr Kirk: I'm here to help everybody.

E

His Honour Judge Thomas: I'm sure you are here to help, Mr Kirk, but let me just give the members of the Jury a, this information. There are how many witnesses left for the Prosecution?

F

Mr Twomlow: There are three witnesses who deal with the interviews, three police officers, and Mr Martlew, subject to one or two matters that I wish to raise with Your Honour.

His Honour Judge Thomas: Yes. So there's, we should, all things being equal, finish the Prosecution case tomorrow.

G

Mr Twomlow: Yes.

H

His Honour Judge Thomas: Well, that may help you, members of the Jury, as to timing. How long the Defence case will take, obviously we don't know. But I again have to try and strike a balance between making sure that Mr Kirk has the evidence that he wishes and, by the same or by the, on the other hand, making sure it is evidence which is relevant to your deliberations. I shall do my best. I may not get it right, but I shall do my best. In the meantime there are matters that need to be raised. They need not detain you. Could I ask

you please to be back by 2 o'clock? And we'll try and get as much done as we can this afternoon. Thank you.

A

(jury retires)

His Honour Judge Thomas: Yes, thank you.

B

Mr Twomlow: If Your Honour would just give me a moment, there was one, yes, we'll I'll deal with these, these matters. Your Honour has the, the list.

C

His Honour Judge Thomas: Yes.

Mr Twomlow: DC Christou produces documentation about the landing of G-BBFV at Cardiff Airport on 1 June 2008 and 18 August. That's the plane that was flown from Lincolnshire. That's all she does. She goes there, gets the documentation and produces it. Now, she is on maternity leave with a young baby, and it's not easy for her to be here. She can be, if necessary, tomorrow morning if Mr Kirk does require her, but --

D

His Honour Judge Thomas: Well, let me --

E

Mr Twomlow: *I don't intend on calling her.*

His Honour Judge Thomas: Just ask Mr Kirk. Mr Kirk, there's a police officer *who's* got a young baby. She's the one who produces the documentation about the landing of the, of G-BBFV at Cardiff Aircraft and the matters in the bundle. Do you really require her to give evidence?

F

Mr Kirk: If I have a copy of Stuart Davies's notebook and that of Saunders.

G

His Honour Judge Thomas: No, forget about --

Mr Kirk: I can assure you --

H

His Honour Judge Thomas: Stuart Davies's --

Mr Kirk: I will be confident --

A

His Honour Judge Thomas: Notebook.

Mr Kirk: To say that I will not need her. If you do not give me documents to which I'm entitled, I'm going to have to cross-examine her on her knowledge on MAPPA and on another, other issues which are screaming ...

B

Mr Twomlow: In the exhibit --

C

Mr Kirk: Us in the face.

His Honour Judge Thomas: Well, in those --

D

Mr Twomlow: Bundle there are exhibits at pages 168 to 173. They're not in the Jury bundle.

His Honour Judge Thomas: In that case I don't require you to call her. Thank you. What about Detective Constable French?

E

(counsel takes instructions)

Mr Twomlow: He, he, he is here. We were not clear whether he was really required or not. I think he, he is present. He transported Mr Kirk from St Donats to Port Talbot Police Station on 22 June, after his arrest.

F

His Honour Judge Thomas: Do you require him?

G

Mr Kirk: Yes.

His Honour Judge Thomas: He's the one who, you've asked questions about him so, yes, he'll --

H

Mr Twomlow: Yes, well, I --

His Honour Judge Thomas: Have to be here.

A **Mr Twomlow:** I think that's why he's, he's, he's being --

His Honour Judge Thomas: Yes, well --

B **Mr Twomlow:** Brought.

His Honour Judge Thomas: He, he, he has to be called.

C **Mr Twomlow:** Now, well, he's, he's, he's actually here. Mr Martlew, Your Honour indicated that I could explain to the Jury that the Prosecution did not seek to rely upon him, but we were serving his rather than disclosing his statement, to call him, because he knows about the history of the De Havilland aircraft. If I can explain that to the members of the Jury before I call him ...

D **His Honour Judge Thomas:** Yes.

Mr Twomlow: Then I'd be grateful. I think Your Honour indicated that I could.

E (counsel takes instructions)

Mr Kirk: Is that allowed?

F **His Honour Judge Thomas:** Yes.

Mr Kirk: Of course, there is other names that relate to the aircraft but under the same name. I see the name Simon or S Martlew. I need a copy of that statement before he gives evidence.

G **His Honour Judge Thomas:** I think you'll, you may well be right. In which case, is there any reason, if there is a statement from a Simon Martlew, that can't be disclosed?

H **Mr Twomlow:** No, I, I'll have to check that. I don't know.

A **Mr Kirk:** And, and, and so we don't waste time and embarrass the Jury, let's have all the statements that *have* been taken by both those people, Geoff Martlew, and I'm not sure, Simon Martlew, I think the name is.

(counsel takes instructions)

B **Mr Twomlow:** The, the statement that's, Mr Dodge, who took the statement from Mr Martlew on 28 January this year, was handed a series of photographs in relation to the De Havilland aircraft by Mr Simon Martlew, who, and those photographs are the ones that are attached to the statement of Mr Arthur Martlew.

C **His Honour Judge Thomas:** Yes. Well --

D **Mr Twomlow:** So there's no a statement was, he, Mr Simon Martlew signed each of the three sets of photographs. There's no evidence here that he made a statement in respect of them.

His Honour Judge Thomas: Has that been given to Mr Kirk now?

E (counsel takes instructions)

Mr Twomlow: Just had --

F **His Honour Judge Thomas:** Or to --

Mr Twomlow: It now --

G **His Honour Judge Thomas:** Mr Kirk's --

Mr Twomlow: Yes.

H **His Honour Judge Thomas:** Niece? I'm sorry, I keep on calling you Mr Kirk's *niece*. I, I don't know your name. I'm sorry. Well, there's one matter that does cause me concern, and it's this, the, apart from the fact the roof appears to be about to fall down.

Mr Twomlow: Mr McMillan.

A

His Honour Judge Thomas: Mr Kirk, as I have to keep reminding myself, is in person. I don't want to waste time in the trial. Mr McMillan --

Mr Twomlow: Yes, I, I --

B

His Honour Judge Thomas: Mr Kirk, have you spoken to him?

Mr Twomlow: I was going to.

C

His Honour Judge Thomas: Well, let me *know if any* --

Mr Twomlow: I've spoken to the officer to see whether he is available, because he is the CAA witness. There's nothing in his statement that the Prosecution would seek to particularly go outside, but Kirk may want to ask him questions.

D

His Honour Judge Thomas: Is he available?

E

Mr Twomlow: We were making an enquiry in the, in the break recently.

His Honour Judge Thomas: Yes. Well, let me just ask Mr Kirk. Mr Kirk, you gave a list of witnesses, on an earlier occasion, of those who you wanted called by the Prosecution. Now, that list does not contain the name of Malcolm McMillan, who is the airworthiness surveyor for the CAA. Now, I'm a little surprised that you haven't asked for him. Do you in fact require him?

F

Mr Kirk: Well, in the light of this late disclosure concerning the history of what they say is item 1, which is sufficient to say this case is becoming untenable, the other CAA witness is particularly of interest to me because at the bottom line of the statement, McMenemy or some such name, he says that the CAA have no record of ornamental ironware on that aircraft

G

...

H

His Honour Judge Thomas: Yes.

Mr Kirk: Which I find, that chap's, really is needed as a Prosecution witness.

A

His Honour Judge Thomas: What about Mr McMillan? Do you require him? He's the airworthiness --

Mr Kirk: Yes, yes.

B

His Honour Judge Thomas: Surveyor.

Mr Kirk: I do, but only because I have been given no chance to study a Mr Geoff Martlew's statement. And now I understand *that* Simon Martlew gave a statement.

C

His Honour Judge Thomas: Now, wait --

D

Mr Kirk: And, and, and I still don't think, well, sorry, I saw a record in the items of the non sensitive disclosure. And I see to my horror that, that police officer Dodge has got a statement now in front of me of today's date. I mean, if the Prosecution are going to be collecting evidence on today's date and serving me photocopies, I mean, are you expecting a man in custody, unrepresented, in the appalling conditions that I'm being kept to, to be given --

E

His Honour Judge Thomas: Let's just, can we just --

F

Mr Kirk: A fair --

His Honour Judge Thomas: Can we just, I, I haven't seen any statement from Mr Dodge today. Is there one?

G

Mr Twomlow: Yes, it's a, it's a statement saying he took a statement from Mr Martlew and got photographs from Mr Martlew's --

H

His Honour Judge Thomas: Oh, I see.

Mr Twomlow: Son. *It's half a page* --

His Honour Judge Thomas: It's all about Mr Martlew. I mean, as I understand it, you want Mr Martlew to give evidence, don't you? And the Prosecution are --

A

Mr Kirk: Well --

His Honour Judge Thomas: Doing their best to do that for you.

B

Mr Kirk: Until I see his statement, I can't ask you about --

His Honour Judge Thomas: You've been --

C

Mr Kirk: Speeding up this trial.

His Honour Judge Thomas: You've been given his statement this morning, Mr Martlew's.

D

Mr Kirk: No, Martin, well, Simon Martlew. Have I? No, I haven't.

His Honour Judge Thomas: You've just been given it. Well, you've just been given that now. It doesn't say anything in particular, as I --

E

Mr Kirk: No, no, I haven't.

His Honour Judge Thomas: Gather.

F

Mr Kirk: No, I haven't. This one is by Detective Constable --

Mr Twomlow: No.

G

Mr Kirk: Dodge.

Mr Twomlow: There is no statement from Simon --

H

His Honour Judge Thomas: There's no --

Mr Twomlow: Martlew.

A **His Honour Judge Thomas:** Statement from Simon Martlew. That's what he says happened with Simon Martlew.

Mr Kirk: I see. I'm sorry. Yeah, I understand.

B **His Honour Judge Thomas:** All right. Now, listen, this is what I want to know now, is do you want Mr McMillan? And if so, what for what? And do we want Mr *Owen* McMenemy? And if so, what for?

C **Mr Kirk:** Well, McMenemy I've explained clearly.

His Honour Judge Thomas: So you only want Mr McMenemy?

D **Mr Kirk:** Yes, McMillan also, because when the aircraft was cleared, no, no, he will confirm that documentation, how on earth could this aeroplane be changing hands with no logbooks? All the record of, of, of maintenance, well, this will come from Mr Martlew. He's a maintenance engineer and --

E **His Honour Judge Thomas:** Well --

Mr Kirk: He will show you that I need the, the CAA boss. It'll follow. It'll flow. But to save time, you will know that he's going to become relevant.

F **His Honour Judge Thomas:** Can you see if Mr McMenemy then is ...

Mr Twomlow: See if Mr --

G **His Honour Judge Thomas:** Required.

Mr Twomlow: McMenemy --

H **His Honour Judge Thomas:** It appears. Mr McMenemy. It doesn't appear that Mr McMillan is --

Mr Twomlow: And McMillan --

A **His Honour Judge Thomas:** Doesn't appear --

Mr Twomlow: No.

B **His Honour Judge Thomas:** Is needed.

Mr Kirk: *Could*, to save time, I've just had a letter from the CAA. They're all rats in the barrel at the moment, all trying to clear their own name.

C **Mr Twomlow:** Right. So Mr McMenemy.

D **Mr Kirk:** In, in that letter of last week they're saying, since August, when I, under the, paying my, under the Freedom of Information Act I wanted to know how is it that they got a phone call for somebody who had item 1. Could you, old chap, put it in the back of your car, drive down the centre of Lincoln town or wherever it was?

E (counsel takes instructions)

F **Mr Kirk:** They have promised by letter to send me the audit trail created by the South Wales Police to cause a Mr Cooper to take, to unbolt it from his aircraft and take it to Mr Scott, the local, a, a gunsmith. Now, without the CAA officers coming with that material, and preferably could it be sent to the Court so I can get it? I have the letter here from the CAA, which, to support what I'm talking about, which I wish to serve on this Court.

G **His Honour Judge Thomas:** Well, you need Mr McMenemy if you can get him, then? Now, Mr Kirk --

Mr Kirk: No, no.

H **His Honour Judge Thomas:** You've sent a letter, you've sent a letter dealing with witness summonses. Let me make two points clearly to you. I will only grant a witness summons if that appears to be relevant to the issue. For example, I see no issue to which Barbara Wilding can give evidence. I cannot also, it, issue witness summonses if I do not know the

A name of the people involved. Now, the people that have been mentioned by you by name are Brian Woodford, Mrs B Woodford and Rosalind Woodford. Now, two of those can't here, 1) because they're in the Californian prison, and the other one because if they come here, they appear to be in a prison, and they won't, it seems to me it's unlikely that they would obey my witness summons in any event. I think you'd probably agree. There's a John Long, whose letter I think you handed in. Do you require a witness summons for him?

B **Mr Kirk:** I would be satisfied with an Ilminster Police Station report that, yes, he did go there to alter --

C **His Honour Judge Thomas:** No, no, if you want to introduce his evidence from him, you will have to call him. So do you want a, do you want a witness summons for John Long?

D **Mr Kirk:** He has had a stroke and has to come here by taxi. The evidence that he, is in his statement, I have had a letter from the Crown Prosecution Service that they will not, not accept his statement unless it is drafted in the standard police MG11 form.

His Honour Judge Thomas: Well, as I've told you, Mr --

E **Mr Kirk:** He went to Ilminster Police Station last week for the police to add on the top the standard four lines to make it a, a, a --

His Honour Judge Thomas: Right.

F **Mr Kirk:** For the CPS to --

His Honour Judge Thomas: Well --

G **Mr Kirk:** To accept it.

H **His Honour Judge Thomas:** As I've, as I've said, if you want to, if you want to introduce his evidence in the form of the statement, it will --

Mr Kirk: Yes.

His Honour Judge Thomas: Be necessary to get a doctor's certificate ...

A

Mr Kirk: Yes.

His Honour Judge Thomas: To say that he can't attend. I, I mentioned that to you ...

B

Mr Kirk: Yes.

His Honour Judge Thomas: Last week, so can I --

C

Mr Kirk: Yes.

His Honour Judge Thomas: Remind you of that?

D

Mr Kirk: Yes.

His Honour Judge Thomas: As far as any other witness is concerned, I can't issue a witness summons if I don't know to whom the witness summons is to be addressed. I can't simply put someone's job title. So --

E

Mr Kirk: All you need to know, Your Honour, with all due respect, is will the Prosecution accept the statement that he has written, in the wrong form as it stands, typed when I sent it back to him during August from --

F

His Honour Judge Thomas: If it, if it is signed, if it is signed by him ...

Mr Kirk: Yeah.

G

His Honour Judge Thomas: And it appears to be his statement ...

Mr Kirk: Yes.

H

His Honour Judge Thomas: Then I have a, it seems to me, without having looked up the law, a discretion to introduce it. But before I can do that, I need to know that Mr Long is medically unfit to attend.

A **Mr Kirk:** No, no, no. If the Prosecution accept his statement --

His Honour Judge Thomas: Oh, if the Prosecution accept his statement, that's a different matter, but --

B **Mr Kirk:** Well, that's what I'm trying to clarify now. Then we --

His Honour Judge Thomas: Well, if the --

C **Mr Kirk:** Don't have to bother a --

His Honour Judge Thomas: That's --

D **Mr Kirk:** Doctor.

His Honour Judge Thomas: That's not a matter for me. I can't say to the Prosecution, you must accept it.

E **Mr Kirk:** You could ask him.

His Honour Judge Thomas: Do you accept the statement?

F **Mr Twomlow:** Well, it's, it's insufficiently precise for me to be able to accept it.

Mr Kirk: It has a type of aircraft.

G **Mr Twomlow:** Well ...

His Honour Judge Thomas: This is the one --

H **Mr Kirk:** It has --

His Honour Judge Thomas: With handwritten amendments.

Mr Kirk: It, it has a --

A

Mr Twomlow: Yes.

Mr Kirk: Date.

B

Mr Twomlow: We've seen it, I think.

Mr Kirk: He did not know the address. The aircraft is very rare.

C

His Honour Judge Thomas: Look ...

Mr Twomlow: It's a --

D

His Honour Judge Thomas: Look, look at it, because it, it, it, it's very difficult to follow what he's saying in it, because of the handwritten amendments to it. Just have a look at that, Mr Kirk. It's difficult to see what he is actually saying in that statement.

(counsel takes instructions)

E

His Honour Judge Thomas: I'm going to rise now, give you an opportunity to look at it. But if the young lady who is assisting you could make a note of this that if Mr Long's statement is not accepted by the Prosecution, I would be happy to consider whether it can be read to the Jury without Mr Long attending, as long as the doctor certifies that Mr Long is unable to attend Court.

F

Mr Kirk: There is a Dr Tegwyn Williams to deal with, of course.

G

His Honour Judge Thomas: There's what, sorry?

Mr Kirk: He is the director of South Wales Police --

H

His Honour Judge Thomas: Oh, I know who Tegwyn Williams is, but it seems to me there's absolutely no relevance to the issues here. Mr Tegwyn Williams, Dr Tegwyn

Williams may or may not be involved in a conspiracy with the South Wales Police against -

A

Mr Kirk: Your Honour --

B

His Honour Judge Thomas: You --

Mr Kirk: With respect --

C

His Honour Judge Thomas: But it doesn't have anything to do with the issues here.

Mr Kirk: With, with, Your Honour, with respect, it is he that gave evidence in a Court of law saying that I should be legally represented for this trial ...

D

His Honour Judge Thomas: Yes.

Mr Kirk: And that he asked that I be sent to Ashworth High Security. And on 7 August he, he alone signed a statement of the 7th of, or a few days before, before the, Judge Vosper QC to say that he wished him to be, go, for me to be under Section 35 of the Act.

E

His Honour Judge Thomas: Well, that may well, that, I'm sure that it is --

Mr Kirk: And Dodge --

F

His Honour Judge Thomas: That may or may not be right, but the problem is, it's got nothing to do with the issues that the Jury are determining.

G

Mr Kirk: It is the reason why they wanted me in custody, Your Honour.

His Honour Judge Thomas: That may well be right, but that's got nothing to do with what the Jury are deciding. Thank you.

H

Court Usher: Court rise.

(luncheon adjournment)

A **Court Usher:** Court rise.

His Honour Judge Thomas: OK.

B **Mr Twomlow:** Your Honour, before the Jury come in, may I raise two matters?

His Honour Judge Thomas: Yes.

C **Mr Twomlow:** Mr Kirk has been given the statements of Mr Robert George Turner, which is disclosed, and Mr Alan Twigg, who is a Hercules operations manager at RAF Lyneham in Wiltshire. Now, if Mr Kirk would want Mr Twigg to give evidence, to save time, the Prosecution is prepared to bring him here. Can I, shall I show Your Honour his statement?

D **His Honour Judge Thomas:** Yes.

Mr Twomlow: It's not because, it's not because the Prosecution would seek to rely on him.

E (parties confer)

His Honour Judge Thomas: Yes, it's Mr Twigg, is it?

F **Mr Twomlow:** I'm content to disclose him. But if, if Mr Kirk would want him to come, I will call him in the same way as I'm calling Mr Martlew. He is available, I think, tomorrow.

His Honour Judge Thomas: Yes. That, that's Mr Twigg, is it?

G **Mr Twomlow:** Mr Twigg.

His Honour Judge Thomas: Yes. Well, the Prosecution are prepared to call Mr Twigg for you to cross-examine, Mr Kirk.

H **Mr Kirk:** Not without Mr Turner.

His Honour Judge Thomas: Well, I'm afraid you can't dictate. Why would Mr Turner --

A Mr Kirk: Well, *look* --

His Honour Judge Thomas: Be required?

B Mr Kirk: Yeah, you say I can't dictate it. I like that expression, from a, from a, a Judge in a British Court of law. He's producing Prosecution statements and witnesses, especially the witness statements, made ...

Dock Officer: Sit down.

C Mr Kirk: Months ago that I should have been able to look at before we came to trial.

His Honour Judge Thomas: Why, why would you not call Mr Turner?

D Mr Twomlow: Pardon?

His Honour Judge Thomas: Why would you not call Mr Turner?

E Mr Twomlow: Mr Turner?

His Honour Judge Thomas: (indicates agreement)

F Mr Twomlow: Well, he ...

His Honour Judge Thomas: He doesn't help Mr ...

G Mr Twomlow: Didn't appear to be --

His Honour Judge Thomas: He doesn't appear to help Mr --

H Mr Twomlow: Even, even vaguely relevant, whereas Mr Twigg might be relevant to Mr Kirk.

His Honour Judge Thomas: Well, Mr Kirk, if you want a witness summons in relation to Mr Turner, to call him yourself ...

A

Mr Kirk: No, no. I want some disclosure from you, Your Honour.

His Honour Judge Thomas: Now --

B

Mr Kirk: This is the Royal Air Force. You had a closed meeting last week with the Prosecution without me knowing, and I've been served redacted RAF emails between the Prosecution and the RAF last year, back in the summer, and I have not been given full disclosure on that issue. It was sufficient for you to have a conversation with the Prosecution in the absence of the Defence team, which I feel is irregular. It, I expect it's lawful though, isn't it? Is it lawful?

C

His Honour Judge Thomas: I'm not going to answer questions, Mr Kirk. What I'm going to tell you is this. Mr Twomlow has said that he will call Mr Twigg. I will issue a witness summons for you to call Mr Turner if you wish to. Thank you.

D

Mr Kirk: I wish to cross-examine Mr Turner, not ...

E

Mr Twomlow: May I just then deal with the question of interviews, which has --

His Honour Judge Thomas: Yes.

F

Mr Twomlow: Been a, Your Honour will see that I prepared, it should be with the Court papers because it was served on the Court, not, I prepared an advice in relation to what the Prosecution would seek to rely upon. This was some time ago, before the trial, in relation to questions asked. His Honour Judge Bidder ordered that that should be done, and it was. And what that leads to is this document. Now, it, there are --

G

His Honour Judge Thomas: Could you please sort out that microphone?

H

Court Usher: It's, it's going to be reported, Your Honour, for the --

His Honour Judge Thomas: Mr Kirk, would you mind sitting away from the microphone?
I think that's what's causing it. Thank you.

A

Mr Twomlow: You will see that there's a great deal of material there. It was ...

His Honour Judge Thomas: No reply.

B

Mr Twomlow: I, I, I'm not in a position to agree, as it were, interviews, I, I don't think, with Mr Kirk. He can have that and see whether he disagrees with any of that. But as you will see, it will take --

C

His Honour Judge Thomas: We're not going to get on to this today, are we?

Mr Twomlow: I'm sorry?

D

His Honour Judge Thomas: We're not going to get on to this today --

Mr Twomlow: No, we're not.

E

His Honour Judge Thomas: Are we?

Mr Twomlow: No.

F

His Honour Judge Thomas: Well, give this to Mr Kirk, and he can look over, look at it overnight.

Mr Twomlow: Yes, thank you. I just thought I'd keep Your Honour up to date with where we were with that.

G

His Honour Judge Thomas: Thank you very much.

Mr Twomlow: This afternoon we have Mr Martlew and PC French. I think we --

H

His Honour Judge Thomas: Martlew and French, yes?

Mr Twomlow: Yes. I --

A

His Honour Judge Thomas: *What --*

Mr Twomlow: I think we then come to the question of either the interviews or the witnesses who've been spoken of today, Mr McMenemy and Mr Twigg.

B

His Honour Judge Thomas: Yes.

Mr Twomlow: And they, they will be becoming tomorrow if Mr McMenemy is available.

C

His Honour Judge Thomas: Yes, thank you.

Mr Kirk: Yes, but we have a few other witnesses to contend with. I've also been served this morning with tapes. Now, I haven't had a chance to read who they're from, but I hope it's Mr --

D

His Honour Judge Thomas: Transcripts or the tapes themselves?

E

Mr Kirk: The tapes themselves. I expect it's Mr Cooper.

(defendant confers with note taker)

F

Mr Kirk: Well, yes, it's two, it's two members of the Cooper family. How do I get to hear these before I cross-examine the next witness?

His Honour Judge Thomas: Are there tape recording facilities in the prison?

G

Mr Kirk: Well, I'm sure the, I am on punishment block. I'm not allowed my television. I'm sure they won't allow me to have a tape recorder.

H

His Honour Judge Thomas: Well, I wonder if, please, the Court manager could write the Governor, asking that tape recording, that the facility to listen to tapes is afforded to Mr Kirk. I will do what I can, Mr Kirk. I will ask that the Court manager contacts the prison to ask that the facility to listen to tapes is afforded to you overnight.

A **Mr Kirk:** And could we have the emails, please, that the Prosecution sent to the RAF that caused Mr Turner of the Royal Air Force no longer being called by the Prosecution?

Mr Twomlow: He was never being called.

B **His Honour Judge Thomas:** Sorry?

Mr Twomlow: He was never being called. His statement has just been disclosed.

C **His Honour Judge Thomas:** Yes. I'm afraid, Mr Kirk, that you don't always follow the, the way in which things are done. Things are being done. You won't believe it, but they are --

D **Mr Kirk:** Oh.

His Honour Judge Thomas: Being done --

E **Mr Kirk:** Oh.

His Honour Judge Thomas: To try and help you.

Mr Kirk: Nothing surprises me about this place.

F **His Honour Judge Thomas:** No.

Mr Kirk: Nothing new under the sun in Cardiff Court.

G **His Honour Judge Thomas:** There we are. OK.

Mr Kirk: So --

H **His Honour Judge Thomas:** Can we have the --

Mr Kirk: Can I --

A **His Honour Judge Thomas:** Jury in now please?

Mr Kirk: Have the emails or not?

B **His Honour Judge Thomas:** If they are relevant and disclosable, yes.

Mr Kirk: They were relevant --

C **His Honour Judge Thomas:** If not --

Mr Kirk: Enough --

His Honour Judge Thomas: No.

D **Mr Kirk:** They were relevant enough for you to discuss them in, in private with the Prosecution.

E **His Honour Judge Thomas:** Sit down, Mr Kirk, please. Who's the next witness please?
Mr ...

Mr Twomlow: Mr Martlew.

F **His Honour Judge Thomas:** Martlew.

Mr Twomlow: Page 117, and 124.

G (jury returns)

H **His Honour Judge Thomas:** Good afternoon, members of the Jury. As far as the temperature's concerned, I mean in the heat sense rather than anything else, how is the, is, is the Court OK? Still a bit cold?

Male Juror: *It's definitely warmer.*

Female Juror: *We're OK.*

A

His Honour Judge Thomas: It's all right, is it? I see one of you have got multi layers on. If there is a problem, we'll try again to heat the Court up before you come in. But let us know. Thank you.

B

Mr Twomlow: Yes, Arthur Geoffrey Martlew please.

His Honour Judge Thomas: Yes.

C

Mr Twomlow: Your Honour, I was going to explain something to the ladies and gentlemen of the Jury about why Mr Martlew has been called, not --

His Honour Judge Thomas: Yes.

D

Mr Twomlow: Having been anticipated that he would. He made a statement in August of 2009, and he made a statement last week in respect of the dummy gun. Because of that, those, both those statements were served on Mr Kirk, and it's been thought right to call him --

E

His Honour Judge Thomas: Mr Kirk, I wonder if you'd, Mr Kirk, will you sit a little bit further away from the microphone please? I think that's causing the problem.

F

Mr Kirk: I can sit down in my cell if it would help.

Mr Twomlow: It's been thought right to call him because he knows about the De Havilland 2 aeroplane, and not simply give the statements to Mr Kirk. It's simpler to, for the Prosecution to call him and ask him what he knows, and so that's what the Prosecution is doing. The Prosecution was not going to rely upon him initially.

G

His Honour Judge Thomas: Thank you.

H

(usher confers with witness)

Court Clerk: Please take the book in your hand and repeat after me. I swear by Almighty God ...

A

Mr Martlew: I swear by Almighty God ...

Court Clerk: That the evidence I shall give ...

B

Mr Martlew: That the evidence I shall give ...

Court Clerk: Shall be the truth ...

C

Mr Martlew: Shall be the truth ...

Court Clerk: The whole truth ...

D

Mr Martlew: The whole truth ...

Court Clerk: And nothing but the truth.

E

Mr Martlew: And nothing but the truth.

Court Clerk: Thank you.

F

His Honour Judge Thomas: Thank you. Mr Martlew, please sit down if you wish to, but please make sure that your voice carries so that the Jury can hear your replies.

(usher confers with witness)

G

Mr Martlew: OK. Is that all right?

His Honour Judge Thomas: That's not going to amplify, I'm afraid. It's the ...

H

Mr Martlew: This one.

His Honour Judge Thomas: It's the lapel one.

A **Mr Martlew:** OK.

His Honour Judge Thomas: Thank you.

B **Mr Martlew:** *Got it.*

Mr Twomlow: Yes, would you give your full name to the Court please?

Mr Martlew: Arthur Geoffrey Martlew.

C **Mr Twomlow:** Are you a self employed aircraft engineer?

Mr Martlew: Yes, I am.

D **Mr Twomlow:** What's the name of your company please?

Mr Martlew: Prestige Air Engineers Limited.

E **Mr Twomlow:** And where is that based?

Mr Martlew: At Withybush, Haverfordwest, in Pembrokeshire.

F **Mr Twomlow:** And how long have you been trading from those premises?

Mr Martlew: Since 1996.

G **Mr Twomlow:** Now, I want to ask you about a time before that please. Do you know a, a Brian Woodford?

Mr Martlew: Yes, I do.

H **Mr Twomlow:** What was your relationship with him?

A **Mr Martlew:** I was his chief engineer and executive for his aircraft. He had a collection of aircraft, and I was the man that looked after them *and did his ...*

Mr Twomlow: Right.

B **Mr Martlew:** Did his bidding.

Mr Twomlow: Now, where was he based?

Mr Martlew: In Chalmington, in Dorchester.

C **Mr Twomlow:** Is that Chalmington Manor?

Mr Martlew: Chalmington Manor, yes.

D **Mr Twomlow:** And when were you first employed by him?

Mr Martlew: About 1990.

E **Mr Twomlow:** And he had a large collection, did he, of vintage aircraft, cars and motorcycles?

Mr Martlew: Yes, he did.

F **Mr Twomlow:** Were the aircraft stored in the large hangar?

Mr Martlew: Yes.

G **Mr Twomlow:** And the cars and motorcycles in a, a separate museum.

Mr Martlew: Yes, that's true.

H **Mr Twomlow:** But both on the Chalmington estate. Is that right?

Mr Martlew: Yes.

A **Mr Twomlow:** Now, were you responsible for the certification and maintenance of his aircraft collection?

Mr Martlew: Yes, I was.

B **Mr Twomlow:** How long did you work for Mr Woodford for?

Mr Martlew: Approximately five years.

C **Mr Twomlow:** So about 1990 to 1995.

Mr Martlew: Yes.

D **Mr Twomlow:** And did you live in accommodation on the Chalmington estate?

Mr Martlew: Yes, he provided me with accommodation.

E **Mr Twomlow:** Was he a gentleman who had a residence restriction?

Mr Martlew: Yes, he was.

Mr Twomlow: And was that for tax reasons?

F

Mr Martlew: I suspect so.

Mr Twomlow: Right. How long was he in this country?

G

Mr Martlew: About six weeks every year.

Mr Twomlow: And did have another main residence in Singapore?

H

Mr Martlew: He had residences all over the world, America, Singapore, well, mainly Singapore.

Mr Twomlow: *Fine.* What was the name of his company?

A

Mr Martlew: Oh, his company? Of the company at ...

Mr Twomlow: Yes.

B

Mr Martlew: Wessex Aviation and Transport.

Mr Twomlow: Did you have a great deal of personal contact with him?

C

(interference over speaker system)

Mr Martlew: I'm sorry?

(dock officers confer)

D

Mr Twomlow: Did you have a ...

(defendant confers with dock officer)

E

Mr Twomlow: Did you have a great deal of personal contact with Mr Woodford?

Mr Martlew: Very little. In fact, he would not communicate with me.

F

Mr Twomlow: Now, did he in the early part of 1991 give you some instructions?

Mr Martlew: No, he gave them to his secretary, who passed them on to me.

G

Mr Twomlow: Right, and what were they to do?

Mr Martlew: To go to Duxford and bid for an aircraft that was up for sale in an auction.

H

Mr Twomlow: Right, is there a, a museum at Duxford?

Mr Martlew: There is, British War Imperial Museum [sic].

- A** **Mr Twomlow:** And did he send you a catalogue for that particular auction, or did you receive it?
- Mr Martlew:** Yes, I was shown a catalogue and had a look at what I had to go and do.
- B** **Mr Twomlow:** Right, and, and what was it that you were required to do?
- Mr Martlew:** I was to go and bid on an aircraft, a DH.2, which a replica, and make a bid for it and try and achieve the purchase of it.
- C** **Mr Twomlow:** Yes, and had that apparently been on display at that museum for a number of years?
- Mr Martlew:** Yes, I think it had.
- D** **Mr Twomlow:** In April 1991 did you attend the auction?
- Mr Martlew:** Yes, I did.
- E** **Mr Twomlow:** Was that conducted by Brooks Auction House of London?
- Mr Martlew:** I think it was, yes.
- F** **Mr Twomlow:** And did you bid on behalf of Mr Woodford?
- Mr Martlew:** Yes, I did.
- G** **Mr Twomlow:** And did you succeed in your bid?
- Mr Martlew:** Yes, I did.
- H** **Mr Twomlow:** How much did you purchase the aircraft for?
- Mr Martlew:** £12,000.

Mr Twomlow: And was the aircraft transported back to Chalmington Manor?

A

Mr Martlew: On that same day.

Mr Twomlow: How was it transported?

B

Mr Martlew: Well, we dismantled, took the wings off it and the tail plane off it and brought the thing home on a trailer and towed it at the back of a Peugeot estate car.

Mr Twomlow: When you initially purchased it was there any firearm involved with it?

C

Mr Martlew: No, there was a replica gun on the front of it.

Mr Twomlow: Right, a, a, what sort of gun?

D

Mr Martlew: A Lewis replica.

Mr Twomlow: Now, I'll ask you in a moment to have a look at one of the exhibits here.

E

Mr Martlew: Yes.

Mr Twomlow: But did you research the aeroplane on the internet and find a photograph of it?

F

Mr Martlew: At that time?

Mr Twomlow: Yes, well, when you made your statement to the police or before you made your statement to the police, your first statement?

G

Mr Martlew: Yes, yes, that's true.

H

Mr Twomlow: Yes, would you --

Mr Martlew: Yeah.

Mr Twomlow: Have a look at this photograph? I think it may jog your memory.

A

His Honour Judge Thomas: I should say, while this witness is looking at that, the photographs that were produced yesterday by Mr Kirk have been --

Mr Martlew: Yeah, I've seen that one.

B

His Honour Judge Thomas: Photocopied by the usher, and they can go in your, in your bundle. Do we have the photographs for, for the Jury --

C

Mr Martlew: Yeah.

His Honour Judge Thomas: From yesterday please?

D

Mr Twomlow: Is that a photograph of the aeroplane?

Mr Martlew: As it was in the museum, yes.

E

(usher confers with witness)

Mr Twomlow: As it was ...

Mr Martlew: In the museum.

F

Mr Twomlow: In the museum at Duxford?

Mr Martlew: Yes.

G

(usher confers with witness)

Mr Twomlow: Right, and there are copies of that for the ladies and gentlemen of the Jury, and for Mr Kirk, fact. Mr Kirk will have had one, I think.

H

A **His Honour Judge Thomas:** Thank you. While that's being handed, when the copies are being handed out, perhaps you can also hand in to the members of the Jury the bundle of photographs, or Mr Kirk, yes.

(counsel confers with clerk)

B **His Honour Judge Thomas:** And could I have copies as well?

Court Usher: Yes, Your Honour.

C **His Honour Judge Thomas:** Thank you.

(counsel confers with clerk)

D **His Honour Judge Thomas:** Perhaps you can write on the single one, members of the Jury, page 35, and page 36 on the bundle. And then we can give them letters as, as they become relevant.

E **Mr Twomlow:** So --

His Honour Judge Thomas: Could I have a copy of the bundle as well please?

(counsel confers with usher)

F **His Honour Judge Thomas:** Could I have a, can I have a copy of the bundle as well, the bundle of photographs?

G (parties confer)

His Honour Judge Thomas: Yes.

H (parties confer)

A **Mr Twomlow:** So this photograph is the one that you obtained from the internet, of the aircraft as it was in the museum in Duxford. And you've referred to a, a gun on the front, or on the air, aircraft. Is that what we can see on the front of this?

Mr Martlew: Yes, it is.

B (parties confer)

Mr Twomlow: Now, you say you worked for five years for Mr Woodford.

C **Mr Martlew:** That's true.

Mr Twomlow: And what happened then?

D **Mr Martlew:** There was an altercation between him and his wife, and the, well, it's a News of the World story really, but the team broke up. And --

Mr Twomlow: All right.

E **Mr Martlew:** They couldn't all have a --

Mr Twomlow: Well --

F **Mr Martlew:** Rapport then.

Mr Twomlow: Very well. Anyway, the, your employment ceased.

G **Mr Martlew:** Yes, ceased, yeah.

Mr Twomlow: Yes. Now, I, I'd like you please to come and have a look at ...

H (counsel takes instructions)

Mr Twomlow: Well, yes, perhaps it can be taken. Yes, we *could*. We'll manage that. It's, it's all right, Mr ...

A **Court Usher:** Stay there, Sir.

Mr Twomlow: Mr ...

Mr Martlew: OK.

B

Mr Twomlow: It's being brought to you.

(defendant confers with clerk)

C

Mr Twomlow: Have you ...

Mr Martlew: I have a problem with this.

D

(usher confers with witness)

Mr Martlew: Can I make a statement, would I, about it? Can I say something about it?

E

Mr Twomlow: I'd like you to please, yes, so would you?

Mr Martlew: Well, when, when it came on the aeroplane it was black japan like it is, but at some period Maurice polished it up, bare metal. But now it's black again.

F

Mr Twomlow: Yes.

Mr Martlew: So ...

G

Mr Twomlow: We've heard some evidence about repainting and so on, but ...

Mr Martlew: And the magazine isn't the same.

H

Mr Twomlow: Yes. Perhaps, can he be shown the magazine as well please?

(usher confers with witness)

A **Mr Twomlow:** Is that the item that you were describing?

Mr Martlew: That's one like it, yes.

B **Mr Twomlow:** One like it?

Mr Martlew: Yes. There was more than one made because there were a lot of these aircraft built for this.

C **Mr Twomlow:** Right.

Mr Martlew: *That's it*, plus the magazine.

D **Mr Twomlow:** And you identify the magazine as well from the ...

Mr Martlew: Yeah.

E **Mr Twomlow:** Spent ...

Mr Martlew: (indicates agreement)

F **Mr Twomlow:** Cartridges in it.

G (usher confers with witness)

Mr Twomlow: Now, what happened to the, let me ask you this. Was the aircraft ever put together at Chalmington Manor? Was it ever assembled?

H **Mr Martlew:** No.

Mr Twomlow: Did it remain dismantled as it was when it was delivered to Chalmington?

Mr Martlew: Well, I started doing some work on it, but I had 18 aircraft to look after and I was on my own.

A **Mr Twomlow:** Yes.

Mr Martlew: And it got left at one side for a while because the interest *in it had faded* and I was rather busy.

B **Mr Twomlow:** Right. Now, as far as that aircraft is concerned, what was the next thing you knew about it after your employment was terminated at Mr Woodford's?

Mr Martlew: Well, Maurice approached me that he'd bought it and he would like it restored.

C **Mr Twomlow:** Right, do you remember when that was?

Mr Martlew: Yes, it would be 1999.

D **Mr Twomlow:** Right, and what happened to it when he bought it?

Mr Martlew: Well, it was, it was brought over to our hangar. I had two people come from Georgia in America, two friends of his, and worked on it. And together we restored it and made it fly.

E **Mr Twomlow:** And so you did make it flyable, did you?

F **Mr Martlew:** Yes, and it went to Farnborough Airshow on, in the year 2000.

Mr Twomlow: Yes, I'm going to ask you about some photographs shortly. When you saw the aircraft when it was in the possession of Mr Kirk, after he had bought it, what was the position with the gun that you've identified? Was that with it or not?

G **Mr Martlew:** Yes, it was.

H **Mr Twomlow:** Was, was that put onto the aircraft by you?

Mr Martlew: Yes, it would be.

- A** **Mr Twomlow:** Was the first flight after the testing at the Farnborough, at the Farnborough Airshow?
- Mr Martlew:** That wasn't the first flight. There were various test flights before that occurred.
- B** **Mr Twomlow:** Yes, I see.
- Mr Martlew:** And that was his first outing, if you like.
- C** **Mr Twomlow:** First outing, yes, right. Now, only last week you were shown some photographs, I think, of that second item that is on the desk.
- Mr Martlew:** Yes.
- D** **Mr Twomlow:** Had you ever seen that before?
- Mr Martlew:** Well, I understand it came from Chalmington Manor.
- E** **Mr Twomlow:** Yes.
- Mr Martlew:** And Chalmington had a, a desert Jeep which that item was mounted on a Scarff ring on the bonnet. And in my opinion it, it isn't a real gun. It's a, a lookalike.
- F** **His Honour Judge Thomas:** Sorry, sorry, Mr Martlew, on what did you say that other thing was?
- G** **Mr Martlew:** On the bonnet of the Jeep was what we call a Scarff ring which you could --
- His Honour Judge Thomas:** *OK.*
- H** **Mr Martlew:** Swivel the gun on. And ...
- His Honour Judge Thomas:** *This* was on the bonnet of a Jeep.

Mr Martlew: That was to make it look authentic.

A

(counsel takes instructions)

Mr Twomlow: I'd like you to look at some photographs please, some other photographs.

B

(usher confers with witness)

Mr Twomlow: Your son is Simon Martlew, is it?

C

Mr Martlew: That's correct, yes.

Mr Twomlow: And did he hand a number of photographs to the police officer who came to see you last week in relation to that --

D

Mr Martlew: (indicates agreement)

Mr Twomlow: Item?

E

Mr Martlew: He does my bidding, so he found them and he handed them to him from our archives.

Mr Twomlow: Right, *if you* have a look at the first set of photographs please.

F

Mr Martlew: Is that those?

Mr Twomlow: Those are ...

G

(usher confers with witness)

Mr Twomlow: Yes.

H

Mr Martlew: Yes.

Mr Twomlow: That's right. What do they show please?

A **Mr Martlew:** That shows the aircraft being loaded after being dismantled at Duxford.

Mr Twomlow: That's from Duxford Imperial War Museum, is it?

B **Mr Martlew:** That's correct.

(counsel confers with clerk)

C **Mr Twomlow:** Well, it may be easier if, if, as the witness goes through them, everybody can see them, so ...

(counsel confers with clerk)

D **Mr Twomlow:** There are copies --

His Honour Judge Thomas: Oh, there are --

E **Mr Twomlow:** Of these.

His Honour Judge Thomas: Copies, are there?

F **Mr Twomlow:** And I think Your Honour has copies of them. They were attached. They were with the statement.

(counsel takes instructions)

G **His Honour Judge Thomas:** Not on my copy, I'm afraid, no.

Mr Twomlow: Oh, they were handed to --

H **His Honour Judge Thomas:** Oh, sorry, the, these, yes.

Mr Twomlow: Yes.

His Honour Judge Thomas: Yes, I see. Sorry, yes. So shall we call these ...

A
(parties confer)

His Honour Judge Thomas: We'd better number these in some way.

B
(counsel takes instructions)

His Honour Judge Thomas: Are looking at the Farnborough Airshow ones first?

C
(counsel takes instructions)

Mr Twomlow: These are the, these are the ones headed:

D
"Collection from Imperial War Museum, 1991."

There are three bundles.

E
His Honour Judge Thomas: Shall we call that number 37 please? Page 37 at the bottom?

Mr Twomlow: And we see three photographs there, and that is the De Havilland 2, having been dismantled, being loaded onto a trailer ...

F
Mr Martlew: Yes.

Mr Twomlow: Behind the estate car that you've told us about.

G
Mr Martlew: Yes, and the aircraft on the left, the, is a static exhibit which you can still see on the internet, which shows that it was at Duxford.

H
Mr Twomlow: Yes. Now, is there a second series of photographs, showing work being done on the machine at Prestige Air Engineers?

Mr Martlew: Yeah.

His Honour Judge Thomas: *And shall* we call that page 38 please, for the bundle's purposes, although there are more than one page, we'll just call them --

A

Mr Martlew: Yes.

His Honour Judge Thomas: 38.

B

Mr Twomlow: I think six photographs.

(parties confer)

C

Mr Twomlow: Where in those photographs, if anywhere, can we see the gun that you've referred that you said was reattached --

D

Mr Martlew: Well, the --

Mr Twomlow: To the plane --

E

Mr Martlew: The --

Mr Twomlow: By you?

Mr Martlew: It's shown on one, two, three.

F

Mr Twomlow: I'm sorry, I can't --

Mr Martlew: Four.

G

Mr Twomlow: See which ones you're, can you hold them up please?

Mr Martlew: Wait a minute. I counted on five. It's shown on them all.

H

Mr Twomlow: Right. Can you indicate where it is shown then please? So --

Mr Martlew: Right at the forefront of the machine, sticking out in the breeze.

A **Mr Twomlow:** Yes, so on each of the photographs. That was, those were taken during your restoration work, were they?

Mr Martlew: That's correct. That's correct.

B **Mr Twomlow:** And then finally do you have a set of photographs taken at Farnborough Airshow in 2000?

Mr Martlew: Yes.

C
(counsel takes instructions)

Mr Twomlow: Those are four photographs, and they show Mr Kirk and the aircraft.

D **Mr Martlew:** Yes.

E **Mr Twomlow:** And we can see the gun there on the front. And I think over the page we have one photograph, well, you'll see a fourth photograph of the aircraft from a little distance away, showing the --

Mr Martlew: That's that one.

F **Mr Twomlow:** Whole of it, yes, from the rear.

(counsel takes instructions)

G **Mr Twomlow:** Yes, thank you very much, Mr Martlew. Mr Kirk will have some questions for you.

(defendant confers with dock officer)

H **Mr Kirk:** Good afternoon, Mr Martlew. I've only just been informed that you're a witness. I've only just been informed today. I've been given nearly 60 pages of documentation relating to you, late last night and this morning. Now, so there's a little bit of confusion here

at the moment. How many times have you been visited by the South Wales Police in relation to Maurice Kirk?

A

Mr Martlew: I'm sorry?

Mr Kirk: In relation to Maurice Kirk. Me.

B

Mr Martlew: Ask him to speak up. I can't hear.

(usher confers with defendant)

C

Mr Kirk: How many times over the years do you think you have been approached by the South Wales Police enquiring about Maurice Kirk, my movements in aircraft, things that you might know about, rough idea?

D

Mr Martlew: Well, I've never been approached by anybody.

Mr Kirk: OK, but --

E

Mr Martlew: Except on this, this day.

Mr Kirk: Yes, they came to you on 7 August. It's the day that I was sectioned under the Mental Health Act to the local lunatic asylum for a compulsory 12 weeks before their, the, the, the Section that they relied on ran out and they either had to let me loose or section me under 37/41, which means they needed two doctors to section me, potentially for life, at places like Broadmoor.

F

G

His Honour Judge Thomas: Are you a psychiatrist, Mr Martlew?

Mr Martlew: Am I? No, no, I'm very well.

(laughter)

H

His Honour Judge Thomas: Yes, sorry, that was my fault.

Mr Kirk: Do you know the name of the police officers that came to see you on 7 August?

A

Mr Martlew: Yeah, just, *just* can I read it?

Mr Kirk: Yes.

B

Mr Martlew: *Yeah.*

(defendant confers with note taker)

C

Mr Kirk: Are you referring to notes you took at the time?

Mr Martlew: Yeah, DC Dodge.

D

(parties confer)

Mr Kirk: On the subject of mental health, did he raise the subject?

E

Mr Martlew: No, but I did.

Mr Kirk: *You --*

Mr Martlew: I told him there was nothing wrong with your medical health.

F

Mr Kirk: So, what caused you to raise it?

G

Mr Martlew: What caused me? Because it was well known and you'd made it known that they were, they'd got you banged up in a --

Mr Kirk: Oh, I'm sorry, yes, yes, sorry. I was --

H

Mr Martlew: You --

Mr Kirk: Already ...

Mr Martlew: You publicised that.

A

Mr Kirk: Yes, yes, sorry, yes. It was already known to you.

Mr Martlew: Everybody knew.

B

Mr Kirk: Yes, around the world. What information did he take from you relating to my, your opinion of my mental state of health?

C

Mr Martlew: Well, I told him I didn't think there was anything and if they let you out on bail you could come and live with me until the matter was decided.

D

Mr Kirk: Oh (sniffs) the, the very thought. Getting back to serious things, Mr Martlew, I've been detained under a Section [sic] 3 of the MAPPAs terrorist arrangements in this country. You're aware, are you not, that the police have tried to have prosecuted me under the Terrorism Act in the past?

Mr Martlew: No.

E

Mr Kirk: You don't remember. I went fox hunting in Ireland in Golf, Alpha, Romeo, Sierra, Whisky, what we affectionately called arse wipe, a two seat aircraft out of a field near Cowbridge. And you do not recall that back in the late '90s, that they accused me of in, being in breach of the Terrorism Act and that the Cardiff Police were made to retract all allegations, and the trial was stopped halfway through? *Do, do* you, you remember some of that? A name, Christopher Paul Ebbs told them that I was smuggling pigs from Eire.

F

Mr Martlew: Yeah, well ...

G

Mr Kirk: You remember that.

Mr Martlew: But it was hearsay. It was --

H

Mr Kirk: Yes.

Mr Martlew: What I understood --

A **Mr Kirk:** Yeah, but you --

Mr Martlew: Was hearsay.

B **Mr Kirk:** *Yeah*, yes, but, but --

Mr Martlew: Right.

C **Mr Kirk:** But *you're, you're*, I'm allowed to cross-examine you, but I don't want to put too much to you. I want you to remember. So there was a relationship between the South Wales Police and Maurice Kirk, would you say?

Mr Martlew: I expect so.

D **Mr Kirk:** Yes, but there were other incidents of a similar nature that you heard about on hearsay, where I kept beating them in Court.

E **Mr Martlew:** Well, the, you made all that public, yes.

Mr Kirk: Yes.

Mr Martlew: Everybody knew.

F **Mr Kirk:** Yes, right. The photographs in the hangar, you've got the DH.2. You've got two Austers in the background. You've also got Golf, Kilo, India, Romeo, Kilo. That Cub was being prepared to be flown to Australia, wasn't it?

G **Mr Martlew:** The, *the*, the aircraft, you mean?

Mr Kirk: Yeah, no, my, the Cub, my Cub, Liberty Girl. Liberty --

H **His Honour Judge Thomas:** Were these the ones as prestige or at --

Mr Kirk: Yes, the, the ones in your hangar.

A **Mr Martlew:** Yeah, yeah, well --

Mr Kirk: My cub that you did work on before it flew to Australia.

B **Mr Martlew:** Yes, I remember that one.

Mr Kirk: Yes, yeah. There is --

Mr Martlew: Yes, I can see that.

C **Mr Kirk:** There is a wing of an aircraft leaning up against the wall, belonging to an, an Andrew Aish. Is he known to you? It, it's got Alpha, Mike on the end. That's his Cirrus Auster, isn't it?

D **Mr Martlew:** Might --

Mr Kirk: Yes.

E **Mr Martlew:** Be.

Mr Kirk: Yes.

F **Mr Martlew:** You'll soon find that out.

Mr Kirk: Yes. The, the Court heard this morning that he went to the police in Somerset last week because he's a witness relating to the allegations against me, and the police weren't interviewing.

G **His Honour Judge Thomas:** He's a witness you can call yourself, Mr Kirk, if you wish to.

H **Mr Kirk:** The police, despite the information he's given them, are refusing to take a statement from him.

His Honour Judge Thomas: Well, Mr Kirk, you can call him as a witness if you want to, if he is relevant.

A

Mr Kirk: Right. Can you confirm, on the subject of replica Lewis machine guns, that Mr Viv Bellamy ordered a batch back in the mid '70s and that he built a variety of replica aircraft?

B

Mr Martlew: Yes.

Mr Kirk: One I had the pleasure of seeing being built down at Land's End.

C

Mr Martlew: Yes.

Mr Kirk: The Sopwith half strutter.

D

Mr Martlew: I confirm that.

Mr Kirk: Yeah, which carried a, a, a machine gun identical to that one there.

E

Mr Martlew: Yes.

Mr Kirk: And there are others. No, let's hear it from you. They're all over the country at various museums, aren't they?

F

Mr Martlew: Yes.

Mr Kirk: And some are private, on some private aircraft.

G

Mr Martlew: Yes.

Mr Kirk: Right. Why didn't the police ask you this on 7 August?

H

Mr Martlew: Ask them.

Mr Kirk: Yes. They all look alike to all intents and purposes, don't they?

A **Mr Martlew:** Well, they are replicas, in my opinion. They've never been guns.

Mr Kirk: Yeah, and there is law to protect those in the possession of those replicas around the country. Yeah.

B **Mr Twomlow:** I, I don't know if there was an answer to that. I don't know if Mr Martlew answered that question.

His Honour Judge Thomas: Well, I don't think he can --

C **Mr Twomlow:** Or whether --

His Honour Judge Thomas: Answer it.

D **Mr Twomlow:** He can answer it, but --

His Honour Judge Thomas: *Mr Martlew* --

E **Mr Twomlow:** But he ...

F **Mr Martlew:** I can't answer it because, for a simple reason. In '91 they weren't so uptight about antique guns. And we never gave it a second thought, except that we know that the gun would, would not, was not capable of being used and, in my, in our opinion, is not complete. And it was a replica. But now, in, in this age that we're living in, everybody's very nervous about guns, in this country.

G **Mr Kirk:** Mr Martlew --

Mr Martlew: But we haven't changed anything.

H **Mr Kirk:** Mr Martlew, the person who we've established sold me the gun ...

Mr Martlew: Yeah.

A **Mr Kirk:** Was from Wilmington [sic] Manor, where you in fact maintained the aircraft relating to what they, the Prosecution say is item 1.

Mr Martlew: Yeah.

B **Mr Kirk:** Were you ever visited by a police helicopter, sniffer dogs and 30 police officers armed to the teeth ?

Mr Martlew: No.

C **Mr Kirk:** No. Could you explain to the Jury, the person purported to have bought that one, which is still under dispute because the Jury have sent a note to the Judge, so the Judge can't wriggle out of it, on the time that that letter, note, they may have changed their minds now. They may be clear in their own minds as to the relevance of item 1, but could you, in your, you've been in aviation for more than a year or two?

D **Mr Martlew:** Yes.

E **Mr Kirk:** Like how many years?

Mr Martlew: 30.

F **Mr Kirk:** Right. Evidence has been heard on oath that the Civil Aviation caused the next owner, a Mr Cooper, is he known to you?

Mr Martlew: No.

G **Mr Kirk:** At *an* air museum, a display pilot up in Lincolnshire.

Mr Martlew: No.

H **Mr Kirk:** No. He owns a Cirrus Major Auster up there. He, and the Prosecution refuse to disclose this so that I can give it to the Jury, that the CAA ring them up, Mr Cooper, and said, be a good chap, could you unbolt whatever was on the front of his DH.2, which I believe is the same as mine was, and put it in the back of your car, drive down the high street of the

A local town and look for a gunsmith? Now, now that is being said by way of statement of Mr Cooper, and it has not been retracted in, in, in the evidence that Mr Cooper's given. If it was such a dangerous weapon, could you give a reason as to why they had done this to me instead of Mr Cooper?

B **Mr Martlew:** That's *out of* my privilege, I'm afraid. I can't do that.

Mr Kirk: Sorry?

C **Mr Martlew:** I can't do that. I'm not ...

Mr Kirk: Throw an idea in, Mr Martlew.

Mr Martlew: (indicates not understanding)

D **Mr Kirk:** Throw an idea. Why should they do all this to me and not to Mr Cooper?

Mr Martlew: Hang on a minute.

E **Mr Kirk:** They locked me up, and they have refused me bail, as --

Mr Martlew: Yeah.

F **Mr Kirk:** Being a dangerous man because I was caught with that item 1, once it's established that it's mine or was mine.

G **Mr Martlew:** Well, they seem anxious to get me locked up with you, so what, what do you want me to say?

H **Mr Kirk:** Sorry, what do you mean by that? Yes, when you had it at, at, at West or South Wales, Haverfordwest, the police, I used to clear out to Ireland with your local police, didn't I? Well, everybody did.

Mr Martlew: Special Branch had to --

Mr Kirk: Yes.

A

Mr Martlew: Has to --

Mr Kirk: That's right.

B

Mr Martlew: Go to Ireland, yes.

Mr Kirk: Yes.

C

Mr Martlew: Still do.

Mr Kirk: Yes. There was one occasion where I put an aircraft through the roof of a police car there, didn't I?

D

Mr Martlew: Yes.

(counsel takes instructions)

E

Mr Kirk: Yes, and I was chased by a Hawker Hunter ...

His Honour Judge Thomas: By a what --

F

Mr Kirk: From Brawdy.

His Honour Judge Thomas: Sorry? Chased by a what? What were you chased by, Mr Kirk?

G

Mr Kirk: A, a, a T7. A T7 Hawker Hunter, which I've had the privilege of flying. That's true, isn't it?

H

Mr Martlew: I believe so, yeah.

Mr Kirk: Yes. Mr Rees saw it all happen, the owner of Haverford, or the, the lessee, the, yeah. So, so there's a bit of history between Maurice Kirk and the South Wales Police.

A **His Honour Judge Thomas:** Well, I think that's probably --

Mr Martlew: Well, that's, that's certain, that.

B **His Honour Judge Thomas:** I think it's probably --

Mr Martlew: Absolutely.

His Honour Judge Thomas: Been established, Mr Kirk, hasn't it?

C **Mr Martlew:** Mighty --

Mr Kirk: So --

D **Mr Martlew:** Opponents, I would say.

E **Mr Kirk:** So why weren't, why wasn't, why, on 7 August why didn't they come, oh, they brought, they must have brought something in a big black box, surely. Hang on. Hang on. Hang on. Where's my --

Mr Martlew: They couldn't do, because you'd had that locked up here.

F **Mr Kirk:** No, no. On the 7th, oh, no, that's me demanding that the, the, the Court, Judge demand that it be kept in this courtroom --

Mr Martlew: Yes.

G **Mr Kirk:** Until my --

Mr Martlew: But the --

H **Mr Kirk:** Trial --

Mr Martlew: Police had no access --

A **Mr Kirk:** To stop it --

Mr Martlew: To it.

B **Mr Kirk:** Being tampered with.

Mr Martlew: Police had no access to it while it was here.

C **Mr Kirk:** Yes, it's only just been produced on the first day of the trial. It's been in the possession of South Wales Police.

Mr Martlew: OK. That was --

D **Mr Kirk:** *No, no.*

Mr Martlew: At your request.

E **Mr Kirk:** Yeah, no, no, let's not, let's miss this.

(defendant confers with note taker)

F **Mr Kirk:** Yes, Mr Dodge, well, a whole string of police officers drove over 2,000, now it's going to be nearer 2,500 miles in units of, of a thousand, but they travelled with what they say is item 1. On the day before they came to see you they took it ...

(defendant confers with note taker)

G **Mr Kirk:** They took it to London. And then on the 14th or something, 14th, they took it to Birmingham.

H **His Honour Judge Thomas:** Mr Kirk, please ask questions rather than just make various speeches to the Jury.

Mr Kirk: Why?

A **His Honour Judge Thomas:** Cross-examination doesn't mean giving --

Mr Kirk: Why?

B **His Honour Judge Thomas:** A proposition for the Jury to hear and then asking --

Mr Kirk: Right.

His Honour Judge Thomas: Him if he --

C **Mr Kirk:** Right.

His Honour Judge Thomas: Agrees with it.

D **Mr Kirk:** Right. Were you --

His Honour Judge Thomas: Please just ask questions.

E **Mr Kirk:** Were you shown, when were you first shown that? That's better, isn't it? Yeah, yeah. Thank you. Thank you very much. When were you first shown item 1?

Mr Martlew: Ten minutes ago.

F **Mr Kirk:** Right. It could be one of many Lewis machine guns circulating in the United Kingdom, correct?

G **Mr Martlew:** Well, without seeing the others, that's a difficult question to answer.

Mr Kirk: Yes, yes. Are you saying that that was the gun that was on the DH.2 when I was in possession of it?

H **Mr Martlew:** Well, under, under these conditions, and it's ten years ago since I first saw it, and as far as my memory goes, that's what it looked like.

Mr Kirk: Well --

A
Mr Martlew: And there's nothing there to convince me that it isn't the gun.

His Honour Judge Thomas: Sorry, I didn't catch that last answer. I'm sorry, Mr Martlew.

B
Mr Martlew: All right. It's ten years since I've seen it. I saw it ten minutes ago for the first time.

Mr Kirk: Yes.

C
Mr Martlew: And that is how I recall it to be.

Mr Kirk: Yes, but it could be a gun off a different aircraft. Well, I put it --

D
Mr Martlew: Yes.

Mr Kirk: To you, yeah.

E
Mr Martlew: Yes, I'll --

Mr Kirk: Well --

F
Mr Martlew: Agree with that.

Mr Kirk: Yes, but you specifically recognise the gun because the Jury have said that the other gun was on the DH.2 when they bought it. Isn't that right?

G
Mr Martlew: Well --

Mr Kirk: Sorry. Sorry if I'm wrong there. That's how I remember it.

H
His Honour Judge Thomas: Well, we'll deal with --

Mr Martlew: Can I clear that one *up*?

A **His Honour Judge Thomas:** Sorry, Mr Martlew, but the Jury note, as I recall it, was whether there was more than one Lewis gun because the barrels appeared to be different in two of the photographs.

B **Mr Kirk:** No, no, no, I'm talking about number 2, the Second World War Jeep 30 millimetre. We, we had them in the Desert Rats in the, in North Africa. Do you actually, I mean, do you recognise that one as the, the one that you saw at, at, at Chalmington?

Mr Martlew: That's a replica Browning.

C **Mr Kirk:** Yes, but --

Mr Martlew: *No, it's --*

D **Mr Kirk:** Is it the same one that you saw at Chalmington?

Mr Martlew: No, I can guarantee that.

E **Mr Kirk:** You can't guarantee that. You can't guarantee it with the other one. OK. Did your, did this, Mr Simon, Simon Martlew's your, your son.

Mr Martlew: Son and heir, yes.

F **Mr Kirk:** Yeah. Did he make a statement to the police?

Mr Martlew: No.

G **Mr Kirk:** Are you sure?

Mr Martlew: Am I sure?

H **Mr Kirk:** Yeah.

A **Mr Martlew:** Well, he certainly didn't ask me. And it, he must have done it secretly if he did because we were all together, Simon, myself and the policeman.

Mr Kirk: Yeah, and there was one police officer there, Dodge.

B **Mr Martlew:** One police officer, *yeah*.

Mr Kirk: And he was there without any guns for you to examine.

Mr Martlew: Yeah, because you're not, he's not that ...

C (defendant confers with note taker)

D **Mr Kirk:** Sorry, it's, I, I forgot you made a state, statement, yeah. Hang on. Hang on. Don't go away. While I'm looking for it, the CCA flew that aircraft with a Lewis mimic gun on the front in order for it to get its airworthiness, correct?

Mr Martlew: Correct.

E **Mr Kirk:** For Mr Griffiths, ex squadron leader, I think. Do you remember? There's --

Mr Martlew: Yes.

F **Mr Kirk:** Pictures of --

Mr Martlew: I know.

G **Mr Kirk:** With a, a *Blondeau*. And the CAA gave me red carpet at Bristol Airport, didn't they? They actually prepared, the CAA of all people met me, non radio, with Andy Aish's Auster and your son, using radio to enter the airspace. And the CAA came from Weston-super-Mare to examine and ticket and give the piece of paper to allow me to take part in the

H **Mr Martlew:** Correct.

A **Mr Kirk:** Yes. Was there any reason to believe that the gun wouldn't have been on it all the time?

Mr Martlew: It was on it all --

B **Mr Kirk:** Yes.

Mr Martlew: The time.

C **Mr Kirk:** Right, right, and it's featured in photographs all over the world at the Farnborough Airshow.

Mr Martlew: Yeah.

D **Mr Kirk:** Yeah, OK. Could you look at this photograph while still trying to find your, your statement? On the way back from Farnborough.

Mr Martlew: That's it.

E (defendant confers with note taker)

Mr Kirk: Could, I just need to, I've lost a batch, they're in here somewhere but ...

F **His Honour Judge Thomas:** *Well*, what do you want, Mr Kirk?

Mr Kirk: Well, we were talking about the CAA ...

G **His Honour Judge Thomas:** Mr McMenemy.

Mr Kirk: Yes, please. And last night --

H **His Honour Judge Thomas:** Do you want to borrow my copy?

Mr Kirk: Could the, just read it. No, just read out the last line of it. That'll do. It's quicker.

His Honour Judge Thomas: Of the statement?

A

Mr Kirk: Yes.

His Honour Judge Thomas: Well, Mr McMenemy is giving evidence tomorrow, but what, the last, it's probably the two, last two sentences I think you mean:

B

“I can confirm there is no record of an attachment of a Lewis gun. I reviewed the records between 1997 and 2008.”

C

Is that what you wanted read out?

Mr Kirk: Thank you. Does that --

D

His Honour Judge Thomas: Well, I'll, let me, let me read the whole thing so *the* members of the Jury understand the context.

E

Mr Twomlow: Your Honour, may I say we've made enquiries about Mr McMenemy, and there are difficulties with his being here. But I, I don't have any representations about the statement being --

His Honour Judge Thomas: Well, the --

F

Mr Twomlow: Read.

His Honour Judge Thomas: Statement would have to be read in any event.

G

Mr Twomlow: Yeah, I, I, I don't have any ...

His Honour Judge Thomas: Yes.

H

Mr Twomlow: Representations.

His Honour Judge Thomas:

“After reviewing the records --

A **Mr Twomlow:** I, simply to tell Your Honour that.

His Honour Judge Thomas:

B “After reviewing the records of aircraft serial number WA4, registration
G-BFVH, the only survey carried out by CAA personnel was by Mr
McMillan on 24 July 2008. I can also confirm there is no record of an
C attachment of a Lewis gun. I reviewed the records between 1997 and
2008.”

Female: Can you say the years again please?

D **Mr Kirk:** A load of nonsense.

His Honour Judge Thomas: 1997 --

E **Mr Kirk:** Isn't it?

His Honour Judge Thomas: And 2008.

Mr Kirk: A load of nonsense, Mr Martlew.

F **Mr Martlew:** (indicates agreement)

G **Mr Kirk:** If that was true, you, you, the evidence you've given would be, would be Enid
Blyton stuff, wouldn't it? A, there is the CAA. Would it surprise you that the Royal Air
Force also deny having anything attached to it? Would it surprise you that when the aircraft
landed after the accident after the propeller broke off, the police at, at Haverfordwest, at
Ferryside denied there was a gun on it? It means that, and would it surprise you that the
H people at Chalmington Manor have made a statement denying there was a Lewis machine
gun with the aircraft?

Mr Martlew: That doesn't surprise me, no.

A **Mr Kirk:** I'm not going to press you about your views about the CAA because you've still got a licence. What, could you comment on why it appears to be like it is, other than commenting about the CAA, the Royal Air Force?

B **Mr Martlew:** Well, let's straighten the Chalmington bit out first. Brian Woodford lived 9,000 miles away in Singapore most of the time. I was his executor as far as the aircraft and the maintenance of them, the purchase of them and the flying of them. That was my job. His brother was a sleeping director because he couldn't have a limited company unless he had a director that was resident in the UK. And David, who was his brother, had nothing
C whatsoever to do with anything and knew nothing about guns, aeroplanes. He was a farmer, but he fulfilled the position of director. But as far as the, executing everything that went on there with regard to the aircraft and the cars, that was my responsibility. That's what I was paid for, and I did Brian Woodford's bidding from afar.

D **Mr Kirk:** You're aware that it went to the Royal Air Force after you?

Mr Martlew: I'm aware it went to, yes.

E **Mr Kirk:** Yeah. There's a statement here that the Prosecution refuse to bring the RAF sergeant, stating ...

F **His Honour Judge Thomas:** Mr Kirk, as I've said, if you want to want, if you want to call --

Mr Kirk: *Right.*

G **His Honour Judge Thomas:** That witness, you may do so. It is not the right way to introduce evidence, to read out statements.

Mr Kirk: I can state, by checking those records, the Lewis --

H **His Honour Judge Thomas:** Mr --

Mr Kirk: Machine gun --

A **His Honour Judge Thomas:** Mr --

Mr Kirk: Has [sic] --

B **His Honour Judge Thomas:** Mr Kirk --

Mr Kirk: Never held --

C **His Honour Judge Thomas:** Mr Kirk --

Mr Kirk: In the armoury.

D **His Honour Judge Thomas:** Mr Kirk, please listen to what I'm saying. If you want to call him, call him. If not, don't read out his statement, particularly if it's a statement you don't agree with.

E **Mr Kirk:** That didn't surprise you, did it, Mr Martlew, that the RAF, having heard what is going on, wrote a statement on 26 August, which means I'd been in prison for two months, and it was on the world news, in the aviation world, that they have washed their hands of the two years that they had it? Can you confirm they had it for about two years, or is it just hearsay?

F **Mr Martlew:** Well, it would be because when it left our, our premises, when you took it away, that was the last I saw of it, and the last I saw of you for some time.

Mr Kirk: Yeah.

G **Mr Martlew:** And we, being such a small world of aviation, news gets around fast, where things are going and who's doing it and who's doing what, but that's purely hearsay.

H **Mr Kirk:** Yeah.

Mr Martlew: It's not always true. And sometimes it is. Sometimes it isn't.

Mr Kirk: Yeah.

A

Mr Martlew: But it's hearsay. But I knew it was down at, with the RAF, who refused to let it fly from their airfield.

B

His Honour Judge Thomas: Right, five more minutes with this witness --

Mr Kirk: Well, that's all I --

His Honour Judge Thomas: Mr Kirk.

C

Mr Kirk: Need. I'm just trying to think of something I might have forgotten, but I've got all I could dream of.

D

(defendant confers with note taker)

Mr Kirk: Oh, did you see a photograph, you went to collect the aircraft at, has that been circulated, the, yes, that last one. That's not actually been put before the witness.

E

His Honour Judge Thomas: I think it has.

Mr Kirk: No, it's --

F

Mr Twomlow: *That's right.*

Mr Kirk: Been circulated, but *he hasn't* commented on it. Could you just, I don't think he's made a comment on it. Then we'll leave it at that. Yes, please could you, could you just confirm what that photograph is a record of?

G

Mr Martlew: That's at Ferryside.

H

Mr Kirk: Which is where?

Mr Martlew: Well, I don't know, don't Ferryside, I suppose.

Mr Kirk: Well, that's at the --

A

Mr Martlew: It's usually where --

Mr Kirk: That's at the --

B

Mr Martlew: Ferryside lives.

Mr Kirk: At the estuary of a good salmon river. That's a Welsh --

C

Mr Martlew: That's where you came to grief in the thing.

Mr Kirk: Yes, and --

D

Mr Martlew: It's clearly got a, a gun mounting there.

Mr Kirk: Yeah, and broken propeller.

E

Mr Martlew: And you broke the, no, a parrot broke the propeller, apparently. That was your story then. There was a parrot on the loose and it went through your propeller blades and broke the propeller.

Mr Kirk: Yeah.

F

Mr Martlew: That was the story you told to the CAA, but they accepted it.

His Honour Judge Thomas: Sort of --

G

Mr Martlew: *And I was* --

His Honour Judge Thomas: Parrot shooting then.

H

Mr Martlew: (indicates not understanding)

His Honour Judge Thomas: Parrot shooting.

A **Mr Kirk:** A parrot.

Mr Martlew: Parrot.

B **Mr Kirk:** Yes, a blue and yellow one. Your, Your Honour, he's touching on technical argument. During the First World War we lost a lot of brave pilots because the magazine ...

Mr Martlew: There was a lot of parrots on the loose, I should imagine.

C **Mr Kirk:** The magazine is interchangeable, *I think*. The magazines are changed from gun to gun to gun. And if you dropped a magazine in fighting, where did it go? Straight through your propeller because it was, you were a pusher, or the aeroplane is. Yeah, thank, thank you for your time, Mr Martlew.

D **Mr Martlew:** Can I just make a point? The weight of the gun on the nose of the aircraft was essential to balance the aircraft so it would fly at all. If you attempted to fly without that weight on the nose, you'd come to grief. You couldn't take it off and fly the aircraft.

E **Mr Kirk:** Oh, yes.

Mr Martlew: That's why it was left on and that's why there's a replica gun there, to balance the aircraft.

F **Mr Kirk:** The, yeah, no, *there was* just one, one question, one question you've just raised. It's in the Jury bundle, which I have lost, long ago.

G (defendant confers with note taker)

Mr Kirk: There is in the Jury bundle ...

H (usher confers with witness)

Mr Kirk: A document that you prepared, or you, it would have been in the, in the job of you making it.

A **Mr Martlew:** Yes.

Mr Kirk: It, it, hang on.

(counsel takes instructions)

B

Mr Kirk: Oh, while I'm looking for it, this aircraft was in a film, Gunbus, and it was designed for two, two people on the aeroplane, wasn't it?

C

Mr Martlew: That's correct.

Mr Kirk: That was just before you bought it at the auction.

D

Mr Martlew: Yes.

Mr Kirk: Good, thank you. And the Lewis, well, hang on, right. So you did extensive work on it to take it back from a two seater to a one seater.

E

Mr Martlew: No.

Mr Kirk: Oh, somebody else did.

F

Mr Martlew: Somebody else did that.

Mr Kirk: OK. I don't know. Where is it? Page, well, I've obviously taken it out of the bundle. You made, you had to, because it was a rebuild aircraft and because of age, time, you had to modify or, or write a new, what do they call it? Service manual. Manual. What do they call it? You know how good I am on paperwork with aircraft. It, and it's not in there, but it is in the official manual, so it will be on the exhibit.

G

H

Mr Martlew: This aircraft does not have a manual.

Mr Kirk: Sorry?

Mr Martlew: This aircraft does not have a manual.

A

Mr Kirk: Ah, ah, oh, another subject I forgot all about. But it's got a, logbooks, hasn't it?

Mr Martlew: It has a logbook.

B

Mr Kirk: Yes, it had an airframe logbook when I bought it.

Mr Martlew: Correct.

C

Mr Kirk: Right, and it would be mandatory to have an, a logbook to, for, for, for, to, to, to remain legal. And the logbook would have recorded the, the, the attachment of that gun to that aircraft. And if it was taken off, there would have been records.

D

Mr Martlew: No, that's the owner's responsibility.

Mr Kirk: The owner's responsibility, right. But at the time that you'd got the, what are we calling it? Well, where is it? It was issue number 2. The thing is, you prepared an issue number 2, and for some reason, printout, no, it's not in there. Of course, I added it after, after it was a, the Jury, could somebody help me? The Jury was given, you offered the Jury to, something to read because they may have appeared to be looking bored. And they, you allowed them to have a, a copy.

E

F

(defendant confers with note taker)

His Honour Judge Thomas: Ah, yes.

G

Mr Kirk: Yeah. If I had the right phrase for the document, it would be, it will be there.

His Honour Judge Thomas: Yes, that is, I think that is the document. I can't put my hand on it at the moment.

H

Court Clerk: Your Honour, I just need to *circulate it at* the back of the Court.

His Honour Judge Thomas: Yes. I'm sorry. I wonder if you could hand it to the usher, who's looked at it.

A

(parties confer)

His Honour Judge Thomas: Ah, airworthiness approval note.

B

Mr Kirk: Yes. You would have put your name to that in order to present the aircraft and its history to the area CAA examiner from Weston-super-Mare, yeah. It says:

C

“Issue number 2.”

Can you assist the Court as to where is issue number 1? Because issue number 1 must always stay with the aircraft in its paperwork. Did you ever see an issue number 1, or did you create that from scratch?

D

Mr Martlew: No, we didn't create that. The, that's created by projects at Gatwick main office. That's a statement of how the aircraft must conform. I am the man that makes it conform to that. And when it does, they come and inspect it to make sure that I have do.

E

Mr Kirk: Yes, but that is issue number 2. Of course, it was owned by a number of people before you.

F

Mr Martlew: Yes.

Mr Kirk: And are you saying that most likely, but you said there was a logbook with it. The, Mr Cooper says there were no logbooks with the aircraft.

G

Mr Martlew: I've seen that this morning.

Mr Kirk: What have you looked at?

H

Mr Martlew: The logbook.

Mr Kirk: Ah, engine logbook. I'm talking about airframe logbook.

A **Mr Martlew:** Well, I've seen a, a, a set of logbooks this morning.

Mr Kirk: Where did you see these?

B **Mr Martlew:** I was sat outside with a gentleman with a bald head that ...

Mr Kirk: Who, who --

Mr Martlew: Had them in a ...

C **Mr Kirk:** Who gave --

Mr Martlew: Folder.

D **Mr Kirk:** Them, who gave them to you?

Mr Martlew: I don't know.

E **Mr Kirk:** Is Mr Cooper out there?

Mr Martlew: Well, whoever it might be, I've no idea, but he clearly had the logbooks with him.

F **Mr Kirk:** Well, Your Honour, a quick look at the logbooks is the obvious question to ask him, if the Prosecution have been withholding the logbooks of the aircraft throughout all this time. We are talking about the DH.2, aren't we?

G **Mr Martlew:** That was the registration on the spine

His Honour Judge Thomas: Well, is *there* --

H **Mr Martlew:** Of the --

His Honour Judge Thomas: Is, is there anybody --

A **Mr Kirk:** Yes.

His Honour Judge Thomas: Connect, sorry, is there anybody connected to the Prosecution or the police outside who has any logbooks *that you know of?*

B (parties confer)

His Honour Judge Thomas: Is there any other question on any other topic while we're looking at that issue, Mr Kirk?

C **Mr Kirk:** I did say earlier there's nothing new under the sun, but ...

Mr Martlew: Thank you.

D **Mr Kirk:** Apparently there's been atomic fission. No, I think, I think, yes, yes, I was not going to ask any other questions.

E **His Honour Judge Thomas:** Any re-examination, Mr Twomlow?

Mr Twomlow: No, thank you very much.

His Honour Judge Thomas: Thank you, Mr Wedley [sic], Martlew.

F **Mr Kirk:** No, I want to see the books. I want to know what these books are. The, the, the Prosecution's case until yesterday, there were no, they were deliberately withheld from the hearing.

G **Mr Twomlow:** That's, that's just not true.

Mr Kirk: I want to see the logbooks --

H **His Honour Judge Thomas:** Well, if the log --

Mr Kirk: If they --

A **His Honour Judge Thomas:** If the logbooks are out there, they will be brought in and we can see what they are.

Mr Kirk: Right, and you were --

B **His Honour Judge Thomas:** Does this --

Mr Kirk: Just about to dismiss --

C **His Honour Judge Thomas:** Does this --

Mr Kirk: Him.

D **His Honour Judge Thomas:** Require Mr Martlew to --

Mr Kirk: Well, of course.

E **His Honour Judge Thomas:** Continue here?

Mr Kirk: It, well, it might. Well, yeah.

F **His Honour Judge Thomas:** Well, Mr Martlew, I'm sorry, you may have to wait outside for a little while, and, while we get on with the next witness. You may be re-called.

Mr Kirk: Well, right.

G **His Honour Judge Thomas:** Sorry about that.

Mr Martlew: Thank you.

H (usher confers with witness)

His Honour Judge Thomas: I hope it doesn't cause you too much inconvenience.

(usher confers with witness)

A

Mr Kirk: Oh, yes, yes, Dodge wasn't asked any questions about the visit to Haverfordwest, my little, pretty little girl here noticed. Why didn't he take the gun? He went there for ...

(parties confer)

B

Mr Kirk: Yeah, I'm feeling a bit stupid here, Your Honour, but the, the, Mr Dodge has not given evidence. He's not been asked about his visit to Haverfordwest. If it wasn't for the sharp ...

C

(defendant confers with note taker)

D

Mr Kirk: He simply went there, took a statement, oh, I know, about the history of the aircraft before I bought it.

(defendant confers with note taker)

E

Mr Martlew: I therefore want to re-call Mr Dodge, just to ask him why didn't he take the gun and show it to the engineer?

His Honour Judge Thomas: Why did he or why didn't he?

F

Mr Kirk: Why didn't he? And isn't it interesting that it was not raised in his examination that he'd been to see ...

G

His Honour Judge Thomas: Well, we now know, according to this witness, that he did and that he didn't take the gun.

Mr Kirk: Yes.

H

His Honour Judge Thomas: What else could we know about it?

Mr Kirk: I need to know why he went there and what --

His Honour Judge Thomas: *Well*, he took a statement. We've just heard that.

A

Mr Kirk: Not for Mr Dodge, you haven't.

His Honour Judge Thomas: Well, I'm sorry, we can re-call witnesses. We can have witnesses coming out of the woodwork. We need to get on with the real issues in this case because the members of the Jury have been sitting here now patiently, I assume patiently, for, this is now the seventh day. We need to move on with relevant matters.

B

Mr Kirk: The issues are dishonesty, rank dishonesty.

C

His Honour Judge Thomas: Yes, well, I think the members of the Jury have already gathered that you think that a large number of South Wales Police officers --

D

Mr Kirk: No.

His Honour Judge Thomas: Are corrupt.

E

Mr Kirk: I do not. I've lived in South Wales for 18 years, and that is a completely unfair suggestion.

His Honour Judge Thomas: All right, well, some police officers --

F

Mr Kirk: Yes.

His Honour Judge Thomas: Are dishonest. Well, I think the members of the Jury have probably worked out that that's your view and that is what you are saying. Thank you very much.

G

Mr Twomlow: Your Honour, would Your Honour look at page 94 of the witness statements please? Ian David Williams. Statement served with the original statements on Mr Kirk.

H

His Honour Judge Thomas: Yes.

A **Mr Twomlow:** He received from Phoebe Streak the following items, a blue coloured folder, which is the one that was produced yesterday, a blue ring binder containing aircraft logbook relating to De Havilland 2 aeroplane, marked PIS2. And it, here it is. Now, that's referred to in the original statements that were served on Mr Kirk. That is at page 94 of the original statements, no question of this not being, being hidden, or hidden away from anybody. But here it is. Now, so --

B **His Honour Judge Thomas:** Right. How many more witnesses do you have available this afternoon?

C **Mr Twomlow:** One more.

His Honour Judge Thomas: That's Mr French, is it?

D **Mr Twomlow:** Yes.

His Honour Judge Thomas: Right, Mr French, I'm afraid, is going to be subject to the 15 minute rule. We'll have a 15 minute break.

E **Mr Kirk:** No, no.

His Honour Judge Thomas: In that, in the meantime Mr Kirk --

F **Mr Kirk:** No.

His Honour Judge Thomas: Can be shown that ...

G **Mr Twomlow:** Yes.

His Honour Judge Thomas: Exhibit, which presumably --

H **Mr Kirk:** No.

His Honour Judge Thomas: He hasn't seen before.

Mr Kirk: No, those --

A **His Honour Judge Thomas:** Believe it or not --

Mr Kirk: Are --

B **His Honour Judge Thomas:** Mr Kirk --

Mr Kirk: Logbooks --

C **His Honour Judge Thomas:** I am still running this Court.

Mr Kirk: Those are --

D **His Honour Judge Thomas:** So we will --

Mr Kirk: Logbooks --

E **His Honour Judge Thomas:** Now have a 15 minute break.

Mr Kirk: Those are the logbooks --

F **His Honour Judge Thomas:** Those documents will be shown to you if you --

Mr Kirk: Those are the logbooks --

His Honour Judge Thomas: Wish to see them.

G **Mr Kirk:** That were with the aircraft when I bought it.

His Honour Judge Thomas: Those will be now shown to you.

H **Mr Kirk:** But they were not shown to me, or they would have been, when I handed over the money, they would have gone to my engineers.

His Honour Judge Thomas: Well, they will now be, those items will be shown to you.

A
Mr Twomlow: Let me look at it --

His Honour Judge Thomas: Members of *the* --

B
Mr Kirk: Please. Will --

His Honour Judge Thomas: Well, just --

C
Mr Kirk: You, in the adjournment, allow me to examine the logbooks of my aeroplane?

D
His Honour Judge Thomas: That's what I just said. That's what I said I was giving you a 15 minute adjournment for, Mr Kirk. Occasionally, I might be fair. You never know. So I'm now giving you 15 minutes to look at the logbooks. 15 minutes, members of the Jury. Thank you.

(jury retires)

E
His Honour Judge Thomas: Thank you.

Court Usher: Court rise.

F
(short adjournment)

Court Usher: Court rise.

G
(judge confers with clerk)

(jury returns)

H
Mr Kirk: Your, Your Honour, I'm going to ask the CPS for a second time. They've very kindly given me a copy already of the gun, of the Home Office document. It, *it was*, it was here.

His Honour Judge Thomas: Well, *you* --

A

Mr Kirk: I, I can't find it. Nobody --

His Honour Judge Thomas: I --

B

Mr Kirk: It's not in --

His Honour Judge Thomas: I'm not sure I've --

C

Mr Kirk: My cellar's --

His Honour Judge Thomas: Had it --

D

Mr Kirk: Empty.

His Honour Judge Thomas: Yet.

E

Mr Kirk: Could I please have one more --

His Honour Judge Thomas: I'm not sure --

Mr Kirk: Copy?

F

His Honour Judge Thomas: I've got it yet, Mr Kirk?

(clerk confers with defendant)

G

His Honour Judge Thomas: *Could* I have a copy of that, Mr Twomlow?

Mr Kirk: Sorry?

H

His Honour Judge Thomas: Could I have a copy of the Home Office regulations? Because I still haven't.

Mr Twomlow: Yeah, of course. I thought you had.

A

(counsel takes instructions)

Mr Twomlow: Your Honour's copy was given to Mr Kirk when Mr Kirk didn't have his first copy.

B

His Honour Judge Thomas: Yes.

(counsel takes instructions)

C

His Honour Judge Thomas: Who's your next witness please?

Mr Twomlow: I, I, I don't know if Mr, Mr Kirk requires the reattendance of the last witness, who's, who's waited.

D

His Honour Judge Thomas: Ah.

Mr Twomlow: To ask him --

E

His Honour Judge Thomas: Right.

Mr Twomlow: About the logbooks. He had the logbooks, but ...

F

His Honour Judge Thomas: Yes, I'm sorry.

(counsel takes instructions)

G

His Honour Judge Thomas: Mr Kirk, is there any question arising out of the logbooks that you --

H

Mr Kirk: Yes.

His Honour Judge Thomas: Wish to ask Mr --

A **Mr Kirk:** Yes, yes, it, it is the fact that I warned a prospective owner that my engineer was concerned about the authenticity of the logbooks relating to the, the aeroplane, and this happens to be the chap who told me. I've only, it --

His Honour Judge Thomas: Well, let's, let's have him --

B **Mr Kirk:** Now I've seen the logbooks, I can see --

His Honour Judge Thomas: Let's have him back then. Let's have him back.

C **Mr Kirk:** See why he warned me that ...

(parties confer)

D (usher confers with witness)

E **Mr Kirk:** Martlew, I wasn't prosecuted. You have no knowledge of me being prosecuted for putting my aircraft through the roof of a police car at your airfield? It, they were blocking the runway, active runway and refused to leave because I had, they said I had to clear customs to go to Northern Ireland. You heard no reference of me being prosecuted for the incident?

Mr Martlew: Well, quite the opposite, I think.

F **His Honour Judge Thomas:** Sorry, I didn't catch that answer. I'm sorry.

Mr Martlew: I, I wasn't at the incident, but they, they shouldn't have done what they did, and I, it, it died, I think, the, if you know what I mean.

G **Mr Kirk:** Sorry, yes or no, did you know of that?

(defendant confers with note taker)

H **Mr Kirk:** Sorry about that. It was supposed to be a quick answer.

(defendant confers with dock officer)

A **His Honour Judge Thomas:** I think what, I think what Mr ...

(defendant confers with dock officer)

B **His Honour Judge Thomas:** Sorry, I forget your name.

(defendant confers with dock officer)

C **His Honour Judge Thomas:** Martlew, I think what Mr Martlew said was that he wasn't there that day and you can't help as to whether he was prosecuted. Is that what --

Mr Martlew: No, I don't know whether he was or not. I don't think he was.

D **Mr Kirk:** Well, you would have heard about it, surely, if I had been.

Mr Martlew: I would have heard if you was, yes. But it, again it's hearsay.

E **Mr Kirk:** OK.

Mr Martlew: I'm sorry.

F **Mr Kirk:** Yeah.

Mr Martlew: But ...

G **Mr Kirk:** Right, the only question that arises from the logbook, an earlier chap, a Mr Cooper was considering buying the aircraft, and I put it to him that I warned him that there was, my previous engineer had warned me that he was not entirely satisfied that the airframe fitted the logbooks. Now, that engineer happened to have been you. Do you remember saying to me before Farnborough that there's always this question of, is the airframe, because it was used in the Gunbus, where they had more than one of these aircraft, that there was a possibility that the logbooks may not fit the airframe? Do you recall any of that?

H **Mr Martlew:** Yes.

A **Mr Kirk:** Yes, and it came from you, didn't it?

Mr Martlew: Yes.

B **Mr Kirk:** Yeah, right. The last question is, why are the logbooks, why were they left down at Chalmington and they weren't still with the owner, the, sorry, the operator of a British registered aircraft? Can you give any reason, possibly, for that?

Mr Martlew: Well, they were yours. You *didn't take* them.

C **Mr Kirk:** Yeah, yeah, yes, but why weren't they, why were they withheld from me when I purchased the aircraft? The date, the last date in the logbook was 1986. I bought it in '97, 11 years. Are you saying it never flew? They put back a Pobjoy. They took the Pobjoy engine off and put on the, the, the 125 Kinner, didn't they?

D

(no audible response)

E **Mr Kirk:** Yeah. Can you give an, a, an explanation, relative to the charges today, as to why the people at Chalmington withheld those logbooks from me when I purchased the aircraft?

Mr Martlew: I don't believe they did.

F **Mr Kirk:** Right. The Prosecution have told this Court that they obtained that item from Chalmington in the last 12 months.

Mr Martlew: Ah.

G **Mr Kirk:** Right, OK, you can't assist on that.

Mr Martlew: Well, I may do, but I would need to go back to my office and see if we've got a set of logbooks --

H **Mr Kirk:** OK.

Mr Martlew: There.

A

Mr Kirk: OK, but you could assure the Jury that that aircraft is highly unlikely to be flying now, without a logbook for the airframe and a logbook for the licence.

Mr Martlew: No, that's not true.

B

Mr Kirk: Right.

Mr Martlew: That's completely --

C

Mr Kirk: *Complicated.*

Mr Martlew: That's, that's erroneous. That's not true.

D

Mr Kirk: But, sorry, have I put that wrong? *Well --*

Mr Martlew: Well, let, I'll explain if you'd like me to explain.

E

Mr Kirk: Yes.

Mr Martlew: An aircraft with a permit to fly ...

F

Mr Kirk: Yes.

Mr Martlew: The permit says it can fly without a certificate of airworthiness, without one.

G

Mr Kirk: Yes.

Mr Martlew: And that is renewed annually.

H

Mr Kirk: Yes.

Mr Martlew: And the condition of it each year, like you take your car for an MOT ...

Mr Kirk: Yeah.

A

Mr Martlew: It starts its life afresh every year.

Mr Kirk: Yes.

B

Mr Martlew: The logbooks are incidental to it.

Mr Kirk: Right, and they have --

C

Mr Kirk: Right.

Mr Martlew: Really don't play any part in the aircraft. It's the permit and that AAN that you, document that you showed me --

D

Mr Kirk: Yes.

Mr Martlew: And the signature of the man that says he can complies with that. And there's no requirement to keep logbooks for it.

E

Mr Kirk: In law, that is right.

Mr Martlew: That's in law.

F

Mr Kirk: But in there, it's a good way to keep a record of the flying hours, of the engine hours, as with if it was licensed as a civil, a CAA ...

G

Mr Martlew: Well, yes, it was, it was done, but you never did it, because you've never filled a logbook in in your life. That was our, our biggest problem, getting you to tell us what you'd done with the thing. So come on, Maurice, don't ...

H

Mr Kirk: I'm blushing, Mr Martlew. The CAA, the police raided my house on 22 and 23 June, and there is no reference to my Royal Air Force logbook in their exhibits. Could there be a reason for that, following on what you've just said and bearing in mind why some pilots deliberately do not keep their records up to date?

A **Mr Martlew:** I'd have to think about that one. I can't give you a straight --

Mr Kirk: OK.

B **Mr Martlew:** Answer to it.

Mr Kirk: OK, OK, it's all right. Thank you, Your Honour.

Mr Martlew: Sorry.

C **His Honour Judge Thomas:** Thank you very much, Mr Martlew.

(usher confers with witness)

D **His Honour Judge Thomas:** Thank you.

Mr Martlew: Have you finished with it?

E **His Honour Judge Thomas:** Yes.

(usher confers with witness)

F **Mr Martlew:** I'm much obliged.

His Honour Judge Thomas: Thank you.

G **Mr Martlew:** Thank you.

(usher confers with witness)

H **His Honour Judge Thomas:** Thank you for coming.

(usher confers with witness)

His Honour Judge Thomas: Yes.

A

(parties confer)

Mr Twomlow: Anthony French please.

B

His Honour Judge Thomas: And he's the last witness today, is he?

Mr Twomlow: Yes.

C

(usher confers with witness)

Court Clerk: Please hold the book in your hand and repeat after me please.

D

(usher confers with witness)

Court Clerk: I swear by Almighty God ...

E

PC French: I swear Almighty God ...

Court Clerk: That the evidence I shall give ...

PC French: That the evidence I shall give ...

F

Court Clerk: Shall be the truth ...

PC French: Shall be the truth ...

G

Court Clerk: The whole truth ...

PC French: The whole truth ...

H

Court Clerk: And nothing but the truth.

PC French: And nothing but the truth.

A **Court Clerk:** Thank you.

Mr Twomlow: Your full name, your rank and your station please.

B **PC French:** Yes, I'm Anthony Paul French, PC3913, currently based at the Road Policing Unit at Gwaelod-y-Garth, in Cardiff.

Mr Twomlow: On Monday 22 June of last year were you on duty in uniform, driving a marked police patrol vehicle?

C **PC French:** That is correct.

Mr Twomlow: And did you attend the St Donats area of Vale of Glamorgan?

D **PC French:** That is correct.

Mr Twomlow: Was that to assist in the transport of Mr Maurice Kirk?

E **PC French:** Yes.

Mr Twomlow: Was he taken from St Donats to the Port Talbot Police Station in the vehicle that you were driving?

F **PC French:** Yes, Sir.

Mr Twomlow: Yes, was that your, did you have any other part in the investigation?

G **PC French:** No, that's the, my, my entitlement [sic].

Mr Twomlow: Yes, thank you very much, Mr French. Mr Kirk will have some questions for you.

H **PC French:** Certainly.

His Honour Judge Thomas: Mr Kirk, I'm afraid you're on the 15 minute ...

A

Mr Kirk: I don't even know if there, because I, I, I just need to see his statement, and I ...

His Honour Judge Thomas: Have my copy.

B

Mr Kirk: Please. Thank you.

Court Usher: Mr Kirk.

C

Mr Kirk: Thank you. Ah, yes, I've found it. I've found it. Thank you. You were a witness to the conversation in the car, and that was it, wasn't it, really?

D

PC French: I was present for that.

Mr Kirk: Yes.

E

PC French: Yes.

Mr Kirk: And you heard me say, I was asked:

“Where is the ammunition?”

F

And I said:

“Ammunition for what?”

G

PC French: I can't recall the exact --

Mr Kirk: No.

H

PC French: Words --

Mr Kirk: No.

A **PC French:** Of the conversation.

Mr Kirk: OK.

B **PC French:** *But* it was recorded on the in car system.

Mr Kirk: *Yes.* When were you, no, there's no point in, I have nothing to say to this chap. Sorry about that.

C **His Honour Judge Thomas:** Thank you, PC French.

PC French: Thank you, Your Honour.

D (usher confers with witness)

His Honour Judge Thomas: Sorry you've had to come off duty to ...

E **Mr Twomlow:** Yes, well, that is the last witness who's here today. I can inform Your Honour about other witnesses.

His Honour Judge Thomas: But there's a reasonable expectation, is there, that the Prosecution will finish their case tomorrow?

F **Mr Twomlow:** One of the witnesses, who I think is required by Mr Kirk now, is not available until Thursday, I'm told, I'm afraid. There are the interviews, which have to be sorted out, as Your Honour knows, which may take a little time. And there is one witness
G who is trying to get here tomorrow. Both of these witnesses are witnesses who it was not anticipated would be required but, but who are now required. And so ...

His Honour Judge Thomas: Yes. Well, we --

H **Mr Twomlow:** I, I, I think ...

His Honour Judge Thomas: We've made good progress today, or relatively --

A **Mr Twomlow:** Yeah.

His Honour Judge Thomas: Good progress today, and I want to continue the, the good progress. If, if a witness has to be ...

B **Mr Kirk:** *Your ...*

His Honour Judge Thomas: Brought on Thursday, then so be it. Thank you.

C **Mr Kirk:** Your, Your, Your Honour, you'd give me the disclosure of the communications between the Prosecution and the, the Royal Air Force and Mr Twigg and Mr Turner, and you give me the proper disclosure of the ...

D **His Honour Judge Thomas:** Well, isn't, Mr Kirk, we will deal with matters of disclosure -
-

Mr Kirk: I don't need those witnesses to come all this way, because --

E **His Honour Judge Thomas:** Well --

Mr Kirk: They --

F **His Honour Judge Thomas:** We --

Mr Kirk: Because what I want is what you're not giving, is, is the communications --

G **His Honour Judge Thomas:** Mr Kirk, I've told you several times, there's a particular set of legal requirements, not of my making, of Parliament's making.

Mr Kirk: The pair --

H **His Honour Judge Thomas:** I will --

Mr Twomlow: Of you --

A **His Honour Judge Thomas:** I will discuss, I will discuss the matter with you in the absence of the Jury because --

Mr Kirk: No.

B **His Honour Judge Thomas:** I am sure --

C **Mr Kirk:** It's, it's long overdue for the Jury to hear everything. My view of the purpose of a Jury is different to yours, which is why I've been trying to get legal advice on that very point from the cell.

His Honour Judge Thomas: Well --

D **Mr Kirk:** And there's only one barrister in South Wales I trust, and I would love him to be able to come. My sister was refused the possibility of Ieuan Rees to come and give me the only point of law I need now, because we're too late in the trial, and that is what are the legal duties of a Jury?

E **His Honour Judge Thomas:** Right, thank you very much.

Mr Kirk: And if you give me the proper disclosure relating to the witnesses that are having difficulty getting here, I don't need them.

F **His Honour Judge Thomas:** Right, we'll discuss that, I'm afraid, in the absence of the members of the Jury because it is not evidence. It is perhaps a matter of law. And please sit down, Mr Kirk. Members of the Jury, 10:30 tomorrow. I will do my best to make sure that the boxes and Mr Kirk and everyone else is here at 10:30. If I fail, you may not be terribly surprised. Thank you. Well, I think it, sorry, I, I should say I think we are making progress to finish next week.

G **H** (jury retires)

Mr Twomlow: Mr Kirk will be given this document this evening ...

His Honour Judge Thomas: Yes.

A **Mr Twomlow:** For his observations. It's, it's a draft at the moment on what I advised.

His Honour Judge Thomas: I, I don't know the contents of these emails, as you will know.

B **Mr Twomlow:** Oh, of the ...

His Honour Judge Thomas: Emails that Mr Kirk is referring to. Now ...

C **Mr Twomlow:** I ...

His Honour Judge Thomas: I do not run the Prosecution case, contrary to what Mr Kirk may think, but if there is no reason in law why he should not have them, then it may be an idea if he were to be given them. And we may --

D **Mr Twomlow:** Well, I --

E **His Honour Judge Thomas:** Conceivably save some time. Would you like to think about --

Mr Twomlow: I will --

F **His Honour Judge Thomas:** That?

Mr Twomlow: I will, I will ask if there --

G **His Honour Judge Thomas:** Well, at the end of the day you run the show, don't you?

Mr Twomlow: Yeah, I, I, I, yes. And, I'm sorry, at the moment these are emails between the police or the Prosecution and the Civil --

H **His Honour Judge Thomas:** I don't know.

Mr Twomlow: Aviation Authority.

A **His Honour Judge Thomas:** I think what Mr Kirk is asking for --

Mr Twomlow: That's --

B **His Honour Judge Thomas:** Is emails between the police and the RAF. Is that right, Mr Kirk?

Mr Kirk: The, the word I use is Prosecution, which must include the South Wales Police or any other agents that gathered the evidence to try and --

C **His Honour Judge Thomas:** From the RAF.

Mr Kirk: To try and get me stitched up.

D **His Honour Judge Thomas:** Right, OK.

Mr Twomlow: Between the Civil Aviation Authority and the police or the Prosecution and the RAF?

E **His Honour Judge Thomas:** That's as I understand. If they are on the schedule --

Mr Twomlow: I, I will ...

F **His Honour Judge Thomas:** Check them. And if they can be given to Mr Kirk, hopefully this evening, if not, and that may be --

G **Mr Twomlow:** *Well, yes.*

His Honour Judge Thomas: Impossible, tomorrow morning. Then we may conceivably save time.

H **Mr Twomlow:** Yes.

Mr Kirk: And the previous owners of the aircraft that have been identified now as --

A **His Honour Judge Thomas:** Well, if there are emails relating to that general matter, I encourage --

Mr Twomlow: Yes.

B **His Honour Judge Thomas:** The Prosecution to disclose them.

Mr Twomlow: Very well.

C **His Honour Judge Thomas:** I can't --

Court Usher: *OK.*

D **His Honour Judge Thomas:** Do more than that, Mr Kirk.

Dock Officer: *Yeah,* thank you.

Mr Kirk: No, I *know* --

E

His Honour Judge Thomas: Now --

Mr Twomlow: Now --

F

His Honour Judge Thomas: Can I --

Mr Twomlow: Mr Kirk --

G

His Honour Judge Thomas: Can I just, sorry, you're dealing with --

Mr Twomlow: Should have this ...

H

His Honour Judge Thomas: Mr Kirk --

Mr Twomlow: Document.

A **His Honour Judge Thomas:** You've been handed this document. That's going to be dealt with tomorrow, so please look at it carefully overnight.

Mr Kirk: Yeah, thank you.

B **His Honour Judge Thomas:** Don't lose it, because the --

Mr Kirk: *I'm* --

C **His Honour Judge Thomas:** CPS have probably created a massive hole somewhere in *the*, in the Amazon Rainforest as a result of, of the last two weeks. And can I just say, while I'm on the subject, I know this is a, a, not a usual trial for anyone and I am conscious of the strains that have been put on the lady who sits behind you, Mr Twomlow, and I'm not unappreciative of her efforts, even though I still haven't --

D

Mr Twomlow: Thank you, Your Honour.

His Honour Judge Thomas: In fact had those, those regulations.

E

(solicitor confers with clerk)

Mr Twomlow: Your Honour, Mr McMenemy, who ...

F

His Honour Judge Thomas: Thank you.

Mr Twomlow: Mr Kirk said he required, is in Kazakhstan apparently.

G

His Honour Judge Thomas: Kazakhstan.

Mr Twomlow: Yes.

H

His Honour Judge Thomas: Well, he won't be coming, then, will he?

A **Mr Twomlow:** No, but Mr McMillan is the witness who can come on Thursday. He's from the civil aviation authority. It may --

His Honour Judge Thomas: Well, we'll --

B **Mr Twomlow:** Be better --

His Honour Judge Thomas: See where we go. It may be that Mr Kirk, who up until now has not asked for him may not --

C **Mr Twomlow:** Yes.

His Honour Judge Thomas: Require him if he's had these documents --

D **Mr Twomlow:** Yes, I will --

His Honour Judge Thomas: Which would be a good thing --

E **Mr Twomlow:** See to that.

His Honour Judge Thomas: Wouldn't it?

F **Mr Twomlow:** And Mr Twigg, who was the other person who may not have to come ...

His Honour Judge Thomas: Yes.

G **Mr Twomlow:** Whose statement has been given to Mr Kirk, may be available tomorrow if he can cancel another appointment. So he ought to be coming tomorrow, or certainly at 2 o'clock.

His Honour Judge Thomas: Well, again, if Mr --

H **Mr Twomlow:** Again, we will do what we can in relation to that.

(defendant confers with note taker)

A **Mr Kirk:** There's one last item. An urgent letter came from the prison about ...

Mr Twomlow: Thank you.

B **His Honour Judge Thomas:** Thank you.

Mr Kirk: About my status as a MAPPA prisoner. They, if, the content there, *well*, you'll see that the prison is urgently trying to give me something in writing, which I of course need to use in my defence.

C (defendant confers with note taker)

His Honour Judge Thomas: Well, I, I don't follow that at all.

D **Mr Kirk:** Everybody, now that they're starting to defend their own little camp, are starting to pretend that they're being cooperative. I wrote to the RAF and the CAA back in August, and they keep refusing to answer my letters. Now MAPPA, knowing that this is going public, have now said, yeah, they will desperately try and get me the, my legal status available for Court, for me to give evidence on. And there is the latest letter, which, by the way it's written, I had to play the race card in order for them to stand up and take me seriously, as it refers to in the letter.

E **His Honour Judge Thomas:** Well ...

F **Mr Kirk:** Could you please --

G **His Honour Judge Thomas:** *Well*, can I, can I just say --

Mr Kirk: Put pressure --

H **His Honour Judge Thomas:** Can I just say that my understanding of MAPPA is that it is a, a meeting between various agencies? I have no control over it. I have no idea what it does. But it seems to me that it has absolutely no bearing on the issues of this case. How on earth can you write to the prison to see if I can have a tape recorder and influence them, and now

you're telling me that me, identified under a letter from my lawyers in London, who have made the Prosecution admit that --

A

His Honour Judge Thomas: Do you know the --

Mr Kirk: I am --

B

His Honour Judge Thomas: Trouble, Mr Kirk? That whenever in the course of this trial I have done my best to help you, by for example doing my best to facilitate --

C

Mr Kirk: *Look* --

His Honour Judge Thomas: You --

D

Mr Kirk: Let's do *a* --

His Honour Judge Thomas: Well, well, listen to me, doing my best to see if I can get tape recording facilities for you --

E

Mr Kirk: Yes, right.

His Honour Judge Thomas: I've done my best for you in that respect.

F

Mr Kirk: Right.

His Honour Judge Thomas: I'm not going to get any thanks.

G

Mr Kirk: Forget it.

His Honour Judge Thomas: But what --

H

Mr Kirk: Forget the, that --

His Honour Judge Thomas: But what --

Mr Kirk: And replace it for --

A

His Honour Judge Thomas: But what --

Mr Kirk: Getting them to hand over my MAPPA records.

B

His Honour Judge Thomas: But what would be, but the trouble with doing something like that is, when someone does something to help, you just ratchet up what you, your demands to a totally unreasonable level.

C

Mr Kirk: Because what --

His Honour Judge Thomas: Thank you.

D

Mr Kirk: You've been doing throughout this trial has been unlawful.

Court Usher: Court rise.

E

His Honour Judge Thomas: Thank you.

The Transcription Agency hereby certifies that the above is an accurate and complete recording of the proceedings or part thereof.

F

The Transcription Agency, 24-28 High Street, Hythe, Kent, CT21 5AT
Tel: 01303 230038
Email: court@thetranscriptionagency.com

G

H