

**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**

Mrs Celia Jeune - Defendant's sister

**Whole Hearing**

Hearing date: 26 January 2010  
Transcribed from 10:34:45 until 10:46:23  
10:55:14 until 11:17:54  
11:40:46 until 11:45:16  
11:57:18 until 13:04:16  
14:05:42 until 15:09:27  
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Number of folios in transcript 436  
Number of words in transcript 31,359

A

**Court Clerk:** Court please rise. Return to trial of Maurice Kirk.

**His Honour Judge Thomas:** Yes. Are you in a position to open the case, Mr Twomlow?

B

**Mr Twomlow:** I'm in a position to open the case, subject to anything to be said about a Jury bundle or the videos, which were shown to Mr Kirk last night.

**His Honour Judge Thomas:** Yes. Mr Kirk, have you seen the, the Jury bundle?

C

(no audible response)

**His Honour Judge Thomas:** Do I take that as a yes?

D

**Mrs Jeune:** Your Honour, could I, could I speak to the Court?

**His Honour Judge Thomas:** In what capacity?

E

**Mrs Jeune:** Well, Mr Werren isn't here this, today.

**His Honour Judge Thomas:** Yes.

F

**Mr Twomlow:** Mr Werren indicated to me yesterday that he had hospital appointments which meant he couldn't attend again until Thursday.

**His Honour Judge Thomas:** Right.

G

**Mr Twomlow:** And so he is not going to be here till Thursday. I suspect that's why Mr Kirk's sister is addressing the Court now. I wasn't aware that was going to happen.

H

**His Honour Judge Thomas:** Are, are you in the capacity of a McKenzie friend?

**Mrs Jeune:** Sorry? I, actually, I have to say that the acoustics in here are terrible.

**His Honour Judge Thomas:** All right, I'll try and speak --

**A**

**Mrs Jeune:** It might be a family problem, but I --

**His Honour Judge Thomas:** I'll --

**B**

**Mrs Jeune:** Don't think so.

**His Honour Judge Thomas:** I'll try and speak up. Yes, is there something you wish to say on behalf of, of your brother?

**C**

**Mrs Jeune:** Well, I, I would like to be able to talk for him as Mr Werren was able to in the past, in a previous hearing on 26 October.

**D**

**His Honour Judge Thomas:** Well, I'll need to look up to see whether you are legally able to do so.

(defendant confers with his sister)

**E**

**His Honour Judge Thomas:** Sorry, would, would you just bear with us? I have to find out whether or not you have a legal right to speak on behalf of your brother. That's what I'm doing now.

**F**

**Mrs Jeune:** Thank you.

(pause)

**G**

**Mr Twomlow:** I think Your Honour may be assisted by paragraph 2-22 at page 197, which deals with rights of audience.

**His Honour Judge Thomas:** Sorry, 2 ...

**H**

**Mr Twomlow:** 2, hyphen, 22 at page 197.

**His Honour Judge Thomas:** Thank you.

**A** **Mr Twomlow:** Of the current edition of Archbold.

(pause)

**B** **His Honour Judge Thomas:** I'm looking, in fact, Mr Twomlow, at 4-41.

**Mr Twomlow:** Yes, I, that's, *it*, the subject is covered in a number of places in, in Archbold, but 4-41.

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

(pause)

**D** **Mr Twomlow:** At, at, at the very end of that 4-41 it refers one back to 2-22 as to the rights of audience of persons other than counsel.

**His Honour Judge Thomas:** Yes.

**E** **Mr Twomlow:** And further up the page:

“If the trial proceeds with the Defendant unrepresented, it is not appropriate to appoint an amicus curiae.”

**F** Whether that, which means a, a friend of the Court, I think, somebody to assist in general, rather than a representative.

**G** **His Honour Judge Thomas:** Yes, and my understanding is that someone can act as a McKenzie friend, as the old or possibly current phrase had it. That is to say, someone who can assist but not speak on behalf of the Defendant. Is that your understanding?

**H** **Mr Twomlow:** Well, in the civil Courts, that is the case. I've not known that to happen in the, in the Crown Court, and it doesn't appear to be covered in, as far as I can see, in any, in any part of Archbold. And it might take a little time to consider whether that is appropriate.

I've, may I say I, I've no objection at all, at all to that happening if that is the practical way forward. But whether it's allowable is another matter.

A

**His Honour Judge Thomas:** Yes. It, it, it doesn't appear that you have the right to appear on behalf of your brother. That is to say, speak on his behalf. You can assist him.

B

(defendant confers with his sister)

**Mrs Jeune:** Yes.

C

(defendant confers with his sister)

**His Honour Judge Thomas:** As, as you have done. But I'm afraid that he has to speak on his own behalf, unless you are legally qualified.

D

**Mrs Jeune:** Well, unfortunately he's tried to, he has a lawyer who's trying to pursue access to medical records, which he's been denied. They are his medical records. And he's employed a lawyer to do that.

E

**His Honour Judge Thomas:** Yes. Oh, well. The, the, the point at the moment is that you are not able to speak on his behalf, I'm afraid.

**Mrs Jeune:** Right.

F

**His Honour Judge Thomas:** What I will do is I will rise for a moment or two to consider that position further.

G

**Mrs Jeune:** Yes.

**His Honour Judge Thomas:** But I'm fairly sure that you do not have the right to speak on his behalf.

H

**Mrs Jeune:** Yes. I, I mean, I've come here, Your Honour, to try and help my brother because I've been fairly horrified at the access he's had, to try and defend himself.

**His Honour Judge Thomas:** Well, that --

**A**

**Mrs Jeune:** At every turn, he's denied. Letters are delayed and, you know, he can't get --

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

**B**

**Mrs Jeune:** Access to anything.

**His Honour Judge Thomas:** I hear what you say. I've conducted some of the hearings and I've had access to the transcripts of other parts of the proceedings. I'm going to rise for the moment, just to make sure that I have this issue correct, but I don't think that you have the right to represent him as a spokesman.

**C**

(defendant confers with his sister)

**D**

**Mrs Jeune:** Could, sorry, could you explain again why you are leaving the room?

**Mr Twomlow:** Your, Your, Your Honour, I, I, may I just, in an attempt to be helpful, say I would be, I'm afraid know her surname.

**E**

(defendant confers with his sister)

**Mr Twomlow:** I'm afraid I don't know the lady's surname.

**F**

(defendant confers with his sister)

**Mr Twomlow:** I would be perfectly happy to have a discussion with her about what points she, she wants made on Mr Kirk's behalf when the Court rises, if it's thought appropriate by Mr Kirk. If it's not, then I won't.

**G**

**His Honour Judge Thomas:** Yes.

**H**

**Mr Twomlow:** But I make that offer. That's ...

**A** **His Honour Judge Thomas:** Well, let me just explain, in answer to the question that, that is posed. There are restrictions on who can act in the Crown Court. Barristers can, solicitors with certain rights can and the Defendant in person can, but no, I'm afraid, an unqualified person on his behalf. So I'm afraid, as from now, I'm not going to be able to address you.

(defendant confers with his sister)

**B** **His Honour Judge Thomas:** Or vice versa.

(defendant confers with his sister)

**C** **Mrs Jeune:** Could I just say that --

**His Honour Judge Thomas:** *No*, I'm, I'm sorry.

**D** **Mrs Jeune:** One of the reports says that --

**His Honour Judge Thomas:** Can I, can I just, can I --

**E** **Mrs Jeune:** He --

**F** **His Honour Judge Thomas:** Just interrupt you? I'm sorry. You are not, I'm afraid, someone I can have address me on behalf of your brother. I'll just go out now to consider that further, but that is my understanding of the law. And I want to just rise now to make sure that I'm correct about that, and I will return after I have done so.

**Mrs Jeune:** Yes, but he --

**G** **His Honour Judge Thomas:** Thank you.

**Mrs Jeune:** Believes he's in a web of conspiracy. This is the problem.

**H** **Court Clerk:** Court please rise.

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

A            (short adjournment)

**Court Clerk:** Court please rise.

B            (judge confers with clerk)

**His Honour Judge Thomas:** Thank you. Yes, Mr Kirk, would you stand please?

C            (parties confer)

**His Honour Judge Thomas:** I have carefully checked the law. I have carefully checked the law, and there is no right, I'm afraid, for your sister to address the Court on your behalf. You will have to do it on your own, off your own back. Thank you.

D            (parties confer)

**His Honour Judge Thomas:** No, would you stand again please, Mr Kirk.

E            (parties confer)

**His Honour Judge Thomas:** Would you stand please, Mr Kirk?

F            **Mr Kirk:** I can't hear anything. I can't hear anything.

**Dock Officer:** Stand up.

**Mr Kirk:** Excuse me?

G            **Dock Officer:** *Yeah, go on.* Can you, can you stand up?

**Mr Kirk:** Sorry?

H            **Dock Officer:** Can you stand up please, Sir? Thank you.

**Mr Kirk:** Can, can you tell you that I can't hear what he says?



**A** **His Honour Judge Thomas:** Yes. Your, your hearing appears to have deteriorated overnight, Mr Kirk.

(parties confer)

**B** **His Honour Judge Thomas:** I'm afraid your sister is not able to act on your behalf.

(parties confer)

**C** **His Honour Judge Thomas:** Can you hear me?

**Mr Kirk:** Oh, it's far too loud. Hold it, Sir. Yes, I'm, I'm testing. I'm with you.

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

**Mr Kirk:** I'm with you, yeah.

**E** **His Honour Judge Thomas:** I'm afraid, having looked up the law, that your sister is not able to speak on your behalf.

**Mr Kirk:** Sorry, I, it's cutting out. I, I, I want someone else to test this because I'm not making this up. I heard you clearly, and in fact it was too loud.

**F**  
(parties confer)

**His Honour Judge Thomas:** Can you hear me?

**G**  
**Mr Kirk:** (claps)

(parties confer)

**H** **His Honour Judge Thomas:** Well, I don't want to have the entire day punctuated by claps when we test the equipment. Is there any better equipment?

**Mr Kirk:** No, no, I can hear you perfectly --

**A**

**His Honour Judge Thomas:** You can hear me --

**Mr Kirk:** Now.

**B**

**His Honour Judge Thomas:** Now. Good. I've looked up the law, Mr Kirk, and I'm afraid that there is no power or right for your sister to address the Court on your behalf. Now, what I --

**C**

**Mr Kirk:** Yes.

**His Honour Judge Thomas:** What I need to know at this stage is two things. First of all, the Jury bundle that you've been shown, do you agree that that can go before the Jury?

**D**

**Mr Kirk:** But at a previous hearing Francis Werren spoke on my behalf at length. I had to buy the transcript at my own expense because I couldn't hear what he was saying. And it wasn't until a month later that I got the transcript. It was before Her Honour Eleri Rees, and to me, if you were prepared to accept a bail application from him without consulting me and you were sitting last time in Newport, last week, hearing a bail application that this person who apparently has no right of audience sends to your Clerk at Court without my knowledge, I had no, you would have, you checked that out in the hearing last time. I had no knowledge that you, he, he had set up a bail application.

**E**

**F**

**His Honour Judge Thomas:** Mr Werren did --

**Mr Kirk:** And yet he's not allowed --

**G**

**His Honour Judge Thomas:** Mr Werren did not address me in Newport. He didn't speak to me directly. And I have just told you that I've looked up the law. There's no power for anybody to address me. Now, what I've just asked you, Mr Kirk, and I'd like you please to concentrate your mind on this, is this matter. As far as the Jury bundle is concerned, that you've been provided with, do you have any objection to that going before the Jury? Yes or no please.

**H**

**A** **Mr Kirk:** When I first came before you, you accepted that it was a bail application laid before the Court by a Mr Francis Werren, who I hardly know. You then said that I had also put in a bail application. But I wasn't going to be fooled. I put it in writing to you that should there be a delay during the trial due to no fault of my own because the police have deliberately not given me proper disclosure to prepare a defence, I would like to take that opportunity, which is why my sister has come over also, to arrange specialist medical attention at my expense and asking for the custody of the Court to allow me to have medical attention during the delays that you are already experiencing today, to no fault of my own. **B** Only yesterday the Prosecution had produced yet another gun. They could have given me this witness statement and so on months ago. This has now caused me concern about finding the people who went to see the aeroplane when it was for sale with me, when there was clearly a, another gun on it, which is now being described by many as ornamental ironmongery. I have to chase, and I have the name now today, of the lorry haulage firm that went to collect it, who knew there was ornamental ironmongery attached to it. This is all 12 years ago. **C** **D**

**His Honour Judge Thomas:** Now, Mr Kirk, the question that I asked you was, do you have any objection to the Jury bundle? Unless you directly address that question, I will allow the Jury bundle to go before the Jury. Now, could you please deal with that? Do you have any objection to the Jury bundle going before the Jury? **E**

**Mr Kirk:** I do if you continue to refuse to let me pay for the photocopying of the undisclosed non sensitive material which is identified in over 300 mini files. The Prosecution this Saturday have given me an even, a great long list of information, how they've been travelling the country only in the last few weeks, gathering evidence which they knew about eight, two years ago, 12 years ago. **F**

**His Honour Judge Thomas:** Well, I'll have to take that answer -- **G**

**Mr Kirk:** Am I entitled --

**His Honour Judge Thomas:** I have to take that answer then, Mr Kirk, that you do not have any objection to it. Mr Twomlow, is there any other matter that needs to be raised at this, at this stage? You did mention, I think, something else. **H**

**Mr Twomlow:** Not at this stage, no.

**A**

**His Honour Judge Thomas:** Yes, and I also take it, unless you tell me specifically to the contrary, that you have no objection to the form in which the website is to be put before the Jury.

**B**

**Mr Kirk:** Well, what alternative could you consider?

**His Honour Judge Thomas:** I just want to know if you have any objection to it.

**C**

**Mr Kirk:** Do you mean just the two video films?

**His Honour Judge Thomas:** Are, are those the ones that we're talking about? Yes.

**D**

**Mr Kirk:** Well, on their, oh, in their format, no, the actual, the way that the Prosecution have prepared that particular video. But they are out of context.

**His Honour Judge Thomas:** Well, in that case you must explain the context when it comes to the time to cross-examine. Thank you very --

**E**

**Mr Kirk:** I see.

**His Honour Judge Thomas:** Much.

**F**

**Mr Kirk:** Thank you.

**His Honour Judge Thomas:** Thank you. Yes, can we have the Jury in then please?

**G**

(jury returns)

**H**

**His Honour Judge Thomas:** Well, good morning, members of the Jury. I know that I said we'd be starting at half past 10, and there's been a delay. I wish I could say I was confident there wouldn't be other delays on other days, but I'm afraid I can't. Please bear with me, and we'll try and keep them to a minimum. I see some of you shuddering with cold as you

come in. We'll try and do something about the heating, which is erratic, I'm afraid, to put it mildly. And we'll see if we can do something about that in the course of the morning.

A

The next thing that's going to happen is that the Prosecution will open their case to you. Yes, thank you, Mr Twomlow.

B

**Mr Twomlow:** May it please Your Honour, ladies and gentlemen of the Jury, I represent the Prosecution. The Defendant is Maurice John Kirk, who is representing himself. This case, ladies and gentlemen, is about that gun that you can see on the desk there in front of you. That is a Lewis machine gun. It's a type of gun which was invented as long ago as 1911, very nearly 100 years ago. But this particular gun may have been constructed for training or display purposes. It appears, according to expert evidence which you will hear during the course of this case, to comprise a combination of original Lewis gun components and other components which were non standard for that gun. The Prosecution say that it falls into the legal category of a prohibited weapon and that the Defendant Maurice Kirk had it in his possession and that he then sold it on, both of which would be offences if it is a prohibited weapon.

C

D

E

The Defendant Mr Kirk is a qualified veterinary surgeon who has practised in the Llantwit Major area of South Wales, and he's also a qualified pilot. He has a website, [www.kirkflyingvet.com](http://www.kirkflyingvet.com), of which you will hear something during the course of this case.

F

Now, let me put before you, ladies and gentlemen, a bundle of documents which I hope will be of assistance to you while I explain the case and throughout the case. There are six files, including documents for you, one between two.

(parties confer)

G

**Mr Twomlow:** And there's one for Your, Your Honour.

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

H

(parties confer)

**Mr Twomlow:** You'll see an index at the very first blue page.

(parties confer)

A

**Court Clerk:** You were given it yesterday, *another* --

**Mr Kirk:** I have --

B

**Court Clerk:** *Bundle.*

**Mr Kirk:** I've been told that I have to get permission from the Judge.

C

**His Honour Judge Thomas:** Sorry, for what?

**Court Clerk:** I think it's ...

D

**Mr Kirk:** My papers are down below. Apparently for health and safety reasons, I'm not allowed to have them in the dock, but I would like to have the bundle that was given to me yesterday. I haven't had a chance to even read it. It may be the same one that's before the Jury.

E

**His Honour Judge Thomas:** Now, Mr Kirk, you were given time yesterday to read it, and you had documents in the dock with you yesterday. I wonder if, please, dock officer, if this can be located. I understand there are many, many files downstairs. Is that right?

F

**Dock Officer:** My understanding of it, Your Honour, was that Mr Kirk was given all his documents this morning but he refused to sign any papers acknowledging receipt --

G

**His Honour Judge Thomas:** Well, that, that --

**Dock Officer:** For the --

H

**His Honour Judge Thomas:** May or may, they may --

**Dock Officer:** Trial bundles.

A

**His Honour Judge Thomas:** Or may not be right, but can we please get a file like this, which is black? Thank you. In the meantime, is there a spare copy for Mr Kirk to look at?

B

**Mr Twomlow:** There, there isn't, I'm afraid. There were, there were enough done for Your Honour and ladies and gentlemen of the Jury, and because Mr Kirk had had his bundle yesterday.

C

**Mr Kirk:** There's one there. She doesn't need it.

**Mr Twomlow:** May I go on simply to explain the indictment?

D

**His Honour Judge Thomas:** Yes, please.

E

**Mr Twomlow:** Because Mr Kirk is familiar with the indictment. It appears at page 1 of the bundle, ladies and gentlemen. It's the document which sets out in writing the charges which are faced by Mr Kirk and which you will have to consider at the end of the evidence. Each count relates to his ownership and his possession of this Lewis machine gun. The Prosecution say, as I've told you, that it was a prohibited weapon under the Firearms Act 1968 because, as the name machine gun suggests, it was, in the words you can see at the end of each of the particulars of offence:

F

“Designed or adapted so that two or more missiles could be successively discharged without repeated pressure on the trigger.”

G

In other words, you pull the trigger and it fires thereafter automatically, as you would expect of a machine gun. Let me explain briefly the Prosecution case about the gun itself, which involves me telling you a little bit about the Firearms Act 1968. I should say straightaway, ladies and gentlemen, that matters of law are matters for His Honour and not for me, so anything that I tell you about the law is absolutely subject to any directions that His Honour gives you. If there's any difference between them, His Honour is right and I'm not. But I hope I'm going to be right.

H

Now, you will see in your indictment the elements of the offence which the Prosecution has to prove. Count 1, the statement of offence is:

“Possessing a prohibited weapon contrary to section 5(1)(a) of the Firearms Act 1968.”

**A**

And the particulars are that:

“Maurice John Kirk between the 1<sup>st</sup> day of January 2008 and the 23<sup>rd</sup> day of June 2009, without the authority of the Secretary of State, had in his possession a firearm, namely a Lewis machine gun, which was so designed or adapted that two or more missiles could be successively discharged without repeated pressure on the trigger.”

**B**

**C**

A word about the dates. The Prosecution has to prove that at some time between those dates he had it in his possession. It doesn't have to prove that it was from the first date to the last date. Sometime between those dates, he had that item in his possession.

**D**

Count 2 is selling or transferring a prohibited weapon contrary to Section 5(1)(a) of the Firearms Act, and the particulars are that between those same dates:

“Without the authority of the Secretary of State, he sold or transferred a firearm, namely a Lewis machine gun, which was so designed or adapted that two or more missiles could be successfully discharged without [repeating pressure on] repeated pressure on the trigger.”

**E**

**F**

Now, ladies and gentlemen, there's one matter that is relevant in this case because of something that Mr Kirk has said. It is possible for a gun which is a prohibited weapon to become legal to possess if it is deactivated, because it then is no longer a firearm. A firearm ceases to be a firearm if it's been rendered incapable of discharging any shot, bullet or other missile. That is relevant in this case because Mr, Mr Kirk told the person to whom he sold this gun that this weapon had been deactivated. In fact, it had not. It would still work, and it's been tested, and I'll tell you a little bit about that in a moment.

**G**

**H**

In the course of this case you will hear expert evidence about the gun from two witnesses called by the Prosecution. The first of those is Mr Andrew Huxtable, who is the National Ballistics Intelligence Service armourer, based at the Scientific Support Unit at Bridgend here in South Wales. He's responsible for the initial intake and examination of all firearms



A for South Wales Police, Dyfed Powys Police and Gwent Police. He also previously served for five and a half years with the Royal Electrical and Mechanical Engineers as an armourer. You'll also hear from Mr Philip Rydeard, who is a senior forensic scientist based at the Northern Firearms Unit, who is specialised in the examination of firearms, ammunition and related items, since 1998, so for 12 years. And he has 45 years' experience altogether, in the handling and use of firearms.

B Both those gentlemen have examined this gun in the state in which it now is. It can still be fired, though it can no longer still be fired in the automatic mode I've told you about, simply by keeping the finger on the trigger. It will fire a single shot. It will fire not only ammunition of its era but it will fire a modern cartridge. In Mr Huxtable's opinion it has not been deactivated. Mr Huxtable is of the opinion that the gun is a firearm, and it falls within Section 5 of the Firearms Act as being a prohibited weapon because it is a firearm which is:

D "So designed or adapted that two or more missiles can be successively discharged without repeated pressure on the trigger."

The words in the count on the indictment, or both counts.

E Mr Rydeard, as far as he is concerned, in his opinion, the Lewis gun fulfils the requirements of a firearm. He doesn't consider that the weapon has been deactivated. He in fact test fired the gun. It worked. He is, he is of the opinion that the fact that it could now only fire a single shot at a time does not prevent it, within the legislation, from being a prohibited weapon. It was designed to do so.

G You'll also hear evidence from Richard Mabbitt, who is employed by the Worshipful Company of Gunmakers. He examined the gun simply to see whether it had been deactivated, and his conclusion was that it had not been deactivated.

Let me tell you now, ladies and gentlemen, a, a little about the facts of the case. Has Mr Kirk now received his Jury bundle? Because I'm going to refer to it.

H **Dock Officer:** It can't be located, Sir. There's so much documents, Sir, we just can't find it at the moment.

**His Honour Judge Thomas:** Right. So --

**A**

**Mr Twomlow:** I am --

**His Honour Judge Thomas:** Mr, Mr Kirk at the moment does not have a bundle.

**B**

**Mr Twomlow:** No.

**His Honour Judge Thomas:** Mr Kirk, would you know where to put your hands on it in the cells?

**C**

**Mr Kirk:** If I'm allowed back to my cell voluntarily, yes.

**His Honour Judge Thomas:** Well, I will give you time to look for it. And clearly it'll mean a, a brief disruption, members of the Jury, but it's important, of course, that Mr Kirk follows the case against him in detail, as you will appreciate.

**D**

*Mr Kirk: Well ...*

**E**

**His Honour Judge Thomas:** Now, you may grab the opportunity for a cup of tea or coffee. I'm not sure you're going to get another one this, this morning. Thank you.

(jury retires)

**F**

**His Honour Judge Thomas:** Yes, if you could take Mr Kirk back then please, thank you very much.

**G**

(defendant confers with dock officer)

**His Honour Judge Thomas:** And I'll rise, thank you.

**H**

**Court Clerk:** Court please rise.

(short adjournment)

**Court Clerk:** Court please rise.

**A**

(defendant confers with dock officer)

**His Honour Judge Thomas:** Yes.

**B**

(defendant confers with dock officer)

**His Honour Judge Thomas:** What's the position now? Do we know?

**C**

**Mr Twomlow:** Well, I understand that Mr Kirk still does not have his Jury bundle, although he's been to the cells.

(defendant confers with dock officer)

**D**

**His Honour Judge Thomas:** Right.

(defendant confers with dock officer)

**E**

**Mr Twomlow:** He's --

**His Honour Judge Thomas:** Mr Kirk, what's the position please? Have you got your Jury bundle?

**F**

(parties confer)

**His Honour Judge Thomas:** Can you hear?

**G**

**Dock Officer:** No, Your Honour.

**Court Clerk:** We've reported the fault, Your Honour.

**H**

**His Honour Judge Thomas:** Can you see if you can rectify it by, by --

**Mr Kirk:** If he just speaks up, I can hear you, but I can't hear the Prosecution.

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

**Mr Kirk:** If he just speaks a little louder when he's *speaking to the* Jury, let's get on with this please.

**B**           **His Honour Judge Thomas:** All right. So you're content, are you, having seen your Jury bundle, to continue now in front of the Jury?

**C**           **Mr Kirk:** No, I haven't seen it because they won't let me get at my papers. They're now saying, what they said this morning was false, by the way.

**His Honour Judge Thomas:** Right, so you've been asked --

**D**           **Mr Kirk:** That I now --

**His Honour Judge Thomas:** Have you *to* --

**E**           **Mr Kirk:** Have to sign --

**His Honour Judge Thomas:** You've been asked to sign for your documents, have you?

**F**           **Mr Kirk:** Yeah, *no*, they are now saying that it's a health, they were saying that it's a health and safety problem to have my legal papers in Court. And I said, how absurd. Now they are saying that I have to sign pieces of paper for them to open a file, a box, I mean. There are about 15 boxes down there. There are about 60 files.

**G**           **His Honour Judge Thomas:** Yes, you have to --

**Mr Kirk:** *They're* --

**H**           **His Honour Judge Thomas:** Sign. You have --

**Mr Kirk:** They're all --

**His Honour Judge Thomas:** You have to --

**A**

**Mr Kirk:** Relevant.

**His Honour Judge Thomas:** Sign the, the --

**B**

**Mr Kirk:** I'm --

**His Honour Judge Thomas:** Papers.

**C**

**Mr Kirk:** Still scratching my head, Your Honour, about how you seem to know that the files that the police, the prison refused to release to me yesterday were to do with my civil case.

**His Honour Judge Thomas:** Because you told me that, Mr Kirk. That's why.

**D**

**Mr Kirk:** During the proceedings yesterday?

**His Honour Judge Thomas:** Yes. I'm not clairvoyant. The prison regulations require you to sign for possessions. If you don't sign for the possessions, you won't, I'm afraid, get them. So when you sign for them, you can have them. Are you content to continue now with the opening without your Jury bundle?

**E**

**Mr Kirk:** My sister is here to try and obtain private medical services for me, and she has made arrangements and made an appointment. But you are hanging on to more than £2,000 of my money at this moment in time. Last time, half a million pounds was offered for bail by a Frank Werren for my release. I failed to obtain it. Now, you are now expecting me to sign a piece of paper without legal advice.

**F**

**G**

**His Honour Judge Thomas:** Right, in that case, let's have the Jury in, and we'll continue with the Jury bundle not being in front of Mr Kirk, if he's not prepared for documentation. Thank you. Could I ask, Mr Twomlow, if you could shout rather louder than usual so that Mr Kirk can hear you?

**H**

**Mr Twomlow:** Yeah.

(counsel takes instructions)

A

(judge confers with clerk)

**His Honour Judge Thomas:** Well, I'm told the Jury have gone for coffee. I'll wait until they're collected. Thank you.

B

**Court Clerk:** Court please rise.

(short adjournment)

C

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

(judge confers with clerk)

D

(jury returns)

**His Honour Judge Thomas:** I'm told they're working on the heating problem, and we may be able to leave on a heater over the lunchbreak. It can't be done while we're sitting, apparently because it's so noisy that no one will hear anything. So I'm afraid you're going to have to freeze for the morning, and we hope we're going to remedy it this afternoon. Yes, Mr Twomlow.

E

F

**Mr Twomlow:** Ladies and gentlemen, let me tell you now about the facts of the case. As I've said, Count 1 relates to Mr Kirk's possession of the machine gun in 2008, and Count 2 to the sale of that gun to a gentleman named Ronald Henry Cooper in 2008. In August of 2008 Mr Kirk, in 2008, I'm sorry, Mr Kirk offered a number of items for sale on his website, which included aeroplanes, aeroplane parts, motor vehicles, houses, and the Lewis machine gun which is the subject of this case, and ammunition. The gun and the ammunition were offered for £4,000, and if you look at page 9 of your bundle, 9 written at the bottom, you will see that the last item there, and that's taken from the website, is a Lewis machine gun with spare ammo, circa 1916, £4,000.

G

H

On 29 May 2009 a police officer from the technical support group, Detective Constable Stephen Parker, examined Mr Kirk's website, and he found a number of photographs. First

**A** of all the site was seen to contain and display two photographs of Mr Kirk which showed him holding the Lewis machine gun. And if you look at pages 2 and 3 of your bundle, you will see on page 2 he's got the machine gun under one arm and a dog under the other, and a different photograph, again with the machine gun and the dog, on page 3. Now, if you go to page 11, do you see that first photograph again, accompanied by the words:

**B** "Dressed for Cardiff Court and a level playing field"?

And the second photograph, if you turn to page 13, shown on the website:

**C** "Glorious Twelfth - crooked lawyer shoot."

And on page 14, you will see the officer saw that photograph, and these were taken from the website. That photograph with the machine gun, Mr Kirk:

**D** "The final solution? [Is the caption.]"

**E** Now, the police officer was able to recover data with regard to the photograph that you've seen at page 15 of the bundle, which appears to show it was taken on 17 August 2008, and that's that photograph. He could recover data which showed when that was taken.

**F** In addition to those photographs, ladies and gentlemen, Mr Kirk has also posted video clips of himself, on his website, which were shown in fact on YouTube, a well known internet provider of various videos sent in by various people, and accessible to everybody. Now, two of those clips provide further evidence, because that's why you're seeing these, of his possession of the Lewis machine gun, and they will be played to you in due course. They appear to have been filmed the day before he retook his pilot's licence test, which was in **G** August 2008 or about that time. And the machine gun can be seen in both the clips, and the second clip shows Mr Kirk with the machine gun in his right hand, and as he addresses the camera he raises the gun across his chest. And you'll see those in due course, in the course of the evidence.

**H** At 5 past 1 on the afternoon of Saturday 30 May 2009 a covert police officer, who is going to give evidence in this case and will be referred to as Foxy, his name is not going to be given, he telephoned Mr Kirk on Mr Kirk's mobile telephone. The call was recorded, and

there is a transcript of that call at pages 19 to 20 of your bundle, and I'll read the relevant part because it's of some importance. You see he rings. Mr Kirk replies:

**A**

“Hello.”

Foxy:

**B**

“Hello.”

Mr Kirk:

**C**

“Yes.”

“Is that Mr Kirk?”

**D**

This is at the foot of the page.

“Yeah.”

**E**

“You rang me earlier yesterday.”

And then on page 20:

**F**

“That's right. I tried a couple of times and I've seen I'd got a missed call from you. Now, that was all. Thanks for calling back. I'm just interested in your Lewis. Is it still for sale?”

**G**

Answer:

“The Lewis? You mean the machine gun?”

**H**

“Yes.”

“You saw it. Where did you see the advert?”



Reply:

**A** “On your web. It’s a bit of a long story.”

“Oh, right.”

**B** “But she’s, she’s no longer with me.”

“Oh, OK. It’s just that I’ve got, I’ve got a Vickers already.”

**C** That’s another type of gun.

“I’ve got a couple of pieces myself. That was all. OK, if, if it’s gone.”

**D** Mr Kirk then asked:

“How do you stay legal when you have something like that?”

**E** “Say again.”

“How do you stay, stay legal?”

**F** “Well, it’s just that, well, mine is deactivated, so ... [said the police officer.]”

Mr Kirk said:

**G** “Oh, I see. No, no, this one worked.”

And the police officer said:

**H** “Oh, OK, OK, no problem. If it’s gone, it’s gone. All right?”

“Yeah, OK. Thanks a lot for the call. Thanks a lot. Bye bye.”

“Bye.”

**A**

So that’s the transcript of that call made on 30 May 2009.

**B**

Now, so far as the sale of the machine gun is concerned, Ronald Henry Cooper, from whom you will hear evidence very shortly, is a collector of aircraft from World War One and World War Two. In 2008 he purchased a De Havilland Airco DH.2 aircraft from Maurice Kirk. A Lewis gun was in fact the type that was used with that World War One aircraft, and it was an aircraft, if you look at page 32, you will see a photograph of it. You’ll see that it was, it’s described as a pusher aeroplane because the propeller is actually behind the pilot, if you can see the propeller there behind the pilot, the pilot sitting there *at the* front. And in fact the machine gun, there were three mountings, mounting positions, as I understand it, at the front of the aircraft. The pilot was supposed to move it to the appropriate position whilst flying the aeroplane with the propeller behind him, apparently. But it could fire forwards without the gun being synchronised with the propeller, which had to be done in the First World War, where the propeller was in the front and the machine gun would have been in the front.

**C**

**D**

**E**

Now, Mr Cooper and Mr Kirk discussed the Lewis gun. Mr Cooper was told by Mr Kirk that the gun was deactivated. And the aircraft was purchased before the gun, but subsequently, in the summer of 2008, the gun was sold to Mr Cooper by Mr Kirk for £2,000, and it was collected from Mr Kirk by Mr Cooper’s wife, who paid the money to him.

**F**

**G**

Well, Mr Kirk was arrested and interviewed by the police in June of 2009. He was interviewed. Interviews were tape recorded. Largely, he made no comments as to questions that were asked of him. He said he’d prepared a statement, and there was a statement, which doesn’t appear to the Prosecution to deal with the allegations of these offences. In an interview during the early evening of 23 June Mr Kirk did answer questions in relation to the aircraft and the gun, and he said that it was his understanding that the gun was decommissioned when he presented it to an armourer at RAF Lyneham. And he said it was decommissioned when he had it returned to him from there. Well, he was subsequently charged with the offences.

**H**

The issues in this case, ladies and gentlemen, are fundamentally simple ones. So far as Count 1 is concerned, there are two real issues. The Prosecution must prove firstly that the Lewis machine gun was in the possession of Mr Kirk during the period set out in the indictment.

A You've seen the photographs and you'll see the video clips. Secondly, the Prosecution must prove that the gun was a prohibited weapon under the Firearms Act, and in order to do that we will rely upon the expert evidence which I have told you about. And so far as Count 2 is concerned, the Prosecution must prove that the gun was sold by Mr Kirk and that it was a prohibited weapon.

B Now, the Prosecution brings the case and the Prosecution has to prove it, and you must be satisfied so that you are sure of the count you are considering before you can convict. You try the case on the evidence, and the evidence, ladies and gentlemen, is what will be given from the witness box or by means of a statement that may be read to you in this case. What C I've said to you is not evidence and cannot be evidence. I'm simply explaining to you what the case is about before calling the evidence before you. And ladies and gentlemen, I'm now going to commence to call the evidence. The first witness is Ronald Henry Cooper.

D **Mr Kirk:** I did ask for a list of the witnesses so I could know who's coming and in which order. I still have not got that list.

**His Honour Judge Thomas:** Well, the list, Mr Kirk, will be on the depositions that you have, but I'm sure that if there --

E **Mr Kirk:** I don't have --

**His Honour Judge Thomas:** A running order --

F **Mr Kirk:** The --

G **His Honour Judge Thomas:** If there is a running order, I'm sure you can be given it. Do you have a running order --

**Mr Twomlow:** Well --

H **His Honour Judge Thomas:** Mr Twomlow?

**Mr Twomlow:** I do, Your Honour. But because of arranging witnesses, the next four witnesses have come today. They were due to give evidence on the second day of the trial,

A but they've arrived today from Lincolnshire and they have to return this afternoon. So I'm calling them as it, today because this is when they're here. We, our running order, original running order's had to change, I'm afraid, but we can give a proposed running order to Mr Kirk if it ...

(defendant confers with his sister)

B **His Honour Judge Thomas:** Well, that, that should be done ...

**Mr Twomlow:** Yes.

C **His Honour Judge Thomas:** Now. We'll deal with Mr Cooper then. Thank you.

**Mr Cooper:** Yeah.

D **Court Clerk:** *Just* there, thank you very much. Would you like to take the oath or the affirmation?

E **Mr Cooper:** I'm sorry?

**Court Clerk:** Would you like to take the oath or the affirmation?

**Mr Cooper:** The oath *if that's OK*.

F **Court Clerk:** Yeah. Would you like to raise that in your hand please? Please repeat after me. I swear by Almighty God ...

G **Mr Cooper:** I swear by Almighty God ...

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

H **Mr Cooper:** The evidence I shall give ...

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

**Mr Cooper:** The truth ...

**A**

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

**Mr Cooper:** Shall be the truth ...

**B**

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

**Mr Cooper:** The whole truth ...

**C**

**Court Clerk:** And, and nothing but the truth.

**Mr Cooper:** And nothing but the truth.

**D**

**Court Clerk:** Thank you.

**Mr Cooper:** Thank you.

**E**

**His Honour Judge Thomas:** On which page do I find his evidence please, Mr --

**Mr Twomlow:** Page 42.

**His Honour Judge Thomas:** Thank you.

**F**

**Mr Twomlow:** And 47, and there's a notice of additional evidence at page 103.

**G**

**His Honour Judge Thomas:** You won't find the statements in the bundle, members of the Jury. It's important --

**Mr Twomlow:** What --

**H**

**His Honour Judge Thomas:** That you concentrate on what the witness says. You won't get statements. If they're referred to, you, you won't even get them in those circumstances.

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

**A** **Mr Cooper:** Full name, Ronald Henry Cooper.

**Mr Twomlow:** Mr Cooper, I'm standing in this rather odd position because Mr Kirk was having some difficulty hearing me if I don't --

**B** **Mr Cooper:** OK.

**Mr Twomlow:** Angle myself this way. So I, I hope I'm not being disrespectful --

**C** **Mr Kirk:** No, no, no problem.

**Mr Twomlow:** By asking you questions without looking directly at you. Do you know Maurice Kirk?

**D** **Mr Cooper:** I've had a business deal with Maurice Kirk once on the purchase of an aeroplane.

**E** **Mr Twomlow:** How did you get to know of Mr Kirk?

**Mr Cooper:** Mr Kirk had a website, and he was advertising aeroplanes on the website. And I was, I'm a collector of old aeroplanes, and so I got in touch through his website.

**F** **Mr Twomlow:** Is that website Maurice Kirk Flying Vet? Or ...

**Mr Cooper:** Correct.

**G** (defendant confers with his sister)

**Mr Twomlow:** And do you remember when it was --

**H** **His Honour Judge Thomas:** Sorry, Mr Twomlow.

**Mr Twomlow:** That you saw ...

**His Honour Judge Thomas:** Sorry, Mr Twomlow. Is there a problem with hearing?

**A**

(defendant confers with his sister)

**His Honour Judge Thomas:** Sorry, Mr Kirk, is there a problem with your hearing this witness?

**B**

**Mr Kirk:** I can hear you, but I ...

**His Honour Judge Thomas:** Well, can I ask then that Mr ...

**C**

**Mr Kirk:** I hang on every word.

**His Honour Judge Thomas:** Mr Cooper would --

**D**

**Mr Cooper:** Would you, do you want me to stand up?

**His Honour Judge Thomas:** Will you stand up? And I, I think that probably amplifies --

**E**

**Mr Cooper:** This *way's* better.

**His Honour Judge Thomas:** Your voice.

**F**

**Mr Cooper:** OK, fine.

**His Honour Judge Thomas:** There we are. That's better. Thank you.

**G**

**Mr Cooper:** Is that better?

**His Honour Judge Thomas:** Thank you.

**H**

**Mrs Jeune:** That's better.

**Mr Kirk:** That's better, thank you.

(counsel takes instructions)

**A**

**His Honour Judge Thomas:** Yes, thank you, Mr Twomlow.

**Mr Cooper:** OK.

**B**

**Mr Twomlow:** Do you remember when it was that you saw the aircraft that you were interested in advertised?

**Mr Cooper:** Many, many years ago or, or quite a few years ago.

**C**

**Mr Twomlow:** All right, but --

**Mr Cooper:** But I only got --

**D**

**Mr Twomlow:** What --

**Mr Cooper:** I only got interested in 2008.

**E**

**Mr Twomlow:** What sort of aircraft was it?

**Mr Cooper:** It's a replica World War One fighter, a De Havilland 2.

**F**

**Mr Twomlow:** Yes. Now, can we have the bundle please? If you look at a photograph please, it's at page 32 of that bundle ...

**His Honour Judge Thomas:** No, this is the bundle you've got, members of the Jury.

**G**

(pause)

**Mr Cooper:** 17 ...

**H**

**Mr Twomlow:** I think, Mr Cooper, you provided that photograph, didn't you?

**Mr Cooper:** Possibly, yes.



**A** **Mr Twomlow:** You've seen that photograph before?

**Mr Cooper:** Yes, and many like it.

**B** **Mr Twomlow:** What does it show?

**Mr Cooper:** It shows a De Havilland 2A with a, a Lewis, replica Lewis in front of it.

**C** **Mr Twomlow:** Yes, so that's the aircraft you were interested in.

**Mr Cooper:** Correct.

**D** **Mr Twomlow:** I think you're a collector, aren't you, of vintage and historic aircraft, with a collection of aircraft from World War One and World War Two?

**Mr Cooper:** Correct.

**E** **Mr Twomlow:** And is it the case or was it the case in June of last year, when you made a statement about this, that there were only two of those sort of aircraft in existence and capable of flying?

**Mr Cooper:** That's correct.

**F** **Mr Twomlow:** Was one the one you purchased and the other one was in New Zealand, I think?

**G** **Mr Cooper:** Correct.

**Mr Twomlow:** And without going into too much detail, is the unique aspect of it that the propeller is behind the pilot?

**H** **Mr Cooper:** Absolutely. It, it was the, the British answer to a, to a very technical problem of firing through a propeller.

- A** **Mr Twomlow:** Yes. In other guns where there *were, in*, in other aircraft, where there was a machine gun, did the gun have to be synchronised to fire --
- Mr Cooper:** Correct.
- B** **Mr Twomlow:** Through the propeller?
- Mr Cooper:** Correct.
- C** **His Honour Judge Thomas:** Otherwise, you'd shoot your own propeller off, presumably.
- Mr Cooper:** Correct, Sir.
- D** **Mr Twomlow:** What sort of gun would be used on such an aircraft?
- Mr Cooper:** It would be a Lewis.
- Mr Twomlow:** A Lewis gun.
- E** **Mr Cooper:** A Lewis machine gun.
- Mr Twomlow:** Now, when you bought the, did you buy that aircraft from Mr Kirk?
- F** **Mr Cooper:** I bought this aircraft from Mr Kirk, yes.
- Mr Twomlow:** When was that?
- G** **Mr Cooper:** In early 2008.
- Mr Twomlow:** And where did you see it before you bought it, first of all?
- H** **Mr Cooper:** I first saw it when it was stored in Winchester, near Winchester.
- His Honour Judge Thomas:** Sorry, did you say a store?

**Mr Cooper:** It was in a store. It was in a barn.

**A**

**His Honour Judge Thomas:** Thank you.

**Mr Twomlow:** Now, apart from the aircraft itself, did you discuss anything else with Mr Kirk?

**B**

**Mr Cooper:** Yes, I discuss whether it all came together with, with the, with the replica, due to the fact that it was part of the weight and balance of the aeroplane.

**C**

**Mr Twomlow:** You say with the replica what?

**Mr Cooper:** Of the, of the, the replica of the machine gun.

**D**

**Mr Twomlow:** The replica machine gun?

**Mr Cooper:** Yes.

**E**

**Mr Twomlow:** You're, you're referring to it as a replica. That's a replica Lewis gun, then, is it?

**Mr Cooper:** Correct.

**F**

**Mr Twomlow:** *OK.* And what discussions in relation to that did you have with Mr Kirk?

**Mr Cooper:** I just asked if it was available with the aeroplane.

**G**

**Mr Twomlow:** Was there any reference to the gun on the website, that you saw?

**Mr Cooper:** Not that I saw, no. *It did,* but it was, the, the whole photographs of this aeroplane, since the early '70s, when it was made, have been with this in it.

**H**

**Mr Twomlow:** With, right, with a gun at the front?

**Mr Cooper:** (indicates agreement)

**A** **Mr Twomlow:** And what, could you tell us a little more please? Tell the ladies and gentlemen of the Jury a little more about the discussions you had with Mr Kirk in relation to the gun.

**B** **Mr Cooper:** Very little really. It's just the fact that I asked if it was available. Yes, it was. And, but it wasn't stored with the aeroplane, which is why I asked if it was still there, because of its, shall we say its value, *you know*, as, as a part? And so consequently he kept it at another place, and we arranged to get it later.

**C** **Mr Twomlow:** Right. What, if any, other questions did you ask about the gun itself?

**Mr Cooper:** I asked if it'd been, if it'd been made ...

**D** **Mr Twomlow:** If it'd been --

**Mr Cooper:** Was everything made safe?

**E** **Mr Twomlow:** Made safe.

**Mr Cooper:** I think, yes.

**Mr Twomlow:** Is that the term you used?

**F** **Mr Cooper:** Oh, I *can't*, yes, I would say, has it been, has it been deactivated, is another word for it. It could have been either/or.

**G** **Mr Twomlow:** And what did Mr Kirk tell you when you asked him that?

**Mr Cooper:** It'd been deactivated.

**H** **Mr Twomlow:** Did you understand the meaning of deactivated, made safe? It, it may be clear from what you've said, but could you just explain that please?

**A** **Mr Cooper:** Well, I *should*. Well, I should. I should. I spent 15 years in the Royal Air Force as an armourer, OK, working on everything from pistols through to aircraft cannons, including rifles, machine guns. So I ought to know what a --

**Mr Twomlow:** Well, you're in a --

**B** **Mr Cooper:** Deactivated --

**Mr Twomlow:** Very good position to say what deactivated or made safe means, then. Perhaps you could *the* --

**C** **Mr Cooper:** OK. It means that it's impossible to fire the, the, the weapon.

**D** **Mr Twomlow:** Yes. Now, you say that the gun was purchased at a later date, from the aircraft.

**Mr Cooper:** Yes, I, we collected it later, yes.

**E** **Mr Twomlow:** And you yourself did not collect the gun. Is that --

**Mr Cooper:** No.

**Mr Twomlow:** Right?

**F** **Mr Cooper:** I travel considerably, and I was overseas at the time.

**Mr Twomlow:** How was payment for the gun carried out?

**G** **Mr Cooper:** The fee for the gun was carried across when it was picked up.

**Mr Twomlow:** By whom?

**H** **Mr Cooper:** By my wife.

**Mr Twomlow:** All right, and how much did it cost you?

**A**           **Mr Cooper:** The fee that was in the envelope was £2,000.

**Mr Twomlow:** £2,000 in cash?

**B**           **Mr Cooper:** (indicates agreement)

**Mr Twomlow:** And do you remember, having received the aircraft, sending an email in relation to Mr Kirk in respect of the collection of the gun?

**C**           **Mr Cooper:** Quite possibly, yes.

**Mr Twomlow:** Would you --

**D**           **Mr Cooper:** But --

**Mr Twomlow:** Have a look at --

**E**           **Mr Cooper:** Specifically remembering, I can't say. But, I mean ...

**Mr Twomlow:** Well --

**F**           **Mr Cooper:** There were, we did, we did most of our business on, well, all of our business on telephone and emails.

**Mr Twomlow:** Right, well, perhaps you *could* just have a look at this document please.

**G**           **Mr Cooper:** Thank you. Yes, that's, that's, that's true, yes.

**Mr Twomlow:** Do you recognise an email --

**H**           **Mr Cooper:** Yes.

**Mr Twomlow:** Being sent from you?

**Mr Cooper:** Yes, yes.

**A**

**Mr Twomlow:** There is a copy for Your Honour and the ladies and gentlemen of the Jury. It's not something that at the moment is in the bundle, so perhaps it can be ...

**His Honour Judge Thomas:** Well, *perhaps the* --

**B**

**Mr Twomlow:** And, and for --

**His Honour Judge Thomas:** Members of the Jury --

**C**

**Mr Twomlow:** Mr Kirk.

**His Honour Judge Thomas:** And I could see it at this point please.

**D**

**Mr Twomlow:** Yes.

(counsel confers with clerk)

**E**

**Mr Twomlow:** Perhaps it can be inserted at the end of the bundle please, ladies and gentlemen. Your email dated 31 July comes from an email address of Jenny.

**Mr Cooper:** Yes.

**F**

**Mr Twomlow:** mailto:cooper, and then a further ...

**Mr Cooper:** Yeah.

**G**

**Mr Twomlow:** Internet server address, but actually assigned Gerry.

**Mr Cooper:** Correct.

**H**

**Mr Twomlow:** Now, your name is Ronald, but --

**Mr Cooper:** Yes.

**A** **Mr Twomlow:** Are you, are you known as Gerry?

**Mr Cooper:** Absolutely. It's a small game, and everybody knows me as Gerry.

**B** **Mr Twomlow:** Yes.

**Mr Cooper:** For --

**Mr Twomlow:** So --

**C** **Mr Cooper:** Various reasons.

**Mr Twomlow:** The, the email we can see in the middle of the page is from you, is it?

**D** **Mr Cooper:** Correct.

**Mr Twomlow:**

**E** "Are you in the UK at present? I really could do with a Lewis gun."

And you give the reasons for that.

**F** "I can get a friend to fly down to Haverfordwest in our Auster to fetch it if that could fit in with your plans."

Yes?

**G** **Mr Cooper:** Yes.

**His Honour Judge Thomas:** What do you mean by:

**H** "It's all to do with keeping the aircraft within its C of G limits"?

**Mr Cooper:** Well, *if you* --



**A** **Mr Kirk:** Excuse me, but could I appeal that this witness should be allowed to give his evidence uninterrupted? I wish to, to complain about the way he led his witness just now by suggesting what he said. And there must be a time when I make that complaint, but not at this point. I feel that you shouldn't be confusing a witness who is a technician, who knows a lot of technical information, to consider an aspect which is extremely important to the **B** Defence and is, until the Prosecution have finished this line of enquiry, not leading the witness, like he's doing, because there will be a point in time that I'm going to ask you to recuse yourself in this trial, but now is not the time.

**C** **His Honour Judge Thomas:** Right, well, first of all, Mr Twomlow has not been leading. And I have asked a question which appears on the email about keeping the aircraft within its C of G limits. And I want Mr Cooper, if he can, to tell us what that means please.

**D** **Mr Cooper:** Well, Your Honour, the, the, as you can see by looking at the photograph of this aeroplane, OK, and all aeroplanes have to be kept within a certain balance, so aeroplanes are, aeroplanes are weighed, and, and everything has to remain. The way it flies is around a centre of gravity.

**E** **His Honour Judge Thomas:** So C of G --

**Mr Cooper:** And a --

**F** **His Honour Judge Thomas:** C of G means centre of gravity.

**Mr Cooper:** Correct.

**G** **His Honour Judge Thomas:** Thank you.

**H** **Mr Cooper:** OK, so it, it all has to be balanced, and consequently, where you put weight and what happens to that weight is very, very important, and the way the aeroplane flies or doesn't fly. And so the, the thing I'm saying here, this AAN, is an Additional Airworthiness Notice which the Civil Aviation Authority write, which gives you all the distances, the balance and everything of the aeroplane with these items fitted. So that's why it was required.

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

**Mr Twomlow:** Yes. Now, there's another message, Mr Cooper, above that, which seems to be dated, sent 12 August. Is that a message from Jennifer Cooper or from someone else? It's *a*, it's a bit feinter. It says :

**B**  
"Will be at --

**Mr Cooper:** Feint on this, yes.

**C**  
**Mr Twomlow:**  
"Will be at Bristol ..."

**D** **His Honour Judge Thomas:** And I was going to --

**Mr Cooper:** Oh, yes, that was, that was something from Mr Kirk, that was.

**E** **Mr Twomlow:**  
"Will be at Bristol with Lewis from about 11:00am till 2:30pm, with CAA examiner from 12:30 to about 2:00, at a guess."

**F** **Mr Cooper:** Yes, we were, we were trying to arrange a pickup for it, and Mr Kirk was going to be at Bristol at that time.

**G** **Mr Twomlow:** So that, that was a message from Mr Kirk, was it?

**Mr Cooper:** Yes, that was from Mr Kirk to tell us where he was going to be, but we couldn't make that meeting.

**H** **Mr Twomlow:** So that, that wasn't the time that it was --

**Mr Cooper:** No.

**A** **Mr Twomlow:** Actually collected.

**Mr Cooper:** No.

**B** **Mr Twomlow:** That was another suggestion. But did your wife subsequently travel to pick it up?

**Mr Cooper:** Correct.

**C** **Mr Twomlow:** Well, we'll hear from her about that. Now, once you had the Lewis Gun in your possession, did you do anything to it?

**Mr Cooper:** The first thing I did was to check that it was deactivated.

**D** **Mr Twomlow:** Right, but did you actually add or remove any parts or alter it in any way?

**E** **Mr Cooper:** No, I didn't feel I, that, that I needed to, because the, the breach was blocked. The sear mechanism, which, which cocks the gun, was missing. There was no feed for the *gun*. There was no feed slot for the weapon, so basically it was in, in, incapable of firing.

**Mr Twomlow:** Right, but you did nothing to it, did you, to add or, add to it, remove anything from it or alter it in any way mechanically.

**F** **Mr Cooper:** Clean, clean it, paint it and, and bolt it --

**Mr Twomlow:** Right.

**G** **Mr Cooper:** On the aeroplane.

**Mr Twomlow:** So you've cleaned it and painted it.

**H** **Mr Cooper:** Correct.

**Mr Twomlow:** And that --

**A**           **Mr Cooper:** That was it.

**Mr Twomlow:** Was that all you did?

**B**           **Mr Cooper:** That's all I did.

**Mr Twomlow:** Now, would you look at page 33 please, of the bundle?

**Mr Cooper:** I have it.

**C**           **Mr Twomlow:** Do you have that? What is that?

**Mr Cooper:** It's a registration document for the aeroplane.

**D**           **Mr Twomlow:** And is that in the name of you?

**Mr Cooper:** Yes, and my daughter.

**E**           **Mr Twomlow:** Your daughter, Samantha Jane Cooper.

**Mr Cooper:** Correct, who is now deceased.

**F**           **Mr Twomlow:** That date of issue, 24 June 2008 ...

**His Honour Judge Thomas:** Shall we put the email at number 34?

**G**           **Mr Twomlow:** Yes, *Your Honour*, please.

**His Honour Judge Thomas:** In the bundle. Perhaps you could write 34 on it, members of the Jury. It can go at the back of the bundle.

**H**

(pause)

**A** **Mr Twomlow:** When you say you cleaned the gun, did you clean, what part of it did you clean?

**Mr Cooper:** Just the, the, the breach, the, the breach area, etc. just to get some corrosion off it.

**B** **Mr Twomlow:** Just on the outside of the gun, or the ...

**Mr Cooper:** On the --

**C** **Mr Twomlow:** Inside?

**Mr Cooper:** Outside.

**D** **Mr Twomlow:** Just the --

**Mr Cooper:** On the --

**E** **Mr Twomlow:** Outside?

**Mr Cooper:** Outside, yeah.

**F** **Mr Twomlow:** Now, were you subsequently contacted by the Civil Aviation Authority in relation to both the aircraft and the gun?

**Mr Cooper:** Yes.

**G** **Mr Twomlow:** And did you contact somebody called Mike Scott?

**Mr Cooper:** Yes.

**H** **Mr Twomlow:** And what did you want him to do?

**Mr Cooper:** I was informed by the Civil Aviation Authority that the Home Office rules on the, on deactivation had changed considerably recently.

**A**           **Mr Twomlow:** Right.

**Mr Cooper:** And also they had in Europe. So I contacted a Section 5 licensed arms person with the idea of actually taking it to him to make sure that it was deactivated, deactivated in, in the latest way.

**B**

**Mr Twomlow:** Right, and that was Mr Scott, was it?

**Mr Cooper:** Correct.

**C**

**Mr Twomlow:** And did you leave it with him?

**D**

**Mr Cooper:** I left it with him because on the way there I was telephoned, and *they* said that there was a policeman coming to collect it. So I ...

**His Honour Judge Thomas:** Well, don't --

**E**

**Mr Cooper:** Rather *than* --

**His Honour Judge Thomas:** Don't tell us what anybody else said to you.

**Mr Cooper:** Sorry?

**F**

**His Honour Judge Thomas:** Don't tell us what anybody else said to you unless you're asked specifically.

**G**

**Mr Cooper:** OK, fine.

**Mr Twomlow:** In any event, you left it with him.

**H**

**Mr Cooper:** With Mr Scott, yes.

**Mr Twomlow:** And it, it was left, when it was left with him, was it in the same condition as when you bought it?

**A**            **Mr Cooper:** Well, yes, apart from the paint on the outside, yes.

**Mr Twomlow:** Apart from being painted.

**B**            **Mr Cooper:** Correct.

**Mr Twomlow:** Did a police officer called Detective Constable Dodge come to see you in August with the gun?

**C**            **Mr Cooper:** What his name was, I've no idea, but --

**Mr Twomlow:** Did a police officer --

**D**            **Mr Cooper:** A, a police officer came with it, yes.

**Mr Twomlow:** Yes, and did he show you a, a gun?

**E**            **Mr Cooper:** He showed me it, yes.

**Mr Twomlow:** And was that, is *that*, is it the same gun that you had?

**Mr Cooper:** Looked like the same gun.

**F**            **Mr Twomlow:** Yes. Yes. Yes, thank you very much, Mr Cooper. Mr Kirk may want to ask you some questions?

**G**            **Mr Cooper:** OK, fine.

**His Honour Judge Thomas:** Mr Kirk, do you want to ask this witness any questions?

**H**            **Mr Kirk:** Good afternoon, Mr Cooper.

**Mr Cooper:** Good afternoon.

**Mr Kirk:** Did you arrive in handcuffs?

**A**

**Mr Cooper:** Yes.

**Mr Kirk:** Were you examined for ballistics when you first met the police officers?

**B**

(no audible response)

**Mr Kirk:** Were you examined for, were you fingernails examined?

**C**

**Mr Cooper:** No, no.

**Mr Kirk:** Because of that.

**D**

**Mr Cooper:** No.

**Mr Kirk:** Have you made a statement?

**E**

**Mr Cooper:** Yes, I've made a statement.

**Mr Kirk:** In that statement you said that you bought the aircraft at the advertised price.

**Mr Cooper:** I don't think I said that in the statement. I said I bought the aeroplane, yes.

**F**

**Mr Kirk:** Yes.

**Mr Cooper:** Yes.

**G**

**Mr Kirk:** So can you tell the Court what you bought the, what did you buy and for how much?

**H**

**Mr Cooper:** I bought the aeroplane for £50,000.

**Mr Kirk:** Right.



**His Honour Judge Thomas:** So *you said* five, oh thousand pounds, did you say?

**A**

**Mr Cooper:** Correct.

**Mr Kirk:** And how did you pay for it?

**B**

**Mr Cooper:** You asked me for a, you asked me for a deposit. You asked me for a deposit to secure it, which I gave you, which is, or sent to you by bank transfer, which was £16,000.

**Mr Kirk:** So, so, so you sent me £16,000.

**C**

**Mr Cooper:** To start with.

**Mr Kirk:** Based on a phone call.

**D**

**Mr Cooper:** Yes.

**Mr Kirk:** Why did you do that?

**E**

**Mr Cooper:** Because you have a reputation, OK, for being honest. And I'm afraid that's what sticks out. So in this industry, you, you know, you, you tend to trust people that have a reputation for being honest.

**F**

**Mr Kirk:** What is my reputation in the general aviation industry, apart from what you said?

**Mr Cooper:** You have a reputation in the industry of, of being slightly eccentric but, but honest, intelligent, know what you're talking about. And so consequently people, you know, just trust you. That's all.

**G**

**Mr Kirk:** Have I or anybody on my behalf made any form of contact with you since I was first interviewed by the police?

**H**

**Mr Cooper:** No, Sir.

**Mr Kirk:** Are you sure about that?

**A** **Mr Cooper:** No, nobody's, nobody's contacted me from your side.

**Mr Kirk:** Did you have any business or speak to me prior to you telephoning me about one replica DH.2 with ornamental ironware? Did you contact me for any reason prior to that?

**B** **Mr Cooper:** Not at all.

**Mr Kirk:** None at all. So you were prepared to send £16,000 to a man on the phone, based on his reputation.

**C** **Mr Cooper:** Correct.

**Mr Kirk:** Right. Then how did the £50,000, well, how did the rest of the £50,000 get paid?

**D** **Mr Cooper:** I met you at the, where the aeroplane was, with £32,000 cash.

**Mr Kirk:** £32,000 in cash.

**E** **Mr Cooper:** Making a total of £48,000.

**Mr Kirk:** Right, and how did I arrive?

**F** **Mr Cooper:** On a motorcycle.

**Mr Kirk:** Little one? Big one?

**G** **Mr Cooper:** On quite a big one, I think.

**Mr Kirk:** Big as they come?

**H** **Mr Cooper:** You came from France, I understand.

**His Honour Judge Thomas:** No, I think he asked, was it as big as they come? If I, if I'm correct.

**A**           **Mr Cooper:** Oh, I don't know. Sorry.

**His Honour Judge Thomas:** Did you ask if it was as big as they come?

**B**           **Mr Kirk:** Well --

**His Honour Judge Thomas:** Was that --

**Mr Kirk:** Yes.

**C**           **His Honour Judge Thomas:** The question?

**Mr Kirk:** That was the --

**D**           **Mr Cooper:** Oh, I don't know.

**Mr Kirk:** That's OK.

**E**           **Mr Cooper:** I, I don't know anything --

**Mr Kirk:** That's OK.

**F**           **Mr Cooper:** About motorcycles.

**Mr Kirk:** I, I, I tend to get bored very quickly, Your Honour, and I tend to talk to myself. So you gave me some money by way of BAC and cash *liquide*, and I, as far as you know, left you to pick up the aeroplane.

**G**           **Mr Cooper:** Correct.

**Mr Kirk:** You went off with my propeller, didn't you?

**H**           **Mr Cooper:** The wooden propeller, yes.

**Mr Kirk:** The broken one.

**A**

**Mr Cooper:** Oh, the broken wooden propeller, yes.

**Mr Kirk:** It's still mine, isn't it?

**B**

**Mr Cooper:** Yes.

**Mr Kirk:** Good, right, got a profit here. In that, what is its insurance value now?

**C**

**Mr Cooper:** About £60,000, £65,000, something like that.

**Mr Kirk:** So therefore it was a good buy, wasn't it?

**D**

**Mr Cooper:** Yes, it was.

**Mr Kirk:** If that ornamental ironware was non, not decommissioned, are you aware of what its value is?

**E**

**Mr Cooper:** No idea at all for the ornamental ironware.

**Mr Kirk:** *OK.* When you made your statement, where did you make it?

**F**

**Mr Cooper:** In the local police station.

**Mr Kirk:** Yeah.

**G**

**Mr Cooper:** In Market Rasen.

**Mr Kirk:** Right. Were there more than two police officers present when you made it?

**H**

**Mr Cooper:** There were two police officers in the room *there*.

**Mr Kirk:** Were you cautioned?

**Mr Cooper:** *It*, I was just asked to --

**A**

**Mr Kirk:** Did they give you what the Yanks say, your rights?

**Mr Cooper:** I, I don't know what you mean by, was I cautioned? But I mean I, I, they asked me to make a statement.

**B**

**Mr Kirk:** Do you mean you weren't considered a suspect for being, as the indictment says, in possession of a prohibited weapon?

**C**

**Mr Cooper:** No.

**Mr Kirk:** So did you not think that, did you think about the fact that, did you have any, *did there, was there* a conversation about if it's prohibited? Did the police give any information?

**D**

**Mr Cooper:** No.

**Mr Kirk:** *OK.*

**E**

**Mr Cooper:** They, they didn't caution me. They took a statement from me pretty much along the lines you've been going now. Where did I meet you? How did I meet you? How did I buy the aeroplane? Etc.

**F**

**Mr Kirk:** *Right.* So the total price was £50,000. When did you make that statement? How long after the, the, you left in the aeroplane? Is that, yeah, right, you collected the aeroplane roughly when?

**G**

**Mr Cooper:** I collected the aeroplane in around about May. I think it's May 2008.

**Mr Kirk:** You see, it's the Defence's case the month of May, especially the 29<sup>th</sup>, is very much in the Defendant's defence statement. Now, because it's the end of the month, you must assume then that it was before 29 May.

**H**

**Mr Cooper:** I, I'm, to be perfectly candid with you, I cannot remember.

**Mr Kirk:** I'm without any papers, so I, I, *I, well*, but we're in the same boat.

**A**

**His Honour Judge Thomas:** Well, the date of the statement that I've got is 23 June 2009, if that helps.

**Mr Kirk:** Sorry?

**B**

**His Honour Judge Thomas:** The statement that I've got ...

**Mr Kirk:** Ah, thank you.

**C**

**His Honour Judge Thomas:** Appears to be dated 23 June 2009.

**Mr Kirk:** 23 June.

**D**

**Mr Cooper:** It's a year, year later, I think.

**Mr Kirk:** Now, it's a matter of record that I was made aware of this issue, well, it's the day before, the 22<sup>nd</sup>, 8:15 local time. Oh, yeah. So did they take any fingerprints from you?

**E**

**Mr Cooper:** Not that I can remember. I don't think so.

**Mr Kirk:** They didn't.

**F**

**Mr Cooper:** I can't --

**Mr Kirk:** Did they fingerprint the weapon that they describe?

**G**

**Mr Cooper:** I, I don't know, because it was not in my possession anymore.

**Mr Kirk:** Right. So why did the CAA ring you and not the police come knocking on your door?

**H**

**Mr Cooper:** The CAA were very concerned because they were approached at the --

**Mr Kirk:** Who by?

**A**

**Mr Cooper:** I would presume the police. I, I don't know. I, the --

**Mr Kirk:** If the --

**B**

**Mr Cooper:** The local surveyor who looks after the aeroplanes for us, he actually telephoned me.

**Mr Kirk:** His name please.

**C**

**Mr Cooper:** Malcolm McMillan.

(defendant confers with his sister)

**D**

**Mr Kirk:** And what did he say to you?

**Mr Cooper:** Well, he said to me that seemingly the people were quite concerned about the fact that there was a live weapon in the aeroplane, and it had caused consternation at the Civil Aviation Authority because 90% of the warbirds flying this, around this country have the same thing.

**E**

(defendant confers with his sister)

**F**

**Mr Kirk:** Could you repeat that please?

**Mr Cooper:** Certainly. Most of the, most of the replica aeroplanes in this country are flying around with, with these, supposedly, weapons in them.

**G**

**Mr Kirk:** Yeah, yeah. Who caused Mr McMillan to ring him?

**H**

**Mr Cooper:** I'm given to understand it was the legal department of the Civil Aviation Authority in Gatwick.

**Mr Kirk:** Not my friends.

**A** **Mr Cooper:** Possibly.

**Mr Kirk:** Mr Williamson?

**B** **Mr Cooper:** No, no, it was a lady, I think.

**Mr Kirk:** Ah, did you get the name?

**Mr Cooper:** No, I wouldn't know names.

**C** **Mr Kirk:** You see, the Defence's case is partly based on the fact that South Wales Police and I have had a misunderstanding over a number of matters over 18 years, and the limited disclosure that I've managed to get from Her Majesty's representative here, Mr Thumlow [sic] or Twomlow, Tom Thumb, whatever.

**D** **Dock Officer:** *I think that's right.*

**E** **Mr Kirk:** He has given me eventually, only this weekend, information to confirm that the police were aware of the concern by the legal department of the CAA many weeks before you wrote that statement. Now, I'm going to ask you again. You are a very, you've have experience in armoury.

**F** **Mr Cooper:** (indicates agreement)

**Mr Kirk:** Right. You bolted that gun onto that aircraft. It's a fixed, it is not a free mounting, is it?

**G** **Mr Cooper:** It's fixed.

**Mr Kirk:** Yeah. And it is a very well known aircraft for display work.

**H** **Mr Cooper:** Correct.



**A** **Mr Kirk:** And when I was, got your phone call, I gave you a warning, didn't I? do you remember what that was about?

**Mr Cooper:** Oh, I can't remember actually.

**B** **Mr Kirk:** I'll lead you because I'm allowed to because I'm cross-examining you. I warned you about the concerned I had about the way it had been put together.

**Mr Cooper:** Yes, that's correct.

**C** **Mr Kirk:** Right, now, you've just told, I don't want to do any more. Tell the, the ladies and gentlemen of the Jury what I told you. Can you remember what I said?

**D** **Mr Cooper:** I can't actually remember what you said, but you did tell me that it'd been deactivated and it was not a proper --

**Mr Kirk:** No, no, I'm talking about what you were buying, the aircraft plus the exhibit 1.

**E** **Mr Cooper:** Oh.

**Mr Kirk:** No, what did I tell you about the airframe? That the engineers had warned me about the vertical flick manoeuvres.

**F** **Mr Cooper:** Oh, yes, I mean the aeroplane has been considerably modified, OK, and through various places.

**Mr Kirk:** Yes.

**G** **Mr Cooper:** And I can't, I can't remember. I'll be perfectly candid *with you*, Mr Kirk.

**Mr Kirk:** Basically, what you saw didn't fit the books, did it?

**H** **Mr Cooper:** No.

**Mr Kirk:** You, you mean, does that mean, no, are you agreeing with me? Or ...

**A** **Mr Cooper:** It doesn't fit the books the way that is fitted to the aeroplane.

**His Honour Judge Thomas:** You, you mean by that the gun?

**B** **Mr Cooper:** The gun, it doesn't, the, it, it, it is not a true mounting.

**Mr Kirk:** And I know I, I'm more than, I warned you that it was more fragile to fly at air shows than my engineer, my engineer considered. And we examined it. Now, I told you all this before you bought it, didn't I?

**C** **Mr Cooper:** Yes.

**Mr Kirk:** Right, we got there *eventually*. And after you bought it I reminded you not to do vertical or flick manoeuvres and things like that.

**D** **Mr Cooper:** Correct.

**E** **Mr Kirk:** Because they would --

**Mr Cooper:** Yes.

**F** **Mr Kirk:** Clap hands, wouldn't they? Yes.

**G** **Mr Cooper:** Well, to put it quite candidly, it turns very well to the left, but, if you're not very careful, turning to the right, OK, you can rapidly end up with a whole heap of trouble on your hands. And that is why the Civil Aviation Authority only allow very experienced pilots to fly it.

**Mr Kirk:** Right. When you bought it did you go to RAF Lyneham to examine it?

**H** **Mr Cooper:** No, I didn't go to RAF Lyneham, no.

**Mr Kirk:** I didn't hand you any books, did I?

**Mr Cooper:** No.

**A**

**Mr Kirk:** Right. You got the books for the aircraft from the engineers who signed the aircraft to be fit to, to fly.

**Mr Cooper:** From the engineers at Winchester. That's correct.

**B**

**Mr Kirk:** Yeah.

**Mr Cooper:** Yes.

**C**

**Mr Kirk:** Ah, did the engineer at Winchester Airfield give you the books?

**Mr Cooper:** Correct.

**D**

**Mr Kirk:** Have you got them here?

**Mr Cooper:** No, Sir.

**E**

**Mr Kirk:** Well, has the Prosecution got them?

**Mr Cooper:** No, Sir.

**F**

**Mr Kirk:** You've been in aviation a long time.

**Mr Cooper:** Correct, since I was 15.

**G**

**Mr Kirk:** *An* aircraft's not worth a lot without the logbooks, is it?

**Mr Cooper:** No, that's true.

**H**

**Mr Kirk:** Yeah. If you were to modify an aircraft, everything's in the, well, should be ...

**Mr Cooper:** In the logbook.

**A** **Mr Kirk:** In the logbook. The Court will hear that when the police examined me a little closer, documentation that may have been taken might answer these questions. So, what documentation were you given from whom?

**B** **Mr Cooper:** I picked up a, I picked up a folder, a, a, a box file, and in the box file were original drawings, all the paperwork that it'd gone through in its life. But as you say, there were no logbooks in there, OK, because I had to produce new logbooks.

**Mr Kirk:** Do you mean you were buying an aircraft with no logbooks?

**C** **Mr Cooper:** Yes, I often do.

**Mr Kirk:** And what did your, your Mr McMillan demand you to do because there no logbooks?

**D** **Mr Cooper:** We had to retrace everything and go right back to square one with it.

**E** **Mr Kirk:** All right, good. Did you come across, what shall we call it? I don't have any papers, so I can't remember what they called it. The, I ought to know. I can't remember the phrase. The, the manual that the engineer has to comply to before presenting it for its permit to fly, what's the document called?

**F** **Mr Cooper:** Well, the document's called the Additional Airworthiness Notice, is the document.

**G** **Mr Kirk:** OK. Now, the one that's been served on me by the Prosecution appears to be at the very top. I'd ask you to look at it please. I don't know where. It must be in that bundle somewhere. No, no, it's not in that bundle. It's in that bundle there. Thank you.

**His Honour Judge Thomas:** Mr Twomlow, do you know anything about this document?

**H** **Mr Twomlow:** Not, not, not immediately, no. I --

**Mr Kirk:** Well, no, it's in your, it's in the Prosecution bundle, on your left. If you give me the, the index, I will be able to find it.

**A** **His Honour Judge Thomas:** The index to what, Mr Kirk? The index to the exhibits or the index to the ...

**Mr Kirk:** To the bundle of papers that were served on me back in August.

**B** **Mr Twomlow:** If ...

**Mr Cooper:** Well, but they're here.

**C** **Mr Twomlow:** Well, if it's *to*, if it's --

**Mr Kirk:** I can see the bundle.

**D** **Mr Twomlow:** To do with the aircraft ...

**Mr Kirk:** Look ...

**E** **Mr Twomlow:** I would have to look for it because ...

**Mr Kirk:** I'm not --

**Mr Twomlow:** It's not the aircraft that this case is about --

**F** **Mr Cooper:** Could I just have *a look*?

**Mr Kirk:** With respect.

**G** **Mr Cooper:** Could I just ask for the loan of the Prosecution's bundle?

**H** **His Honour Judge Thomas:** Let, let me just ask a moment. What, what document do you understand Mr Kirk is asking you about?

**Mr Cooper:** The Additional Airworthiness Notice is, is what the Civil Aviation Authority produce that you must actually, the aeroplane must conform to this document and you must

A operate it to the document. And you do all the work. You get it all ready. Then Mr McMillan came, comes along from the Civil Aviation Authority. He makes sure that the aeroplane is completely and totally in line with this document.

**His Honour Judge Thomas:** Right, now, what did you do with the document?

B **Mr Cooper:** We keep the document in its file. We have to. It's part of its paperwork.

**His Honour Judge Thomas:** Where is it now?

C **Mr Cooper:** It's now in, in, in Lincolnshire.

**His Honour Judge Thomas:** Right, so it's not in a box. It's in Lincolnshire.

D **Mr Cooper:** Oh, but there were copies made. There were copies made of it.

**His Honour Judge Thomas:** And given to the Prosecution?

E **Mr Cooper:** Yes, they came and took it all.

**His Honour Judge Thomas:** And, well --

F **Mr Kirk:** I'll say one more time, could I please have the index of the items that the Prosecution are *reliant upon*? The --

**His Honour Judge Thomas:** You, you have the index in --

G **Mr Twomlow:** Well, it --

**His Honour Judge Thomas:** Your papers.

H **Mr Twomlow:** I, this may be it, called Airworthiness Approval Note.

**His Honour Judge Thomas:** Well, could you just show it to the --

**Mr Twomlow:** Number --

**A**

**His Honour Judge Thomas:** Witness to see if it is there.

**Mr Twomlow:** 26655.

**B**

**Mr Cooper:** That's the document. That's correct.

**His Honour Judge Thomas:** Is that the one?

**C**

**Mr Cooper:** That's the one.

(counsel takes instructions)

**D**

**Mr Cooper:** We had to --

**Mr Twomlow:** It's at --

**E**

**Mr Cooper:** Get a new one written.

**Mr Twomlow:** It's at 162 in, in the bundle.

**His Honour Judge Thomas:** In the exhibits?

**F**

**Mr Twomlow:** Yes.

**Mr Cooper:** So that's the actual document. It's the latest one.

**G**

(pause)

**His Honour Judge Thomas:** Yes. Now, do you wish the Jury to, members of the Jury to see that, Mr Kirk?

**H**

**Mr Kirk:** I would love to see it myself.

**A** **His Honour Judge Thomas:** Have you got a copy there that Mr Kirk can see? Have a look at this copy, then, which is the --

**Mr Twomlow:** I can get --

**B** **His Honour Judge Thomas:** Copy that I have. These are all in your papers, you see, Mr Kirk. Thank you.

**Court Clerk:** OK.

**C** (defendant confers with his sister)

**Mr Kirk:** If you look at the first, have you got a copy *of it*?

**D** **Mr Cooper:** No, I don't have a copy, no.

(defendant confers with his sister)

**E** **Mr Twomlow:** *Well, look,* I can provide a copy.

(counsel takes instructions)

**F** **Mr Cooper:** Thank you.

**His Honour Judge Thomas:** Although it might help if, if other people saw the copy as well so we could follow what's, what's being asked. Is, is any photocopying being carried out? I, I see the lady behind --

**G** **Mr Twomlow:** I think it --

**His Honour Judge Thomas:** You has left. I don't know whether --

**H** **Mr Twomlow:** May well --

**His Honour Judge Thomas:** That was to photocopy --



**A** **Mr Twomlow:** It may, may well be. It, it, it wasn't a document that we anticipated would be required, but we can certainly photocopy it if questions are to be asked about it. But we, we haven't done that. It's not ...

**B** **His Honour Judge Thomas:** Right. Well, by, by the time we've had lunch, hopefully there will be copies of it.

**C** **Mr Twomlow:** Yes. Your Honour, I, we're probably not going to achieve it, but this witness and the next three witnesses have all come here together today and were anxious to get back this afternoon at a fairly early point, but I think that --

**His Honour Judge Thomas:** We're not going to get three witnesses done in five minutes -  
-

**D** **Mr Twomlow:** I, I think --

**His Honour Judge Thomas:** Mr, Mr --

**E** **Mr Twomlow:** It causes, I can see the difficulties that that might --

**His Honour Judge Thomas:** Yes.

**F** **Mr Twomlow:** Cause.

**His Honour Judge Thomas:** Well, it may be that alternative arrangements will have to be made. Yes.

**G** (defendant confers with his sister)

**Mr Twomlow:** Well, we'll, we'll have copies of it by this afternoon certainly.

**H** (parties confer)

**His Honour Judge Thomas:** Yes, Mr Kirk, do you have any other questions for this witness?

**A**

**Mr Kirk:** If you look at line 1 ...

**Mr Cooper:** Yes.

**B**

**Mr Kirk:** It appears to be an Airworthiness Approval Note, 26655, issue 2. Where is issue 1?

**C**

**Mr Cooper:** Issue 1 was superseded, which is by this document. I think, though, I do have a copy of issue 1, but *not here*.

**Mr Kirk:** Do you have a copy of issue 1?

**D**

**Mr Cooper:** But not here, and it would take some time to get it.

**Mr Kirk:** How did you obtain it? From where?

**E**

**Mr Cooper:** It came, it came with the aeroplane. It came with the aeroplane documentation.

**Mr Kirk:** Right.

**F**

**Mr Cooper:** Correct.

**Mr Kirk:** Well, I need to see it. Can somebody fax it from, you're at an airport, aren't you?

**G**

**Mr Cooper:** Yes, but I --

**Mr Kirk:** Yeah.

**H**

**Mr Cooper:** Don't think, there, there's nobody --

**Mr Kirk:** Could somebody --

**Mr Cooper:** No, no --

**A**

**Mr Kirk:** Fax it over the *weekend* --

**Mr Cooper:** No, they can't.

**B**

**Mr Kirk:** Over the, over the lunch hour?

**Mr Cooper:** No, no, it's, it's not in, it's not in the, in the normal documentation at my business address.

**C**

**Mr Kirk:** Right, OK. Is it going to be different to this one?

**Mr Cooper:** Not very.

**D**

**Mr Kirk:** What would be the difference?

**Mr Cooper:** There, there are various things that, that have been modified, the engine mount and these things that run into it, also its, its weight and balance.

**E**

**Mr Kirk:** Yes.

**Mr Cooper:** The weight and balance was actually altered in here for the *Mick Jagger shows*.

**F**

**Mr Kirk:** What was the weight of the, the, exhibit 1, roughly?

**Mr Cooper:** I, I, roughly?

**G**

**Mr Kirk:** Yes.

**Mr Cooper:** About 40, 40 pounds, something like that.

**H**

**Mr Kirk:** *No*.

**Mr Cooper:** 35, 40 pounds.

**A**           **Mr Kirk:** Are you sure?

**Mr Cooper:** Oh, don't ask me off the top of my head.

**B**           **Mr Kirk:** I suggest it was more than that.

**Mr Cooper:** Well, maybe *then*, yeah.

**C**           **Mr Kirk:** But because it's out on one end of the fuselage, it had a moment that caused a *serious failure*.

**Mr Cooper:** It's very important.

**D**           **Mr Kirk:** If you look, if you turn to page 4, second paragraph:

                  "Subsequent to the flight testing, it was realised that the ballast should not be a fixed 40 pound as there will be variations in pilot mass and fuel load, together with the possibility of having the gun and battery fitted or not fitted."

**E**           Yeah. Now, who caused issue 2, the one that I have in my hand, to be created?

**F**           **Mr Cooper:** I caused it to be created.

**Mr Kirk:** I'm sorry?

**G**           **Mr Cooper:** I caused it to be created.

**Mr Kirk:** No, no.

**H**           **Mr Cooper:** Who --

**Mr Kirk:** *It* --

**Mr Cooper:** Oh, who made it?

**A**

**Mr Kirk:** It, it's got:

“Applicant, Prestige Air Engineers.”

**B**

**Mr Cooper:** Yes, that was the original applicant for this. But because I had taken, because I had taken possession of the aeroplane, OK, I asked for this, for this document to be reissued.

**Mr Kirk:** Yes, but this is a duplicate of something that they produced.

**C**

**Mr Cooper:** If you look at the date of this, of this, that it was finally cleared, it was on 28 July 2008.

**D**

**Mr Kirk:** To save everybody's time, if we did get hold of issue 1, which I will, but not *still* at the Court, briefly, the only difference would be the date at the end.

**Mr Cooper:** Yes.

**E**

**Mr Kirk:** The problem's with C of G because of the ironware at the front.

**Mr Cooper:** Correct.

**F**

**Mr Kirk:** But you accept that Prestige Air had to create this document for me to fly this as a, as a display pilot at Farnborough Airshow.

**Mr Cooper:** That was correct.

**G**

**Mr Kirk:** And that date of the Farnborough Airshow was 2000.

**Mr Cooper:** Yes, Sir.

**H**

**Mr Kirk:** Have you any reason to believe that ...

**Mr Twomlow:** Well, the --

**A**           **Mr Kirk:** I did not have --

**Mr Twomlow:** There are copies. There are copies now if Mr Kirk wants this to be exhibited.

**B**           **His Honour Judge Thomas:** Do you want the members of the Jury to see this document?

**Mr Kirk:** No, no. It's, this is simple. They can take one away with them, but *it's* not needed now. So the, would it interest that the Prosecution refuse to disclose the work done on this aircraft?

**C**           **His Honour Judge Thomas:** *Now*, Mr, Mr Kirk, as far as questions of disclosure are concerned, as you know because I and other Judges in preliminary hearings have listened to you raise the matter, you've been told many times that the Prosecution have a legal obligation to disclose. And what they have a legal obligation to disclose, they have disclosed, *but* the situation will be kept under careful review throughout the trial. Now, you've been given a schedule by the Prosecution, listing the items that are relevant to the trial, so what has to be disclosed by law, and there are strict rules, has been disclosed.

**E**           **Mr Kirk:** OK.

**His Honour Judge Thomas:** Now, if you want to ask another question about that document, please do so, but don't --

**F**           **Mr Kirk:** *So* --

**His Honour Judge Thomas:** Preface it with matters about disclosure please.

**G**           **Mr Kirk:** Sorry, say that again.

**His Honour Judge Thomas:** But please don't preface questions with matters about disclosure. That has been dealt with.

**H**           **Mr Kirk:** I, I'm in ...

**A** **His Honour Judge Thomas:** Well, it's 1 o'clock, Mr Kirk, *which is* the time that I told the members of the Jury yesterday we'd be breaking for lunch. Because there are three witnesses here from Lincolnshire, it may be that we'll have a slightly shorter lunch hour today, if you don't mind, 2 o'clock, in the hope that we can get through those witnesses this afternoon. Can I just ask you, Mr Kirk, please, how much longer do you think you're going to be cross-examining this witness?

**B** **Mr Kirk:** Well, if you allow me to get at the papers relating to this aircraft that the security guards refuse to disclose ...

**C** **His Honour Judge Thomas:** No, the --

**Mr Kirk:** Because they've --

**D** **His Honour Judge Thomas:** Security guards --

**Mr Kirk:** Been told it's a health --

**E** **His Honour Judge Thomas:** The security guards have told you ...

**Mr Kirk:** Exactly. Could you --

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

**Mr Kirk:** Order that my papers be brought to Court so that I can --

**G** **His Honour Judge Thomas:** The Court --

**Mr Kirk:** Refer to them --

**H** **His Honour Judge Thomas:** Papers are all downstairs. You have to sign for them, however, because of regulations. If you sign for the papers, you can have all the papers, which I am told have all been brought here for you. So, rather than complain all the time that you haven't had the papers, please just sign for the papers that you've had them, and then you can have any papers you want brought into Court. Do you understand that?

A

**Mr Kirk:** I have asked for legal advice. I have paid you £2,400 in advance for legal representation on aspects like this. And it is all a matter of Court record that I say ...

B

**His Honour Judge Thomas:** And it's also a matter of Court record, Mr Kirk, that you've been offered on many occasions legal aid to get a barrister --

**Mr Kirk:** I don't --

C

**His Honour Judge Thomas:** *Which is* --

**Mr Kirk:** Want legal aid. I wish to have my own lawyer at my expense, and you are refusing.

D

**His Honour Judge Thomas:** No, I'm not refusing it.

**Mr Kirk:** It is *a* --

E

**His Honour Judge Thomas:** If you can, if you --

F

**Mr Kirk:** I've had to buy my own transcripts because I can't hear, and I've paid over £1,000 now for them. Successive Judges have said the Court will pay, and the transcribers in Devon will confirm that none were made, and I've had to pay for them in full. I'm not just getting photocopies.

G

**His Honour Judge Thomas:** Well, again Mr Kirk, I'm afraid I'm not going to rehearse arguments which are of no relevance to the issues here ad infinitum. You may now have the lunch hour to look and recover any papers that you need, and we will again, we will again sit at 2 o'clock. Thank you, members of the Jury, if you'd --

H

**Mr Kirk:** There, there, there are --

**His Honour Judge Thomas:** Just like to leave.

**Mr Kirk:** Ten boxes down there.



**A** **His Honour Judge Thomas:** Mr, Mr Kirk. Thank you.

(jury retires)

**B** **His Honour Judge Thomas:** Yes, it's very important, Mr Cooper, that you don't discuss your evidence with those who are to give evidence this afternoon. And by that I, of course I mean the people you've travelled down with ...

**Mr Cooper:** OK.

**C** **His Honour Judge Thomas:** From Lincoln, Lincolnshire. Thank you very much. 2 o'clock then please.

**D** **Court Clerk:** Court please rise.

(luncheon adjournment)

**E** **Court Clerk:** Court please rise.

(parties confer)

(jury returns)

**F** **His Honour Judge Thomas:** Yes, Mr Kirk. Yes, Mr Kirk, do you have any more questions?

**G** **Mr Kirk:** Your Honour, could I ask the Prosecution Service for a copy of what was served on me yesterday?

**His Honour Judge Thomas:** You've had a copy of it, Mr Kirk.

**H** **Mr Kirk:** Well, it just happens to be non available at the moment for reasons that you know.

**His Honour Judge Thomas:** The, the reason I know is that you are not prepared to sign for the documentation, Mr Kirk. But ...

**A** **Mr Kirk:** There are over --

**His Honour Judge Thomas:** What is the document that you're after?

**B** **Mr Kirk:** There are over 60 lever arch files that relate to my time here in Court, for which, should be made available to me. The fact that the Reliance, due to my successful civil actions for a five figure sum, is now possibly influencing the way they are handling me is impinging upon my rights under Article 6. And I would ask that, what I was given yesterday is downstairs, but taxpayers' sake *and* time, could I please have a copy of it because the  
**C** Prosecution have one? And I will ask no more questions after that.

**His Honour Judge Thomas:** What document do you refer to, Mr Kirk?

**D** **Mr Kirk:** What the Prosecution served on me yesterday, which was a photograph a purported machine gun, a list of procedures that the police have taken in the last few weeks. *All right*, let's settle, then, for the one that came in the post on Saturday, dated the 20<sup>th</sup>, the day before, which must be the 22<sup>nd</sup>, which was a Pilot Magazine article.

**E** **His Honour Judge Thomas:** Pilot Magazine article. Is there a spare copy of the Pilot Magazine article there, Mr ...

(counsel takes instructions)

**F** **Mr Twomlow:** Well, there, there isn't at the moment.

**His Honour Judge Thomas:** Well, I've got a copy here.

**G** **Mr Twomlow:** I'm afraid.

**H** **His Honour Judge Thomas:** I, I've got a copy here. Perhaps one can be photocopied in due course and I could have a replacement copy.

**Mr Twomlow:** Yes.

**His Honour Judge Thomas:** Please.

**A**

(parties confer)

**Mr Kirk:** I'd like you to look at an article. That, that is an article that was served on me in the last few days by the Prosecution for whatever reason we are to hear, *hopefully*. In there

**B**

**Mr Twomlow:** I'm sorry --

**C**

**Mr Kirk:** Correct bit?

**Mr Cooper:** To interrupt, but Mr Kirk should know it's, it's not been served as evidence. It's been disclosed to him.

**D**

**His Honour Judge Thomas:** It's not to form part --

**Mr Twomlow:** It's not --

**E**

**His Honour Judge Thomas:** Of the evidence --

**Mr Twomlow:** Relied on --

**F**

**His Honour Judge Thomas:** In the case.

**Mr Twomlow:** By the Prosecution.

**G**

**His Honour Judge Thomas:** Unless you wish to introduce it as evidence.

**Mr Kirk:** Do I understand that because it's been labelled IDW/3, it's purely an exhibit number, not a, sorry, it is --

**H**

**His Honour Judge Thomas:** It's not part of the Prosecution --

**Mr Kirk:** An evidence number --

**A** **His Honour Judge Thomas:** Case.

**Mr Kirk:** Not a, an exhibit number.

**B** **His Honour Judge Thomas:** No, it's not part of the Prosecution case. It is something that's been disclosed to you. If you wish to make it evidence in the case, then you can do, but it's not part of the Prosecution case. Is that right, Mr Twomlow?

**Mr Twomlow:** That's right.

**C** **Mr Kirk:** Right, so at what stage, I'm sorry to take up your time, at what stage am I to be given the list of Prosecution witnesses? And which order, I appreciate this problem's due to travelling, about the order. Am I entitled to know what Prosecution witnesses are coming in this case.

**D** **His Honour Judge Thomas:** Yes, I hope you've been given a list *this* ...

**E** **Mr Kirk:** Well, I haven't.

**His Honour Judge Thomas:** Well, the witnesses this afternoon are those who come from -  
-

**F** **Mr Twomlow:** The witnesses --

**His Honour Judge Thomas:** Lincolnshire.

**G** **Mr Twomlow:** The next witness is Jennifer Ann Cooper. The witness after that is Michael Roy Scott and the witness after that is Charles Andrew Page. I would hope to call those witnesses this afternoon.

**H** **His Honour Judge Thomas:** Right. Do you have any more questions for this witness then, Mr Kirk?

**A** **Mr Kirk:** Yesterday I asked for a written list of the witnesses that are being called by the Prosecution if I'm so entitled. You have just said that I am entitled.

**His Honour Judge Thomas:** You are entitled to it.

**B** **Mr Kirk:** So could, so could, before the end of today's play, before the safety curtain comes down, that I can have a list, the total list of Prosecution witnesses? I have a number of Defence witnesses that I need to summons by way of witness summonses, and I know to know that the, whether we, the, the, the rules for the playing field we're on.

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

**Mr Twomlow:** There's a --

**D** **His Honour Judge Thomas:** Well, you will have ...

**Mr Twomlow:** There's a list.

**E** **His Honour Judge Thomas:** Have a list.

**Mr Twomlow:** There, there is a list there for Kirk.

**F** **Mr Kirk:** Right, thank you. Well ...

**Mrs Jeune:** Yeah.

**Mr Kirk:** Thank you.

**G** **His Honour Judge Thomas:** There we are. Now, the --

**Mr Kirk:** Thank you.

**H** **His Honour Judge Thomas:** Question was, Mr Kirk, so that we can perhaps make some progress this afternoon, do you have any more questions for this witness?

**Mr Kirk:** Do you recognise your aircraft in that article?

**A**

**Mr Cooper:** Yes.

**Mr Kirk:** Good.

**B**

**Mr Cooper:** Just *the De Havilland*, yes.

**Mr Kirk:** It, it, it, it's, it is a photograph, is it, of it, is not, on the estuary of the Towy, a river, after my flight from the Farnborough Airshow?

**C**

**Mr Cooper:** I don't know when it was, but I, I, I recognise that photograph of you sitting beside it on the wheel.

**D**

**Mr Kirk:** Did you read my write up in the aviation magazines about what happened when the propeller broke off?

**Mr Cooper:** No, but I have heard accounts of it.

**E**

**Mr Kirk:** You, you've, yeah, right, OK. At the end of that article, look at the last column. Could the Jury, you offered a technical document to the Jury. It might help before the end of the trial that the Jury has this article. Would you be, would that be helpful?

**F**

**His Honour Judge Thomas:** Well, I think you may want to think carefully about whether you want that article before the Jury, Mr Kirk. We'll discuss that, perhaps, at a later stage. If you insist on it going before the Jury, so be it, but you may like to think about that in the meantime.

**G**

**Mr Kirk:** Why do you distinguish between a document that they have had in their possession for years and --

**H**

**His Honour Judge Thomas:** *And --*

**Mr Kirk:** Only served --

**His Honour Judge Thomas:** *Right*, let me --

**A**

**Mr Kirk:** On me --

**His Honour Judge Thomas:** Let me just --

**B**

**Mr Kirk:** Last --

**His Honour Judge Thomas:** Let me just --

**C**

**Mr Kirk:** Week.

**His Honour Judge Thomas:** Let me just cut you short for a moment, Mr Kirk. I'm saying that in an attempt to assist you, not to hinder you.

**D**

**Mr Kirk:** Well, because what of what you said, I make an application that the Jury have it to take away by the end of today's proceedings.

**E**

**His Honour Judge Thomas:** If that is what you wish, that will happen.

**Mr Kirk:** Now, not wishing you to take --

**F**

**His Honour Judge Thomas:** And I, I say that not because everything you wish will happen. But if you wish for that particular article to be before the Jury, then they will have it.

**Mr Kirk:** I, I'm beginning to learn, Your Honour, that if I don't ask, in the last eight month, if I don't ask, I don't get.

**G**

**His Honour Judge Thomas:** Carry on.

**Mr Kirk:** *Does Your Honour* take my point?

**H**

(no audible response)

**A** **Mr Kirk:** Now, Mr Cooper, the last paragraph of that document concerns an interview when I flew a vintage aircraft to Australia, and it is, talks about the president of AOPA, Aircraft Owners and Pilots Association, speaking to the writer. He is renowned, that writer. Is he known to you? Philip Whiteman?

**B** **Mr Cooper:** No, I don't know.

**Mr Kirk:** Editor of, editor of various magazines over the years.

**C** **Mr Cooper:** No, I --

**Mr Kirk:** Have you --

**D** **Mr Cooper:** Don't know that --

**Mr Kirk:** You've not noticed.

**Mr Cooper:** No.

**E** **Mr Kirk:** OK. Suggesting that I wanted to modify the aircraft to shoot up Gatwick Airport HQ of the Civil Aviation Authority. That's what it says, doesn't it?

**Mr Cooper:** In the article it does, yes.

**F** **Mr Kirk:** Do you believe a word of it?

**Mr Cooper:** You'd be very silly if you tried.

**G** **Mr Kirk:** Sorry?

**Mr Cooper:** I say you would be very silly if you tried.

**H** **Mr Kirk:** Ah, but do you believe what they say in the article?

**Mr Cooper:** No, I don't.



**A** **Mr Kirk:** Thank you.

**His Honour Judge Thomas:** Yes, thank you very much. Any re-examination, Mr Twomlow?

**B** **Mr Twomlow:** I just want to ask you one matter please, in re-examination.

**Mr Cooper:** Certainly.

**C** **Mr Twomlow:** You were asked by Mr Kirk about the value of the gun if it had not been decommissioned. Do you remember being asked that?

**Mr Cooper:** Yes, I had no idea.

**D** **Mr Twomlow:** If, if you hadn't been told by Mr Kirk that it had been deactivated or made safe, would you have purchased it?

**E** **Mr Cooper:** I would have made sure, OK, that it was deactivated or have had him take it to somewhere else if it wasn't, where it could be deactivated.

**Mr Twomlow:** If you'd not been told that it had been deactivated, would you have bought it in the way that you did?

**F** **Mr Cooper:** No.

**Mr Twomlow:** Yes. Thank you very much.

**G** **His Honour Judge Thomas:** Thank you.

**Mr Kirk:** Am I entitled to ask the obvious question?

**H** **His Honour Judge Thomas:** Which is what?

**Mr Kirk:** Oh, sorry, I thought he'd finished.

**A**           **His Honour Judge Thomas:** Which is what, Mr Kirk?

**Mr Twomlow:** Well, I ask through you, had the subject of decommission arisen, had not arisen, would he have bought it anyway?

**B**           **His Honour Judge Thomas:** That's the question.

**Mr Cooper:** No, I wouldn't have bought it if it wasn't, if, if I hadn't been assured by Mr Kirk it was decommissioned.

**C**           **His Honour Judge Thomas:** Thank you. Yes, thank you, Mr Cooper.

**Mr Cooper:** Thank you.

**D**           **His Honour Judge Thomas:** Please don't discuss your evidence with anybody --

**Mr Cooper:** No, no.

**E**           **His Honour Judge Thomas:** Who's about to --

**Mr Cooper:** That's OK.

**F**           **His Honour Judge Thomas:** Give evidence please.

**Mr Cooper:** *Yes.*

**G**           **Mr Kirk:** I call Jennifer Ann Cooper please. Jennifer Ann Cooper.

(clerk confers with witness)

**H**           **Court Clerk:** Could you raise the Testament in your right hand please? Please repeat after me. I swear by Almighty God ...

**Mrs Cooper:** I swear by Almighty God ...

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

**Mrs Cooper:** That the evidence I shall give ...

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

**Mrs Cooper:** Shall be the truth ...

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

**Mrs Cooper:** The whole truth ...

**D**           **Court Clerk:** And nothing but the truth.

**Mrs Cooper:** And nothing but the truth.

**Court Clerk:** Thank you.

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

**Mrs Cooper:** Jennifer Ann Cooper.

**F**           **Mr Twomlow:** And Mrs Cooper, are you, are you the wife of Ronald Cooper who's just given evidence?

**Mrs Cooper:** Yes, I am.

**G**           **Mr Twomlow:** Now, I, I want to ask you, please, about a DH.2 aeroplane and about a Lewis machine gun. Do you know Mr Morris Kirk?

**H**           **Mrs Cooper:** *Not* personally, no.

**Mr Twomlow:** I don't think there's any dispute about this, but your husband bought the DH.2 aircraft before buying the machine gun. Is that correct?

**A**           **Mrs Cooper:** That's correct.

**Mr Twomlow:** Did you have anything to do with the purchase or collection of the Lewis machine gun?

**B**           **Mrs Cooper:** Yes.

**Mr Twomlow:** Now, can you remember first of all when it was that, that that happened that you had --

**C**           **Mrs Cooper:** No.

**Mr Twomlow:** Something to do with that?

**D**           **Mrs Cooper:** No, I can't remember the exact date.

**Mr Twomlow:** Do you know what day of the week it was?

**E**           **Mrs Cooper:** Yes, it was a Sunday.

**Mr Twomlow:** A Sunday. And what arrangements were made that involved you in respect of the collection of the Lewis machine gun?

**F**           **Mrs Cooper:** I was to take £2,000 in an envelope down to Mr Kirk to collect the Lewis from him.

**G**           **Mr Twomlow:** Right. Now, when you say down to Mr Kirk, what area of the country were you in?

**Mrs Cooper:** We were in Lincolnshire, and we flew down to Cardiff and met him at Cardiff.

**H**           **Mr Twomlow:** You met him in Cardiff.

**Mrs Cooper:** Yes.

**A** **Mr Twomlow:** Who, when you say we, you obviously didn't fly on your own. Who, who did you fly with?

**Mrs Cooper:** I flew with a pilot called Andy Page, Andrew Page.

**B** **Mr Twomlow:** And did you land at Cardiff Airport?

**Mrs Cooper:** Yes.

**C** **Mr Twomlow:** And did you see Mr Kirk there?

**Mrs Cooper:** Yes.

**D** **Mr Twomlow:** And what happened when you saw Mr Kirk?

**Mrs Cooper:** I met with Mr Kirk. I collected the Lewis from him. I gave him the £2,000. And I came back to the aircraft and we flew home.

**E** **Mr Twomlow:** Right. Where was the Lewis gun when you first saw it that day?

**Mrs Cooper:** In his car.

**F** **Mr Twomlow:** In ...

**Mrs Cooper:** In his car.

**G** **Mr Twomlow:** In his car. And did it come with any sort of packaging or wrapping or anything like that?

**Mrs Cooper:** Yes, it was wrapped, wrapped in a cloth.

**H** **Mr Twomlow:** Right. And was that then put into your aircraft, and did you fly back to --

**Mrs Cooper:** Yes.

**A**           **Mr Twomlow:** Lincolnshire?

**Mrs Cooper:** We did.

**B**           **Mr Twomlow:** What did you do with the gun when you arrived back at Lincolnshire?

**Mrs Cooper:** I gave it to Mr Cooper.

**C**           **Mr Twomlow:** Right, yes, thank you very much. Mr Kirk may have some questions for you.

**Mr Kirk:** Could I indulge upon the Crown Prosecution Service? Could I have a copy of Mr and Mrs Cooper's statements please? They're right there. I can just be --

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

**Mr Kirk:** Given the file. I can read from the file.

**E**           **His Honour Judge Thomas:** Mr Kirk, you have copies of all these statements.

**Mr Kirk:** Yeah, downstairs.

**F**           **His Honour Judge Thomas:** You have been asked to bring them up with you. You haven't done so. Now, I'm not going to interrupt this case every five minutes for this purpose. This is the last time I'll indulge you in this. I will give you a copy, my copy of the statement. Read it to yourself and then ask any questions which arise out of it. But tomorrow morning,  
**G** please bring into Court all your statements.

**Mr Kirk:** Well ...

**H**           **His Honour Judge Thomas:** Thank you.

**Mr Kirk:** Could you not order them to be brought to the Court please? It's, at the moment --

**A** **His Honour Judge Thomas:** They are all here.

**Mr Kirk:** They are refusing to allow them to come to Court with me. Could you not order them please?

**B** **His Honour Judge Thomas:** You can have your statements in --

**Mr Kirk:** *The* --

**C** **His Honour Judge Thomas:** The dock with you. Before you can have anything, you have to sign for it. And that, as I understand, is what you're refusing to do. Now, if you sign that you have received the property, you can bring whatever you want into Court, in --

**D** **Mr Kirk:** It is my --

**His Honour Judge Thomas:** Legal terms.

**E** **Mr Kirk:** Property, and I am not signing for my own property.

**His Honour Judge Thomas:** That then is your decision. Please read that statement.

**F** **Mr Twomlow:** There was a notice of additional evidence. I'll hand that to Mr Kirk as well. He has the statements that were made by the witness, now.

(parties confer)

**G** **Mr Twomlow:** I asked for Mr Cooper's, actually.

(parties confer)

**H** **His Honour Judge Thomas:** Well, read Mrs Cooper's because she is the one in the witness box at the moment.

A

**Mr Kirk:** I ask, for, *and* for the last time, I wish to have, to refresh my memory, the content of Mr, I think he calls himself Gerry or whatever, but Mr Cooper, the, the gentleman who's just given evidence.

B

**His Honour Judge Thomas:** Yes. He has given evidence, and this is the witness you now have to cross-examine. Please read her statement at your leisure and ask any questions that you think are appropriate. I don't want to waste your time or the members of the Jury's time with this happening with every witness. Now, please --

C

**Mr Kirk:** Are --

**His Honour Judge Thomas:** Just read that statement, Mr Kirk.

D

**Mr Kirk:** Are you going to say that if I do exactly as you have just ordered, you may then consider to let me refer to her husband's statement before she is dismissed from the Court?

**His Honour Judge Thomas:** Just read her statement please.

E

**Mr Kirk:** So, as I understand it, I am not getting an unequivocal answer.

**His Honour Judge Thomas:** You are getting an unequivocal answer. This is the witness you now have to cross-examine. Please refresh your memory, if you wish to, from that statement.

F

**Mr Kirk:** In your statement dated the 26<sup>th</sup>, no, can you identify it please?

(defendant confers with his sister)

G

**Mr Kirk:** I wish to see her handwritten original please.

**His Honour Judge Thomas:** Yes, you're entitled to see that.

H

**Mr Kirk:** Sorry?

**His Honour Judge Thomas:** You are entitled to see that.



**A** **Mr Kirk:** Oh, I'm, I'm sorry. I, I thought I heard that it should have been dealt with weeks ago, and now it's ...

(pause)

**B** **His Honour Judge Thomas:** Would you, thank you, could you identify your signature at the bottom of that please, Mrs Cooper?

**Mrs Cooper:** Yes, that's my signature.

**C** **His Honour Judge Thomas:** I wonder if that could then be handed, please, to Mr Kirk.

(parties confer)

**D** (pause)

**Mr Kirk:** You, you handed me three handwritten. One is labelled page 3 of 3. One is a page labelled 2 of 3 and the other one is labelled 3 of 3. Could I have page 1 *of* 3?

**E** (parties confer)

(judge confers with clerk)

**F** **His Honour Judge Thomas:** Yes, the first, the, the, page 1 is the address of the witness, Mr Kirk.

**G** (defendant confers with his sister)

**His Honour Judge Thomas:** Page 1 is the address of the witness, Mr Kirk.

**H** (defendant confers with his sister)

**Mr Kirk:** I, I, I now realise I haven't been given the full typed one either.

**His Honour Judge Thomas:** Page 1 is the address of the witness, Mr Kirk.

**A**

(defendant confers with dock officer)

**His Honour Judge Thomas:** Page 1 is the address of the witness.

**B**

**Mr Kirk:** Right.

**His Honour Judge Thomas:** So you have, as far as I'm aware, a full copy of the statement.

**C**

**Mr Kirk:** Well, I don't need that. So page 2. *So, I see*, so you mean it's a three page statement of evidence.

**His Honour Judge Thomas:** Yes.

**D**

(defendant confers with his sister)

**Mr Kirk:** Well, I've got three pages of handwritten.

**E**

**His Honour Judge Thomas:** Yes. The typed copy is the more legible one. If you want to cross reference to make sure that what is in the typewritten one is the same as the handwritten one, please do so. But I would really rather like to get on with cross-examination.

**F**

**Mr Kirk:** Could I hand these to my sister to, for, to ask her to compare?

**His Honour Judge Thomas:** Yes, if she wants to cross reference them, but please get on with cross-examination.

**G**

(defendant confers with his sister)

**Mr Kirk:** There, but there is definitely missing the typed, there is still, I haven't been given all the typed ones, that's for sure.

**H**

**His Honour Judge Thomas:** Well, I've given you all my statement. That statement came from me, so if you haven't got it, I haven't had it.

A (defendant confers with his sister)

**His Honour Judge Thomas:** Now, Mr Kirk, do you have any questions, please, for this witness?

B **Mr Kirk:** We should have a copy of all the witness statement this witness has made to put alongside what you lot had served on me.

C **Mr Twomlow:** It may be that Mr Kirk has not been given the original of the notice of additional evidence, which was a single page.

**Mr Kirk:** No, no, *it's a ...*

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

**Mr Twomlow:** That --

E **His Honour Judge Thomas:** The handwritten.

**Mr Twomlow:** That's the only, I'm trying to assist.

(parties confer)

F **His Honour Judge Thomas:** *Well*, is there, is there a handwritten copy, please, that we can have of the second statement or the, the additional statement?

G (parties confer)

(judge confers with clerk)

H **His Honour Judge Thomas:** While that's being looked for, Mr Kirk, will you please ask any questions you have of this witness?

A

**Mr Kirk:** When my sister is satisfied that I have been given, even if I don't understand, if my sister is satisfied that I have been given a true copy of her original statement and I have got typed versions that were served on me to be identical, other than that they were typed, I feel in some difficulties until that moment has passed.

B

**His Honour Judge Thomas:** Well, do you have any general questions of this witness?

(defendant confers with his sister)

C

**His Honour Judge Thomas:** Mr Kirk.

**Mr Kirk:** In your statement, if I could quote ...

(defendant confers with his sister)

D

**Mr Kirk:**

“Prior to collecting the DH.2, my understanding was that Gerry would pay Maurice £50,000. This included the aircraft and the Lewis machine gun.”

E

(defendant confers with his sister)

F

**Mr Kirk:** You say that you came to an airport.

**Mrs Cooper:** Correct.

**Mr Kirk:** And you say you gave me a package.

G

**Mrs Cooper:** Correct.

**Mr Kirk:** Yeah. Did you see me open the package?

H

**Mrs Cooper:** No.

**Mr Kirk:** Did you take note of that? Did you comment on it to your next witness?

**A**           **Mrs Cooper:** No.

**Mr Kirk:** No. Would I have known what was inside it?

**B**           **Mrs Cooper:** I can't read your mind. I don't know. I --

**Mr Kirk:** No.

**C**           **Mrs Cooper:** Would assume you would have known that that was the money for the gun, but that was an assumption.

**Mr Kirk:** Yeah. Did you, can you assist this Court in the identification of what you say you loaded into the aircraft?

**D**           **Mrs Cooper:** I know nothing about Lewis guns, or, or I couldn't give you any full description except I was asked to pick up a Lewis gun, and I assumed that that's what I'd picked up from you. I have no knowledge of what, of, of what it is.

**E**           **Mr Kirk:** Right. Was it wrapped up?

**Mrs Cooper:** It was in *a*, from my memory, it was wrapped up in, in a piece of cloth, yes.

**F**           **Mr Kirk:** Did you carry it?

**Mrs Cooper:** From memory, I think you carried it across for me.

**G**           **Mr Kirk:** To where?

**Mrs Cooper:** To the, to the clubhouse at Cardiff.

**H**           **Mr Kirk:** If that occurred, who carried it where?

**Mrs Cooper:** You carried it from the car. My friend Andy Page, who flew me down, carried it from the clubhouse to the aircraft.

**A**           **Mr Kirk:** Was he arrested?

**Mrs Cooper:** No.

**B**           **Mr Kirk:** Was he put in handcuffs?

**Mrs Cooper:** No.

**C**           **Mr Kirk:** Did he go through ballistics tests in --

**Mrs Cooper:** No.

**D**           **Mr Kirk:** Case it had been fired?

**Mrs Cooper:** No.

**E**           **Mr Kirk:** How do you know that?

**E**           **Mrs Cooper:** Well, because I was with.

**Mr Kirk:** No, no, I meant later.

**F**           **His Honour Judge Thomas:** Well, he's giving evidence later, Mr Kirk, so you can ask him.

**Mr Kirk:** Well ...

**G**           **Mrs Cooper:** I can't answer for him.

**Mr Kirk:** Yeah.

**H**           **Mrs Cooper:** I can only answer for --

**Mr Kirk:** Yeah.

**Mrs Cooper:** Myself.

**A**

**Mr Kirk:** I understand. I understand. Did you witness any conversation about what you say, where, where did you first meet me?

**Mrs Cooper:** I met you when we came down to pick up the DH.2 aircraft.

**B**

**Mr Kirk:** Right. Was the subject of exhibit 1 in this case discussed at any time?

**Mrs Cooper:** From memory, I don't think so, but my memory of that day is very vague, so I, I genuinely cannot say either way.

**C**

**Mr Kirk:** Yeah. Did you consider there was any animosity, any perception of sharp practice?

**D**

**Mrs Cooper:** Absolutely not.

**Mr Kirk:** Are you aware that I was a display pilot?

**E**

**Mrs Cooper:** Am I aware you were ...

**Mr Kirk:** A display pilot.

**F**

**Mrs Cooper:** I was aware of that.

**Mr Kirk:** Licensed?

**G**

**Mrs Cooper:** Yes.

**Mr Kirk:** For display work?

**H**

**Mrs Cooper:** Yes.

**Mr Kirk:** Were you aware of the difficulties I've had over the years with the Civil Aviation Authority?

**A**           **Mrs Cooper:** Yes.

**Mr Kirk:** Could you put a word on it as, no, that's OK. Thank you very much.

**B**           **Mrs Cooper:** Thank you.

**His Honour Judge Thomas:** Thank you.

**Mr Twomlow:** Thank you very much.

**C**           **His Honour Judge Thomas:** I wonder, please, if I could have my copy of the statement back.

**D**           **Mrs Cooper:** *Yeah.* Thank you.

**His Honour Judge Thomas:** And the original. Yes, thank you, Mrs Cooper. Please don't --

**E**           **Mrs Cooper:** Thank you.

**His Honour Judge Thomas:** Discuss your evidence with anybody else who's to give evidence.

**F**           **Mrs Cooper:** (indicates agreement)

**His Honour Judge Thomas:** Thank you.

**G**           **Mr Twomlow:** I call Michael Roy Scott please.

(pause)

**H**           (clerk confers with witness)



**Court Clerk:** Could you raise the Testament in your hand please? Please repeat after me.  
I swear by Almighty God ...

**A**

**Mr Scott:** I swear by Almighty God ...

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

**B**

**Mr Scott:** That the evidence I shall give ...

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

**C**

**Mr Scott:** Shall be the truth ...

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

**D**

**Mr Scott:** The whole truth ...

**Court Clerk:** And nothing but the truth.

**E**

**Mr Scott:** And nothing but the truth.

**Court Clerk:** Thank you.

**F**

**Mr Twomlow:** What is your full name please, Mr Scott?

**Mr Scott:** Michael Roy Scott.

**G**

**Mr Twomlow:** And Mr Scott, are you from Nottinghamshire?

**Mr Scott:** Yes, Sir.

**H**

**Mr Twomlow:** Are you the holder of a Section 5 permit which authorises you to hold firearms that fall under Section 5 of the Firearms Act 1968?

**Mr Scott:** That is correct.

**A** **Mr Twomlow:** And are you a registered firearms dealer?

**Mr Scott:** Yes.

**B** **Mr Twomlow:** Do you remember on Monday 22 June 2009 in the afternoon being visited by Mr Cooper?

**Mr Scott:** Yes.

**C** **Mr Twomlow:** And did Mr Cooper give you something?

**Mr Scott:** Yes.

**D** **Mr Twomlow:** What did he give you?

**Mr Scott:** He gave me that item on the end of the table.

**E** **Mr Twomlow:** You recognise that, do you?

**Mr Scott:** Most certainly, yes.

**F** **Mr Twomlow:** What is that item please?

**Mr Scott:** I beg your pardon.

**G** **Mr Twomlow:** What is that item?

**Mr Scott:** It's a mock up of a Lewis machine gun.

**H** **Mr Twomlow:** Right. Now, he gave it to you. We needn't discuss any discussion he had with you about that.

**Mr Scott:** Correct.

**Mr Twomlow:** Did you examine it?

**A**

**Mr Scott:** Briefly.

**Mr Twomlow:** And what were you examining it to see?

**B**

**Mr Scott:** I was asked to see whether it had got any deactivation marks on it.

**Mr Twomlow:** Right. Would you explain please to the ladies and gentlemen of the Jury and the Court what deactivation marks means?

**C**

**Mr Scott:** Deactivation marks are when a, a weapon of any description, a shotgun, a rifle, a machine gun, a pistol is altered in such a way that it cannot be fired. The bolt is cut away. The barrel is blocked. Part of the barrel is cut away.

**D**

**His Honour Judge Thomas:** Sorry, could you, *could you* --

**Mr Scott:** This is all --

**E**

**Mr Twomlow:** *Sorry, if you* --

**Mr Scott:** To --

**F**

**Mr Twomlow:** Just, just --

**Mr Scott:** Home Office --

**G**

**His Honour Judge Thomas:** Sorry, Mr --

**Mr Twomlow:** Pause a moment. A note --

**H**

**His Honour Judge Thomas:** Sorry, Mr Scott.

**Mr Twomlow:** A note is being taken of, of what you're saying, so perhaps you can go a little more slowly please.

**A** **His Honour Judge Thomas:** Sorry, you said --

**Mr Twomlow:** Just a moment.

**B** **His Honour Judge Thomas:** Deactivation marks are when a firearm is altered in such a way that it cannot be fired. And then you gave a list of things that, that, that would happen.

**Mr Scott:** That is correct. This is to Home Office specification.

**C** **His Honour Judge Thomas:** Could you, could you repeat those again for me please?

**Mr Scott:** I'm sorry. I do suffer from tinnitus.

**D** (defendant confers with his sister)

**His Honour Judge Thomas:** Could, could you repeat again what is done to deactivate a --

**E** **Mr Scott:** To --

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

**F** **Mr Scott:** To, generally the bolt face is cut away. The firing pin is removed. The barrel is cut underneath so many, about four inches, and the barrel is also pinned and welded so that it cannot be fired.

**Mr Twomlow:** And, and those features would render a firearm incapable of firing.

**G** **Mr Scott:** Yes.

**Mr Twomlow:** Once that is done and it is incapable of firing, what would happen then?

**H** **Mr Scott:** It, it then goes to the London or Birmingham Proof House. It is examined, and a, if it has been deactivated to the specification, the proof house will put a deactivation stamp on the receiver and on the barrel and issue a deactivation certificate.

**A** **Mr Twomlow:** Just pause there a moment, *could you* --

**Mr Scott:** Sorry.

**Mr Twomlow:** Please?

**B**

**His Honour Judge Thomas:** Right, it's, it's my fault, Mr Scott. I'm not writing as quickly as I, as I should. You said, if the gun is rendered incapable of firing, it would then go to the London or Birmingham Proof House and, if deactivated to their standards ...

**C**

**Mr Scott:** Yes.

**His Honour Judge Thomas:** Did you say? Or to their ...

**D**

**Mr Scott:** To, well, to Home Office specification.

**His Honour Judge Thomas:** The Home Office specification, yes. What, what would happen then?

**E**

**Mr Scott:** It is stamped accordingly and a certificate is issued.

**His Honour Judge Thomas:** Yes, thank you.

**F**

**Mr Twomlow:** And if you see a weapon that has been deactivated or decommissioned in that way, where would you see the stamp that is put on it by the London or the Birmingham Proof House?

**G**

**Mr Scott:** On the barrel and on the receiver, the action.

**Mr Twomlow:** Now, you say that the reason you examined this was to see whether it had been deactivated.

**H**

**Mr Scott:** To see whether it had any deactivation marks on it.

**Mr Twomlow:** Right, and what did you find?

**A**

**Mr Scott:** None.

**Mr Twomlow:** Did you find any stamp on it?

**B**

**Mr Scott:** The only markings I found was part of a serial number on the top of the action, and the mark BSA, which is Birmingham Small Arms' manufacture mark.

**Mr Twomlow:** The manufacturer's mark.

**C**

**Mr Scott:** A manufacturer's mark, yes.

**Mr Twomlow:** Yes, and was there any number on it?

**D**

**Mr Scott:** There, there was a number of, I could read a four digit number, but the, the last two digits were, I, I couldn't read. I thought they were 66, but I'm not sure.

**Mr Twomlow:** Right.

**E**

**Mr Scott:** I wasn't sure at the time.

**Mr Twomlow:** Can you remember what the other four numbers were?

**F**

**Mr Scott:** I, I've got it down in my statement. I can't remember them off hand.

**Mr Twomlow:** Well, I don't know if there's any dispute about it. It ...

**G**

(defendant confers with his sister)

**Mr Twomlow:** May the witness read his statement to refresh his memory in respect of this, unless Mr Kirk agrees there's no dispute about it? It is in his statement.

**H**

**His Honour Judge Thomas:** Mr Kirk, is there dispute about the serial number?

**Mr Kirk:** Without my notes, I'm afraid I can't answer.

**A**

**His Honour Judge Thomas:** Let the witness refresh his memory, then, from the statement.

**Mr Twomlow:** Yes, if he can see his statement please.

**B**

(pause)

**Mr Twomlow:** You, you, you have a typed --

**C**

**Mr Scott:** Yes, I --

**Mr Twomlow:** Copy --

**D**

**Mr Scott:** Have it --

**Mr Twomlow:** Of your --

**E**

**Mr Scott:** Here, yes.

**Mr Twomlow:** Statement.

**F**

**Mr Scott:** It's 2221, and in my original statement I put:

“??, possibly ending in 66.”

**Mr Twomlow:** Right. Now, on that day did you retain the gun for a time?

**G**

**Mr Scott:** Yes, for approximately four, five hours.

**Mr Twomlow:** And then did you hand it to Police Constable Wrigley of the Nottingham Firearms Support --

**H**

**Mr Scott:** Yes.

**Mr Twomlow:** Group?

**A**

**Mr Scott:** Yes.

**Mr Twomlow:** Now, subsequently to that, on Friday 14 August, did Detective Constable Dodge from the South Wales Police come to your home?

**B**

**Mr Scott:** He did, yes, with two other officers.

**Mr Twomlow:** And did he show you something?

**C**

**Mr Scott:** He showed me that item there, yes.

**Mr Twomlow:** Yes, and was that, that was the, was that the weapon you'd seen before?

**D**

**Mr Scott:** Yeah, that is correct.

**Mr Twomlow:** And did you check the serial number that you had --

**E**

**Mr Scott:** I checked the --

**Mr Twomlow:** You'd --

**F**

**Mr Scott:** Serial --

**Mr Twomlow:** Seen?

**G**

**Mr Scott:** Number, and it was the same item, the same serial number.

**Mr Twomlow:** Yes, and then the officer then took it away again.

**H**

**Mr Scott:** Yes.

**Mr Twomlow:** After you'd seen it.



**Mr Scott:** That's it.

**A**

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

**Mr Scott:** Thank you.

**B**

**His Honour Judge Thomas:** Yes, Mr Kirk.

**Mr Kirk:** What date was that, roughly?

**C**

**Mr Scott:** I beg your pardon?

**Mr Kirk:** What date was that, roughly, that the three police officers came to see you?

**D**

**Mr Scott:** Three, three officers brought the weapon on the second occasion in August, yes.

**Mr Kirk:** Right, OK. Do you know which month that was?

**E**

**Mr Scott:** In August.

**Mr Kirk:** Which year was that? Which year was that?

**Mr Scott:** Last year, 2009.

**F**

**Mr Kirk:** Are you sure? Because we've heard that possibly, if it is the same weapon, that it was given to a Mrs Cooper a year before that. Are you sure you've got your year right?

**G**

(pause)

**His Honour Judge Thomas:** You may be helped by the date in your statement there, Mr Scott.

**H**

**Mr Scott:** Yes, two thousand and, 2009.

**His Honour Judge Thomas:** What's the date of your statement?

**A**           **Mr Scott:** The date of, of this is 2009.

**His Honour Judge Thomas:** Yes. What's the precise date?

**B**           **Mr Kirk:** Precise.

**Mr Scott:** The 9<sup>th</sup>, 14 August, yes, 14 August. That is when the three officers brought it back to my house.

**C**           **Mr Kirk:** When were you given that statement?

**Mr Scott:** 14 August --

**D**           **Mr Kirk:** No, no.

**Mr Scott:** 2009.

**E**           **Mr Kirk:** When were you given that document that, that you've got in your hand?

**Mr Scott:** This document?

**Mr Kirk:** Yes.

**F**           **Mr Scott:** It was handed to me today. This is my statement.

**Mr Kirk:** Right. Did you write your own statement?

**G**           **Mr Scott:** No.

**H**           **Mr Kirk:** Because you've got your statement, can you give me the date that you gave your first statement?

**Mr Scott:** That is 22 June.

**Mr Kirk:** Of 2009?

**A**

**Mr Scott:** Of 2009.

**Mr Kirk:** All right. So, what was the purpose of them coming to see you again?

**B**

**Mr Scott:** To, to ask me if it was the same weapon or same item that I'd taken from Mr Cooper in June of that year.

**Mr Kirk:** Right. Did they take your fingerprints?

**C**

**Mr Scott:** Did they take ...

**Mr Kirk:** Take your fingerprints?

**D**

**Mr Scott:** No.

**Mr Kirk:** Did you examine the inside of the ironware?

**E**

**Mr Scott:** The, could you qualify that statement?

**Mr Kirk:** Oh, no. What did you do when they brought it to you? Just exactly tell the Court what you did.

**F**

**Mr Scott:** I looked at it, and they --

**Mr Kirk:** How?

**G**

**Mr Scott:** Said ...

**Mr Kirk:** How?

**H**

**Mr Scott:** I, how?

**Mr Kirk:** Did you dismantle it?

**A**           **Mr Scott:** No.

**Mr Kirk:** Did you stick your eye down the end of the barrel?

**B**           **Mr Scott:** Yes.

**Mr Kirk:** Did you make sure the breach was empty first?

**Mr Scott:** Yes.

**C**           **Mr Kirk:** Did something worry you about the state of the inside of the barrel?

**Mr Scott:** No.

**D**           **Mr Kirk:** Did it have rifling or not?

**Mr Scott:** Not that I could see. It was rather mucky.

**E**           **Mr Kirk:** It was what?

**Mr Scott:** Dirty.

**F**           **Mr Kirk:** Was the inside of the barrel exactly as you remembered it?

**Mr Scott:** No.

**G**           **Mr Kirk:** What had changed?

**Mr Scott:** When I first examined it, on June 22 ...

**H**           **Mr Kirk:** Yes.

**Mr Scott:** There was an obstruction at the chamber end of the barrel.

**His Honour Judge Thomas:** By the chamber end, do you mean the side furthest away from where the bullet would come out?

A

**Mr Scott:** The, the chamber is where the, the bullet or the cartridge sits prior to firing.

**Mr Kirk:** Roughly what date did people start to stamp numbers and names on the barrels?

B

**Mr Scott:** Could you please speak more clearly?

**Mr Kirk:** At 64 it's difficult to change an old --

C

**Mr Scott:** 66.

**Mr Kirk:** Habit. The ...

D

**His Honour Judge Thomas:** I'm tempted to ask, any advance on 66, but let's *not do that*.

(laughter)

E

**Mr Scott:** Yeah.

**Mr Kirk:** I haven't, I haven't got there yet, Your Honour.

F

**His Honour Judge Thomas:** *You*, you were asking --

**Mr Kirk:** I have a problem --

G

**His Honour Judge Thomas:** When it --

**Mr Kirk:** I --

H

**His Honour Judge Thomas:** Was --

**Mr Kirk:** I have a --

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

**A**

**Mr Kirk:** Problem.

**His Honour Judge Thomas:** These marks were first put on the barrels.

**B**

**Mr Scott:** No, there was no marks on the barrel.

**His Honour Judge Thomas:** No. When was that practice first ...

**C**

**Mr Scott:** On, on --

**His Honour Judge Thomas:** Adopted.

**D**

**Mr Scott:** The, which, which practice, Your Honour? The manufacture or the deactivation?

**Mr Kirk:** Don't lead my witness please.

**E**

**His Honour Judge Thomas:** No, you ask the question.

**Mr Kirk:** *Good.* No, sorry, it's not my witness, but ...

**F**

**His Honour Judge Thomas:** Well, you ask the question.

**Mr Kirk:** What, what marks go onto a barrel generally? You are a gunsmith level 5.

**Mr Scott:** Yes.

**G**

**Mr Kirk:** Right. What are the normal markings you may find that have been put on by some mechanism after it has been forged?

**H**

**Mr Scott:** The, the markings on the barrel are proof markings, whether they be military or commercial, on the barrel at the time of proofing after, immediately after manufacture and before issue.

**Mr Kirk:** Yes. Were there any of those on that barrel?

**A**

**Mr Scott:** I couldn't see any on the barrel.

**Mr Kirk:** Right.

**B**

**Mr Scott:** Because of the barrel jacket.

**Mr Kirk:** Right. Could it have been the same barrel? Now, take *all the* --

**C**

**Mr Scott:** Could it have been --

**Mr Kirk:** No, let me finish.

**D**

**Mr Scott:** The same barrel?

**Mr Kirk:** Take your time in answering --

**E**

**Mr Scott:** No, no.

**Mr Kirk:** The question.

**Mr Scott:** Could it have been the same barrel?

**F**

**Mr Kirk:** Could it have been the same barrel that you saw a year, two, two months earlier?

**Mr Scott:** Could it have been the same barrel?

**G**

**Mr Kirk:** Yes, or was it the same barrel?

**Mr Scott:** I don't know. It was a barrel, but I can't say that it was the same barrel or not.

**H**

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

**His Honour Judge Thomas:** Yes, any re-examination, Mr Twomlow?

**A** **Mr Twomlow:** Yes. Yes, I've no further re-examination.

**His Honour Judge Thomas:** Thank you, Mr Scott.

**Mr Scott:** Thank you very much.

**B**

**His Honour Judge Thomas:** Please don't discuss --

**Mr Twomlow:** Thank you very much, Mr Scott?

**C**

**His Honour Judge Thomas:** Your evidence with anybody who hasn't yet given evidence.

(clerk confers with witness)

**D**

**Mr Twomlow:** I call Charles Andrew Page please.

(pause)

**E**

(clerk confers with witness)

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

**F**

**Mr Page:** I swear by Almighty God ...

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

**G**

**Mr Page:** That the evidence I shall give ...

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

**H**

**Mr Page:** Shall be the truth ...

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



**Mr Page:** The whole truth ...

**A**

**Court Clerk:** And nothing but the truth.

**Mr Page:** And nothing but the truth.

**B**

**Court Clerk:** Thank you.

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

**C**

**Mr Page:** Charles Andrew Page.

**Mr Twomlow:** Mr Page, do you know a gentleman called Gerry Cooper?

**D**

**Mr Page:** I do well, yes.

**Mr Twomlow:** And did you at some point fly to Cardiff Airport from Lincolnshire with his wife Jennifer?

**E**

**Mr Page:** I did.

**Mr Twomlow:** Do you remember when that was?

**F**

**Mr Page:** Not exactly, no. It's my logbook. I don't --

**Mr Twomlow:** What was the purpose of your journey?

**G**

**Mr Page:** It was to fetch, I forget what he called it now, but it, it was a gun.

**Mr Twomlow:** And who were you expecting to meet at ...

**H**

**Mr Page:** Well, I didn't know, because it was Gerry's wife that was doing the deal.

**Mr Twomlow:** Yes.

**Mr Page:** All I did was fly the plane.

**A**

**Mr Twomlow:** Yes, I see. So did you take off at about 10 o'clock on the Sunday?

**Mr Page:** I did.

**B**

**Mr Twomlow:** Arrive at Cardiff about an hour, just under an hour later.

**Mr Page:** Yes, I did. Yes.

**C**

**Mr Twomlow:** And did Jennifer Cooper meet somebody?

**Mr Page:** She did.

**D**

**Mr Twomlow:** Do you know who that was?

**Mr Page:** Yes, I do now. I didn't at the time, but I since have found out, yes.

**E**

**Mr Twomlow:** So who was it?

**Mr Page:** It was Maurice Kirk.

**F**

**Mr Twomlow:** OK, and what happened please?

**Mr Page:** I pulled up at the flying school at the airport. We got out. We went into the café. Mr Cooper's wife, Jennifer, she met this, which I now know is Mr Kirk, and they had a, a discussion. I went and got a cup of tea and paid the landing fees and --

**G**

**Mr Twomlow:** Right.

**H**

**Mr Page:** Sorted everything else out. And then he fetched this, that, this piece, that bit of bedspread, well, it looked like a bedspread tied up with string, and gave it to me. I walked out to the plane, strapped it on the back seat and we got in and went.

**Mr Twomlow:** Yes.

**A**           **Mr Page:** I had to call at Wolverhampton on the way back because there was no fuel at Cardiff.

**Mr Twomlow:** Right. Are you somebody who knows anything about guns?

**B**           **Mr Page:** No.

**Mr Twomlow:** No. Did you see anything handed over from Jennifer Cooper to Mr Kirk?

**C**           **Mr Page:** She gave him an envelope, which I understand was money.

**Mr Twomlow:** Yes, and then you went to Wolverhampton to refuel and went back then to Lincolnshire --

**D**           **Mr Page:** Straight back --

**Mr Twomlow:** Did you?

**E**           **Mr Page:** To Wickenby, yeah.

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

**F**           **His Honour Judge Thomas:** Any questions, Mr Kirk?

**Mr Kirk:** Why didn't you land at St Donats International?

**G**           **Mr Page:** Sorry, when ...

**Mr Kirk:** Why didn't you land at my airfield?

**H**           **Mr Page:** When? On the way in to Cardiff?

**Mr Kirk:** Yes.

**A** **Mr Page:** I, I understood that the arrangement was that you was meeting us at Cardiff. Our Gerry asked me to take Jenny to Cardiff.

**Mr Kirk:** But you are aware that I had airfield five nautical miles west.

**B** **Mr Page:** No, I wasn't, no.

**His Honour Judge Thomas:** Had, sorry, you had an airfield where?

**C** **Mr Kirk:** With no landing fees.

**Mr Page:** I've no idea.

**D** **His Honour Judge Thomas:** Sorry, Mr Kirk, I didn't catch that. You had a, you had an, an airway, a, an air ...

**Mr Kirk:** Yes, *it's* --

**E** **His Honour Judge Thomas:** Field where?

**Mr Page:** *Called* St, St Donats International Airport at St Donats, Llantwit Major, The Vale of Glamorgan.

**F** **His Honour Judge Thomas:** St Donats International.

**Mr Kirk:** CF61 1ZB. Do you want the coordinates?

**G** **His Honour Judge Thomas:** I don't think so, but you said 500 miles away?

**Mr Kirk:** Sorry?

**H** **His Honour Judge Thomas:** Did you say 500 miles away?

**Mr Kirk:** No, five nautical miles.

**A** **His Honour Judge Thomas:** Beg your pardon, five nautical --

**Mr Kirk:** West --

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

**Mr Kirk:** Of Cardiff Airport.

**His Honour Judge Thomas:** Thank you.

**C** **Mr Kirk:** Well, let's make it simple. Do you know of my reputation in --

**Mr Page:** I --

**D** **Mr Kirk:** General aviation?

**Mr Page:** I, I know a little now from what people have told me, but at the time I knew nothing because I, I'd never met you before. I didn't even know who you were or anything.

**E** **Mr Kirk:** Were you a witness to this aircraft flying at Farnborough Airshow?

**Mr Page:** Which aircraft's --

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

**Mr Page:** That?

**G** **Mr Kirk:** The, the, the replica Airco DH.2.

**Mr Page:** At Farnborough, at Farnborough?

**H** **Mr Kirk:** Farnborough Airshow.

**Mr Page:** No, I wasn't, no.

**A**           **Mr Kirk:** Why have they asked you to be a witness today?

**Mr Page:** I've no idea.

**B**           **Mr Kirk:** As long as I, I'm sorry, thank you.

**His Honour Judge Thomas:** Thank you, Mr Page, unless Mr Twomlow has any other questions for him.

**C**           **Mr Page:** Yeah.

**Mr Twomlow:** I don't have any.

**D**           **His Honour Judge Thomas:** Thank you.

**Mr Twomlow:** Thank you very much for coming.

**E**           **Mr Page:** Thank you.

**Mr Twomlow:** The, the, the witness was asked to attend because he was requested.

**His Honour Judge Thomas:** By ...

**F**

**Mr Twomlow:** Not by the, well, *his* statement was served and his attendance was requested when the list of witnesses was gone through with Mr Kirk.

**G**           **His Honour Judge Thomas:** Thank you.

**Mr Kirk:** Sorry, a, a list of witnesses. Do you mean the ones I've just received today?

**H**

**His Honour Judge Thomas:** No, no, no, when the case papers were served on you ...

**Mr Twomlow:** No, by His Honour --

**His Honour Judge Thomas:** You were asked --

**A**

**Mr Twomlow:** Judge Bidder, in fact, Your Honour.

**His Honour Judge Thomas:** Sorry?

**B**

**Mr Twomlow:** By His Honour Judge Bidder at a, a plea and case management hearing.

**His Honour Judge Thomas:** You were asked which witnesses on the list you wanted to attend, and you asked for Mr Page to come to give evidence. That's why he's here.

**C**

**Mr Kirk:** I have been asking for the list since that hearing, and I've had to purchase, order the, the transcript because I could not hear what he was saying. But I do remember that His Honour Judge Bidder said that a lot of the witnesses were irrelevant. Are you --

**D**

**His Honour Judge Thomas:** And you asked for them to come to give evidence. That is why they're here. Now, if you say there are witnesses who are irrelevant, it will be a very good thing if we were able to dispense with them having to come here.

**E**

**Mr Kirk:** I've just witnessed the Prosecution saying that I asked Mr, whatever the name was, to come and give evidence.

**His Honour Judge Thomas:** Yes.

**F**

**Mr Kirk:** I, I bet I didn't. But my memory isn't what it was.

**His Honour Judge Thomas:** Well, it may be a good idea if you tell your sister, who sits in

**G**

--

**Mr Kirk:** Ask --

**H**

**His Honour Judge Thomas:** Front of you.

**Mr Kirk:** My sister, not tell. She's a Kirk. You don't tell a Kirk anything.

**A** **His Honour Judge Thomas:** All right. Well, however it is transmitted, if there are witnesses who are to be called who you do not require to give evidence, then it will save time.

**Mr Kirk:** *But the --*

**B** **His Honour Judge Thomas:** Perhaps that can be done overnight.

**Mr Kirk:** The very reason why I asked for a list yesterday, I would not have asked for Mr Page to give evidence if there had been mutual agreement. And there, there will, there may well be more witnesses.

**C** **His Honour Judge Thomas:** Well, let's see if we can sort that out before they have to come a long distance to give evidence. Who's your next witness please, Mr Twomlow?

**D** (counsel takes instructions)

**Mr Twomlow:** It's Derek Glynn Allsop.

**E** (counsel takes instructions)

**Mr Twomlow:** He is the last witness we have available today. Your Honour will appreciate it's a little difficult to, to know exactly how many witnesses to have available.

**F** **His Honour Judge Thomas:** Yes. Well, on the basis that it may be that some witnesses will not be required, it may be perhaps better to have more witnesses than we need tomorrow than fewer than we need.

**G** **Mr Twomlow:** Yes, *and we don't --*

**His Honour Judge Thomas:** So that we can --

**H** **Mr Twomlow:** Yes.

**His Honour Judge Thomas:** Make progress. I understood the person you referred to as Foxy in the ...



**A** **Mr Twomlow:** Yes, he ...

**His Honour Judge Thomas:** Is that witness available?

**B** **Mr Twomlow:** No.

**His Honour Judge Thomas:** Why is that?

(counsel takes instructions)

**C** **Mr Kirk:** If, if, if I could assist ...

**Mr Twomlow:** Sorry.

**D** **His Honour Judge Thomas:** Did you say the next one was Dominic ...

**E** **Mr Twomlow:** Your Honour, I, I, I wonder if Your Honour would give me a few moments to check which witnesses are now available today. Your Honour will understand, I hope, that there's been quite a bit of shifting about because the witnesses who, the four witnesses who've given evidence had to come today and so had to give evidence today. There were other witnesses who were lined up to give evidence yesterday who could not. Some could not return today, and so we've had some difficulty today in arranging a, a proper list of  
**F** witnesses and knowing how long the witnesses were going to take. And so if you give me a few moments, I think I could, I, I understand that Mr Allsop in fact is not here.

**His Honour Judge Thomas:** Right.

**G** **Mr Twomlow:** So ...

**H** **His Honour Judge Thomas:** Well, I will give you five minutes to find out who is here. There are two documents that it appears Mr Kirk wishes the Jury to have. One is the Airworthiness Approval Note and the other is the Pilot article. Can they be photocopied and punched so that the Jury have copies of them?

**Mr Twomlow:** Yes.

**A**

**His Honour Judge Thomas:** We'll come back in ten minutes so the members of the Jury can stretch their legs from that cramped box. And then we'll see how far we can progress this --

**B**

**Mr Twomlow:** Yes.

**His Honour Judge Thomas:** Afternoon. And I would be very grateful if efforts were made, I know they may not be easy, to decide who is and who is not required to give evidence live.

**C**

**Mr Twomlow:** Well, I, I, I can tell Your Honour that that has been something that has been carefully considered, but matters have been overtaken a little by certain events and --

**D**

**His Honour Judge Thomas:** Yes.

**Mr Twomlow:** In terms of length.

**E**

**His Honour Judge Thomas:** Thank you. Yes, thank you, members of the Jury.

(jury retires)

**Court Clerk:** Court please rise.

**F**

(short adjournment)

**Court Clerk:** Court please rise.

**G**

(parties confer)

**His Honour Judge Thomas:** Yes, thank you.

**H**

**Mr Twomlow:** Your Honour, the position is this, that the only witness who is readily available and who I hope is now here is Mr Allsop, who is at page, page 1. I'm wrong. Page 5.

**A** **His Honour Judge Thomas:** Page 5, isn't it?

**B** **Mr Twomlow:** Yes, who deals with the, the homepage, getting the homepage up from the website. So he, his, his evidence will not be very long. Other witnesses who were due to attend this morning, one officer had to give evidence somewhere else, *in*, I think in Swansea, has not returned. Another officer had to attend a hospital appointment, and he has, is not available today. But what I can tell Your Honour is that the witnesses who should have given evidence yesterday or today and have not done will be coming tomorrow, and all tomorrow's witnesses will be coming tomorrow, so that we will be right on schedule by the end of tomorrow evening.

**C** **His Honour Judge Thomas:** Good. How long was, how long was it scheduled that the Prosecution case will last? Well, we have ...

**D** **His Honour Judge Thomas:** Perhaps we can get the Jury in while we're discussing this. And we'll, do you --

**E** **Mr Twomlow:** It's --

**His Honour Judge Thomas:** Have a, a, a ...

(counsel takes instructions)

**F** **His Honour Judge Thomas:** Date when you expect the Prosecution case to end?

(counsel takes instructions)

**G** **Mr Twomlow:** I, I believe that all the witnesses were going to give evidence by the beginning of next week. It was, it was well within the, the three week period.

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

**Mr Twomlow:** Here they are. Let me see.

**His Honour Judge Thomas:** And do *the* --

A

**Mr Twomlow:** The last Prosecution witnesses are scheduled at the moment for Monday ...

**His Honour Judge Thomas:** Right.

B

**Mr Twomlow:** So that we anticipated finishing our case in six days, with the matter being listed for three weeks. If matters are going more quickly than that, we'll see what we can do to bring people forward. But ...

C

**His Honour Judge Thomas:** What I hope will happen overnight is that perhaps through the intermediary of Mr Kirk's sister it may be possible to find out who's needed and who's not needed. Thank you.

D

**Mr Twomlow:** *Right*, thank you.

(jury returns)

E

**His Honour Judge Thomas:** I see that you're ...

(laughter)

F

**His Honour Judge Thomas:** Very subtly done, members of the Jury, if I may say so. You're obviously still feeling the cold. I have asked that efforts are made to increase the heating. It obviously hasn't worked.

(judge confers with clerk)

G

**His Honour Judge Thomas:** I'm told that Court 1 is even worse, if that's any consolation. I suspect it isn't. They've probably got ice, icicles hanging off them if that is the case. I'll make enquiries overnight to see if heaters can be brought in, perhaps, and if they could be started up at 9:30 so that there's at least a flow of hot air. We'll try and stave off hypothermia for at least some of you. Sorry about this. It's not usually something I have to deal with, but I'll do my best. Thank you.

H

A

**Mr Twomlow:** Well, Your Honour, it may be some consolation to the ladies and gentlemen to know that there is only one further witness today, who probably won't be very long, who's available today because of one thing and another, I'm afraid. But there will be several witnesses present tomorrow, I hope, and have a full day's worth of evidence from them.

B

**His Honour Judge Thomas:** Right, well, let's, let's --

**Mr Twomlow:** Derek ...

C

**His Honour Judge Thomas:** Crack on with him them.

**Mr Twomlow:** Derek Glyn Allsop, page 5 please.

D

**Mr Kirk:** Could, could I make an objection to this next witness please?

E

**His Honour Judge Thomas:** On what basis?

F

**Mr Kirk:** Yesterday there were six police officers taking record of what was going on. This morning they've been reduced to three. My sister has been keeping a record. Two ladies in the gallery yesterday, I know without asking, would have been taking a record. When I asked friends of mine to make a record earlier in these proceedings, this is the thirteenth time I've become, I've had eight Judges. You must be the ninth, I think. They have been refused the right to make notes while sitting in the gallery. These people in plain uniform, there's one there who to me looks very much like a policeman. If he is, I would like his identity because I require him as a Defence witness. But more to the point, I want the numbers and names of the six that were here yesterday, not the uniformed ones, because they just do, well, the ones that were not in uniform. And the lady who comes from Dolmans and represents the Chief Constable, who has throughout this trial and yesterday, before you, in, sorry, in Newport last week, was having to give a, give information in order for this, this trial to proceed at a greater speed. I'm entitled, Your Honour, under Article 6, to have this information for my defence.

H

**His Honour Judge Thomas:** People in the public gallery are not allowed to take notes unless they are given permission to do so. You are not entitled to the names of the people who are in the public gallery. Can we now get on with the next witness please? Thank you.

**A**           **Mr Kirk:** So I --

**His Honour Judge Thomas:** If I --

**B**           **Mr Twomlow:** Derek --

**His Honour Judge Thomas:** See anybody --

**C**           **Mr Kirk:** Assume --

**Mr Twomlow:** Glyn --

**D**           **Mr Kirk:** Then --

**Mr Twomlow:** Allsop --

**E**           **Mr Kirk:** That they --

**Mr Twomlow:** Please.

**Mr Kirk:** They had permission to take notes.

**F**           **His Honour Judge Thomas:** No, no, I just said that no one is entitled, allowed to take notes in the public gallery without my permission. I haven't given such permission. All notetaking in the public gallery must cease. All permissions should be sought. But you are not entitled to the names of people in the public gallery. I hope that's --

**G**           **Mr Kirk:** I will --

**His Honour Judge Thomas:** Clear.

**H**           **Mr Kirk:** Make no complaint if I can have a copy of those notes.

**His Honour Judge Thomas:** Yes, could we have the next witness please?

**A** **Mr Twomlow:** Yes, Derek Glynn Allsop please.

**His Honour Judge Thomas:** Derek Glynn Allsop.

(clerk confers with witness)

**B**

**Court Clerk:** Could you raise the Testament in your hand? Please repeat after me. I swear by Almighty God ...

**C**

**DC Allsop:** I swear by Almighty God ...

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

**D**

**DC Allsop:** That the evidence I shall give ...

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

**E**

**DC Allsop:** Shall be the truth ...

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

**F**

**DC Allsop:** The whole truth ...

**Court Clerk:** And nothing but the truth.

**DC Allsop:** And nothing but the truth.

**G**

**Court Clerk:** Thank you.

**DC Allsop:** *Thank you.*

**H**

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

**DC Allsop:** DC Derek Allsop, presently serving from Cardiff Central Police Station.

**A** **Mr Twomlow:** Yes. Officer, at 1 o'clock in the afternoon on Tuesday 23 June of last year, 2009, were you in Cardiff Central Police Station when you accessed the website [www.kirkflyingvet.com](http://www.kirkflyingvet.com)?

**B** **DC Allsop:** Yes, I was, yes.

**Mr Twomlow:** And if you'd look at pages 16, 17 and 18, I think 16, 17 then 17A, I'm sorry, do those relate to what you observed when you saw the website?

**C** **DC Allsop:** Yes, they are, yes.

**Mr Twomlow:** And did you generate screen prints of the data on the website?

**D** **DC Allsop:** I did, yes.

**Mr Twomlow:** What does page 16 show us please?

**E** **DC Allsop:** It shows the, the front page, the homepage of the website named the [flyingkirk.com](http://flyingkirk.com), [kirkflyingvet.com](http://kirkflyingvet.com), sorry.

**Mr Twomlow:** And we can see at the top of that page that there are a number of sections, home, biography, blogs, gallery and downloads.

**F** **DC Allsop:** Yes, *it's a normal webpage*.

**G** **Mr Twomlow:** And on the left, what appear to be, well, perhaps headlines, if one can call them that.

**DC Allsop:** Yes, they're the links.

**H** **Mr Twomlow:** And --

**DC Allsop:** Yes.



**A** **Mr Twomlow:** Options down the left hand side. And at the, at the foot of that screen, latest posts and recent posts. And on the right, video.

**DC Allsop:** Yeah, yes, *Sir*.

**B** **Mr Twomlow:** Now, did you click on a link which was headed:

“Recent pictures”?

**C** **DC Allsop:** I did, yes, *Sir*.

**Mr Twomlow:** *And* what did you see then?

**D** **DC Allsop:** There was a number of pictures that, that were linked to that page, and one of them showed Mr Kirk holding a machine gun in his right hand and a small dog in his left hand.

**Mr Twomlow:** Now, is that what we can see at 17A in the, in our bundle?

**E** **DC Allsop:** Yes, that’s one of the pictures, yes.

**Mr Twomlow:** I think if we look at page 17, we can see the same picture with the text underneath it, but it’s not as, with, with the text underneath it.

**F** **DC Allsop:** Yes.

**Mr Twomlow:** Is that right? And underneath it:

**G** “Vengeance is mine. Crooked lawyer shooting.”

And underneath that heading, the text:

**H** “Patrick, I think the way forward is a string of spontaneous public demonstrations, small, scattered and economical, spreading a clear message. Each group can use their own tactics to mail MPs via the Act.

In my case, after the bloody nonsense this week in RCJ with RCVS, I will do it my way.”

A

Is that what it stated?

**DC Allsop:** It is, yes.

B

**His Honour Judge Thomas:** RCJ is generally said to be the Royal Courts of Justice?

**DC Allsop:** Yes, *My Lord*.

C

**His Honour Judge Thomas:** And RCVS would *be* perhaps the Royal College of Veterinary Surgeons.

D

**DC Allsop:** It is, yes, Sir.

**Mr Twomlow:** Now, did you also enter the Civil Aviation Authority website?

E

**DC Allsop:** I did, yes.

**Mr Twomlow:** And you accessed the G-I, G-INFO page.

F

**DC Allsop:** That's correct, yes.

**Mr Twomlow:** Is that right? Is that a public site that records current and historical registration details of light aircraft?

G

**DC Allsop:** Yes, it is.

**Mr Twomlow:** And did you enter some search criteria into that?

H

**DC Allsop:** I did, yes.

**Mr Twomlow:** What did you enter?

**DC Allsop:** I believe it was the registration G-BV, BFVH.

**A**

**Mr Twomlow:** Right.

**DC Allsop:** *Or* G9BFV.

**B**

**Mr Twomlow:** Now, is that a, is what you found when you did that on page 18 of the Jury's bundle?

**C**

**DC Allsop:** That's, that's correct. That was the, the history, registration history of that particular aircraft.

**Mr Twomlow:** Yes, and what does that show us?

**D**

**DC Allsop:** It shows who the car was, who the, the car? Who the, the aeroplane was registered to and who bought, it the previous keepers, etc. *I suppose* very similar to what you would do with a, with a car.

**E**

**Mr Twomlow:** Yes, so it's going from the bottom upwards, isn't it?

**DC Allsop:** It is, yes.

**Mr Twomlow:** In terms of time.

**F**

**DC Allsop:** Yes.

**G**

**Mr Twomlow:** So 17.02.1984, registered Rusavia Limited, trading as Rusavia Collection, Pedders, Wood End Green, Henham, Bishop's Stortford.

**DC Allsop:** Yes, that's correct.

**H**

**Mr Twomlow:** And then we go up from there, 13 May 1991, end date 17 September 1997, Wessex Aviation and Transport Limited, Chalmington Manor.

**DC Allsop:** Yes, correct.

**A** **Mr Twomlow:** Then the next is from 17 September 1997 to 24 June 2008, owned by Maurice John Kirk, gave, giving then a Barry address.

**DC Allsop:** That's correct, yes.

**B** **Mr Twomlow:** And then above that, 24 June 2008 to 13 January 2009, Ronald Henry Cooper and Samantha Jane Cooper.

**DC Allsop:** Yes, that's correct.

**C** **Mr Twomlow:** And indeed, at the very top, issue date 13 January 2009, no end date, Ronald Henry Cooper and Jennifer Ann Cooper.

**D** **DC Allsop:** Yes, correct.

**Mr Twomlow:** Yes, and these are prints that you generated from the website.

**E** **DC Allsop:** Yeah, *they're* exact prints of what was on the screen, yes.

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

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

**F** **Mr Kirk:** Sorry, what date did you do all this?

**DC Allsop:** The date's in my statement. I believe it was in, in June of last year.

**G** **Mr Kirk:** Could I have the day?

**DC Allsop:** I can't recall exactly what day it was, but --

**H** **Mr Kirk:** Well, it's written on the statement.

**A** **DC Allsop:** It's written on the, I haven't got my statement in front of me, Mr Kirk. I apologise.

**Mr Kirk:** Sorry?

**B** **DC Allsop:** I haven't got my statement in front of me. I apologise.

**Mr Kirk:** Would you like to look at ...

**His Honour Judge Thomas:** Statement served 23 June 2009, if that helps.

**C** (defendant confers with his sister)

**Mr Kirk:** Were you aware of that website before that date?

**D** **DC Allsop:** No, probably not.

**Mr Kirk:** When you say probably, what do you mean by that?

**E** **DC Allsop:** Well, I'd had no cause prior to, to this to investigate that, that site.

**Mr Kirk:** No, I didn't ask whether you had to investigate it. Were you aware?

**F** **DC Allsop:** I, no, I don't believe I was.

**Mr Kirk:** Are you sure?

**G** **DC Allsop:** I'm not positive, no, but, but I don't believe I would have ever gone on that site prior to that date.

**Mr Kirk:** Do you know my other website?

**H** **DC Allsop:** Your other, your other website?

**Mr Kirk:** Yes, did they --

**A** **DC Allsop:** I've --

**Mr Kirk:** Get you to look at the other website?

**B** **DC Allsop:** Sorry, no. Which other website?

**Mr Kirk:** No, no, no. No, I'm not here to give information. You are here to give information on oath.

**C** **DC Allsop:** Yes.

**Mr Kirk:** You are, who asked you to look at kirkflyingvet.com?

**D** **DC Allsop:** My managers.

**Mr Kirk:** Name?

**E** **DC Allsop:** Would have been the SIO of the investigation.

**Mr Kirk:** You looked at the gentlemen at the back again.

**DC Allsop:** Yes, no, I'm looking at the lady actually, Sir.

**F** **Mr Kirk:** The lady. Who is --

**DC Allsop:** Detective Inspector --

**G** **Mr Kirk:** Who is that lady?

**DC Allsop:** Detective Inspector Hughes.

**H** **Mr Kirk:** Detective Inspector Hughes, who's been, Detective Inspector Hughes, who's been witnessed by a number of people in Newport Court last week in the presence of the learned Judge in front of me, getting out of her seat and coming to greet these people and been taking

notes at the back. Now, you say Detective Inspector Hughes. There's a Hughes on the witness list.

A

**Mr Twomlow:** Detective Inspector Hughes is the officer in the case.

**His Honour Judge Thomas:** Yes.

B

**Mr Twomlow:** She's, she's not in fact a witness. She hasn't made a statement.

**His Honour Judge Thomas:** Yes.

C

**Mr Kirk:** When you say --

**His Honour Judge Thomas:** She's the officer in charge of the investigation, you see, Mr Kirk, and she's entitled to be in Court.

D

**Mr Kirk:** So, so I'm not allowed to cross-examine the officer running the, the prosecution. Is that how I understand it?

E

**His Honour Judge Thomas:** She is not at the moment a witness. Now, she can be asked to be a witness.

**Mr Kirk:** She could. Ah, that's the picture.

F

(defendant confers with his sister)

**Mr Kirk:** So she's in charge, in fact.

G

**His Honour Judge Thomas:** Well, as you say, in the same way as you're not here to impart information, at the moment I'm not here to. It's this witness you need to ask questions of.

**Mr Kirk:** Ah, yes.

H

**His Honour Judge Thomas:** So if you'd like to direct your --

**Mr Kirk:** Yes, yes.

**A**

**His Honour Judge Thomas:** Questions --

**Mr Kirk:** Yes, but, but --

**B**

**His Honour Judge Thomas:** At the --

**Mr Kirk:** But --

**C**

**His Honour Judge Thomas:** Witness rather than me, Mr Kirk.

**Mr Kirk:** But, but, I, I, I would if I was impolite and suggest that can of worms that's been eased open here. Now, I need to know, and you may say not is now the time, but I need to know, in order to finish cross-examining this witness, how I am not being able to cross-examine the lady who apparently was in charge of the investigation and has been allowed to sit through this trial.

**D**

**His Honour Judge Thomas:** Yes, that's perfectly normal procedure, Mr Kirk.

**E**

**Mr Kirk:** Well, I've never witnessed it before, but perhaps I was not as observant in my youth. I used to trust people in those days. So her title is officer in charge. So she gave you directions to look on that website.

**F**

**DC Allsop:** Through the managerial, the, the, chain, yes.

**Mr Kirk:** Yes. Who else did?

**G**

**DC Allsop:** It would come through on a, on an action for me to carry out that part of the investigation.

**H**

**Mr Kirk:** Yeah. The, this is a firearms, this is a, a, this, this carries a 10 year prison sentence, mandatory. Do you accept that?

**DC Allsop:** Perhaps, yes.



**A** **Mr Kirk:** Yes, oh, perhaps. Are you, you are a police officer.

**DC Allsop:** And I'm saying, *no, that it* might not necessarily carry, carry 10 years, Mr Kirk. I did, but it could, yes.

**B** **Mr Kirk:** There are two charges, each carrying a mandatory 5 year prison sentence.

**DC Allsop:** Yes.

**C** **Mr Kirk:** Right. Evidence has been heard in this Court relating to the possible unlawful sale of a weapon.

**DC Allsop:** Yes.

**D** **Mr Kirk:** Right. I suggest there's sufficient information before the Court today and yesterday that the police, that the, the, whoever has instigating all this is going for a 10 year prison sentence.

**E** **DC Allsop:** That's not for me to comment on, Mr Kirk.

**Mr Kirk:** Sorry?

**F** **DC Allsop:** I can't say ...

**Mr Kirk:** No.

**G** **DC Allsop:** What that person's doing. I'm --

**Mr Kirk:** That is --

**H** **DC Allsop:** Sorry.

**A** **Mr Kirk:** My reason for wanting to know who put you up to it, and I didn't realise my luck that you've now got myself another witness. But because you know that she took instructions from whom, I would now like to write down the name of those people.

**DC Allsop:** Sorry, the, the instructions --

**B** **Mr Kirk:** And could the --

**DC Allsop:** Come from the --

**C** **Mr Kirk:** Prosecution, please could the Prosecution barrister not signal to the policeman in the witness box by shaking heads, etc?

**D** **His Honour Judge Thomas:** Right. Let's try and get a little bit of order into this. Who was the person who directly asked you to look at the website? Do you recall that person's name?

**DC Allsop:** I believe it was my, my sergeant, and that would have been DS Foster.

**E** **His Honour Judge Thomas:** And what were your instructions?

**DC Allsop:** To look at the site of Mr Kirk for any evidence of a machine gun and to liaise with the, the Aviation Authority in relation to a certain aeroplane.

**F** **His Honour Judge Thomas:** Yes, thank you.

**Mr Kirk:** Liaise with the Aviation, the Civil Aviation Authority. Stand to attention, Maurice. Comb your hair. What was the content of you needing to liaise about?

**G** **DC Allsop:** I spoke to them in relation to how aeroplanes are registered. They directed me to a public website I could, I could enter, which I then did.

**H** **Mr Kirk:** Was there any reference to Section 5 of the 1968 Firearms Act?

**DC Allsop:** No.

**Mr Kirk:** And you said this was on the, was this on the 23<sup>rd</sup>?

**A**

**DC Allsop:** Yes.

**Mr Kirk:** What time of day?

**B**

**DC Allsop:** It would have been during the normal working hours between 8:00 and 4:00. Exactly what time, I couldn't tell you, Mr Kirk.

**His Honour Judge Thomas:** Well, your --

**C**

**Mr Kirk:** Yes, you --

**His Honour Judge Thomas:** Statements says --

**D**

**Mr Kirk:** I --

**His Honour Judge Thomas:** 13:00 hours.

**E**

**DC Allsop:** Well, there. 13:00 hours then.

**Mr Kirk:** 13:00.

**F**

**DC Allsop:** That's when I accessed the websites.

**Mr Kirk:** If I had access to the information gathered that day from Lincolnshire, by 4 o'clock in the afternoon a Mr Cooper was travelling with a piece of ironware in his vehicle when he received a phone call saying that the police officers was most, were, were likely to meet him fat a Level 5 firearms shop run by a Mr, Mr Scott. Were you a party to any of that?

**G**

**H**

**DC Allsop:** No, I wasn't.

**Mr Kirk:** So, why do, you records of the registration information and ownership alleged at the CAA only go back to what date?

**A** **DC Allsop:** The first registration of the, of the air, aircraft, it would appear, which is, it says:  
“Pre-1996.”

I believe.

**B** **Mr Kirk:** So, so, what is the oldest date that you’ve got record of as to who was the alleged owner or registered owner of that aircraft?

**C** **DC Allsop:** 1984, and that would have been the manufacturers, I believe, Rusavia Limited.

**Mr Kirk:** So you don’t go before ’84?

**D** **DC Allsop:** I can only go by what’s on the website, Mr Kirk.

**Mr Kirk:** Do you realise who built it?

**E** **DC Allsop:** Well, I, I took it for granted it was them. I wouldn’t actually know who, who actually built it, but they were the first registered company.

**F** **Mr Kirk:** Evidence will be confirmed later that Viv Bellamy, who married Ferry, the daughter of Ferry Aviation, a lovely lady living on the coast, designed and built that aircraft on the back, his little squiggles on the back of a cigarette packet. I had the pleasure in the early ’70s to land at Bodmin, at, land, Land’s End Airport to see him building a half strutter First World War fighter aircraft. He parted with that aircraft, and it changed hands a number of times for different purposes, but each related to the variety business, entertaining the general public. Are you telling me that this is the full extent of your knowledge of why we are here today?

**G** **DC Allsop:** Yes, that’s right, Mr Kirk, yes.

**H** **Mr Kirk:** What do you know about, that’s the extent that you know about a gun that they say is unlawful. What can you tell the Court, as a serving police officer at Bridgend HQ, about Maurice Kirk?

**A** **DC Allsop:** Other than what I've done here, Mr Kirk, nothing.

**DC Allsop:** You are saying you know nothing. Were you aware that I visited the Bridgend HQ on a number of occasions?

**B** **DC Allsop:** I think that's --

**Mr Kirk:** I --

**C** **DC Allsop:** Fairly common knowledge, that, that you had done, yes.

**Mr Kirk:** Yes.

**D** **DC Allsop:** With *a* --

**Mr Kirk:** It, it's in the unused material, isn't it?

**E** **DC Allsop:** It may be. I, I don't have access to the, the unused material.

**Mr Kirk:** I got through the main barriers and got into the offices of the Chief Constable, Barbara Wilding, didn't I?

**F** **DC Allsop:** Apparently so, yes.

**Mr Kirk:** I was surrounded by men with tin hats and smoke grenades, wasn't I?

**G** **DC Allsop:** Apparently you may have been.

**Mr Kirk:** Yes, and you know that that's what this case is all about, don't you?

**H** **DC Allsop:** I, no, I know this case is about a, a firearm, and I can only tell you what evidence I've produced in Court.

**A** **Mr Kirk:** You know that the police and the Prosecution today have detailed video that on 18 June last year, three days before I was arrested, on the 22<sup>nd</sup>, I was certain that my car was searched by at least six police officers in attendance at the main gates of Barbara Wilding's HQ.

**B** **DC Allsop:** I work from Cardiff Central Police Station. I wasn't there on that day, so I know nothing of that, no.

**Mr Kirk:** Are you saying you saw no documentation that followed from, flowed from that incident?

**C** **DC Allsop:** I didn't personally, no. I have no access to the, the main bulk of the documentation in regards to this case.

**D** **Mr Kirk:** One last question. When there is an incident with the general public, in order that the general public, should their house suffer from arson or they lose a vintage aircraft in their garage in Barry or they have their motorbikes stolen or their, or their surgeries regularly burgled, a reference number is put to the police incident. Is that, is that not right?

**E** **DC Allsop:** It would normally be the case, yes, Mr Kirk, yes.

**Mr Kirk:** Yes. Could you tell the Court what it's called?

**F** **DC Allsop:** An occurrence or an incident.

**Mr Kirk:** Thank you, and it's been given, it's given a number, isn't it?

**G** **DC Allsop:** Yes.

**H** **Mr Kirk:** Yes. Now, you are not aware, but, of the 13, 11 or 13 Court appearances we've had so far, His Honour Judge N Cooke, with an E, the Recorder of Cardiff, made great play that the information that you printed out, pages 72 to 79 of the exhibits which I now wish you to look at, the Prosecution has it on his left hand, could I ask please for Her Majesty's representative to let the police officer look at the exhibits created by the Prosecution that were used to have me detained in custody.

A

**Mr Twomlow:** Well, Mr Kirk has these exhibits. If he won't bring them to Court with him because he won't sign for them, the Prosecution's constantly being asked to provide documents with no notice. And I know where that particular document is, but I'm not very happy about it continually happening during the, a trial. It's just simply going to delay matters all the time.

B

**His Honour Judge Thomas:** Well, by tomorrow morning, Mr Kirk, it will be important for you to obtain the documents by signing for them, and it will be important for you to bring into Court the statements and the exhibits which no doubt you can give to your sister so she can look after them for you whilst you're in Court. But I'm not going to have this case interrupted by you asking for documents which you've already been given.

C

D

**Mr Kirk:** I can assure you common sense will prevail because whatever's here will be passed from the Reliance custody to the prison custody, who operate under different rules and regulations. And I will do my best, I nearly said something else, to make sure that I am not put in an, an awkward position to be in this building without my papers.

E

**His Honour Judge Thomas:** Thank you.

**Mr Twomlow:** I have the --

F

**His Honour Judge Thomas:** Right.

**Mr Kirk:** But I wish *the* --

G

**Mr Twomlow:** Papers that --

**Mr Kirk:** I wish --

H

**Mr Twomlow:** Mr Kirk --

**Mr Kirk:** The witness not to come back for that question.

**His Honour Judge Thomas:** You wish what, sorry?

**A**           **Mr Kirk:** I wish the witness to be warned not to speak to anyone overnight.

**His Honour Judge Thomas:** What is --

**Mr Kirk:** He's --

**B**

**His Honour Judge Thomas:** The question --

**Mr Kirk:** And --

**C**

**His Honour Judge Thomas:** You're asking, Mr Kirk? I'm afraid I've --

**Mr Kirk:** The --

**D**

**His Honour Judge Thomas:** Lost --

**Mr Kirk:** Significance --

**E**

**His Honour Judge Thomas:** Track of it.

**Mr Kirk:** Of --

**F**

**Mr Twomlow:** Mr Kirk wanted to put a document, if I, my pages 72 to 79. It's not in the Jury bundle, but if he wants to ask questions about it, then ...

**His Honour Judge Thomas:** Well, to save time --

**G**

**Mr Twomlow:** That is a --

**His Honour Judge Thomas:** Have a look at this --

**H**

**Mr Twomlow:** Copy of it.

**His Honour Judge Thomas:** Then, Mr Kirk.



**A**           **Mr Twomlow:** Better just make sure that I haven't marked that, because it's my copy. Yes. Your Honour has it at 72 to 79.

**His Honour Judge Thomas:** So the exhibits?

**B**           **Mr Twomlow:** Of the exhibits.

**His Honour Judge Thomas:** Could you, that be --

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

**His Honour Judge Thomas:** Given to Mr Kirk --

**D**           **Mr Twomlow:** Your Honour --

**His Honour Judge Thomas:** Then *please*?

**E**           **Mr Twomlow:** May wish to look at it before it's put to the witness.

(pause)

**F**           **His Honour Judge Thomas:** Well, do you really want that to be put to the witness, Mr Kirk?

(no audible response)

**G**           **His Honour Judge Thomas:** Refresh your memory of what it is.

**Mr Kirk:** My case rests on the content of those eight pages.

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

**Mr Twomlow:** Well ...

**His Honour Judge Thomas:** Sorry, Mr Twomlow, did you want to say something?

**A**

**Mr Kirk:** Sorry, was that an invitation to him to try and block it?

**Mr Twomlow:** Well --

**B**

**His Honour Judge Thomas:** It's an invitation so that --

**Mr Twomlow:** *No.*

**C**

**His Honour Judge Thomas:** Both sides can have their say, Mr Kirk.

**Mr Twomlow:** The, the, I appreciate Mr Kirk is representing himself, but there may be a, a, a matter of law in relation to relevance.

**D**

**His Honour Judge Thomas:** *But* these are, these are documents which served as exhibits.

**Mr Twomlow:** They are part of the exhibit bundle, yes.

**E**

**His Honour Judge Thomas:** Yes.

(pause)

**F**

**His Honour Judge Thomas:** Well, I'm going to allow Mr Kirk to ask questions about it. I'm sure that there is a very good argument that they aren't relevant, but I don't know where Mr Kirk is going with it, and I therefore have to give him a degree of latitude, particularly, particularly as these are documents which are in the exhibit bundle. *And*, and you want those

**G**

**Mr Kirk:** I'd be obliged.

**H**

**His Honour Judge Thomas:** There we are.

**Mr Kirk:** You can confirm --

A

**Mr Twomlow:** May I say this, that the witness who produces them is giving evidence tomorrow? They were not part of the bundle, but Mr Parker is the person who took them from the website.

B

**His Honour Judge Thomas:** Right, well, in that case, Mr Kirk, the person I'm told who downloaded them and therefore will have a, a greater knowledge of them will be giving evidence tomorrow, so isn't it better that you speak to him rather than this officer, who didn't have anything to do with them?

C

**Mr Kirk:** No.

**His Honour Judge Thomas:** OK, well, ask your question.

D

**Mr Kirk:** Could you read the first line on most of the pages of the eight pages?

**DC Allsop:** That's at the top of the page?

E

**Mr Kirk:** Yeah.

**DC Allsop:**

“£10,000 reward for information leading to prosecution. See most recent downloads. Legal battles.”

F

**Mr Kirk:**

“£10,000 reward leading to the prosecution of ... [etc.]”

G

**DC Allsop:** It doesn't say of. It just says:

“Leading to prosecution.”

H

(coughs) Excuse me.

**His Honour Judge Thomas:** Just so that everyone's understanding this, because the members of the Jury don't have it, these are documents that you created?

A

**Mr Kirk:** Well, I haven't been allowed to start my case yet, but the Prosecution *have*, have got the whizz kids to print off an awful lot of material, and this happens to be something I thought would flow from the subject of occurrence number.

B

**His Honour Judge Thomas:** All right.

**Mr Kirk:** Could you now confirm that the, that documents contain letters basically to the Chief Constable then of the Devon, of the South Wales Police, dated 26 April, and to my Member of Parliament, John Handel?

C

(defendant confers with his sister)

D

**Mr Kirk:** John Smith. Copies to other people, that's, that's --

**DC Allsop:** Yes.

E

**Mr Kirk:** The bulk of *the material found*.

**DC Allsop:** Yes. *Yes*, they're downloads from your website, obviously.

F

**Mr Kirk:** But because you didn't, because we're going to get further *relevant* details from a Ms Parker, all I wished you to comment *on* before you leave the witness box is, would you agree there are about 43 occurrence numbers being asked about by the name at the bottom of the letter, which happens to be mine?

G

**DC Allsop:** Yes, there's a number of what would appear to be incident numbers, yes.

**Mr Kirk:** Right.

H

**DC Allsop:** Yes, and occurrence ...

A

**Mr Kirk:** So, if a member of the public wishes to have progress about the burgled house or the dog, lost dog, they ring the local police station, I was given an, an occurrence number when I first made a complaint of theft or mugging or whatever it is. And then what happens? What does the policeman do in the, in the police station?

B

**DC Allsop:** *What*, if you ask to be updated in relation to, to that --

**Mr Kirk:** Yes.

C

**DC Allsop:** Incident?

**Mr Kirk:** Yes.

D

**DC Allsop:** He may tell you himself or he may refer you to the officer who's dealing with it.

E

**Mr Kirk:** Yes, good. Evidence will be heard later that I wrote a letter to Barry Police Station, dated 4 October 2008. I hand delivered one as well. It finished up with me being interviewed relating to this situation here today, the, the, the charges before the Court, and I was videoed. And an acting sergeant, who was then called an acting inspector, took details relating to this allegation that I would knowingly sell a firearm contrary to Section 5(1)(a) of the 1968 Firearms Act. But each time I have asked about the progress of those 43 occurrence numbers, I have been ignored. Now, can you explain whether that is routine, or

F

**DC Allsop:** I can't comment on what other officers have done in relation to the incidents they're dealing with.

G

**Mr Kirk:** Have you ever refused a, a, an apparently genuine enquiry about the progress of an occurrence report?

H

**DC Allsop:** Have I ever been requested?

**Mr Kirk:** Yes.

**DC Allsop:** Yes, people do request them.

**A**

**Mr Kirk:** Have you ever refused?

**DC Allsop:** No.

**B**

**Mr Kirk:** *OK.*

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

**C**

**Mr Twomlow:** No, thank you.

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

**D**

(clerk confers with witness)

**Mr Twomlow:** I'm grateful.

**E**

**His Honour Judge Thomas:** So, Mr Kirk, so that I'm following this and so that members of the Jury are following it, you're, what you're saying about occurrence numbers is that you've made complaints to the police about various things, various crimes which have been committed against you, and you say that there's been no follow up of them. Is *that*, is that what you're saying?

**F**

**Mr Kirk:** Just for 18 years, yeah.

**His Honour Judge Thomas:** Yes, so that we follow what your, your point --

**G**

**Mr Kirk:** But --

**His Honour Judge Thomas:** Is.

**H**

**Mr Kirk:** On a point of law, which I feel is not an embarrassment to the Jury, is my position about the defence statement. I, I gave documents to support that document, for example, which I believe is part of my defence. Could I ask you, in the absence of the Jury, perhaps,

A if I'm allowed to put that document, because it's a Prosecution *evidence* document before the Jury, why can they not have at the beginning of this trial my defence statement and a copy of my interrogation at Port Talbot Police Station that took 16 hours or whatever it took?

B **His Honour Judge Thomas:** I, I, I don't go want to go through the question of defence statements. You and I have discussed this on several occasions before. If you want to do that in front of the Jury, then that's your prerogative. But ...

**Mr Kirk:** No.

C **His Honour Judge Thomas:** I don't propose to go through the question of defence statements at the moment unless you actively encourage me to do so.

D **Mr Kirk:** It, it, it's just for clarification that, that, that if they had my statement that I served on the police when I was arrested, at the beginning of the trial instead of the very end, it might allow them to understand the importance of Prosecution evidence as it comes through the Court.

E **His Honour Judge Thomas:** What, what the defence statement needs and what you might be able to help us with at this stage is, is this. The first question the Jury have to decide is whether or not you were in possession of that gun. Now, the answer to that is either yes or no. *Now*, I don't know if you accept that you were in possession of that gun or not, and that is the first thing that we'd like to know. Are, are you able to tell us if you accept that you were in possession of the gun or not?

F **Mr Kirk:** You're asking me to answer that question before I've heard the completeness of the Prosecution case.

G **His Honour Judge Thomas:** The second question is, if you were in possession of it, is it a prohibited, prohibited weapon? Now, again the answer to that is, from your point of view, either yes or no, and we don't yet know whether you accept that it was a prohibited weapon or say it was not a prohibited weapon.

H **Mr Kirk:** Yes, but the bit I'm on about is, when the music stops, who's holding, who's holding the baby? Is this a case of a, a weapon that has been considered by somebody is

unlawful because I happen to be holding it at the time, I'm being the one that's prosecuted, or is this an action that's been brought maliciously against Maurice Kirk?

A

**His Honour Judge Thomas:** Well, that, that may well be something the Jury will have to decide. But before ...

B

**Mr Kirk:** Oh, I --

**His Honour Judge Thomas:** Perhaps --

C

**Mr Kirk:** Decided on the day I was arrested, Your Honour.

**His Honour Judge Thomas:** Yes, but you, the, the first question that remains is this, so that we can make some progress in seeing what's happening. *It*, it would be nice if you were able to tell us now whether you accept or do not accept that you were ever in possession of that gun.

D

**Mr Kirk:** Your Honour, if you think I'm going to assist you in stopping this trial, I'm not. I want to hear the full Prosecution evidence, to have the chance to cross-examine, to get the information that I need, for obvious purposes, that you know more about than you are prepared to admit.

E

**His Honour Judge Thomas:** I know nothing more than what is in the papers in this case, access to which you have had, Mr Kirk. I'm simply trying to see if we can move on with relevant matters. That is to say whether you're prepared to enlighten us as to whether you accept or do not accept that you were in possession of the gun.

F

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

G

**His Honour Judge Thomas:** Well, there we are. Thank you. 10:30 tomorrow morning, members of the Jury. Thank you very much. Please remember it's very important not to discuss the case, particularly as this may, as I told you yesterday, have some media coverage. Thank you very much. And we'll see if overnight we can do something about the, the heating.

H



(jury retires)

A

**His Honour Judge Thomas:** Yes, if overnight there can be any progress made in terms of cutting down the numbers of witnesses, I appreciate that that may not be a straightforward exercise, then I would encourage it. Thank you.

B

**Mr Kirk:** Your, Your, Your Honour, I'm not being allowed an open meeting with my daughter and sister. They've made it a closed, through glass, which is making my hearing even more difficult. But I want to know why I was freely able to speak to my sister during the beginning of this but then, when I last went down there, we had to speak through glass.

C

**His Honour Judge Thomas:** Well, I'm afraid, I'm afraid that matter is beyond my immediate remit, but, if it can be facilitated that you have a, a direct meeting, so be it. But if the prison authorities consider that you have to have a screen between you, then that, I'm afraid --

D

**Mr Kirk:** I was --

E

**His Honour Judge Thomas:** Is their --

**Mr Kirk:** Told --

F

**His Honour Judge Thomas:** Prerogative.

**Mr Kirk:** It was by your order, Your Honour.

**His Honour Judge Thomas:** Well, we'll have to revisit that if necessary. Thank you.

G

**Court Clerk:** Court please rise.

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The Transcription Agency, 24-28 High Street, Hythe, Kent, CT21 5AT  
Tel: 01303 230038  
Email: court@thetranscriptionagency.com

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