

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: 28 January 2010
Transcribed from 10:39:02 until 11:53:59
12:15:46 until 13:00:53
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15:01:08 until 16:25:17

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

His Honour Judge Thomas: Yes, Mr Twomlow.

B **Mr Twomlow:** Your Honour, I know, is aware of something that has happened with regard to the publication of the names of the jurors.

C **His Honour Judge Thomas:** I, I can't hear you, Mr Twomlow, I'm afraid, so I wonder if you could speak up. And I suspect neither can Mr Kirk.

Mr Twomlow: Your Honour is aware that the names of the members of the Jury in this case have been published on the internet overnight.

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

Mr Kirk: Oh, Christ.

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

Mr Kirk: Who the hell did that?

F **His Honour Judge Thomas:** Have been shown a copy of the Facebook entry, and a name is given there, Nadia Von Feldmeier, *or* something of that --

G **Mr Twomlow:** Yes, she's the, the lady who I think Your Honour sent out of Court yesterday, as I understand it.

His Honour Judge Thomas: That's the same lady, is it?

H **Mr Twomlow:** Yeah.

His Honour Judge Thomas: Now, I have to say that on the face of it that seems to me to be a clear contempt of Court.

A **Mr Twomlow:** Yes.

His Honour Judge Thomas: What, what does the Prosecution say about that?

B **Mr Twomlow:** Well, the Prosecution would agree in relation to that. It may go further than that. There may be a further criminal offence, but that would have to be considered perhaps in the light of the, the other contents of the website and the way in which was posted.

His Honour Judge Thomas: Yes.

C **Mr Twomlow:** But perhaps more immediately, our concern is what to do regarding the Jury.

D **His Honour Judge Thomas:** Well, I've had some time to consider it. Not an easy question, as you will appreciate. I can tell you this, and I say this publicly, that I have taken steps that that entry is taken off Facebook with immediate effect. I hope that that is being done as we speak. Contact has been *ordered* to be made with Facebook, and the names of the jurors *will* be taken off the, off the website immediately. The jurors do not appear to have raised the matter, have not mentioned, and therefore it seems to me that there is no reason therefore
E why we can't continue with the trial, unless you have any contrary submissions to make.

F **Mr Twomlow:** My only concern, and obviously I would not wish to do anything that would disrupt the trial, is, if a juror found out that their name had been placed on the website in the way that it was, on Facebook, in the context of what was on the rest of the page, subsequently the juror may feel that they really ought to, to be informed that that was there, because it has been there. It's been in the public domain in that way for however long it was, it is on the site before it's deleted, and ...

G **His Honour Judge Thomas:** Well, are you suggesting --

Mr Twomlow: One doesn't --

H **His Honour Judge Thomas:** That the Jury should be told?

A

Mr Twomlow: Well, I would pose the question that if, if, if one were on the Jury and one knew and, and the Court knew that the juror's name had been put onto a, Facebook ...

His Honour Judge Thomas: What would --

B

Mr Twomlow: Without one --

His Honour Judge Thomas: That do --

C

Mr Twomlow: Knowing about it --

His Honour Judge Thomas: Other than prejudice --

D

Mr Twomlow: Oneself, then it might, might be that the juror is entitled to know because it may be something which would, I, I, I do appreciate the difficulty in this because it may be something which might, might have an effect on the way a juror ...

His Honour Judge Thomas: Well, it'll --

E

Mr Twomlow: Considers the case.

F

His Honour Judge Thomas: It'll have one of two effects. It'll either prejudice the Jury against Mr Kirk, and there's no indication whatsoever that Mr Kirk was directly responsible --

Mr Twomlow: No.

G

His Honour Judge Thomas: For it. It --

Mr Twomlow: No.

H

His Honour Judge Thomas: Seems to be this lady, Von Feldmeier, acting off her own bat. But if the Jury do come to know of it and are concerned about it, then that would mean that the trial would have to be aborted, potentially. I can't see any way that the Jury could continue to act ...

A **Mr Twomlow:** It's, it's ...

His Honour Judge Thomas: If, if we told them that it was on this Facebook entry.

B **Mr Kirk:** Could I assist while the learned barrister thinks?

His Honour Judge Thomas: In a moment, Mr Kirk --

Mr Kirk: OK.

C **His Honour Judge Thomas:** If you don't mind. It's, it's really something that can't be laid at your door, and therefore for this moment it's --

D **Mr Kirk:** No.

His Honour Judge Thomas: It's outside your case.

E **Mr Kirk:** *My*, my reason was to say something which might assist in the progress of your decisions.

His Honour Judge Thomas: Well, I'll hear from you in a moment.

F **Mr Twomlow:** It's a, it's a matter that's only come to my attention in the last few minutes, and it's unusual.

His Honour Judge Thomas: Yes.

G **Mr Twomlow:** I really would not like to express a final view about, about it. I am as anxious as anybody else is that the matter should continue. I am simply considering, in a sense, the, the rights of the individual members of the Jury in respect of this information having been on that website.

H **His Honour Judge Thomas:** Well, the names of the jurors are in the public domain the in the sense --

A **Mr Twomlow:** Well, they are.

His Honour Judge Thomas: That anyone --

B **Mr Twomlow:** Yes.

His Honour Judge Thomas: Who's in --

C **Mr Twomlow:** Yes.

His Honour Judge Thomas: Court --

D **Mr Twomlow:** That's true.

D **His Honour Judge Thomas:** Would know their name. The fact that they have been further assimilated, disseminated, I beg your pardon, strikes me as being a contempt of Court. But I don't think it affects the Jury's position any more than having their names read out in, in open Court would do.

E **Mr Twomlow:** Yes.

F **His Honour Judge Thomas:** To tell them what has happened might lead them to be prejudiced against Mr Kirk ...

G **Mr Twomlow:** I, I --

G **His Honour Judge Thomas:** In circumstances where it can't be laid at Mr Kirk's door.

H **Mr Twomlow:** I understand the consequences of, of telling them are likely to be fatal to the continuation of the trial with this Jury, and so I was simply really thinking aloud about the situation that, that, that has, that has arisen.

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

Mr Twomlow: Your Honour, I, I don't think I can assist any further than, than, than that.

A

His Honour Judge Thomas: If the jurors raise it, then we can deal with it at that point. If the Jury remain in ignorance of it, all well and good.

B

Mr Twomlow: Or, or, or are worried by it.

C

His Honour Judge Thomas: Or are not worried by it. There is another matter, however, that needs to be deal, dealt with, and that is what is to be done about the lady who it appears posted these items on the website. Now, as I have said, I think that that amounts to contempt of Court, and therefore I propose to issue a, an arrest warrant returnable to this Court. It did not take place in the face of the Court or in the immediate precincts, and therefore it is not a matter, it seems to me, that I can deal with on a summary basis.

D

Mr Twomlow: No.

E

His Honour Judge Thomas: So I will issue an arrest warrant, which should be, I hope, executed as quickly as possible. And the matter will then be listed before another Judge of the Crown Court here in Cardiff to deal with, and no doubt she will be given at that stage a Representation Order. So that arrest warrant is to be issued forthwith.

Mr Twomlow: Yes.

F

His Honour Judge Thomas: Yes, Mr Kirk, you wanted to say something.

G

Mr Kirk: Well, I was, Your Honour, but you have covered the points that I feel were important, and there is no need for me to say anything other to, other than to say that I had no prior knowledge of this.

His Honour Judge Thomas: I'm not suggesting that you did.

H

Mr Twomlow: Yes.

His Honour Judge Thomas: Yes. Well, in that case we're in a position to continue with the, with the trial.

A **Mr Twomlow:** Your, Your Honour, there were certain matters raised last night in relation to disclosure, and --

His Honour Judge Thomas: Yes.

B **Mr Twomlow:** I've not this morning had an opportunity to discuss, I, I've had a brief opportunity to discuss certain matters. There are matters that I need to discuss further.

His Honour Judge Thomas: With ...

C **Mr Twomlow:** With those instructing me.

His Honour Judge Thomas: Need, need that hold up the trial this morning?

D **Mr Twomlow:** No, I don't think it need to, no.

(counsel takes instructions)

E **Mr Twomlow:** As long as Your Honour's aware that those matters have not yet been resolved.

F **His Honour Judge Thomas:** Well, why hasn't it been resolved? *Because* you had all yesterday evening and this morning to deal with it.

G **Mr Twomlow:** Well, there are good reasons why it hasn't been resolved. There have, simply, there are matters that have been raised with me in the last half an hour in relation to certain of those matters, and I, I've not spoken to all of those that I need to speak to in relation to that. There may have to be an application to Your Honour. And, well --

H **His Honour Judge Thomas:** Well, the, the evidence this morning relates to the experts. Is that correct?

Mr Twomlow: Yes, Mr Huxtable, yeah. Yes.

His Honour Judge Thomas: And the disclosure doesn't impinge directly on the experts.

A

Mr Twomlow: No.

His Honour Judge Thomas: What I'll do is I'll rise at some point in the morning. Will 15 minutes suffice for you to take these instructions?

B

Mr Twomlow: Initially, yes. I think so, yes.

His Honour Judge Thomas: Right, well, we'll bat on with the experts. And then if there are any matters that need to be raised, that can be done in the course of the midmorning break.

C

Mr Twomlow: Mr Huxtable is here and Mr Rydeard is coming from Preston and is due to arrive at about half past 11. But --

D

His Honour Judge Thomas: Half past 11?

Mr Twomlow: Yes.

E

His Honour Judge Thomas: All right, thank you. So Mr Huxtable is the first witness. Can I, just before we get the Jury in, can I just say this to the members of the public? Those who are in Court at the moment have caused no concern to me whatsoever, but there has been, there have now been two incidents which are tantamount to contempt of Court. If there is any further repetition, I will clear the public gallery. So I hope that, please, is on everyone's, foremost in everyone's mind. Thank you.

F

G

(jury returns)

Mr Twomlow: I call Mr Andrew Huxtable.

H

His Honour Judge Thomas: Yes. Good morning, members of the Jury.

(parties confer)

His Honour Judge Thomas: Sorry for the inevitable delay. It's, again we thank you.

A

(judge confers with clerk)

(clerk confers with witness)

B

Court Clerk: Could you raise the Testament in your hand please? Please repeat after me.
I swear by Almighty God ...

Mr Huxtable: I swear by Almighty God ...

C

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

Mr Huxtable: That the evidence, the evidence I shall give ...

D

Court Clerk: Shall be the truth ...

Mr Huxtable: Shall be the truth ...

E

Court Clerk: The whole truth ...

Mr Huxtable: The whole truth ...

F

Court Clerk: And nothing but the truth.

Mr Huxtable: And nothing but the truth.

G

Court Clerk: Thank you.

Mr Twomlow: What's your full name please?

H

Mr Huxtable: Andrew Thomas Huxtable.

Mr Twomlow: What is your occupation please?

Mr Huxtable: NABIS armourer.

A **Mr Twomlow:** Is NABIS the National Ballistics Intelligence Service?

Mr Huxtable: That's correct?

B **Mr Twomlow:** Are you based at the Scientific Support Unit at *the* South Wales Police Headquarters in Bridgend?

Mr Huxtable: That's correct.

C **Mr Twomlow:** And are you responsible, as an armourer, for the initial intake and examination of all firearms and ballistics of the three Welsh forces, South Wales Police, Dyfed Powys Police and Gwent Police?

D **Mr Huxtable:** That is correct.

E **Mr Twomlow:** Are your responsibilities to examine, record, retain and review recovered ballistic items and decide upon the submission to the National Ballistics Intelligence Service Forensic Hub at Birmingham?

Mr Huxtable: That is correct.

F **Mr Twomlow:** And also the retention of ballistic items as evidence for further enquiries?

Mr Huxtable: That is correct.

G **Mr Twomlow:** And do you also arrange destruction of a ballistic item when it is no longer required?

Mr Huxtable: That's correct.

H **Mr Twomlow:** Is your previous experience five and a half years serving with the Royal Electrical and Mechanical Engineers as an armourer?

Mr Huxtable: That's correct.

A

Mr Twomlow: And did you there undertake in depth training and education as an apprentice at the School of Electrical and Mechanical Engineering at Bordon in Hampshire?

Mr Huxtable: That's correct.

B

Mr Twomlow: And did you then serve, after that training, operationally?

Mr Huxtable: That's correct.

C

Mr Twomlow: And did you learn skills of maintenance, repair and modification of all small arms, machine guns, light and medium antitank weapons, infantry support weapons and special to role turrets?

D

Mr Huxtable: That's correct.

Mr Twomlow: Are you also aware of instruments, inspection and classification of basic optical instruments, the use of hand tools, machine tools, gauges and precision measuring instruments?

E

Mr Huxtable: That is correct.

F

Mr Twomlow: On the morning of 23 June of last year, 2009, did you receive at police headquarters a, a gun?

Mr Huxtable: That is correct.

G

Mr Twomlow: What was that gun please?

Mr Huxtable: That was a Lewis machine gun.

H

Mr Twomlow: Was that reference AJR1?

Mr Huxtable: That's correct.

A **Mr Twomlow:** And did you receive that from Mr Nigel Brown?

Mr Huxtable: That's correct.

B **Mr Twomlow:** Did you carry out an examination of the exhibit?

Mr Huxtable: That is correct.

C **Mr Twomlow:** Now, did you make any notes of your examination?

Mr Huxtable: I have some. I have notes with me, yes.

D **Mr Twomlow:** Do you wish to refer to those during the course of your evidence, or do --

Mr Huxtable: During --

Mr Twomlow: You not --

E **Mr Huxtable:** The course --

Mr Twomlow: Need to?

F **Mr Huxtable:** Yes. I may, may need to.

Mr Twomlow: You may need to. Would you please tell, first of all, tell the ladies and gentlemen of the Jury, and the Court, what you found on your examination?

G **His Honour Judge Thomas:** Sorry, could I --

Mr Twomlow: What you --

H **His Honour Judge Thomas:** Just ask --

Mr Twomlow: Were examining.

A **His Honour Judge Thomas:** You to pause one moment?

(judge confers with clerk)

B **His Honour Judge Thomas:** I'm sorry, members of the Jury. *It's just a form* that I need to do.

(pause)

C **His Honour Judge Thomas:** Sorry. Yeah, sorry, Mr Twomlow.

Mr Twomlow: Yes.

D **Mr Huxtable:** Please may I refer to my statement, Your Honour? Please may I refer to my statement, Your Honour?

His Honour Judge Thomas: Yes, and they were made up at the time that you were carrying out the examination.

E **Mr Huxtable:** That's correct.

His Honour Judge Thomas: Thank you.

F **Mr Twomlow:** Yes, the date of your statement is 23 June, the same day as the examination.

G **Mr Huxtable:** I researched the Lewis machine gun and found that it is a World War One era light machine gun, invented in 1911, of an America design, of a .303 calibre. And --

His Honour Judge Thomas: Sorry, can you take it a little slower? I have to take a note.

H **Mr Huxtable:** Oh, sorry. And a British --

His Honour Judge Thomas: Sorry, I still haven't, I still haven't caught up. Sorry.

Mr Huxtable: Sorry, yeah.

A

His Honour Judge Thomas: Light machine gun, American design.

Mr Huxtable: Invented in 1911.

B

His Honour Judge Thomas: And it takes a .303 calibre ...

Mr Huxtable: Cartridge. That is a, a British variant there. And there are some American variants of a, a .306 cartridge.

C

His Honour Judge Thomas: When you say cartridge, do you mean bullets?

Mr Huxtable: Calibre, calibre of, yes, that's correct.

D

His Honour Judge Thomas: So, what, what I would know as a bullet, as opposed to a --

Mr Huxtable: That's right. Yeah, that's correct.

E

His Honour Judge Thomas: Shotgun cartridge.

Mr Huxtable: Yeah.

F

His Honour Judge Thomas: Thank you, yes.

Mr Twomlow: How is such a gun operated?

G

Mr Huxtable: It's gas operated. Basically, the gases operate the, the piston to drive to the rear, against the recoil spring. The piston was fitted with a vertical post at the rear, which rode in a helicoid cam track.

H

His Honour Judge Thomas: Sorry. Sorry to be awkward.

Mr Huxtable: Sorry. *I didn't know.*

A **His Honour Judge Thomas:** But I have to take a note. This is complicated technical evidence.

Mr Huxtable: OK.

B **His Honour Judge Thomas:** So if you could take it much slower please, so gases operate the piston to drive against the rear, to the rear, against the ...

Mr Huxtable: Against the spring.

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

Mr Huxtable: The piston was fitted with a vertical post at the rear.

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

Mr Huxtable: Which rode in a helical cam track in the bolt.

E **His Honour Judge Thomas:** What's a helical cam track?

Mr Huxtable: It's a, a, how can you say?

F **His Honour Judge Thomas:** We, can, can we see it on the machine?

Mr Huxtable: We, well, you'd have to disassemble the firearm itself. This would rotate at the end of its travel, nearest the breach, allowing the three locking lugs at the rear of the bolt to lock and engage in recesses in the gun's body. The post also carries a fixed firing pin.

G **Mr Twomlow:** Now, is the, is the description you've given of a Lewis gun as originally manufactured?

H **Mr Huxtable:** That is correct.

Mr Twomlow: And how it would work as a machine gun.

Mr Huxtable: As a machine gun, yeah.

A

His Honour Judge Thomas: Well, it may be me being stupid, but I don't understand that. Can you put that in, in language that I can understand? What does it mean in, in straightforward language? Because I'm afraid that helical cam tracks and locking lugs into recesses doesn't mean much to me.

B

Mr Huxtable: Sorry. I'm basically giving a, a description of the gas operation from the moment you cock and operate the trigger from the forward action, locking the bolt, the front bolt of the carrier, engaging into the breach, which is at the end of the barrel. So you're locking the bolt carrier to trap the, and engage the cartridge. And obviously there would be a fixed firing pin to strike the rear of the cartridge. So that'd be merely giving the gas operation of the Lewis machine gun.

C

D

His Honour Judge Thomas: That was a little more understandable. Thank you.

Mr Twomlow: Could you just describe what somebody would do, so far as a Lewis machine gun as manufactured is concerned, to fire the gun? *I mean*, perhaps you could tell the ladies and gentlemen of the Jury about what ammunition it would use and so on.

E

Mr Huxtable: Yeah. The type of ammunition you would use is of a .303 calibre, and there are variants of a .306 calibre.

F

Mr Twomlow: And how would the ammunition be fed into the gun?

Mr Huxtable: The ammunition would be fed into the gun via a feed arm from the magazine. Unfortunately there wasn't any, there were components missing from the gun, which wouldn't enable the feed arm to chamber a round via the magazine. You'd have, have to self engage a round into the chamber.

G

H

Mr Twomlow: Now, it's designed, you're saying, to fire automatically. So, when manufactured, what would happen? Somebody wants to fire it. Can you explain where the ammunition would come from and how it would fire automatically as a machine gun?

Mr Huxtable: Yeah.

A **Mr Twomlow:** What would somebody do, who was trying to fire it?

B **Mr Huxtable:** OK, as it's designed, they were designed, drum magazines, which are fitted on top of the Lewis machine gun. There were two variants, of holding a 47 round capacity and a 97 round capacity. This wouldn't have been able to operate in its current form, as there wasn't a feed arm recess fitted to the magazine, to the breach port. On cocking a Lewis machine gun, the forward, the carrier, on travelling forwards, would pick up a round and click a lever recess on a magazine, which would make it turn on each rotation of the, of the bolt carrier.

C **Mr Twomlow:** And would that rotate automatically once there was pressure on the trigger?

Mr Huxtable: It, it would rotate automatically.

D **Mr Twomlow:** Is what we see there with cartridges in, spent cartridges in it, is, is that a drum?

E **Mr Huxtable:** That is components of the drum magazine, yes.

His Honour Judge Thomas: Can I see that? So the drum magazine is the circular thing with bullets in it. Is that right?

F **Mr Huxtable:** That's correct.

His Honour Judge Thomas: I'm afraid I have to work on the basis of circular things rather than --

G **Mr Huxtable:** OK.

His Honour Judge Thomas: Drum magazines. So, so that there would feed into the gun and it would fire automatically, normally, if the trigger is pressed.

H **Mr Huxtable:** Yes, if there were other components with the gun --

His Honour Judge Thomas: So if --

A

Mr Twomlow: Such as the feed arm.

His Honour Judge Thomas: Right. So, what, what, what is stopping that gun from firing those bullets in that condition? The feed arm?

B

Mr Huxtable: The, the feed arm recess, yes.

His Honour Judge Thomas: And what, what else?

C

Mr Huxtable: And there would be a lever which would rotate the drum magazine.

His Honour Judge Thomas: To make it go around.

D

Mr Huxtable: To make it go around, yes.

His Honour Judge Thomas: And the lever to make the drum go around.

E

Mr Huxtable: The drum magazine rotate, yes.

His Honour Judge Thomas: Thank you.

F

Mr Twomlow: There, there will be other evidence in relation to the components of this particular gun, but I think you said that this particular gun can fire one at a time, as it were, one --

G

Mr Huxtable: It would --

Mr Twomlow: One bullet --

H

Mr Huxtable: Be able to --

Mr Twomlow: At a time.

Mr Huxtable: Fire a --

A

Mr Twomlow: Because --

Mr Huxtable: Single shot, yes.

B

Mr Twomlow: Because the automatic mechanism on this gun would not work.

Mr Huxtable: No.

C

Mr Twomlow: Was one purpose of your examination or perhaps the purpose of your examination to test to see whether the gun had been deactivated?

Mr Huxtable: That's correct.

D

Mr Twomlow: What did you find --

Mr Kirk: With all due respect --

E

Mr Twomlow: When you examined --

Mr Kirk: Your Honour --

F

Mr Twomlow: *It?*

His Honour Judge Thomas: Sorry?

G

Mr Huxtable: He led previous witnesses, and I let it ride, but there comes a time when this witness should be giving his evidence unadulterated by the learned barrister.

H

His Honour Judge Thomas: Well, the question as to whether or not he carried out a deactivation is not, in my view, a leading question. A leading question would be, this gun was deactivated or this gun, this gun was not deactivated, was it? That would be a leading question, not the one that Mr Twomlow asked.

Mr Kirk: Your --

A

His Honour Judge Thomas: Carry on --

Mr Kirk: Your --

B

His Honour Judge Thomas: Mr Twomlow.

Mr Kirk: Your, Your Honour, I was, actually let some slip through. The, the, the first one is the emphasis that it only fires one round. We know the relevance of that in law. You and, and I are getting bored stiff with this case, and the sooner we can start talking law, the better. I maintain that the barrister introduced the subject that this could only fire one round, and it didn't come from the witness and it --

C

D

Mr Twomlow: It did come --

Mr Kirk: Didn't --

E

Mr Twomlow: From the witness.

Mr Kirk: Come from his own notes, and it came from a statement that you'll hear later was not produced in the manner in which you believe you heard from the witness.

F

His Honour Judge Thomas: Well, let, let me ask the question. Is that gun capable of firing?

Mr Huxtable: Yes, it is.

G

His Honour Judge Thomas: How many bullets at a time?

Mr Huxtable: One at a time.

H

His Honour Judge Thomas: Right. The next question is, was this a deactivated gun?

Mr Huxtable: This is not a deactivated to the Firearms Act specifications.

Mr Twomlow: When you were examining it for that purpose what did you actually find?

A

Mr Huxtable: I found that there was a, an Allen key type screw screwed into the rear of the barrel from vertically above. This was, this was screwed to stop any, anything going down the barrel, but obviously could be removed via a, an Allen key --

B

Mr Twomlow: Right.

Mr Huxtable: Type tool.

C

Mr Twomlow: So that is something that would stop anything going down the barrel, as you've just said, but you've also said that this was not deactivated in line with regulations. What --

D

Mr Huxtable: That's correct.

Mr Twomlow: Why is that?

E

Mr Huxtable: Because, because the Allen key could be manually, manually removed. And the barrel should be, by the specifications, plugged from either end and, and several welds within the mechanism should have taken place. I do hold a copy of the deactivation specs with me.

F

Mr Twomlow: And if what you've described last was done, would that be a permanent or a temporary stopping of the barrel?

Mr Huxtable: If the deactivation procedure --

G

Mr Twomlow: If what you've described last ...

Mr Huxtable: Yeah.

H

Mr Twomlow: Was done, would that be a permanent blocking of the barrel?

Mr Huxtable: That would be a permanent blocking, yes.

A **Mr Twomlow:** Right. A firearm, how is a firearm defined in the Firearms Act?

Mr Huxtable: It is defined:

B “A lethal barrelled weapon of any description from which any shot, bullet [or missile] or other missile can be discharged ...”

Mr Twomlow: You examined this gun. Is this gun a firearm or not, in your opinion?

C **Mr Huxtable:** In my opinion, this is a firearm, yes.

Mr Twomlow: And Section 5(1)(a) of the Firearms Act deals with prohibited weapons. Having examined this gun, did you reach any conclusion in respect of Section 5(1)(a)?

D **Mr Huxtable:** Yes, I did. In my opinion this does define a Section 5(1)(a) prohibited weapon.

E **Mr Twomlow:** And in what way did it become a prohibited weapon?

Mr Huxtable: In the fact that, that it has firearms components. And in, and it's so designed or adapted that two or more missiles can be successfully discharged without repeated pressure on the trigger.

F **Mr Twomlow:** *Right.* Yes, thank you, Mr Huxtable. Mr Kirk will have some questions --

His Honour Judge Thomas: Are you going to --

G **Mr Twomlow:** For you.

His Honour Judge Thomas: Deal with the notes of additional evidence?

H **Mr Twomlow:** Sorry?

His Honour Judge Thomas: Do you deal with the notes of additional evidence?

A **Mr Kirk:** It's not your job to do that.

(counsel takes instructions)

B **Mr Twomlow:** If Your Honour would just give me a moment please.

(counsel takes instructions)

C **Mr Twomlow:** Did you on Wednesday 20 January of this year carry out an extensive examination on, I'm sorry, carry out an examination on another, on another gun?

Mr Huxtable: That's correct.

D **Mr Twomlow:** Yes. But this is a matter, Your Honour, about which there's not yet been any evidence, and it may be that it's a matter upon which Mr Huxtable ought to be recalled if necessary. Your Honour, for the moment I only wanted to ask him about this gun.

E **His Honour Judge Thomas:** So be it. So we'll just look --

Mr Twomlow: Yes.

His Honour Judge Thomas: At that --

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

G **His Honour Judge Thomas:** Definition again because I, I think some of the members of the Jury have asked for pen and paper. A prohibited weapon is a firearm which is so designed or adapted that two or more missiles can be successively discharged without --

Mr Twomlow: Yes.

H **His Honour Judge Thomas:** Repeated pressure on the trigger.

Mr Huxtable: That's correct.

A **His Honour Judge Thomas:** What do you mean by, or what do you take the words:

“Designed or adapted.”

To mean?

B

Mr Huxtable: Whether it be manufactured or modified to fire a projectile with pressure on a trigger.

C

His Honour Judge Thomas: Yes. Mr Kirk, do you have any questions.

Mr Kirk: You are based at Bridgend South Wales Police Headquarters.

D

Mr Huxtable: That’s correct.

Mr Kirk: Yeah. Who was with you when you received it?

E

Mr Huxtable: Only myself and Mr Nigel Brown.

Mr Kirk: What did you do then?

F

Mr Huxtable: I took the weapon to my examination office and --

Mr Kirk: What time was that?

Mr Huxtable: That was in the morning, of 8:30.

G

Mr Kirk: Sorry?

Mr Huxtable: 8:30, sorry.

H

Mr Kirk: Just say the time again please.

Mr Huxtable: I met Mr Nigel Brown at 8:30 in, to receive the weapon.

A **Mr Kirk:** Mr who?

Mr Huxtable: Nigel Brown.

B **Mr Kirk:** Right, at, at what time?

Mr Huxtable: 8:30.

C **Mr Kirk:** Yes, and, and what time did you leave your office to go somewhere else?

Mr Huxtable: To leave --

Mr Kirk: *What --*

D **Mr Huxtable:** Nigel Brown's office to go to my office? Or --

Mr Kirk: Right, go to your office, yes.

E **Mr Huxtable:** To go to my office.

Mr Kirk: Yes.

F **Mr Huxtable:** I left Nigel Brown's office to go to my office at approximately 10 o'clock.

Mr Kirk: So you were in his office for an hour and a half.

G **Mr Huxtable:** Approximately.

Mr Kirk: Yes. What were you doing?

H **Mr Huxtable:** Giving a visual examination, and discussion on the firearm itself.

A **Mr Kirk:** I have a witness who says that several armourers at your police station had a view of that which doesn't seem to fit yours. Now, before you jump to it, I remind you, you are on oath. You say that that gun arrived at 8:30.

Mr Huxtable: Yes.

B **Mr Kirk:** And you stayed in the office of somebody else.

Mr Huxtable: Yes.

C **Mr Kirk:** The office of Mr Brown?

Mr Huxtable: That's correct.

D **Mr Kirk:** His title?

Mr Huxtable: Mr Nigel Brown.

E **Mr Kirk:** His title, his *title*. What's his job in the police force?

His Honour Judge Thomas: He gave evidence yesterday, didn't he?

Mr Kirk: *No*, don't, please, don't lead this witness.

F **His Honour Judge Thomas:** Didn't he give evidence yesterday?

Mr Kirk: *Yeah, yeah*, yes, I know that.

G **Mr Huxtable:** Force examinations officer.

Mr Kirk: A what?

H **Mr Huxtable:** A force firearms examinations officer.

Mr Kirk: Right, right. Did he give a view?

A **Mr Huxtable:** It wasn't in his, he wasn't to give a --

Mr Kirk: Did he give a view?

B **Mr Huxtable:** Not to myself. He, the view was --

Mr Kirk: Who did he give it to?

Mr Huxtable: Not myself.

C **Mr Kirk:** Who did he give it to?

Mr Huxtable: Not myself.

D **Mr Kirk:** Sorry?

Mr Huxtable: Not myself.

E **Mr Kirk:** If you know that he gave a view to someone else, I want the name of that person.

Mr Huxtable: There was no one present at the time, and he didn't give a view to anyone else.

F **Mr Kirk:** Did, I thought I heard you say Brown gave a view.

Mr Huxtable: Sorry, can you repeat the question?

G **Mr Kirk:** Brown the firearms officer had a view about its authenticity, didn't he?

Mr Huxtable: The examination is of my own.

H **Mr Kirk:** No.

Mr Huxtable: And of my own --

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

Mr Huxtable: Views.

B **Mr Kirk:** Talking about you and an hour and a half with Mr Brown and others.

Mr Huxtable: There was --

His Honour Judge Thomas: Were there others *there*?

C **Mr Huxtable:** No others.

Mr Kirk: Right, Mr Brown had a view. He examined it, didn't he?

D **Mr Huxtable:** No, he didn't give *it* a, a thorough examination like myself.

Mr Kirk: Yeah, well, tell me about yours later, before lunch, hopefully. You received --

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

Mr Kirk: It.

F **His Honour Judge Thomas:** Will be before lunch, Mr Kirk. We need to move on.

Mr Kirk: How did you receive it? In what form?

G **Mr Huxtable:** By hand from Mr Nigel Brown.

Mr Kirk: Well, was it in a bag? Was it covered up?

H **Mr Huxtable:** It was in a bag, yes.

Mr Kirk: Was it sealed?

Mr Huxtable: It was sealed.

A

Mr Kirk: So your notes will have the seal number.

Mr Huxtable: I have the exhibit number, yes.

B

Mr Kirk: No, no, will your notes of receiving it and opening it have the seal number?

Mr Huxtable: There was no seal number. It was in the brown exhibit bag, which was sealed by a brown tape with an exhibit --

C

Mr Kirk: Right.

Mr Huxtable: Label attached.

D

Mr Kirk: So somebody else, a firearms trained police officer, could have looked at it before you saw it.

Mr Huxtable: Whoever was first at the scene, maybe, yes, but I'm --

E

Mr Kirk: No, *no*.

Mr Huxtable: Not aware of that.

F

Mr Kirk: No, I'm talking about at the HQ.

Mr Huxtable: At headquarters, no, because Nigel Brown transported the firearm into headquarters and then passed it on to myself.

G

Mr Kirk: But you didn't see that, did you? He, you saw him come through your door.

H

Mr Huxtable: No, I actually went to his office to receive the weapon, and transported it to my own, which is merely 50 yards away.

A **Mr Kirk:** Right, so when it was there you were information. And are, you're saying that the package was sealed.

Mr Huxtable: It was, yes.

B **Mr Kirk:** You mean you unpack, unpacked it.

Mr Huxtable: I unpacked the sealed --

C **Mr Kirk:** And, and you are saying that there was no one there to look at it between 8:30 and 10:00, only you and Mr Brown.

Mr Huxtable: Yeah, no other person present.

D **Mr Kirk:** Did you spend an hour and a half examining it?

Mr Huxtable: I probably spent more than that actually.

E **Mr Kirk:** Right. How many rounds were on it?

Mr Huxtable: That was irrelevant to my examination. There were spent --

F **Mr Kirk:** It will --

Mr Huxtable: Cases.

Mr Kirk: Be in your notes, won't it?

G **Mr Huxtable:** I didn't make note of the rounds as I didn't want to dislodge them from the -
-

H **Mr Kirk:** Have you --

Mr Huxtable: The drum.

Mr Kirk: Have you referred to your round, your, your notes during your evidence-in-chief?

A

Mr Huxtable: I don't need to refer to them at the, at, at this time. I weren't examining ...

Mr Kirk: So --

B

Mr Huxtable: Spent --

Mr Kirk: Would you like to check in your notes that you counted the rounds?

C

Mr Huxtable: *Well*, I didn't, I didn't count the rounds, or I haven't, haven't got any notes of how many rounds were there.

Mr Kirk: I put it to you --

D

Mr Huxtable: They were spent cartridges.

Mr Kirk: I put it to you you've been put up to this.

E

Mr Huxtable: No. I was asked to give a preliminary examination --

Mr Kirk: A --

F

Mr Huxtable: The firearm.

Mr Kirk: Preliminary examination, right.

G

Mr Huxtable: Yeah.

Mr Kirk: Is that the original barrel?

H

Mr Huxtable: As far as I'm aware, yes.

Mr Kirk: What do you mean? What makes you think it's the original barrel?

A **Mr Huxtable:** Well, I, I, like I say, I give a preliminary examination. I didn't want to disassemble any barrel from the mechanism itself.

Mr Kirk: You didn't want to tamper with exhibit 1, did you?

B **Mr Huxtable:** I didn't want to disassemble it, no, because I was aware that it was getting sent via forensic submissions to the FSS.

Mr Kirk: And what's that?

C **Mr Huxtable:** The Forensic Science Service.

Mr Kirk: Where's that?

D **Mr Huxtable:** It's in Manchester.

Mr Kirk: And what about Chepstow?

E **Mr Huxtable:** No, the, it, the, the firearms get dealt with in Manchester.

Mr Kirk: I have record that it was collected at Chepstow.

Mr Huxtable: Collected?

F **Mr Kirk:** By a, I'm not allowed any documents, so I can't remember the name. He's a witness coming along later.

G **Mr Huxtable:** Well, I know Chepstow ...

Mr Kirk: Yes.

H **Mr Huxtable:** Have a courier service.

Mr Kirk: Right.

Mr Huxtable: But they don't actually do the examinations from Chepstow, at FSS.

A

Mr Kirk: Right, so the courier service run by the police force?

Mr Huxtable: It's, I'm not aware of that. It's not my business.

B

Mr Kirk: OK, but you could, next time you come to the box, you'll have some information to assist the Court on this issue. You could make --

Mr Huxtable: It's, it's --

C

Mr Kirk: Enquiries.

Mr Huxtable: Irrelevant to my --

D

Mr Kirk: No, no.

Mr Huxtable: Examination.

E

Mr Kirk: Could, are you in the position to make enquiries if it is ordered by the learned Judge?

Mr Huxtable: On the couriers or the FSS?

F

Mr Kirk: Yes.

His Honour Judge Thomas: No, I think the next witness will probably be able to help you because he's from the Forensic Science Service, isn't he, Mr Twomlow?

G

Mr Twomlow: Yeah, well, *let me just* --

(defendant confers with his sister)

H

Mr Kirk: So, *for a* --

His Honour Judge Thomas: Mr Rydeard. Mr Rydeard's the next witness. He's from the Forensic Science Service, so he may be able to help you better.

A

Mr Kirk: So, so you are based at Bridgend.

Mr Huxtable: That's correct.

B

Mr Kirk: Right, and in that hour and a half you made notes.

Mr Huxtable: I do have notes, yes.

C

Mr Kirk: Yes. At what time and date and place did you write that statement?

Mr Huxtable: I, let me just refer to *my note*.

D

Mr Kirk: What are you referring to?

Mr Huxtable: It's in my statement.

E

Mr Kirk: Right, OK.

Mr Huxtable: The statement was wrote on 23 June 2009.

F

Mr Kirk: My question was, when and where and at what time?

Mr Huxtable: Right, it was on the, approximately, I wrote the statement once I concluded my examination, approximately between 11:00 and 12:00. This was at my office, the NABIS department, in the Scientific Support Unit at South Wales Police Headquarters.

G

Mr Kirk: Right, handwritten or on a machine?

Mr Huxtable: On a desktop.

H

Mr Kirk: Right, so that will be timed, won't it, on the desktop?

Mr Huxtable: Yeah, the, the time and date is actually on the statement here.

A

Mr Kirk: No, the time that you printed, you, you pushed keys on that computer will be recorded somewhere, when you last used it or when you used it.

B

Mr Huxtable: Possibly, yeah. I'm unaware of --

Mr Kirk: Right, right.

C

Mr Huxtable: How to track something. *I don't have the --*

Mr Kirk: Well, it's an important aspect of this trial.

Mr Huxtable: OK.

D

Mr Kirk: Later.

E

His Honour Judge Thomas: Why is that, Mr Kirk? What, what, what difference does it make? What is the importance of the time that it was written?

Mr Kirk: Your, Your Honour, I can move on. My defence, I have tried to give you defence statements. You --

F

His Honour Judge Thomas: No.

Mr Kirk: Continually, I have tried to get disclosure on issues for this witness.

G

His Honour Judge Thomas: Mr --

Mr Kirk: My --

H

His Honour Judge Thomas: Mr Kirk, if, if there is relevant disclosure, it's going to be easier for me to order it if you tell me what the relevance is of what time it was written. It may also help the members of the Jury to follow what your defence is. You may not want to tell me your defence, but it may help you to tell the members of the Jury what --

A **Mr Kirk:** It's --

His Honour Judge Thomas: Your defence is.

B **Mr Kirk:** *It's* --

His Honour Judge Thomas: So would you please say what, the relevance of --

C **Mr Kirk:** *Your* --

His Honour Judge Thomas: The time that the statement was created please?

D **Mr Kirk:** *Your*, Your Honour, for continuity for members of the Jury and for my brain, I would rather that, put that on the backburner. We'll deal with it when it's appropriate for you. Can I continue the aspect of the way he has created that statement?

E **His Honour Judge Thomas:** Well, I'm not going to order things to be done unless I know that they're relevant, because otherwise it'll waste time. If you tell me why it's relevant, then I can take steps. It may also, as I say, help the Jury to follow what your case is.

Mr Kirk: I have a --

F **His Honour Judge Thomas:** Doesn't matter to me that I don't follow your case, but it may --

Mr Kirk: I have a witness --

G **His Honour Judge Thomas:** Matter to the Jury.

H **Mr Kirk:** Who I trust who has informed me, no, I'm not telling you in front of him. I haven't finished cross-examining him. But I told you earlier. You heard it. I've already actually said it. At least, I've already said it in front of him, that at least two other armourers at South Wales Police have had a view which is not in agreement with yours. And we only

have a space of one and a half hours, by the sounds of it. What happened to it after, after 10 o'clock?

A

Mr Huxtable: It was stored in my armoury in the SSU building.

Mr Kirk: Did it have a seal number? Did you put it in a bag? Did you, or did it go in as it appears *to sit* --

B

Mr Huxtable: I stored it in the exhibit box and in the transport tube, black transport tube which it's arrived in today.

C

Mr Kirk: *Right*, so you're the one that created the plastic to go around it, and you're satisfied it's the same plastic box.

D

Mr Huxtable: Yes.

Mr Kirk: Right. What about the ironware?

E

Mr Huxtable: Sorry?

Mr Kirk: What about the ironware?

F

Mr Huxtable: The drum magazine?

Mr Kirk: Any aspect of that firearm different to what you examined for an hour and a half and took copious notes and didn't even get around to counting the number of rounds.

G

Mr Huxtable: I thought it was irrelevant as they were spent cases.

Mr Kirk: Yes. I'm talking about --

H

Mr Huxtable: And I didn't want to dislodge them from the --

Mr Kirk: OK, we, well, we'll move on from there. It's a composite recordable weapon, isn't it?

A **Mr Huxtable:** Yes.

Mr Kirk: Are you sure?

B **Mr Huxtable:** Yes.

Mr Kirk: How many have you handled in your career?

Mr Huxtable: Lewis machine gun, that'll be the first.

C **Mr Kirk:** Right. Getting back to the statement, where did you get all that information and history about it?

D **Mr Huxtable:** I researched it on the internet.

Mr Kirk: When?

E **Mr Huxtable:** At the time of examination.

Mr Kirk: So you didn't spend your time examining it. You spent your time on the internet.

F **Mr Huxtable:** No, not entirely on the internet. I, I consider that to be part of the examination and research.

Mr Kirk: So --

G **Mr Huxtable:** This is a World War One era firearm. This is not something that was in my lifetime. So I know all the working parts and everything, and I wanted to research ...

Mr Kirk: *Are, are you suggesting --*

H **Mr Huxtable:** More detail and history of the weapon.

Mr Kirk: Are you suggesting it's a relic, an antique?

A **Mr Huxtable:** I didn't say it was an antique, no.

Mr Kirk: You can't give expert evidence on that, can you?

B **Mr Huxtable:** I wouldn't say it was an antique, no.

Mr Kirk: No, no, ah, you mean you can give an expert opinion?

Mr Huxtable: No, I, I wouldn't give an expert opinion *and* say it was an antique.

C **Mr Kirk:** Right. Now getting back to the question --

D **Mr Huxtable:** I was asked to give an examination on the state of weapon and weather it would be capable of firing, which is --

Mr Kirk: Right.

E **Mr Huxtable:** What I have done. So ...

Mr Kirk: Could I look at your notes please?

Mr Huxtable: Yes.

F **Mr Kirk:** Could I have photocopies made please? Can I look at them? And once I've put them down, we need photocopies. My gun expert need, will need to see them.

G **Mr Huxtable:** Yes.

His Honour Judge Thomas: Is there anything --

H **Mr Kirk:** Now I'm going to --

His Honour Judge Thomas: In there which is confidential?

Mr Kirk: Let's *get* --

A

Mr Huxtable: There are stuff, that they are confidential, which I'd like to remove.

Mr Kirk: I would like, under PII, this is, case is all about PII, I would question that there is anything in that document that is confidential, other than the argument that I agree with relating to Foxy.

B

His Honour Judge Thomas: According to what, sorry?

C

Mr Twomlow: Foxy.

Mr Kirk: His confidentiality was essential.

D

His Honour Judge Thomas: Oh, sorry, Foxy, yes.

Mr Kirk: Yes. Public --

E

His Honour Judge Thomas: Right, let --

Mr Kirk: Interest --

His Honour Judge Thomas: Let, let, let --

F

Mr Kirk: Immunity.

His Honour Judge Thomas: Let me look at the file.

G

Mr Huxtable: Yeah.

His Honour Judge Thomas: And tell me what you say is confidential.

H

Mr Huxtable: Shall I come around? Or ...

His Honour Judge Thomas: Are you able to identify the pages?

A Mr Huxtable: Yes.

(judge confers with witness)

B His Honour Judge Thomas: There are contact details in this, Mr Kirk, which doesn't affect the matter, simply giving details of this officer and how to contact him, which *it* seems to me you are not entitled to have.

Mr Kirk: How do you know that they aren't extremely relevant to the Defence?

C His Honour Judge Thomas: Well, once I find out that they are, then I will consider it again. But until I --

D Mr Kirk: Thank you.

His Honour Judge Thomas: Do ...

E Mr Kirk: Thank you.

His Honour Judge Thomas: I'm not going to.

Mr Kirk: Thank you. Thank you.

F His Honour Judge Thomas: This is what I've been telling you, now, constantly. Thank you very much. There's no reason why the, a lot of that you've already had, Mr Kirk, for example statements and photographs, etc. But the other material, *you're* --

G Mr Kirk: If I had a quick look ...

His Honour Judge Thomas: Well, *Mr Kirk*, have a look at it now, by all means.

H (pause)

His Honour Judge Thomas: Can I return this to the, to the officer?

A **Mr Kirk:** Could I have a copy of his statement? I don't have one. Thank you.

His Honour Judge Thomas: *But*, yes, you have one downstairs with your papers that you're refusing to sign for, Mr Kirk.

B **Mr Kirk:** You are refusing to order them to be here ...

His Honour Judge Thomas: No, you're --

C **Mr Kirk:** With all --

His Honour Judge Thomas: Refusing to --

D **Mr Kirk:** Due respect.

His Honour Judge Thomas: Sign them. I've said that you can have any document you want as long as you sign for them.

E **Mr Twomlow:** Mr Kirk --

His Honour Judge Thomas: Or they can be --

F **Mr Twomlow:** Had a --

His Honour Judge Thomas: Brought to *the* Court.

G **Mr Twomlow:** Second copy yesterday with the other statements.

His Honour Judge Thomas: And I'm reminded you had a second copy yesterday.

H **Mr Kirk:** Your, Your Honour, I put in a statement of complaint at Her Majesty's hotel down the road there, Knox Road, complaining for the loss of my legal papers. Those bundle that the learned barrister refers was within it. I, I, I was asked which was which, and he, I'm grateful for him identifying some of the papers that have gone missing.

A **His Honour Judge Thomas:** Well, I'd be grateful, Mr Kirk, if you signed for them, and then you could bring them into Court. Let's move on --

Mr Kirk: I --

B **His Honour Judge Thomas:** Shall we?

Mr Kirk: I did warn you.

C **His Honour Judge Thomas:** Let's move on, Mr Kirk, please.

Mr Kirk: Well, you raised the matter. I want --

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

Mr Kirk: To make sure that the record --

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

Mr Kirk: Of this Court for later is correct.

His Honour Judge Thomas: Move on please.

F **Mr Kirk:** I was talking to you about the barrel, wasn't I?

Mr Huxtable: Yes.

G **Mr Kirk:** So tell me about it.

H **Mr Huxtable:** Well, like I say, again, I was asked to give a preliminary examination on the firearm and its state and give, and I believe I've given that in my statement.

A **Mr Kirk:** *What, what, what*, where are your note? There are no notes in here of your examination whilst you were spending an hour and a half looking at the computer. Your notes seem to be the statement that you've given.

Mr Huxtable: Yes.

B **Mr Kirk:** Oh, I see. So, as examined it, when you'd finished, you wrote the statement. Is that what you mean?

Mr Huxtable: I wrote the statement at the end of my examination, yes.

C **Mr Kirk:** Right. Well, I, I'd to refer to the statement. What was the answer? Was I going to get, I'll pay for it. If, if you let me have one, I'll pay for it.

D **His Honour Judge Thomas:** *But* you had one yesterday, Mr Kirk. In fact, if --

Mr Kirk: Well --

E **His Honour Judge Thomas:** You look, if you look in there --

Mr Kirk: Reliance have lost it.

F **His Honour Judge Thomas:** Well, if you look in there, Mr Kirk, you'll find the statement. Use that one.

Mr Kirk: Oh. I want to check it's the same one, Your Honour. *At the* front or the back?

G **Mr Huxtable:** *To* the rear.

Mr Kirk: I hadn't quite got to it. I'm sorry. I, I hadn't quite got to the back of the file. This is, the only one in here is, belongs to a Mr Philip Charles Rydeard.

H **His Honour Judge Thomas:** If I remember correctly, when I flipped briefly through that a moment or two ago, your statement's in there.

Mr Huxtable: My statement is in there. It would be in one of the wallets there.

A

His Honour Judge Thomas: Could you, I don't suppose you can --

Mr Kirk: This Mr Philip Rydeard, did you mark this in orange?

B

Mr Huxtable: I just, I received that at a later date and I went through just out of interest really to see the outcome --

Mr Kirk: Just out of interest.

C

Mr Huxtable: Of his examination.

Mr Kirk: Have you seen my website before you came to Court?

D

Mr Huxtable: No.

Mr Kirk: So you looked at another expert's statement.

E

Mr Huxtable: After I'd done my statement, yes, at a later date.

Mr Kirk: So, what date, roughly, did you become aware of a Mr Lewis, of Mr Rydeard's statement, who's giving evidence later?

F

Mr Huxtable: I would have received that.

Mr Kirk: How, who gave it to --

G

Mr Huxtable: I didn't record the time I received it, but --

Mr Kirk: Who gave it to you?

H

Mr Huxtable: I received it via SSU.

Mr Kirk: What's that mean?

A **Mr Huxtable:** The Scientific Support Unit.

Mr Kirk: Yes. Who, who, who gave it to you?

B **Mr Huxtable:** An officer within --

Mr Kirk: Yeah, name.

Mr Huxtable: The SSU. ADI Peter Thomas.

C (defendant confers with his sister)

D **Mr Kirk:** Now, getting back to 10 o'clock, you were on your own between half past 8 and 10:00.

Mr Huxtable: I was with Mr Nigel Brown.

E **Mr Kirk:** Was he there for the full hour and a half?

Mr Huxtable: No.

F **Mr Kirk:** Because I've just been speaking to my kid sister ...

Mr Huxtable: OK.

G **Mr Kirk:** On evidence that he gave. So now can you accurately say how much time he spent with you?

Mr Huxtable: No, like I said at the start of, I couldn't give a, an approximate time to how long he was with me.

H **Mr Kirk:** Did he express an interest in it?

Mr Huxtable: He's a firearms examination officer. He didn't give his opinion on anything. It was my examination solely.

A

Mr Kirk: How many bank robberies do you think he's been involved with and they've got bored with a, with a, with a, a Lewis? Are you saying, did, did he have an opinion that it's as rare as you say it is?

B

Mr Huxtable: It's irrelevant.

Mr Kirk: I'm, please answer the question. Did he --

C

Mr Twomlow: Well --

Mr Kirk: Comment?

D

Mr Twomlow: Mr Brown gave evidence yesterday and could have been cross-examined about these matters if it had been relevant. And this witness is now being asked about Mr Brown's opinion, and this witness has said he did not express one.

E

(defendant confers with his sister)

His Honour Judge Thomas: Mr Kirk, the best person to ask about Mr Brown's opinion is Mr Brown, who gave evidence yesterday. So how much further can you go in asking this officer about Mr Brown's opinion when this officer, rightly or wrongly, says that Mr Brown did not offer an opinion?

F

Mr Kirk: *That*, that Mr Brown was what? The last word you said.

G

His Honour Judge Thomas: Mr Brown, according to this officer, did not express an opinion. Mr Brown was not asked about his opinion. Let's move on to the next topic please.

H

Mr Kirk: You are sure about that? Because I'm bringing a witness who says three armourers gave an opinion and it was passed from one to another like a hot potato.

Mr Huxtable: The opinion is solely of my own.

A **Mr Kirk:** Sorry?

Mr Huxtable: The opinion is solely of my own.

B **Mr Kirk:** Are you aware of any other police officers who gave an opinion as firearms officers about that weapon who worked in South Wales Police?

Mr Huxtable: No, I'm not aware, no.

C **Mr Kirk:** You're not aware?

Mr Huxtable: I'm not aware, no.

D **Mr Kirk:** Right, and that obviously includes Mr Brown. Right. So when did, roughly, did he leave your office?

Mr Huxtable: He didn't enter my office that morning. I went to his office and left *there*.

E **Mr Kirk:** You went to his office to pick up the gun.

Mr Huxtable: To collect the gun, yes.

F **Mr Kirk:** Yeah, and how long *were you*, were you in his office?

His Honour Judge Thomas: Hour and a half. He's already told us.

G **Mr Kirk:** Sorry?

His Honour Judge Thomas: An hour and a half. He already told us.

H **Mr Kirk:** So you're an hour and a half in Mr Brown's office.

Mr Huxtable: Yes.

Mr Kirk: And you're on his computer, not yours.

A

Mr Huxtable: No, my own computer in my office.

Mr Kirk: No, hang on. You said his office.

B

Mr Huxtable: No, I collected the gun at his office ...

Mr Kirk: Yes.

C

Mr Huxtable: At them times ...

Mr Kirk: Yes.

D

Mr Huxtable: Transported it to my own office ...

Mr Kirk: Yeah.

E

Mr Huxtable: Where I done the examination, there, in my own --

Mr Kirk: For an hour *and* --

Mr Huxtable: Office.

F

Mr Kirk: For an hour and a half.

Mr Huxtable: What, the examination or --

G

Mr Kirk: The time with the gun in your office.

Mr Huxtable: The time in my office

H

Mr Kirk: Yes.

Mr Huxtable: No, because it was there for several hours ...

A **Mr Kirk:** No.

Mr Huxtable: In my office.

B **Mr Kirk:** Up until 10 o'clock, how much of that time were you with your gun in your office?

Mr Huxtable: Up until 10 o'clock?

Mr Kirk: Yeah, well, well, we haven't even got past 10 o'clock yet.

C **His Honour Judge Thomas:** No, what he has --

Mr Huxtable: Because it --

D **His Honour Judge Thomas:** Told us --

Mr Huxtable: Wasn't in my --

E **His Honour Judge Thomas:** No, wait a minute, wait a minute. What he has told us is that he met Mr Brown in his office. He was there for an hour and a half. That's what he's told us.

F **Mr Kirk:** Yes.

His Honour Judge Thomas: Now, let's move on please, can we?

G **Mr Kirk:** Did you meet him in Mr Brown's office or your office?

Mr Huxtable: Mr Brown's office.

H **Mr Kirk:** Exactly. Now, how long were you in Mr Brown's office --

His Honour Judge Thomas: An hour and --

Mr Kirk: For?

A

His Honour Judge Thomas: A half. He's told us --

Mr Kirk: Right.

B

His Honour Judge Thomas: This --

Mr Kirk: You --

C

His Honour Judge Thomas: Morning.

Mr Kirk: Then took it back to your office.

D

Mr Huxtable: Yes.

Mr Kirk: At 10 o'clock.

E

Mr Huxtable: Yes.

Mr Kirk: Right. So Mr Brown was not in his own office, left you in his office, you say on your computer, to examine the weapon. Is that right?

F

Mr Huxtable: I met Mr Brown in his office at 8:30 till 10:00, left Mr Brown, took the firearm by hand to my office, where I concluded my examination.

Mr Kirk: You met Mr Brown in his office?

G

Mr Huxtable: Yes.

Mr Kirk: Right. How long were you in his office before you left with exhibit 1?

H

His Honour Judge Thomas: An hour and a half. He's told us that three times, Mr Kirk. Please can we move on?

Mr Kirk: You have said you spent the hour and a half in your office. Is that correct?

A

Mr Huxtable: I didn't say that once.

Mr Kirk: Am I going crazy here?

B

(defendant confers with his sister)

Mr Kirk: Where was Mr Brown during the hour and a half?

C

Mr Huxtable: In his office with --

Mr Kirk: With you.

D

Mr Huxtable: Myself, where I collected the gun.

Mr Kirk: And you didn't, the, he, he didn't examine.

E

Mr Huxtable: He didn't examine it, no.

(defendant confers with his sister)

Mr Kirk: So, what was he doing?

F

Mr Huxtable: Merely handed me the gun.

Mr Kirk: No, for the hour and a half.

G

Mr Huxtable: Discussing the gun and his overnight journey down.

Mr Kirk: So he gave an opinion about it, didn't he?

H

Mr Huxtable: Not an opinion on the gun or classification or anything like that.

Mr Kirk: So, what was ...

A **Mr Huxtable:** He didn't, he merely seen the exterior of the gun.

Mr Kirk: For an hour and a half. You're saying a police officer in the HQ of my local headquarters spent an hour and a half doing nothing of anything of great particular other than sitting there watching you examine it.

B **Mr Huxtable:** He didn't examine it. It was my examination solely.

Mr Kirk: Right. Is that the original barrel?

C **Mr Huxtable:** I believe so, yes.

Mr Kirk: Why do you say that?

D **Mr Huxtable:** In my opinion, I do believe it is the, the original barrel. If I had taken the components apart, may *have*, I may have found other results *of* the examination, but I didn't do that.

E **Mr Kirk:** Was there anything unusual about the inside of the barrel?

Mr Huxtable: It was smooth bored.

F **Mr Kirk:** Why's that?

Mr Huxtable: Sorry?

G **Mr Kirk:** Why?

Mr Huxtable: I don't know why, but I know it was smooth bored.

H **Mr Kirk:** There's a very good reason why, and you are a, an, a, a gun marker, a gun, an ex military armourer.

Mr Huxtable: That's correct.

A **Mr Kirk:** Well, tell the Court the reasons why it was likely to be a smooth bore.

Mr Huxtable: Well, most smooth bore guns are for Section 2 shotgun ...

B **Mr Kirk:** *Are*, are for --

Mr Huxtable: Ammunition.

Mr Kirk: Are for what?

C **Mr Huxtable:** For Section 2 shotgun ...

Mr Kirk: Right.

D **Mr Huxtable:** Which I did find quite rare, actually, that the, the barrel was smooth bored.

Mr Kirk: Ah, so you now accept it's --

E **Mr Huxtable:** Which --

Mr Kirk: Rare.

F **Mr Huxtable:** I expected it to be rifled.

Mr Kirk: Yeah. So, so is that in your report?

G **Mr Huxtable:** No, it was irrelevant. I was asked to give a preliminary examination to identify it as a firearm and whether it be capable of firing, as I was told there would be an in depth examination at the FSS at a --

H **Mr Kirk:** Yeah.

Mr Huxtable: Later date.

A **Mr Kirk:** Have you see a photograph taken off the website of, apparently, myself with a piece of, of, apparently, something under my arm that's remarkably similar to what's exhibit 1? Have you --

Mr Huxtable: I have. I've attached it with my notes.

B **Mr Kirk:** Yeah. Is it the same?

Mr Huxtable: I couldn't identify if it was the same just *from*, from a mere photo, but it's very, very similar to what exhibit AJR1 is.

C **Mr Kirk:** Do you know 10,000 were sent across to Russia? Sir Norman, Sir Norman Scarth, on HMS Fearless on the way to sink the Scharnhorst. Do you realise how many thousands and thousands of those they made? Are you aware of that?

D **Mr Huxtable:** I'm not aware of the number of what, what were produced.

E **Mr Kirk:** Is your knowledge about firearms limited to what you looked up on the website that morning?

Mr Huxtable: Obviously, the, this is a very rare gun, so I had to do my research on it. It was of World War, World War One era.

F **Mr Kirk:** Yeah, yes.

Mr Huxtable: And like I say, again that I was merely asked to identify if the, the, the gun was a firearm or not or whether it'd been deactivated.

G **Mr Kirk:** Could you kindly count the number of spent rounds there? Could somebody, usher, please could you take the ...

(counsel takes instructions)

H **His Honour Judge Thomas:** No, sorry, you may stay in the witness box. No need to get down.

A **Mr Huxtable:** *Sorry.*

(pause)

B **Mr Huxtable:** 16 rounds, yeah.

His Honour Judge Thomas: 16 rounds, and they're all spent.

Mr Huxtable: Spent cases, yes.

C **Mr Kirk:** How many?

Mr Huxtable: 16.

D **Mr Kirk:** Right. Who fingerprinted that weapon?

Mr Huxtable: I'm unaware. It's not my, it's not of my role. I was merely asked to examine the weapon and its --

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

Mr Kirk: Did you --

F **His Honour Judge Thomas:** We've heard from --

Mr Huxtable: Capabilities.

G **His Honour Judge Thomas:** We've heard from a witness earlier that he cleaned it and painted it, haven't we?

H **Mr Kirk:** He, sorry?

His Honour Judge Thomas: We heard from a witness earlier, Mr Cooper, that he painted it and cleaned it.

A **Mr Kirk:** When it came to the South Wales Police, what, why didn't the Nottingham Police Force deal with all this?

His Honour Judge Thomas: Well, how, how --

B **Mr Huxtable:** Like I say --

His Honour Judge Thomas: Does he --

C **Mr Huxtable:** It's --

His Honour Judge Thomas: Know that --

D **Mr Huxtable:** Irrelevant --

His Honour Judge Thomas: Mr Kirk?

E **Mr Huxtable:** To myself.

His Honour Judge Thomas: No, wait a minute. How does he know that, Mr Kirk? Or if it --

F **Mr Kirk:** Well, *what* --

His Honour Judge Thomas: Is important, why weren't the Nottinghamshire Police asked about this?

G **Mr Kirk:** Well, that is why I question the order of witnesses, Your Honour, because we've got to have some intent. We've got to have who's, who instigated all this. We've got to have, where's the loss? We've got to have all the basic ingredients for an alleged crime.

H **His Honour Judge Thomas:** Well, let's, let's, let's see what you're saying about it. Are you saying that that gun is not the one in the photographs?

Mr Kirk: I haven't got to that --

A

His Honour Judge Thomas: No.

Mr Kirk: Yet.

B

His Honour Judge Thomas: Are you saying that that is the gun in the photograph, so *that* members of the Jury can follow what you're saying? At the end of the day, they're the ones who have to make the decisions. Now, it may help them to know if you were saying that that is the gun in the photograph or a different gun.

C

Mr Kirk: I have a gun expert who may assist you, should you choose to ask him.

D

His Honour Judge Thomas: Well, you know whether it's the same gun, don't you, Mr Kirk?

Mr Kirk: Sorry?

E

His Honour Judge Thomas: You know whether it's the same gun.

Mr Kirk: Would you like me to go on oath, and I'll answer that question?

F

His Honour Judge Thomas: No, I'd just like you to tell us what --

Mr Kirk: No.

His Honour Judge Thomas: Where the case is --

G

Mr Kirk: I'll answer --

His Honour Judge Thomas: Going.

H

Mr Kirk: That question only on oath. Could I do it --

His Honour Judge Thomas: *Well* --

A **Mr Kirk:** Immediately?

His Honour Judge Thomas: When you, when you go to --

B **Mr Kirk:** I wish to put it on oath.

His Honour Judge Thomas: When you go in the witness box, Mr Kirk, if you choose to go in the witness box, you can tell us. But in order to help the members of the Jury follow this case, and insofar as it may be important, for me to follow the case, are you telling us that the
C gun in the photograph is not the same gun as we have on the desk here?

Mr Kirk: When, when was the, are you aware that --

D **His Honour Judge Thomas:** I'll take that as a no then, shall I?

Mr Kirk: Are you aware that a Mr Cooper had this exhibit 1?

E **Mr Huxtable:** I'm not aware. All --

Mr Kirk: No.

Mr Huxtable: I was asked to do was receive --

F **Mr Kirk:** Are you aware --

Mr Huxtable: It from Mr --

G **Mr Kirk:** That the --

Mr Huxtable: Nigel --

H **Mr Kirk:** The --

Mr Huxtable: Brown and give a, an examination from there on.

A **Mr Kirk:** OK. It was, it was acquired by the Nottinghamshire, no, sorry, by the Civil
Aviation Authority, to cause it to be left somewhere a year after the Prosecution have
admitted that I may have owned it. Now, I'm trying to establish why, if *he*, they took, if the,
B if the South Wales Police wanted to control the investigation of the weapon, why wasn't it
left to the, the Nottinghamshire Police, who, what shall we say? Secured it. But they then
sent it down to you. So, if it was so dangerous, as they may wish to cause the Jury to believe,
who investigated it on ballistics before you examined it as to its capability?

C **Mr Huxtable:** Well, it would have been down to the officer in the case what, what strategy
they wanted to go with this weapon. If, if he didn't decide upon fingerprint or ballistic
evidence, that's down to the officer in the case. I merely received the gun off Nigel Brown
and was instructed to give a preliminary examination before submitting to the Forensic
Science Service.

D **His Honour Judge Thomas:** Right, would you --

Mr Kirk: Yes.

E **His Honour Judge Thomas:** Move on to another topic then please, Mr Kirk?

Mr Kirk: Right. Had it recently fired?

F **Mr Huxtable:** I wasn't asked to test fire the, the weapon.

Mr Kirk: No, had it recently fired?

G **Mr Huxtable:** I believe the Forensic Science Service were successful in, in firing. I *am*
unable to say --

Mr Kirk: When you, when you --

H **His Honour Judge Thomas:** Let him finish the --

Mr Kirk: Looked at the --

A **His Honour Judge Thomas:** Let him --

Mr Kirk: Weapon --

B **His Honour Judge Thomas:** Finish his answer.

Mr Kirk: That you saw --

His Honour Judge Thomas: Sorry. Finish your answer.

C **Mr Huxtable:** *I'm*, I'm, I'm unable to say whether it'd recently fired, as it, you know, it, it wasn't examined for any gunshot residue or, or anything. I was merely asked to give details on the firearm, whether it's, its, and its capabilities.

D **Mr Kirk:** Yeah, a preliminary view.

Mr Kirk: And after 10 o'clock. We've got there, Your Honour. After 10 o'clock what did you do with it.

E **Mr Huxtable:** After my examination concluded I then stored it in my armoury, which is very highly secure. It's highly secure.

F **Mr Kirk:** Right, and then where did it go?

Mr Huxtable: It stayed with myself until the submission was authorised to the Forensic Science Service.

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

Mr Huxtable: I believe so because the, the, I know that there was a continuity through myself as it was a point of storage for the, for South Wales Police Headquarters.

H

A **Mr Kirk:** So it then went to Manchester. Then it went off to London. Then it went off to Birmingham. Then it came back. But each time it came back to South Wales Police, didn't it?

Mr Huxtable: It all, it *all*, it came back to my armoury --

B **Mr Kirk:** Right.

Mr Huxtable: Each time.

C **Mr Kirk:** Yeah, and it then went back around the witnesses. It went back to Mr Cooper. It went back to Mrs Cooper. It went back to a Mr Page, the pilot. Where else did it go?

Mr Huxtable: I'm not sure, actually.

D **Mr Kirk:** Why aren't you sure?

Mr Huxtable: Because I wasn't ...

E **Mr Kirk:** Oh.

Mr Huxtable: Concluding the, sorry?

F **Mr Kirk:** Sorry. Can you confirm what I've just said? I thought you were agreeing. Can you confirm?

G **Mr Huxtable:** I *signed*, I signed the firearm out to officers for further examinations elsewhere.

Mr Kirk: How many --

H **Mr Huxtable:** And --

Mr Kirk: Times?

Mr Huxtable: In receipt, off the top of my head, I couldn't say.

A

Mr Kirk: But you've got a record of that.

Mr Huxtable: We have a record on the exhibit label.

B

Mr Kirk: Good, and you can --

Mr Huxtable: With my signatures on --

C

Mr Kirk: You can --

Mr Huxtable: Each, and dates.

D

Mr Kirk: Before the end of today's play, give me the written record of each time and date that it went to them, *and* names of the officers, each time you released it to someone else.

His Honour Judge Thomas: Should be on the exhibit label, shouldn't it?

E

Mr Huxtable: It'll be on the exhibit label.

His Honour Judge Thomas: Which is there.

F

Mr Kirk: Yes. If I could have a copy, an, a copy --

His Honour Judge Thomas: Well, you can look --

G

Mr Kirk: Of the exhibit label *at one point* --

His Honour Judge Thomas: I'm sure you can look at the original.

H

Mr Kirk: No, no, I want a, a copy that I can do something with. Is that the full extent of your involvement with this?

Mr Huxtable: Yes.

A **Mr Kirk:** Now examine it please, and confirm whether or not it's the one that you examined on 23 June.

(pause)

B **His Honour Judge Thomas:** *It's*, I think, as I would be, they, some of the members of the Jury are a --

Mr Twomlow: Sorry.

C **His Honour Judge Thomas:** Little bit, well, don't point it at me either. Point it ...

(laughter)

D **His Honour Judge Thomas:** Point it at the floor.

(defendant confers with his sister)

E **Mr Huxtable:** This is the firearm, Your Honour. This is the, the correct *one, I'm assuming*.

His Honour Judge Thomas: That's the same one.

F (pause)

Mr Kirk: Thank you, Your Honour.

G **His Honour Judge Thomas:** Thank you. Any re-examination, Mr Twomlow?

Mr Twomlow: No, thank you.

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

(clerk confers with witness)

A

His Honour Judge Thomas: Well, I don't know whether, members of the Jury, I want a break and a coffee. Shall we say five past? Five past?

Mr Twomlow: Yes.

B

His Honour Judge Thomas: Thank you.

(judge confers with clerk)

(jury retires)

C

Mr Twomlow: Mr Huxtable's file, I think, is still with Mr Kirk.

His Honour Judge Thomas: Ah, we'd better get that back.

D

(defendant confers with his sister)

His Honour Judge Thomas: Mr Kirk.

E

(defendant confers with his sister)

His Honour Judge Thomas: Mr Kirk.

F

(defendant confers with his sister)

His Honour Judge Thomas: The file will have to be returned, but photocopies can be made and given to you.

G

(defendant confers with usher)

His Honour Judge Thomas: Well, the CPS can, can photocopy is, rather than the, the, the usher. Yes, thank you.

H

Court Clerk: Court rise.

(short adjournment)

A

Court Clerk: Court please rise.

His Honour Judge Thomas: Yes.

B

Mr Twomlow: Can I just say this, Your Honour? I was just having a look at the gun, put my finger on the trigger, and the bolt on the right, I don't, *I*, I don't know if that's the right term for it, leapt forward from the back to the front and made quite a bang, not, not an explosive bang, but a bang, just so the Court knows that I, I touched the trigger, thinking that nothing would happen. And the bolt has shot from the back, for this part of it.

C

(defendant confers with his sister)

D

Mr Twomlow: *As I've* indicated.

Mr Kirk: *Sir, Sir, Sir --*

E

His Honour Judge Thomas: Don't fiddle, Mr Twomlow.

Mr Kirk: Sorry, I don't understand. Could that be said again, slowly?

His Honour Judge Thomas: Right, well, you explain that if *you like*.

F

Mr Twomlow: I touched the trigger and this part of this came from here to here very fast.

His Honour Judge Thomas: Perhaps you can resist the temptation to fiddle from now on, Mr ...

G

Mr Kirk: Sir ...

H

His Honour Judge Thomas: Twomlow.

Mr Kirk: Your, Your, Your Honour, do I understand that the Prosecution are allowed to tamper with exhibits in the absence or permission of the, the Judge?

A **His Honour Judge Thomas:** It's a Prosecution --

Mr Kirk: Even though it is a --

B **His Honour Judge Thomas:** It's a Prosecution exhibit.

Mr Kirk: Prosecution exhibit? Now that it has been handled in the manner which I anticipated, by the Prosecution witness, he has now altered its configuration, and I consider that in keeping with the standard that I've experienced since 18 years ago when I came to suffer this building.

C **His Honour Judge Thomas:** Thank you. *Can we* have the Jury in please? It's next Mr ...

D **Mr Twomlow:** Sorry, Mr Philip ...

His Honour Judge Thomas: Rydeard.

E **Mr Twomlow:** Rydeard is --

His Honour Judge Thomas: *Your* witness.

Mr Twomlow: The next witness.

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

Mr Twomlow: Page 66.

G **His Honour Judge Thomas:** Apart from Mr Rydeard, Rydeard ...

Mr Kirk: I, I'm not sure how you pronounce his name, but yeah.

H **Female:** It's Rydeard.

Mr Twomlow: He's, he's here.

A **His Honour Judge Thomas:** Who are the other witnesses today?

Mr Twomlow: Oh, a number. I can ...

B **His Honour Judge Thomas:** Well, it's, perhaps I could have a list later.

(counsel takes instructions)

Mr Twomlow: Potentially, potentially six.

C
(jury returns)

D **His Honour Judge Thomas:** Members of the Jury, how are you finding the heating? Is it all right? Or ...

Female Juror: The ...

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

Female Juror: Heating. Yes, better today.

His Honour Judge Thomas: Good. Good.

F **Female Juror:** *It's all right.*

His Honour Judge Thomas: Let me know if it isn't. Yes, next witness please.

G **Mr Twomlow:** Yes.

H **Mr Kirk:** Your, Your Honour, if I could, it's come to my notice that there was, they're proposing to introduce more firearms into this argument. I've had a late statement served this weekend. Unless I missed it this morning, which I might well have done, was that covered, a, a, a Mr, one of the police officers?

His Honour Judge Thomas: Huxtable. It's, it's in --

A

Mr Kirk: *It* --

His Honour Judge Thomas: Relation to another matter, is what I've been told --

B

Mr Kirk: Yes.

His Honour Judge Thomas: By Mr Twomlow, that that's going to be, he's going to be recalled to deal with that gun at a later stage.

C

Mr Kirk: Well, I, if I'm told what's, what I've been told, can I not hear the evidence? If he's an expert on exhibit 1, I want to see if he's an expert on the, the, the newish item that they say is what it is.

D

His Honour Judge Thomas: Which, which expert are you talking about?

Mr Kirk: I'm talking about evidence that has been served on me by the Prosecution as late as last weekend, 23, 23 January 2009, being an exhibit that might come with a Mr David Woodford. Now, now, I understand that this witness that just went may have examined it. And if so, he must be given that, be giving that information now, I feel, and, and, and, no?

E

His Honour Judge Thomas: Well, at, at the moment I suspect that it is being given in an order so that the Jury follow the point. Is that right, Mr Twomlow?

F

Mr Twomlow: Yes. With ...

G

His Honour Judge Thomas: Rather than being in isolation.

Mr Twomlow: To go with other evidence.

H

His Honour Judge Thomas: So we'll, he will give his evidence, as I understand it. So --

A **Mr Kirk:** Yes, but unfortunately it'll be after an expert has given evidence, and I would argue that he will alter his evidence accordingly, appropriately, when I cross-examine him in two or three days' time.

His Honour Judge Thomas: Well, we'll have to see. Thank you.

B **Mr Twomlow:** Yes, Philip Charles Rydeard please, or Rydeard or ...

(counsel takes instructions)

C **His Honour Judge Thomas:** Can you take this slowly please, Mr Twomlow, because I need to take a ...

Mr Twomlow: Yes.

D **His Honour Judge Thomas:** Full note?

Mr Twomlow: Certainly.

E (clerk confers with witness)

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

F **Mr Rydeard:** I swear by Almighty God ...

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

G **Mr Rydeard:** That the evidence I shall give ...

Court Clerk: Shall be the truth ...

H **Mr Rydeard:** *Should* be the truth ...

Court Clerk: The whole truth ...

Mr Rydeard: The whole truth ...

A
Court Clerk: And nothing but the truth.

Mr Rydeard: And nothing but the truth.

B
Court Clerk: Thank you.

(clerk confers with witness)

C
Mr Twomlow: What is your full name please?

D
Mr Rydeard: Your Honour, my name is Philip Charles Rydeard. I, I'm a forensic scientist employed by the Forensic Science Service at the Northern Firearms Unit in Manchester. I'm a chartered chemist and a member of the Royal Society of Chemistry. In my position as a forensic scientist I examine firearms and ammunition and related items and have done so exclusively since 1998. But I have in total now some 40 years' experience as a forensic scientist, and I have additional external experience in the handling and use of firearms, which amounts to some 45 years, Sir.

E
Mr Twomlow: Thank you very much. Mr Rydeard, on 25 June did you receive an item labelled AJR1 at the Northern Firearms Unit?

F
Mr Rydeard: I did, Sir, yes.

Mr Twomlow: And were you requested to classify that item according to current firearms legislation?

G
Mr Rydeard: I was, yes.

Mr Twomlow: When you examined AJR1 what did you find it to be?

H
Mr Rydeard: Is it in order if I refer to my, my notes?

Mr Twomlow: When did you make the notes?

A **Mr Rydeard:** At, at the time of my examination.

Mr Twomlow: Yes.

B **Mr Rydeard:** Thank you, Sir. I found that ...

Mr Twomlow: If we could take this fairly slowly, His Honour is making a note of what you're saying, so ...

C **His Honour Judge Thomas:** If you can watch my --

Mr Twomlow: It's important that --

D **His Honour Judge Thomas:** Pen please, Mr Rydeard.

Mr Rydeard: I understand, Sir.

E **Mr Twomlow:** You are aware of that please.

F **Mr Rydeard:** I found that, that item AJR1 was a composite weapon. It had the appearance of a British military Mark II .303 Lewis aircraft model light machine gun. But I took the view that it may have been constructed, in its current form constructed for training or for display purposes. That is, rather than its role as a fully operational machine gun. I found that it appeared to be a combination of original Lewis gun components and other standard, non standard components. Because of these other, non standard components, it would not function as a fully automatic weapon.

G **Mr Twomlow:** Right, can you just, yes.

Mr Rydeard: Perhaps should I explain what a, a fully automatic weapon is?

H **Mr Twomlow:** Yes, please.

A **Mr Rydeard:** A fully automatic weapon, a true machine gun is one in which when the trigger is pulled, the gun will continue to fire ammunition, to fire bullets until either of two things happen, until either the trigger is released or the gun runs out of ammunition. And as a Lewis gun, it would normally, *in a*, a normal Lewis gun in a normal operational role would have a either 47 or a 97 round magazine. It would be capable of firing that number of shots consecutively my merely pulling the trigger, with no other intervention from the operator.

B That would be a fully automatic weapon.

Mr Twomlow: Just by simply pulling the trigger once, 47 or 97 bullets will be fired.

C **Mr Rydeard:** Indeed.

His Honour Judge Thomas: Sorry, you said one of two things would happen. One was that the machine gun would run out of ammunition.

D **Mr Rydeard:** Ammunition --

His Honour Judge Thomas: And the other was --

E **Mr Rydeard:** Your Honour.

His Honour Judge Thomas: Sorry?

F **Mr Rydeard:** Or if the operator, the shooter took his finger off the trigger. So, by pulling the trigger briefly, he could perhaps fire one or two or three bullets. But by keeping it pressed repeatedly, it would fire all that number of cartridges.

G **His Honour Judge Thomas:** Yes, thank you.

Mr Twomlow: The, was the original Lewis gun designed for that purpose?

H **Mr Rydeard:** Indeed it was, Sir, yes. The weapon presented included the following parts. It contained the top receiver cover, which contains the sighting mechanism, and the grip or the handle of the gun. And these were taken or had been acquired from a BSA, that's, that's

the, the Birmingham Small Arms factory, a BSA made Lewis machine gun made in 1916.
And those set of components bear the serial number 222166, treble 2, 166.

A

Mr Twomlow: Right, so that's the receiver top cover with the sight and the grip, the handle.

Mr Rydeard: Yes.

B

His Honour Judge Thomas: Or, so that we understand what we're talking about, would it be possible for you to demonstrate what those parts are if they're there?

C

Mr Rydeard: I'd be pleased to, Your Honour.

His Honour Judge Thomas: I --

D

Mr Twomlow: Shall we move the --

His Honour Judge Thomas: I don't know how --

E

Mr Twomlow: Gun? Or would ...

His Honour Judge Thomas: It might be better if you went to the gun rather than the gun being brought to you, Mr Rydeard, please.

F

(clerk confers with witness)

His Honour Judge Thomas: So these are the parts which you think are from an original Lewis gun. Can you hold it up --

G

Mr Rydeard: They are, Your Honour.

His Honour Judge Thomas: As well so that I can see it?

H

Mr Rydeard: And the other parts, which bear a full serial number. So these are the, this top cover or top of the receiver, and you can see the *grip* --

Mr Kirk: Excuse me. Could you check that it's safe first please? Because you happen to be pointing it at me.

A

Male: And me.

Mr Kirk: Or anybody really.

B

Mr Rydeard: The weapon is clear. There's no magazine *as I rather expected*.

Male: Your Honour --

C

Mr Kirk: Thank you, Sir.

Mr Rydeard: The top receiver cover, bearing the number that I referred to. The, we see the *flight* assembly and the grip assembly, again, there's that full serial number. Other components of the, of the item bear the number 66. This number 66 could be a suffix for the full serial number. It is common practice for small arms components to be numbered either a full serial number or, either a full serial number or a suffix of that serial number, just part of it, such that all the parts of the weapon can be kept together. The parts which included the, the, the number 66 were the gas cylinder, which is a component within this tube underneath the barrel, which extends this coil back, which you can see here. That's the gas cylinder.

D

E

F

His Honour Judge Thomas: Sorry, could I see that, Mr Rydeard?

Mr Rydeard: This tube underneath the barrel, Your Honour.

G

His Honour Judge Thomas: Yes.

Mr Rydeard: In addition to the gas cylinder, also the gas regulator, which is this assembly underneath the barrel cover. The, the, the regulator assembly consists of a key and a cup. The key and cup then go into a chamber which attaches to the cylinder via an, an extension which goes around the barrel *called the barrel advance*. And there are, there are five components within that assembly which forms around the number 66. And I formed the view that if they are agreed, if the figure 66 refers to a suffix of the, of the main serial number,

H

then not only does the top receiver and the grip originate from this 1916 BSA weapon, but it's quite possible that the small components do as well.

A

Mr Twomlow: So all the parts you've mentioned so far appear to come from the same source, which would be --

B

Mr Rydeard: I think that is probably the most likely explanation, Sir, yes.

Mr Twomlow: Now, there are a number of components which may have originated from other Lewis guns or another Lewis gun which don't bear any numbers at all that relate to that set of components. And those, and those components would be the, the trigger mechanism, which is this large assembly here, and, Your Honour, and that does not bear the number 66. Nor does the, the return spring casing, which is this circular component at the bottom of the assembly. They don't bear the number 66, so it's not possible for me to say their origin. *And* it could be the same gun. It could be a number, *within limits*.

C

D

Mr Twomlow: So they could come from the, the same original gun or they might not, because there's no markings to tell you one way or the other. Is that --

E

Mr Rydeard: There's no way to, no way of --

Mr Twomlow: That --

F

Mr Rydeard: Knowing or the other.

Mr Twomlow: I see.

G

Mr Rydeard: Now, in addition to that, there are some non standard parts, and I, I pointed out that the weapon's not capable of fully automatic firing, and that is for a number of reasons. And some of the components of this, of this weapon are non standard, and they include the barrel itself, the section which runs all the way from the front to the --

H

His Honour Judge Thomas: Sorry.

Mr Rydeard: Breach here.

A **His Honour Judge Thomas:** Could you just take *it*, take your time? Non, you say that the gun is not capable of automatic fire.

Mr Rydeard: Not capable of automatic fire, Your Honour, no.

B **His Honour Judge Thomas:** And that's because of what?

Mr Rydeard: That's because of the barrel, which runs right from the front of the spinning portion, right to the, to the rear of the part here. That, although it is a barrel, it is not a Lewis gun barrel and it is not, it has no means of allowing gases to be tapped off the barrel to operate the recoil mechanism to operate the gun.

His Honour Judge Thomas: So there are no means of allowing the gases to be tapped off.

D **Mr Rydeard:** Yes, indeed, Your Honour. And without that, it would be, it cannot be used in an automatic mode. So it has a barrel, but it's not a Lewis gun barrel. It's a non standard barrel. And also, another non standard component is, is this part of the receiver mechanism between the extension of the barrel shroud and the start of the receiver top cover. This section here, from there to there, is non standard. The normal Lewis gun top receiver plate would have a hole, a square hole. And they, they rest upon the feed mechanism to allow cartridges to be fed into the breach of the gun. And this plate has not got that facility. So that's this section here.

E **His Honour Judge Thomas:** So could we just go over that? The receiver mechanism, as fitted ...

F **Mr Rydeard:** As fitted ...

G **His Honour Judge Thomas:** Would not allow cartridges ...

H **Mr Rydeard:** To be fed into the mechanism. So those are two non standard components. Another non standard components relates to the, to the magazine, the magazine hub, the centre part of the magazine, which has been machined in such a way that it will accommodate some, some fired cartridges for, presumably for display purposes. In the standard Lewis gun

A this centre hub, instead of being machined just with a slot, is machined with a spiral such that the cartridges will rotate around the spiral and feed one at a time into the receiver. And this centre hub, whilst similar in dimensions, is different in construction from a normal magazine.

B **His Honour Judge Thomas:** Sorry, so the, the, the magazine doesn't have the normal feed system.

C **Mr Rydeard:** It does not have a normal feed system, Your Honour. The receiver plate does not have a normal feed system, and the barrel is not tapped. So those are the three components which do not originate from a legitimate Lewis gun. The only, perhaps the only other item, while I'm holding the gun, which needs to be considered, Sir, is this machine spring, which has been screwed into the top of the post which hold, holds the magazine. This screw, which is, is loosely in place, holds the magazine in place in its normal position and D has no bearing on, on any other part *or* any other function of the gun. But if the magazine is taken off and the screw were to be screwed all the way down, it would actually stop hard things being inserted into the breach of the gun. But it is, in its, its normal function it will simply hold the magazine in place.

E **Mr Twomlow:** Right.

Mr Rydeard: But it is a non standard effect.

F **Mr Twomlow:** Do you recall what state that was in when you examined the, whether it was screwed down or whether it was not?

Mr Rydeard: When I received the --

G **Mr Twomlow:** Yes.

H **Mr Rydeard:** When, when the gun was received at the laboratory, the magazine had been taken off and the screws loosely placed. It was not screwed down hard. There is a, a, an additional item which is *recoiled*, which is the *difference* we discussed. And then if there is a missing component too, the missing component would be the section of the mechanism,

called the bolt, which surrounds and which in, in a normal Lewis gun would surround the striking mechanism.

A

His Honour Judge Thomas: I'm sorry, I, I, I'm having difficulty hearing you now.

Mr Twomlow: I wonder if --

B

His Honour Judge Thomas: Could you --

Mr Twomlow: You could, I don't know if you --

C

Mr Rydeard: A missing --

Mr Twomlow: Could stand --

D

Mr Rydeard: A missing item, Your Honour, *in the gun*, from a normal Lewis gun, is a device which closes the breach of the gun on firing. That, that device is called a bolt, which seals off the bolt and allows the firing pin to go through. In this particular case, a non standard firing pin and firing assembly has been fitted to the gun, allowing it to continue to discharge ammunition but not to close in the normal sense.

E

His Honour Judge Thomas: So a non standard firing pin has been fitted, which, what, sorry?

F

Mr Rydeard: Will allow the gun to fire in, *in*, in the, the, in the, it would be used for the, the open bolt position.

G

Mr Twomlow: I, I, I'm sorry, I wonder if you could, I think it, if you could either, either take the gun --

His Honour Judge Thomas: Yes, I think it'd probably --

H

Mr Twomlow: Into the --

His Honour Judge Thomas: Be better now if you took it --

A **Mr Twomlow:** Witness box.

His Honour Judge Thomas: Back into the --

B **Mr Twomlow:** Perhaps if you could take --

Mr Rydeard: Yes, of course.

C **Mr Twomlow:** If you'd mind taking it there, and perhaps just repeat what you said and demonstrate --

Mr Rydeard: Yes.

D **Mr Twomlow:** That from the witness box, so that everybody can, can see.

E **Mr Rydeard:** Thank you. Yes, the last thing I was referring to briefly is in respect of, of the bolt of the gun. In a, in a normal Lewis gun the weapon is fired from a closed bolt position. In other words, the cartridge is fed into the chamber of the gun. The breach of the gun, into which the chamber, the, the cartridge has just been inserted, is closed by a bolt, a piece of, of, of machined metal which slides backwards and forwards ahead of the, of the striker. The striker or firing pin penetrates through the bolt, which is designed in such a way as to allow, has a slot which allows the striker to go through and to find the cartridge. But

F at the same time, the chamber is, is, is locked by the bolt. After the, after the cartridge has been discharged, the, the gas operating mechanism opens the bolt, allows it to, to recoil to the rear and at the same time allows the striker to come back for recocking. This mechanism which operates on the, on the Lewis gun, as it is now, is a much simpler version of that,

G allowing the cartridge to be fired from the open bolt position. In other words, the, the striker is only held closed by a spring, rather than by a, a locking bolt. So it's a simplified firing mechanism, Your Honour.

H **His Honour Judge Thomas:** So, what, you know, only allows what, sorry?

Mr Rydeard: What, what effect in effect has taken place in the, in the modification of this weapon is the substitution of a simplified firing mechanism.

A **His Honour Judge Thomas:** Yes, but it only allows what? Only one cartridge at a time to be --

Mr Rydeard: It will allow only one cartridge to be fired at a time.

B **Mr Twomlow:** Are you able to demonstrate that?

C **Mr Rydeard:** Yes. Yes, the, I have test fired the weapon in a laboratory with a number of different cartridges, but quite simply the, the cocking handle, the cocking piece is pulled to the rear and locked into that position, a cartridge is inserted into the breach of the gun and it is fired in that way. On pulled the trigger, the, the locking handle goes forward, taking the, the firing pin and the breach closing mechanism, which is a, an enlargement of the firing pin simply, and seals and fires the cartridge simultaneously.

D **His Honour Judge Thomas:** And I've, I'm, I'm trying to make a note of that, which reads this, that there's a missing item, on that gun, which is device which closes on firing. A non standard firing pin has been fitted, which allows the gun only to fire in the open bolt position, where it would normally be closed. The firing mechanism has been simplified, and so what **E** is now on the gun only allows one cartridge at a time to be fired.

F **Mr Rydeard:** In a nutshell, Your Honour, that, that is perfectly correct, yes. The, the, the missing piece would be essential for use with high pressure ammunition but with less, high, high pressure military ammunition, but with lesser forms of ammunition it can function perfectly adequately without it. In other words ...

His Honour Judge Thomas: But only on a single shot basis.

G **Mr Rydeard:** But only *on a*, on a single shot basis.

H **His Honour Judge Thomas:** So the missing piece would be essential for high what, did you say?

Mr Rydeard: For --

His Honour Judge Thomas: Sorry.

A **Mr Rydeard:** For high pressure cartridges, such as military cartridges.

His Honour Judge Thomas: Yes.

B **Mr Twomlow:** May I just ask you this? I, you may have answered it, but I, if you have, I've missed it. The machine screw that is on the top of the, the gun ...

Mr Rydeard: Sir, yes.

C **Mr Twomlow:** You said if it was screwed right down, it'd block *the barrel*.

D **Mr Rydeard:** Yes. If you took the magazine off and then screwed the screw all the way down, further than it would normally go if the magazine was in place, then it would penetrate right through the post and into the breach of the gun, preventing you putting a cartridge in at all.

E **Mr Twomlow:** Yes. Does, does that or does that not amount to a means of deactivation of the gun?

F **Mr Rydeard:** It, it's a, it's, there is absolutely no permanent means of deactivation. It's simply, I mean, it may well be that the screw which has been selected has inadvertently been, is, is too long for the purpose it was intended to do.

Mr Twomlow: Yes.

G **Mr Rydeard:** So it could simply be an oversight or, or a mistake, but it is not a means of deactivation, although, because the screw is too long, it could prevent or temporarily prevent the insertion of a cartridge.

H **Mr Twomlow:** Yes. Did you test fire the weapon?

Mr Rydeard: I did, Sir, yes.

Mr Twomlow: What, what ammunition did you use?

A

Mr Rydeard: I, I first test fired the, the weapon with a, a, a primer case, an, an empty .303 British military cartridge case, which contained a primer but no bullet. And that was simply to ascertain that the gun was functioning correctly, and, and I found that that was the case. And then I --

B

Mr Twomlow: And did this --

Mr Rydeard: Decided --

C

Mr Twomlow: I, I'm to interrupt, but you describe this as a Lewis, I think, .303.

Mr Rydeard: It, it, it is, it is certainly marked as a Lewis .303.

D

Mr Twomlow: Yes.

Mr Rydeard: But as I said earlier, it has a non standard barrel. Part of that barrel is, is about .32 of an inch in bore diameter, but there are other parts of the barrel which exceed that, in fact. Most of the barrel will be about .48 of an inch in diameter ...

E

Mr Twomlow: Right.

F

Mr Rydeard: Which means that the gun will actually accept a variety of different calibres of ammunition, quite a wide range of ammunition, anything, basically, that has a rim.

Mr Twomlow: So, the, the first cartridge you used was a .303.

G

Mr Rydeard: I tried a .303 and I found that it would function, yes.

His Honour Judge Thomas: Sorry, that it would function?

H

Mr Rydeard: It would function, Your Honour, yes.

Mr Twomlow: And then --

A

Mr Rydeard: And then I, I, I discharged a number of, of .410 shotgun cartridges. Bearing in mind the, the warning which I referred to that it may well be unwise to fire a high pressure cartridge, I decided to fire the capped .303 case and some .410 cartridges, which are, which generate far lower pressures than military cartridges. And I thought that was a, from a safety point of view, the wisest thing to do.

B

Mr Twomlow: And, but what did you find when you fired them?

C

Mr Rydeard: Well, I found that when I fired the, the .410 shotgun cartridges through, through this weapon, I found that they discharged missiles with lethal potential. I tested the, the various missiles discharged, into various testing media, and I, I came to the conclusion that they had lethal potential and had lethal effect.

D

His Honour Judge Thomas: When you say lethal ...

Mr Rydeard: Lethal effect, Your Honour, yes, although I also found --

E

His Honour Judge Thomas: What --

Mr Rydeard: That --

F

His Honour Judge Thomas: What, what do you mean by lethal effect?

Mr Rydeard: Capable of causing, causing a, a, a fatality.

G

His Honour Judge Thomas: So could kill someone if they were shot --

Mr Rydeard: Absolutely.

H

His Honour Judge Thomas: With it.

Mr Rydeard: Yes, and I also found that with testing the gun in this way, the recoil effect of the gun recoiled the weapon, so in other words it prepared, by firing one cartridge, it

prepared it for its next shot. But you would of course have to reload a new cartridge in manually.

A

Mr Twomlow: Manually put the cartridge in.

Mr Rydeard: Indeed, Sir, yes.

B

Mr Twomlow: But the gun was ready to ...

Mr Rydeard: The, the gun was recocked and ready to go again, yes.

C

Mr Kirk: Having examined that gun in the way that you did and carried out those tests, do you consider that the gun fulfils the requirements of a firearm or not?

D

Mr Rydeard: Absolutely, yes. The, the, the 1968 Firearms Act defines a firearm as a lethal barrelled weapon that's capable of discharging a missile. And, and this item will certainly do that. It can be loaded with a cartridge, it can be fired in the normal way, firing a single shot at, one at a time, and it will do so with lethal effect. So, in my view, it fulfils the definition of a firearm.

E

Mr Twomlow: Now, are you aware that Section 5(1) of the Firearms Act 1968 lists as a prohibited weapon:

F

“Any firearm which is so designed or adapted that two or more missiles can be successively discharged without repeated pressure on the trigger”?

Mr Rydeard: Indeed, yes.

G

Mr Twomlow: Do you, can you, can you comment on that in relation to this?

H

Mr Rydeard: Well, I certainly considered that, that proposal, Sir, bearing in mind that the, the definition of a firearm in, in the principal part of the Firearms Act says that a, that a firearm is a lethal barrelled weapon of any description, but also included in that, and for very good reasons, is the same definition of a firearm also applies to any component part of that firearm or any accessory for that firearm. So, in other words, if you had, if you had an, if

A you had a rifle and you took the bolt out and you took the stock off, then you would still
B have a rifle, even though it was in component parts. And if you were to, if you were, if you
wished to purchase replacement spare parts for a firearm, then you would clearly need to be
in possession of the relevant certification. So the Firearms Act quite clearly states that the
definition of a firearm refers to the firearm itself in its entirety, or any component part of
that, and, and it is reasonably and generally accepted that major component parts would fulfil
that definition.

His Honour Judge Thomas: What, what component parts here do you say puts it in the
category, category of prohibited weapon?

C
Mr Rydeard: I, I would say, Your Honour, quite, quite earnestly that all the, all the parts
which refer, which relate to the gas operation mechanism of a Lewis gun would be
component parts which will be, which will be relevant to certification or prohibition.

D
His Honour Judge Thomas: Well, which, which of the ones that you've shown us do you
say --

E
Mr Rydeard: I would, the, the, the gas cylinder, the gas regulator.

His Honour Judge Thomas: Sorry, you'll have to take this quite slowly please. Gas
cylinder ...

F
Mr Rydeard: The gas cylinder, which is the, the tube underneath the barrel, the gas regulator
mechanism and its subcomponents, in other words the, the, the bleed mechanism where the
gases originate from, the gas chamber. It goes into the regulator, and then from there is, is
regulated into the gun. I would say that those components were within the definition of
G component parts of a prohibited weapon.

His Honour Judge Thomas: Let me make sure I've got these and, and that I'm following
the point. You say that although this gun can't fire repeatedly ...

H
Mr Rydeard: Yes.

His Honour Judge Thomas: And only can fire one bullet or cartridge at a time ...

A **Mr Rydeard:** Yes.

His Honour Judge Thomas: You say that it comes within the classification of a prohibited weapon because it has component parts of a Lewis gun, and the ones that you identified, if I've got this right, are the gas cylinder, the gas regulator, the bleed mechanism.

B **Mr Rydeard:** Yes.

His Honour Judge Thomas: Anything else?

C **Mr Rydeard:** *And* the, the gas chamber, which I, I, I think I referred to as the bleed mechanism. Yes, and, and, and by, and by that, Your Honour, what could happen is that we could take those parts from this gun, which have not been altered from their original state, as coming from a, an automatic weapon. And we could take those parts from this gun and put them into another Lewis gun, and that Lewis gun would then function fully automatically. So they are essential parts for the full automatic function of a Lewis gun and could be used on any Lewis gun.

E **Mr Twomlow:** But what is the position if a weapon is a prohibited weapon but something is done to convert it into a, a weapon of a different kind that would not itself be?

F **Mr Rydeard:** The, there is, there is only one, there is only one mechanism which can be applied to a prohibited weapon to stop it being such, and that is to have it deactivated and approved in the normal way. That will, will cause the item to cease to be a firearm. Other than that, there is nothing which can be done, even if you convert it into a weapon of a different type. And there is, there's a, there's a, a trail of legislation. For example, it was thought at one time that one could take a, a military, say for example a military automatic rifle, say a Bren gun, and make it into a single shot rifle for sporting purposes or, or, or target purposes simply by removing the fully automatic function, mechanism of that gun. But that, that is not, that, that is not permitted.

H **His Honour Judge Thomas:** So you, *so* --

Mr Rydeard: You can't down classify a fully automatic weapon, Your Honour.

A **His Honour Judge Thomas:** So if you've got the component parts, even though you alter the, the component parts or use the component parts in such a way that it is no longer capable of automatic fire, the only way that the automatic parts, I beg your pardon, the original components, prohibited components can be taken out of the legislation is if they go to Birmingham or London to be ...

B **Mr Rydeard:** Deactivated. The --

His Honour Judge Thomas: Deactivated in a proof house.

C **Mr Rydeard:** The, the, the normal recognised procedure will be that the whole weapon would be taken for deactivation, and all these component parts which may be seen to be essential to that function of the gun, they would all individually be deactivated such that they, such that they provided no potential future use in a weapon of that type.

D **His Honour Judge Thomas:** So nothing could be done properly to get around that without taking it to the Birmingham or London proof house.

E **Mr Rydeard:** Nothing could be done.

(pause)

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

Mr Twomlow: Would, do you have any observations in relation to, we, we heard some evidence yesterday in relation to antique status ...

G **Mr Rydeard:** Yes.

Mr Twomlow: Of a weapon.

H **Mr Rydeard:** Yes. The, the Home Office provides guidance to the police as to weapons which may attract antique status such that bona fide collectors can of course collect and deal in, in items of historic value. And in order to do that, the, what was then the Firearms

A

Consultative Committee drew up a list of calibres of weapons which they considered to be antique, and they were assembled into the 2001 guidance to the police in, in the firearms guidance document. And that will include calibres which may be of, of military status which have ceased to be of, of use or used perhaps at or around the time of the First World War, and perhaps one or two other calibres since then. But calibres which do not attract historic or antique status remain in the vast majority and certainly include all calibres which are capable of firing in this weapon today.

B

His Honour Judge Thomas: So that I'm following that, does that mean that, as you could fire current calibre ammunition, .303 you said, and the ...

C

Mr Rydeard: And .410, Your Honour.

D

His Honour Judge Thomas: And the .410, the Home Office guidance would be that that would be not, anything firing that would not be an antique weapon.

Mr Rydeard: Yes, the Home Office --

E

His Honour Judge Thomas: That was *the* --

Mr Rydeard: Guidance would be that any weapon that is originally chambered for .303 would not be considered as an antique, irrespective of its age, simply because the, the, the ammunition is still in, in great supply and is still in, in common use.

F

Mr Twomlow: Yes, thank you very much. I've no further questions.

His Honour Judge Thomas: Thank you. Well, it's, it's 1 o'clock, Mr Kirk.

G

Mr Kirk: My --

His Honour Judge Thomas: You can commence your cross-examination at 10 past 2.

H

Mr Kirk: Well, yes. I'm still waiting for my gun ...

(defendant confers with his sister)

A **Mr Kirk:** The custody officer said that *there*, something went on in this courtroom after I left with 12 members of Reliance yesterday. The gentleman that came to sit through gun, a, gun information, I understand, is not allowed to come back. I, could, could I have it, I've had a little bit from Reliance and I've had a little --

B **His Honour Judge Thomas:** Well, we'll --

Mr Kirk: Bit from --

C **His Honour Judge Thomas:** We'll --

Mr Kirk: My --

D **His Honour Judge Thomas:** We'll, we'll deal with this surely at 10 past 2. And members of the Jury, perhaps you can be back by 20 past 2. Thank you.

Mr Kirk: I, I, I still need access to my papers to give this gentleman credit --

E **His Honour Judge Thomas:** Well, we've been through this before. If you sign for the papers, you can have the papers. I've got no objection, and as I understand it neither have the prison --

F **Mr Kirk:** Did --

His Honour Judge Thomas: Or the Reliance, for you to have --

G **Mr Kirk:** Did --

His Honour Judge Thomas: All your papers in Court.

H **Mr Kirk:** Did my gun expert refuse to sign a piece of paper and give me my aspirins?

His Honour Judge Thomas: No, well, we'll deal with this at 10 past 2, Mr Kirk. 20 past 2 please, members of the Jury. Thank you.

A (jury retires)

His Honour Judge Thomas: Could you be back, please, by 20 past 2?

B **Mr Rydeard:** Your Honour.

His Honour Judge Thomas: Thank you. 10 past 2 then please.

Court Clerk: Court rise.

C (luncheon adjournment)

(discussion about PII - not recorded)

D (short adjournment)

Court Clerk: Court please rise.

E **Mr Twomlow:** Your Honour, I've handed Mr Kirk the disclosure that was requested.

His Honour Judge Thomas: Right, yes, thank you. Mr Kirk, you will of course have time to read that information that's just been handed to you, but ...

F **Mr Kirk:** Well, not --

His Honour Judge Thomas: You --

G **Mr Kirk:** In time for this witness.

His Honour Judge Thomas: Well, I, it doesn't in fact impinge upon this witness.

H **Mr Kirk:** Oh yes it does. I've just read the first page, and I don't know what's yet to come.

His Honour Judge Thomas: Right, well, in that case --

A **Mr Kirk:** The RAF are denying any ...

B **His Honour Judge Thomas:** In that case I'll give you some time in a moment or two to read it, and we can tell the members of the Jury to, it'll be a delay, but you, it'll have to be in the next ten minutes or so. Now, you raised this morning something about the gentleman who I told to leave Court yesterday.

C **Mr Kirk:** Yes. I, I know this chap. I've met him four times, four times in my life, I suppose. But I, I was given to understand that he had a lot of knowledge on guns, and it was my intention that he was to sit through this gun information with the view of giving evidence.

D **His Honour Judge Thomas:** Well, first of all I wasn't aware of the fact that he was to be your witness. That was never made plain to me. But in order to call a witness, an expert witness of your own, you would have to serve a report on the Prosecution and he would have to be someone who qualified as an expert ...

Mr Kirk: What --

E **His Honour Judge Thomas:** If he is to be called to give evidence.

Mr Kirk: When you say qualified to be an expert, I suspect this is a, a, a, an arguable point of law.

F **His Honour Judge Thomas:** No, it's not an arguable point of law. In order to be called as an expert, he has to establish his bona fides, his qualifications as an expert. And also, if he is to be called, then there are clear rules that the Defence must serve a report by him on the **G** Prosecution in advance of him being called.

Mr Kirk: Are, are you suggesting that that police officer was an expert?

H **His Honour Judge Thomas:** He was called as the armourer of the South Wales Police. But that's not the point for the moment.

Mr Kirk: Oh, that's what I want to know.

A **His Honour Judge Thomas:** The point is, at the moment, is, if you've required to call someone as an expert witness, there are two conditions precedent for that.

Mr Kirk: Yes.

B **His Honour Judge Thomas:** The first is ...

Mr Kirk: Yes.

C **His Honour Judge Thomas:** That he must be an expert. He has to establish his bona fides.

Mr Kirk: Again, that's left to opinion.

D **His Honour Judge Thomas:** Sorry?

Mr Kirk: It's the opinion of the person hearing the information whether he's an expert.

E **His Honour Judge Thomas:** No, that's my decision, as to whether he's an expert. But secondly and perhaps more pressingly, if he is to be called as an expert, he has to provide a report ...

Mr Kirk: Yes, yes.

F **His Honour Judge Thomas:** To the Prosecution in advance in advance of that ...

Mr Kirk: Yes.

G **His Honour Judge Thomas:** So *that* they have an opportunity to consider the expert evidence ...

H **Mr Kirk:** Yeah.

His Honour Judge Thomas: As opposed to lay evidence that he may give.

Mr Kirk: Yes.

A

His Honour Judge Thomas: Do you understand that?

Mr Kirk: Yes.

B

His Honour Judge Thomas: Thank you.

Mr Kirk: Good. But I'm still waiting for the answer, or my sister is at least. Was that police officer an expert?

C

His Honour Judge Thomas: Was he called as an expert, Mr Twomlow?

Mr Kirk: No, no, you said you decide who the expert is.

D

His Honour Judge Thomas: I want to find out. The Prosecution --

Mr Twomlow: Yes.

E

His Honour Judge Thomas: Are entitled to their say in exactly the same way as you're entitled to your say, Mr Kirk. What's your --

Mr Twomlow: Your Honour --

F

His Honour Judge Thomas: Point?

G

Mr Twomlow: His, his evidence was prefaced with his experience, his qualifications, the purpose he examined the gun. And the Prosecution put him forward, therefore, on that evidence, yes, as an expert.

His Honour Judge Thomas: Thank you.

H

Mr Twomlow: On that aspect.

His Honour Judge Thomas: Now, the gentleman who I think --

A **Mr Kirk:** But, but I wish --

His Honour Judge Thomas: Gave --

B **Mr Kirk:** To hear from you if you consider him to be an expert.

His Honour Judge Thomas: Yes, I do.

Mr Kirk: You do.

C **His Honour Judge Thomas:** On the basis --

Mr Kirk: Right.

D **His Honour Judge Thomas:** He had the requisite five and a half years' experience as an armourer. But the point about Mr, what's his name? Jenkins? Yesterday. Paul Jenkins?

E **Mr Kirk:** I need some, I would have to seek his permission to give his address to you.

His Honour Judge Thomas: He's already given it.

Mr Kirk: Oh, there's no need to ask me for it then.

F **His Honour Judge Thomas:** I was just asking what his name was because I'd forgotten, Mr Kirk.

G **Mr Kirk:** Well --

His Honour Judge Thomas: I wasn't trying to be awkward.

H **Mr Kirk:** Well, I'm in a, I'm in a, a, a, I'm in a Court of law in, in Cardiff at the moment, and I am not going to lower my guard about, I learnt very early on in life, coming here, that, to stop trusting anybody in this room.

A **His Honour Judge Thomas:** Well, whether you trust me or not is entirely a matter for you. But to go back to what I was saying about Mr Jenkins, if Mr Jenkins is to be called as a witness, which I will allow if he qualifies as a witness, but he will have to serve a report on the Prosecution in advance.

B **Mr Kirk:** So he has to be a five and a half year, at least, armourer.

His Honour Judge Thomas: Well, I don't know what he is. I will assess it on its merits when I find out what he is. If he's --

C **Mr Kirk:** So --

D **His Honour Judge Thomas:** Someone who, who reads Gun Monthly every month and that's about the limit of it, then he's not going to be an expert. But there's a whole range of circumstances in between.

Mr Kirk: Right.

E **His Honour Judge Thomas:** I will assess it on its merits.

Mr Kirk: So was Mr Cooper, the current owner of that item 1, an expert?

F **His Honour Judge Thomas:** I'll just repeat again, Mr Kirk, if you wish to call him, he has to be an expert --

Mr Kirk: No, I wish to know if Mr Cooper, in your view, is an expert.

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

Mr Kirk: *He's a* Prosecution witness.

H **His Honour Judge Thomas:** Mr Kirk, I will not be cross-examined in my own Court. Thank you. Right, let's have the Jury in.

Mr Twomlow: I can say that Mr Cooper was not called as an expert.

A **His Honour Judge Thomas:** Well, I'm not going to argue the toss about it, and I certainly won't be cross-examined in my own Court. So if you'd like to sit down, we'll have the Jury in.

B **Mr Kirk:** No.

His Honour Judge Thomas: Thank you.

C **Mr Kirk:** You have withheld information that you, the, the Prosecution enquired as to the history of the current owner of the machine gun that they say is prohibited and it's owned by a Mr Cooper who bought my aircraft. And they established that he had been an armourer for some length.

D **His Honour Judge Thomas:** Mr Kirk, sit down please. Thank you.

(pause)

E **His Honour Judge Thomas:** Oh, I did say, didn't I, I'm sorry, that I would give Mr Kirk an opportunity to read the papers. Sorry, Mr Rydeard, you've been called in. Mr Kirk, will you please read the papers in the dock?

F **Mr Kirk:** Yes.

His Honour Judge Thomas: And when you're ready, let us know, and we'll get the Jury in.

G **Mr Kirk:** So I, five minutes.

His Honour Judge Thomas: Thank you. Sorry, Mr Rydeard. If you like, *Meena*, I, I'll rise in the meantime.

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

(short adjournment)

A **Court Clerk:** Court please rise.

His Honour Judge Thomas: Could we have the Jury in then please? Could we have the Jury in --

B **Court Clerk:** *The* --

His Honour Judge Thomas: Please?

C (jury returns)

D **His Honour Judge Thomas:** Members of the Jury, I'm sorry you've had a 40 minute delay. I am doing my best to waste as little time as possible, but you will appreciate that this is not a run of the mill case, and therefore there are circumstances that arise that mean that we can't get on with it perhaps as quickly as you or I might like. There is one other matter that I need to tell you at this stage. In fact, I should have told you earlier. You have to try this case on the evidence that you hear in Court. You've heard, for example, that one of the witnesses gained information from the internet. It's important that you shouldn't try and get information from that sort of source, because what you have to try is the evidence here. And of course, as we know, not everything on the internet is necessarily reliable. And that of course goes for other sources of information. If there's a information that you seek, then that can be aired in the Court so that everyone knows what information, and evidence, more importantly, you are requiring. So please resist the temptation to go trawling on the internet. Thank you. Yes, Mr Kirk.

E (defendant confers with his sister)

G **Mr Kirk:** Your, Your Honour, at 2:30 this afternoon this Prosecution were minded to serve on me nearly approximately 40 pages of disclosure which I consider should have been given to me within the appropriate time under the law after I was detained in custody on 22 June. If I could address you on the seriousness of this, it will affect my examining this witness. **H** There, there is a statement here from my wife, dated ...

A

His Honour Judge Thomas: Now, Mr, Mr Kirk, this witness is here to deal with whether or not this is a prohibited weapon. The general nature of the information that you've been given, as I understand it, does not affect whether or not this is a prohibited weapon. Now, it may be that you would wish to say that there has been some sort of conspiracy or some sort of plot against you, arising out of any information. I really don't know, because you haven't chosen to tell me yet. But as far as this witness is concerned, for this moment, please cross-examine him on matters relating to the gun. If there are other matters that need to be dealt, then he can if necessary be recalled.

B

C

Mr Kirk: Your Honour, you can try and stop me from getting disclosure as much as you like, and --

D

His Honour Judge Thomas: That disclosure --

Mr Kirk: I will --

His Honour Judge Thomas: Has come to you --

E

Mr Kirk: I will take --

His Honour Judge Thomas: Mr Kirk --

F

Mr Kirk: Every opportunity to get what is lawfully mine whenever the chink in the armour is seen.

G

His Honour Judge Thomas: Mr Kirk, I have been keeping an eye on disclosure. That information has come to you because I have asked the Prosecution to disclose it. In my view it is probably not disclosable. But in order that you see what you think may be of assistance, it has been given to you. Now, please ask this witness --

Mr Kirk: So --

H

His Honour Judge Thomas: Questions about --

Mr Kirk: So --

A **His Honour Judge Thomas:** The gun.

Mr Kirk: So do I understand that the emails that are purported to be from the previous owner of the Royal Air Force Lyneham that are in my hand and have not been in my hand for more than 34 minutes, I have achieved to get these only because you have changed your mind and
B allowed it to be disclosed?

His Honour Judge Thomas: I haven't changed mind. I've been looking at the matters as they arise. I'm not clairvoyant. I don't know what is arising. Now, Mr Kirk, please cross-examine this witness on the matters of the gun. When the person who comes to say about
C the previous ownership, then by all means cross-examine him. But I'm not going to have argument after argument in front of or not in front of the Jury. Please get on with cross-examining this witness.

D **Mr Kirk:** When I gave, when I was interviewed first under caution by the police after being investigated by the police psychiatrist, I said from where it came, the aircraft, and who had it, the Royal Air Force at Lyneham, for a period of about two years. They had that information, and the item 1 had been attached as part of the logbook entry, structure of the
E aircraft, throughout the time that, that I, was relevant to the police in interrogation. I'm now going to refer these, I haven't read them all, to the witness because they are relevant.

His Honour Judge Thomas: Carry on with your cross-examination then.

F **Mr Kirk:** They are relevant to his evidence.

His Honour Judge Thomas: If they are, carry on.

G **Mr Kirk:** Good, good afternoon.

Mr Rydeard: Sir.

H **Mr Kirk:** Before we start, I feel you ought to know I ought to disclose that my grandfather was a personal friend of the designer of item 1. It is the Defence's case that the De Havilland aircraft that I purchased 12 years ago, sorry, no, it must be 13 years ago now, during its life,

A during her life, because the history of the aircraft and the history of the Lewis gun, which was designed in 1911, was the only thing we had between February and June to fight what they called the, the, it was, the Eindecker was, was able to shoot too many of us down. And we, it was the only aircraft with the Lewis machine gun on the front, because it was a pusher aircraft, a radial engine at the back, that we, the, it was fixed. Unlike what the Prosecution would have said earlier, it was a fixed gun, which meant that it could only be fired when the fuselage was pointing in the direction of the target.

B
C Now, I have just had this email, and it's emails from the Royal Air Force, purportedly. I personally trust nothing from the Prosecution Service. But for, because you are a witness, we must assume at this point that it is a valid copy. Now, assuming that that is correct, they have said that they had item 1, if it is item 1, on their premises when, because 24 Squadron and the origins of the Royal Flying Corps are now, the remains of that is the Hercules based at Lyneham, and you may recall that we, we lost one of them some years back with full personnel fighting, possibly, an unnecessary war. And it is, they have confirmed in this email, it, I haven't quite got to it, but it looks like a serving *officer*, a, a member of, a member of the armed forces and somebody who was a liaison with me in the civilian world. They took possession, if we are to believe the Prosecution's case, item 1 that you've examined this morning.

D
E Now, I haven't quite got through it all, but I got the gist of it, in time. They gave an indication that they accepted it, that it was in their possession. And it was then transferred to an aircraft engineer, the name is there, I expect it was a Paul Grellier, because a few months later or a, yes, a few months later the current owner of that item A purchased it for his museum. The history is, I bought it from a museum of the Royal Air Force. Now, could you in your capacity as an expert comment about the possibilities of any necessary paperwork or legality or checks that the Royal Air Force may have done or should have done, or was it necessary to do? Are you in the position to give a, a general picture as your, in your position as an expert?

F
G
H **Mr Rydeard:** My understanding of military weapons and the passage of military weapons from within the military services to private ownership or commercial ownership is that when appropriate a weapon which is deemed suitable for sale or disposal would be marked and bear an official marking by the armourer, a sale marking, which tends to be little, like, crossed pikes, and it's called a sale marking. That's marked by the ordnance division of the,

A of the arm company involved by the navy or Royal Air Force. And it would then be prepared and offered for disposal. In the case of a weapon which is Section 5, it could only be, the ownership of a weapon could only be transferred legally to someone who was authorised by the Secretary of State. On transfer, a --

B **His Honour Judge Thomas:** Sorry, let me just, let me just get this down please, Mr Rydeard. So the armed forces can put weapons into private ownership as long as they are officially marked as such.

C **Mr Rydeard:** When a weapon ceases to be in the, in the military possession and finds its way onto the civilian or, or other market, it is normal to find it marked with the appropriate sale marking to show that that has taken place, that consideration has taken place.

D **His Honour Judge Thomas:** Now, we're, you're talking about prohibited weapons under Section 5.

Mr Rydeard: No, I, I think, I think all weapons, Your Honour.

E **His Honour Judge Thomas:** But is there anything specific about Section 5?

F **Mr Rydeard:** Only that if it is transferred from the military ownership to the civilian market, it will be transferred on the condition that the recipient was authorised by the Secretary of State to, to obtain such a weapon. So, in other words, the army or the, or the Royal Air Force could choose to sell a weapon, but they would sell it to a registered firearms dealer who is authorised for the purchase of such a weapon, by the Secretary of State. They may for example, the army may for example sell a quantity of weapons to an organisation such as Manton Arms or World Wide Arms in Birmingham and, for their disposal. Now, the organisation that has bought those arms will consider what to do with them. And they can consider selling them on the international market. They would be sold on to, to other countries, who still have a need for such weapons, or they may take the view that the, that the weapon is of, shall we say, limited historical value and that it can be deactivated and sold to a collector. So --

H **His Honour Judge Thomas:** Sorry, it's, it's limited ...

A

Mr Rydeard: Of limited, shall we say, limited historic value. Clearly, a weapon that has clear historic value might be offered for disposal to, say, a museum. But if, if the *value*, if the, if the weapon has no commercial value, in other words for its continued use as a, as a firearm, if it has no historic value for the consideration of its use in, for a museum, then it may be considered for deactivation.

B

His Honour Judge Thomas: So it can be deactivated and, in those circumstances, sold to a collector.

C

Mr Rydeard: Sold to a collector, yes.

His Honour Judge Thomas: Yeah.

D

Mr Rydeard: So *that*, that would be my general understanding of the way in which the military forces dispose of surplus firearms. In the case of modern weapons, they will, generally speaking, go to other armies in other parts of the world.

E

Mr Kirk: So that I can understand it, I'm going to ask you just, you then are saying that because the police chose not to disclose this for nine months or so, eight months, they were most likely, under the balance of probabilities, satisfied that it passed from the Royal Air Force to a licensed aviation engineer without any change in its certification, bearing in mind that it was part of an antique, a, a replica aircraft and had been described by previous owners in the manner in which you just put it, thereby being exempt of Section 5(1)(a).

F

Mr Rydeard: When, when firearms are owned by the military, they do not require the normal certificate procedure. Members of the military forces do not require firearms certificates for their --

G

Mr Kirk: No, of course not.

H

Mr Rydeard: For their weapons, clearly. When the transition is made from the military to the civilian or non military market, it is at that stage that certification will be created.

Mr Kirk: Yes.

Mr Rydeard: Yes.

A **Mr Kirk:** You, you are confirming, you've made my day. The Prosecution have also this weekend brought in another gun, if I can use the word loosely. I'd like you to look at the, the, the gun that the previous owner is now saying was on the aircraft when they purchased it, and they say that it, in the photograph, the, the picture I was only given this Saturday, is
B remotely, is not remotely the same as a cardboard cut out of what item 1 is. Could you please look at it? The, the Prosecution will give you a copy, and give your first impression of it for the Jury to draw their own conclusions.

C **His Honour Judge Thomas:** Which, which document is, is this?

Mr Twomlow: This witness has never seen that gun. Mr Huxtable examined that, and that, what his notice of additional, of, of additional evidence was about, and the Jury have not
D heard from the witness who talks of that ...

His Honour Judge Thomas: Well, is the gun here?

E **Mr Twomlow:** Gun. Yes, it is.

His Honour Judge Thomas: Well, is there any reason why Mr Rydeard can't look at the gun or whatever it is?

F **Mr Twomlow:** Well ...

(counsel takes instructions)

G **Mr Twomlow:** We're going to see if there are some colour photographs of it. But the, the gun, I think, could be, could be brought, if ...

His Honour Judge Thomas: Well, instead of having the photographs --

H **Mr Twomlow:** That's more appropriate.

His Honour Judge Thomas: Let's have the gun.

(defendant confers with his sister)

A

His Honour Judge Thomas: I know the members of the Jury haven't seen it yet, but the alternative may be that Mr Rydeard would have to come back and look at it on another --

B

Mr Twomlow: Yes.

His Honour Judge Thomas: Occasion. And that's not --

C

Mr Kirk: Well --

His Honour Judge Thomas: Going to be of any use --

D

Mr Kirk: He --

His Honour Judge Thomas: To anyone.

E

Mr Kirk: Well, well, he is due back. You promised me him back.

His Honour Judge Thomas: Sorry?

Mr Kirk: You did promise me.

F

His Honour Judge Thomas: If he has to --

Mr Kirk: Sorry, Mr Huxtable is coming back --

G

His Honour Judge Thomas: Well, Mr --

Mr Kirk: Isn't he?

H

His Honour Judge Thomas: Huxtable is, yes. I'm talking about --

Mr Kirk: Yes.

A **His Honour Judge Thomas:** Mr Rydeard.

Mr Kirk: Good. Well, no, no, we can, this gentleman's a busy man. We can deal with Mr --

B **His Honour Judge Thomas:** That's what I've just said.

Mr Kirk: Rydeard today.

C **His Honour Judge Thomas:** That's what I've just said.

Mr Kirk: Yeah. We can cover --

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

Mr Kirk: This. It's all right, if there's no delay in the, in ...

(pause)

E **Mr Kirk:** So ...

(defendant confers with his sister)

F **Mr Kirk:** There, there's a lot to get through. Could I take this time, this moment?

His Honour Judge Thomas: By all means, yes. If you want --

G **Mr Kirk:** Yeah.

His Honour Judge Thomas: To ask --

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

His Honour Judge Thomas: Any more questions *while* that's *happening* --

A **Mr Kirk:** No, I was *just*, while we're waiting for the exhibit. In prison I was denied the right to hand out money. Downstairs, as you know, I'm not allowed pen or paper. Could the Court please present me with pen and paper so I can write down the evidence that's about to come?

B **His Honour Judge Thomas:** Yes, you can have pen and paper.

Mr Kirk: But will you give me the right to give a cheque to my wife, to my sister from the dock, in order that she can employ a lawyer? *The, the, the* --

C **His Honour Judge Thomas:** I'll deal, I'll, I'll deal with that after we've finished the evidence --

D **Mr Kirk:** Well --

His Honour Judge Thomas: Today.

E **Mr Kirk:** I need to know, *anyway*, how to cross, well, I, I, I feel offensive to suggest I'm cross-examining this gentleman, but technically I'm, I'm to cross-examine him now. But I wish to know that I'm going to get a lawyer available once Huxtable comes back on the same evidence.

F **His Honour Judge Thomas:** We, we'll, we'll deal with that --

G **Mr Kirk:** No, no, I want to know if you will let me give my sister a cheque for £7,500 from the dock. You have prevented certain things happening so far in this trial. I must know if I can give my sister, before the proceedings --

His Honour Judge Thomas: Right.

H **Mr Kirk:** End today --

His Honour Judge Thomas: Dock officer, is there any reason why a cheque can't be given?

Dock Officer 1: No reason at all, I don't think.

A

Dock Officer 2: I don't think, Your Honour. It depends where the chequebook is. Is he, is he signing somebody else's chequebook? Where, where's his --

His Honour Judge Thomas: Where's the --

B

Dock Officer 2: Chequebook?

His Honour Judge Thomas: Chequebook?

C

Mr Kirk: No, I have the cheque on my, on me at the moment.

His Honour Judge Thomas: Is there a reason, therefore, why that can't be given to his sister?

D

Dock Officer 2: *Well*, I can't see no problem at all with it, Your Honour, with that all, if he's --

E

His Honour Judge Thomas: Right.

Dock Officer 2: Got it on him --

F

His Honour Judge Thomas: In that case --

Dock Officer 2: On his person.

G

His Honour Judge Thomas: Give *the*, sorry?

Mr Kirk: Well, that really turns everything on its head, doesn't it? Because you are not letting me have my legal papers, because you say I have to sign a piece of paper.

H

His Honour Judge Thomas: Mr Kirk, if you've got a --

Dock Officer 2: But if the chequebook's in with his legal papers, he's going to have to sign his legal papers --

A

His Honour Judge Thomas: Right.

Dock Officer 2: To get his chequebook.

B

His Honour Judge Thomas: *OK.*

Mr Kirk: They are, the chequebook, the cheque is with me.

C

His Honour Judge Thomas: Do you have the cheque on you at the moment?

Mr Kirk: Yes.

D

His Honour Judge Thomas: In your pocket?

Mr Kirk: No, it is three inches up my rectum. How else do you --

E

His Honour Judge Thomas: Well, in that --

Mr Kirk: Think I can get --

F

His Honour Judge Thomas: In that --

Dock Officer 2: *Well, that being the case --*

G

Mr Kirk: Money?

His Honour Judge Thomas: In that case --

H

Dock Officer 2: No, Your Honour.

His Honour Judge Thomas: Your sister probably won't want to take it.

A **Mr Kirk:** I am in possession of a cheque. I was put in the punishment block in the, in passing a cheque to my, my daughter, who's a film producer, Belinda. She's crying her eyes out because this lot were going to try to me IPP, a permanent prison sentence in Ashworth. And I --

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

Mr Kirk: Handed the cheque --

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

Mr Kirk: Over.

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

Mr Kirk: *And* --

His Honour Judge Thomas: Can I just ask you a simple question?

E **Mr Kirk:** It is an offence --

His Honour Judge Thomas: Mr --

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

His Honour Judge Thomas: Kirk --

G **Mr Kirk:** Cheque.

His Honour Judge Thomas: Mr Kirk, where is the cheque? I hope it isn't where you said it is.

H **Mr Kirk:** The cheque is exactly where I said it is.

His Honour Judge Thomas: Where?

A **Mr Kirk:** I've read the book that was written before *Cassina*.

His Honour Judge Thomas: Where is your cheque?

B **Mr Kirk:** Four, two and a half inches up my personal, very personal rectum, Your Honour. It's my property, but, under the rules of Reliance, an outside firm who seem to be running my Court case, you have already said that you can tell somebody there --

His Honour Judge Thomas: Mr Kirk --

C **Mr Kirk:** Writing --

His Honour Judge Thomas: Mr Kirk --

D **Mr Kirk:** A young lady --

His Honour Judge Thomas: Mr Kirk --

E **Mr Kirk:** Writing --

His Honour Judge Thomas: The one thing I will not allow is for you to produce that cheque at this moment. We will listen to the evidence.

F **Mr Kirk:** Oh, no, I ...

G **His Honour Judge Thomas:** We will listen to the evidence, and then at an appropriate time you can retrieve the cheque from wherever it is. And if your sister's prepared to take it, she may. I'm just *not going to let it* happen in my presence or the Jury's presence. I can assure --

H **Mr Kirk:** So --

His Honour Judge Thomas: You of that.

Mr Kirk: If I, if I choose to retrieve it in the prison ...

A

His Honour Judge Thomas: You can --

Mr Kirk: You can --

B

His Honour Judge Thomas: Retrieve it --

Mr Kirk: Guarantee, you can guarantee. Eight months, we've been trying to get money out. Yesterday's post, when I left you last night, was a letter five days old from the head of prison security, saying:

C

“Further to your complaint [relating to this] we are urgently trying to assess whether you are still MAPPA Level 3.”

D

That's the 5% most dangerous, nasty people roaming the countryside of Great Britain, in the eyes of the local constabulary, MAPPA, Multi-Agency Public Protection Arrangements. The other disclosure that's just come to me is a statement from my own wife dated August of last year, and she got so annoyed with the police. And on the MAPPA records, which I have acquired by another means, which went before the monthly MAPPA meetings here at HQ, which contains prison staff, probation staff, social workers and police.

E

His Honour Judge Thomas: Right, Mr Kirk, sit down now --

F

Mr Kirk: It is --

His Honour Judge Thomas: Please. Mr Kirk --

G

Mr Kirk: Extremely relevant --

His Honour Judge Thomas: Mr --

H

Mr Kirk: To me --

His Honour Judge Thomas: Mr Kirk --

A **Mr Kirk:** Cross-examining this witness.

His Honour Judge Thomas: Sit down. We've now got the other gun. Let the gentleman look at that please. Be careful you don't bounce the chair.

B **Mr Kirk:** Could I have a copy of it please?

His Honour Judge Thomas: A copy of what? The gun?

C **Mr Kirk:** Well, I have no papers other than what my sister slips to me, don't, what, what is it?

(defendant confers with his sister)

D **His Honour Judge Thomas:** Right, do we have the dummy? Do we have the dummy gun in Court?

(defendant confers with his sister)

E **His Honour Judge Thomas:** Do we have the dummy gun now in Court?

Mr Twomlow: It's here.

F (defendant confers with his sister)

G **His Honour Judge Thomas:** Right. Mr Rydeard, would you look, please, at the, the other gun?

Mr Rydeard: Indeed, Your Honour, yes.

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

Mr Rydeard: It's ...

(clerk confers with witness)

A **Mr Kirk:** I'm sorry. Sorry, why, hang on. How long has this been in the Court? Your Honour --

B **His Honour Judge Thomas:** Mr Kirk, please sit down for a moment. The gentleman is looking at it. The Jury will then look at it. And then you can look at it.

(defendant confers with his sister)

C **His Honour Judge Thomas:** Yes, could that --

Mr Rydeard: Yes, thank you.

D **His Honour Judge Thomas:** Could that now be passed in front of the Jury? In fact, I, could I look at it first?

(defendant confers with his sister)

E **His Honour Judge Thomas:** So, where is the gun now?

Mr Twomlow: No, it's here.

F **Mr Kirk:** No, I haven't --

Mr Twomlow: *It should be* taken in front --

G **Mr Kirk:** Been allowed --

Mr Twomlow: Of the Jury.

H **Mr Kirk:** To see it.

A **His Honour Judge Thomas:** Sorry, could, could you pass it in front of the members of the Jury and then give it to Mr Kirk please? Sorry, Madam Usher, it's rather a heavy bit of metal to carry around.

(defendant confers with his sister)

B **His Honour Judge Thomas:** Can you all see that, members of the Jury?

(defendant confers with his sister)

C **His Honour Judge Thomas:** If you want to, to pick it up and hold it later, then of course you've got every right to do so.

(defendant confers with his sister)

D **His Honour Judge Thomas:** Mr Kirk, do you want to have a look at this item?

Mr Kirk: Sorry?

E **Dock Officer 2:** Do you want to look at it?

Mrs Jeune: Do you want to look at it?

F **His Honour Judge Thomas:** Do you want to look at that item?

Mr Kirk: Am I entitled?

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

Mr Kirk: Am I still Level 3 MAPPA?

H **His Honour Judge Thomas:** I've got no idea what you mean by that.

Mr Kirk: Well, if I am, to put something as heavy as that into my hands or so close, I would consider irresponsible.

A **His Honour Judge Thomas:** Do you want to look at it?

Mr Kirk: But I wish to examine it.

B **His Honour Judge Thomas:** Do you want to look at it?

Mr Kirk: I want to know its weight relative to the other one. And the witness will explain why.

C (counsel takes instructions)

Mr Kirk: The, the, Prosecution, can I have some spec on that please, before I ask this witness some --

D **His Honour Judge Thomas:** What do you want?

Mr Kirk: Questions?

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

Mr Kirk: Specifications. I want to know age. I want to know its weight.

F **His Honour Judge Thomas:** Do you want to --

Mr Kirk: I want to know --

G **His Honour Judge Thomas:** Do you want to --

Mr Kirk: If the --

H **His Honour Judge Thomas:** Look at the --

Mr Kirk: Drill holes, I want to know if the bolts --

Mr Twomlow: Well, if --

A **Mr Kirk:** Are in exactly the same place, to prove whether or not it did ...

His Honour Judge Thomas: Do you want to look --

B **Mr Kirk:** Or could have --

His Honour Judge Thomas: Do you want to look at it, Mr Kirk?

C **Mr Kirk:** Oh, no, I want them. They're digging at the moment. I want to keep, I want them digging.

His Honour Judge Thomas: You don't want to look at the gun, or the object?

D **Mr Kirk:** Oh, oh, if you're going to let me hold it, yes. Give me the --

His Honour Judge Thomas: *So* --

E **Mr Twomlow:** Baby.

(counsel takes instructions)

F **His Honour Judge Thomas:** Well, I think *it* ...

Mr Twomlow: There was an examination, and Mr Kirk has the statement of Mr Huxtable, which he's --

G **Mr Kirk:** No, I --

Mr Twomlow: Asked about.

H **Mr Kirk:** Don't. It's been taken off me by Reliance.

Mr Twomlow: Well, he's been served with the statement of Mr Huxtable, which sets out, I, probably not all of, but some of the matters which he's asking about ...

A

His Honour Judge Thomas: Right.

Mr Twomlow: As to the --

B

His Honour Judge Thomas: Now --

Mr Twomlow: Dimensions of the gun and so forth.

C

Mr Kirk: No, no, weight.

Mr Twomlow: Now --

D

His Honour Judge Thomas: What I, what I will, what will happen now is that Mr Kirk can view it, not hold it for the moment, but view it. I'm sorry to ask you to pick it up again, but could you take it so that Mr Kirk can have as close a view it, of it as the members of the Jury did?

E

(parties confer)

His Honour Judge Thomas: Is that a gun that's capable of firing, Mr Rydeard?

F

Mr Rydeard: I, I doubt it, Your Honour.

Mr Kirk: But, but I --

G

Mr Rydeard: There, there is no barrel.

His Honour Judge Thomas: There's no ...

H

Mr Rydeard: There's no barrel.

His Honour Judge Thomas: No barrel.

A **Mr Rydeard:** No.

B **Mr Kirk:** I, I think, I think you ought to give that to Mr Rydeard please. Amazing. Could I please have the statement that was referred to by a Mr Woodward [sic] so I can? It may, do you say it relates to that piece of ironware? Could I have a copy please? Or can you let me go down into the cell and sign a piece of paper and get it? Or would you like me to pay for another piece of paper?

C **His Honour Judge Thomas:** Mr Kirk, are you saying that you're prepared to go down and get the piece of paper?

Mr Rydeard: Yes.

D **His Honour Judge Thomas:** Is there a spare copy --

Mr Kirk: It would take --

E **His Honour Judge Thomas:** There for --

Mr Kirk: It would take at least 45 minutes.

F **His Honour Judge Thomas:** All right.

Mr Kirk: *Why?*

His Honour Judge Thomas: Well, in that case --

G **Mr Kirk:** I'd rather pay --

His Honour Judge Thomas: In that case --

H **Mr Kirk:** My sister will pay --

His Honour Judge Thomas: Have that copy then.

A Mr Kirk: 20 pence.

His Honour Judge Thomas: Have that copy .

B Mr Kirk: For two pages.

His Honour Judge Thomas: Have that copy then.

(counsel takes instructions)

C Mr Twomlow: Well, we ...

D Mr Kirk: I have over 60 lever arch files about this case. I'm not going to find it (clicks fingers) like that.

His Honour Judge Thomas: No, in that case you're going to be handed another copy of it.

E Mr Kirk: I'm determined for this gentleman to be finished before poor light.

His Honour Judge Thomas: No more than I am.

F Mr Kirk: They, they aren't going to serve me any more new evidence at this short notice, are they?

His Honour Judge Thomas: Mr Kirk, you're wasting time. Please just read the statement.

G Mr Twomlow: Mr Rydeard.

Mr Rydeard: Sir.

H Mr Kirk: Mr Rydeard, that, with your vast experience of firearms, which generation do you think that is trying to imitate?

Mr Rydeard: Well --

A **Mr Kirk:** Which decade?

Mr Rydeard: It, it, it --

B **Mr Kirk:** Which decade?

Mr Rydeard: It has, it has the external appearance of an American .30 calibre Browning machine gun.

C **Mr Kirk:** Yes, thank you.

Mr Rydeard: The .30 calibre Browning ...

D **Mr Kirk:** That's OK. We've got a lot to get through.

Mr Rydeard: The .30 --

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

Mr Rydeard: Calibre Browning was developed prior to the First World War.

Mr Kirk: Yes, but not a First World War ...

F **Mr Rydeard:** I'm sorry?

Mr Kirk: Not First World War.

G **Mr Rydeard:** I'd say it was developed prior to the First World War.

Mr Kirk: Sorry?

H **Mr Rydeard:** Prior to the First World War.

Mr Kirk: Right, so you're saying that that could imitate a First World War American ...

A **Mr Rydeard:** I, I'm really, I'm not an expert as to what firearms were being used by the American aviators.

Mr Kirk: No, all right.

B **His Honour Judge Thomas:** *It* just, can I just ask you this question before we go further? The, the object that we've seen, you said, has no barrel.

Mr Rydeard: The, the, this item, Your Honour, yes, indeed.

C **His Honour Judge Thomas:** How would you describe it as an object? What --

Mr Rydeard: I, I would say it was an imitation firearm.

D **Mr Kirk:** Right.

Mr Rydeard: I would say it, it, it fulfils the definition in 57(4) of the Firearms Act. That is, it imitates a, a firearm.

E **His Honour Judge Thomas:** But is not a firearm.

Mr Rydeard: But *it's* not a firearm.

F **Mr Kirk:** Could you give the earliest date of a 30 mil browning?

Mr Rydeard: I can't.

G **Mr Kirk:** *Yes*, OK.

Mr Rydeard: *It's a ...*

H **Mr Kirk:** Could you confirm, no, OK, *not something that you*, aircraft firearms, my father used to have a Very pistol.

Mr Rydeard: Indeed, Sir.

A **Mr Kirk:** Yeah, you're familiar with Very pistols.

Mr Rydeard: Indeed.

B **Mr Kirk:** I remember we were never allowed to, we always wanted to fire it on, on 5 November, but because father only had red cartridges, of course we were prohibited. We ran out of stockpiles before he knew about it.

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

Mr Kirk: What's the legislation for a Very pistol at the moment?

D **Mr Rydeard:** A, a Very pistol would be a, a firearm which is subject to the requirements of Section 1 of the Firearms Act.

Mr Kirk: Section 1?

E **Mr Rydeard:** Section 1. In other words, one would need a firearms certificate to have it.

Mr Kirk: Sorry?

F **Mr Rydeard:** One would need a firearms certificate authorised by the chief officer of police of the area in which the applicant --

Mr Kirk: Right.

G **Mr Rydeard:** Resides.

Mr Kirk: Right. Is there any requirement relating to signalling equipment like a Very pistol, under Section 5?

H **Mr Rydeard:** Under Section --

Mr Kirk: (11), Section 5(11)?

A

Mr Rydeard: There is no requirements under Section 5 in respect of signalling equipment, no.

B

Mr Kirk: Right, OK. So, so where the law mentions something about, it may be out of date. This is what I'm trying to establish. *But* my understanding was that people who have signalling equipment, I use a Very pistol as an example ...

Mr Rydeard: Indeed.

C

Mr Kirk: Attached to aircraft or on the registered documents of the aircraft, as long as they're handled in a correct manner, that is to say they are always with the aircraft or at an airfield ...

D

Mr Rydeard: Yes.

Mr Kirk: If it's any variation, you have to apply for what? What do you have to apply for?

E

Mr Rydeard: The, to the best of my knowledge and belief, if the equipment is part of the equipment for that, that aircraft --

Mr Kirk: Yes.

F

Mr Rydeard: Then they are exempt from certification.

Mr Kirk: Yes. I'm sorry --

G

Mr Rydeard: If, yes.

(defendant confers with his sister)

H

Mr Rydeard: If the, if the item is detached and taken away, then it would become subject to certification.

Mr Kirk: Yes. Now, I didn't lead you on that, did I? You, you, you gave that information voluntarily.

A

Mr Rydeard: I did, yes.

Mr Kirk: Right. If item 1 could be shown on the logbook to be a fixture of a British registered aircraft and somebody was satisfied that it was within the law under the exemptions, could you see any other impediment for me to say, well, if that is the same piece of ironware, there is a point of law that His Honour could think about, and as, and, and, in the absence of the Jury, allow me to possibly throw it out the window or stand by it? Because there are, the Defence's case are numerous. You have just been introduced to one this afternoon by RAF information.

B

C

Mr Rydeard: Yes, if, if a, a firearm is part of the fixed equipment of a current military aircraft, then it would be free from, free from certification.

D

Mr Kirk: Oh, yeah.

Mr Rydeard: But --

E

Mr Kirk: *No.*

Mr Rydeard: But the aircraft would have to be a current military aircraft.

F

Mr Kirk: Oh, yes. No, no, I'm talking of civilian aircraft. Sorry.

Mr Rydeard: No, well, well, a, a civilian aircraft would not have a machine gun attached to it.

G

Mr Kirk: No, no.

Mr Rydeard: Would it?

H

Mr Kirk: I'm not saying a machine gun. I'm talking about a, a, a mechanism which is described as signalling, like a Very pistol.

A **Mr Rydeard:** Oh, I see.

Mr Kirk: For example.

B **Mr Rydeard:** I see.

C **Mr Kirk:** The Very pistol is attached to the aircraft. And let's say the Very pistol was heavy enough that it actually seriously affected the performance of the aircraft, and if, especially if it's identified on the schedule for obtaining the licence for the aircraft to lawfully fly, can you report back?

D **Mr Rydeard:** To the best of knowledge, the wording of that part of the Firearms Act relates to items which are part of the equipment, there being no mention of being attached, either permanently or otherwise. Part of the equipment, part of, of a, a, of a, a, an aircraft or a, a, a boat's equipment might be a piece of signalling equipment.

Mr Kirk: Yes. There, there is no information from the Prosecution to the contrary.

E **His Honour Judge Thomas:** What, you're saying it's signalling equipment, are you?

Mr Kirk: I said there is no information to contradict that supposition. So therefore could you throw me any other spanners that might fit in the works on that, just one, legal avenue?

F **Mr Rydeard:** I'm not --

Mr Kirk: No, I'll, I'll refresh --

G **His Honour Judge Thomas:** All right, *let the* --

Mr Kirk: Your memory.

H **Mr Rydeard:** I --

A **Mr Kirk:** It is fact. The Prosecution have had to admit that it's a fixed part of a British registered aircraft described by previous witnesses as a replica something and somebody else. The, the, the point of law that will be left for the Judge at the end of this trial is what you raised earlier about, some items are considered curio, curiosity, isn't it, in the wording of the law? I don't have access to the law anymore, so I'm having to try and remember. But, **B** but if there is an argument that, you must get a lot of this in your job, where father dies and there's been something hanging over the fireplace for generation upon --

Mr Rydeard: Yes.

C **Mr Kirk:** Generation, it, a lot of those come your way, don't they?

Mr Rydeard: Indeed, Sir, yes.

D **Mr Kirk:** Yeah. When did you last get a, a Lewis machine gun?

Mr Rydeard: I, I got one from Southampton in two thousand and, 2008.

E **Mr Kirk:** Yeah. They're rare aren't they?

Mr Rydeard: They, they are rare, yes.

F **Mr Kirk:** So, so, what happened to the 10,000, for example, that were shipped up to Russia in the war, in the convoys? There, there were a lot made, weren't there?

Mr Rydeard: I think, I think there were probably hundreds of, well, a, a large number of thousands were made, and they were deployed in various arenas around --

G **Mr Kirk:** *And, and* --

Mr Rydeard: The world.

H **Mr Kirk:** And, and would you agree that on the subject of the history of a piece of ironware, whether it be over the pub fireplace for many, many years and then suddenly it's snatched and chopped up by the local police force, have you ever had experience where you've been

handed such an item in your whole 45 years, whereby the weapon, when, alleged weapon,
once seized, was not fingerprinted and generally put in the hands of scenes of crime?

A

Mr Rydeard: Actually, I, I can't, I can't speak for every case that I've dealt with, with ...

Mr Kirk: Just generally.

B

Mr Rydeard: With any accuracy. But generally, police procedure is that if there is going to be a dispute about ownership and so on, or who might handled an item --

C

Mr Kirk: No, no.

Mr Rydeard: Then --

D

Mr Kirk: This is ...

Mr Rydeard: Then it would be --

E

Mr Kirk: *This is* strictly --

Mr Rydeard: Fingerprinted.

Mr Kirk: I was arrested as a very dangerous person. This is fact.

F

Mr Rydeard: Yes.

Mr Kirk: I'm on a MAPP level. There is evidence that is already on, even on Court, Court file that psychiatrists had been. And my wife's statement, and I haven't finished reading it, indicates, and it's dated a few days after I was, same day, no. Same day, wasn't it? 22nd, same day, she's being interrogated by a, by a police officer who I'm not allowed to call as a Prosecution witness the Judge has already considered irrelevant. And my wife got so annoyed that she refused to finish it, because such personal, intimate questions were being asked by this policeman, Stuart ...

H

(defendant confers with his sister)

A **Mr Kirk:** Davies, and it was curious for me that, why is the Judge not letting him give evidence. But now, I, this was only served on me just over an hour ago, and I haven't taken it in, because I'm a bit of a slow reader, but police records that are in the possession of the Prosecution, my wife described the South Wales Police as bastards. Now, I have that record. Don't ask how I got it, because it was obtained, it was acquired. And the matter where **B** you're concerned is surely, oh, by the way, a helicopter, police cars, sniffer dogs and so on, they, they took the weapon, if it's the same one, and they did not fingerprint it. They did not, they, they, with me, they fingerprinted me. They took, they checked to see if it had been fired. But they didn't do that, the, your local police, *the* Nottingham Police, sorry, not quite **C** for you, simply got the Civil Aviation Authority to obtain it. Now, can you assist, as an expert of handling weapons, apparently, we've heard on evidence-in-chief, which has not been cross-examined yet, because I'm getting it from a later witness, what I want, because, but the Nottingham Police only acted when the CAA rang when the CAA had doubts that **D** the ironware on a licensed aircraft was possibly going to cause them some difficulties and that the owner of the aircraft, a Mr Cooper, who's given evidence, was asked to go and get it, unbolt it, put it in the back of his car and drive off and find somebody *with the* relevant Section 5, is it, Level 5 firearms? Yes.

E **Mr Rydeard:** Yes.

Mr Kirk: And it, do you find that disturbing?

F **Mr Rydeard:** Well, I've, I've known similar cases before in my career, people who've come across firearms quite unexpectedly ...

Mr Kirk: Yeah.

G **Mr Rydeard:** And they have been advised to lodge these firearms with someone who was licensed to hold them until the, until the provenance of the weapon can be established.

H **Mr Kirk:** And some of them have been, turned out to be prohibited weapons contrary to Section 1, 5(1)(a).

Mr Rydeard: Yes.

A **Mr Kirk:** Yes, thank you. Now, one last question. Could you give an example, an, an understanding to, an, a suggestion to the Jury, what I have said is fact because it's on the Prosecution documents, a fact where, where, where you're concerned? I, I will be dealing with that when it comes, when we get the next witness, if it's the right one. They used police dogs, a helicopter. But they came to arrest me two days earlier. They had a helicopter hovering over the top for most of the afternoon. The police cars arrived. They braked. They put into reverse gear. They crashed their gears. They disappeared. But when I was arrested they related, to the, to their, their, their arrest to this weapon that they say *it* is, but it'd been sold a year earlier. So would you consider that they were not looking for another weapon?

B

C Do you see what I mean?

Mr Rydeard: Yes.

D **Mr Kirk:** If it's, if it's within your position, because you have the, you see all this more than any of us will ever see in our lifetime.

E **Mr Rydeard:** Well, I am aware of circumstances in which the police suspect that there is a, possibly a danger from a known criminal. And in that case they, their immediate response is one of, of protecting the public safety.

Mr Kirk: Yes.

F **Mr Rydeard:** And that is normally done --

Mr Kirk: Yes.

G **Mr Rydeard:** By sending out ...

Mr Kirk: Yes.

H **Mr Rydeard:** You know.

Mr Kirk: Yes.

Mr Rydeard: The, the full --

A

Mr Kirk: But, but you see, you see --

Mr Rydeard: The full works.

B

Mr Kirk: This Jury is being refused that information by the, the, the current sitting Judge.

His Honour Judge Thomas: Do you mean I'm, they're being refused that information, Mr Kirk?

C

Mr Kirk: It is clear in the MC6 or whatever it's called, hundred, thirty, 382 items.

His Honour Judge Thomas: Yes, what are, what, what have the Jury been prevented from --

D

Mr Kirk: If --

His Honour Judge Thomas: Hearing from me?

E

Mr Kirk: You allowed me disclosure of the documents that they have and let me pay for them, this case ...

F

His Honour Judge Thomas: Tell me --

Mr Kirk: Would be over.

G

His Honour Judge Thomas: What it is that the Jury had, are not being allowed to hear from by me, specifically?

H

Mr Kirk: Well, you've just given me, I mean, for example, you've just released the, the, the emails from the previous owner, who I believe was the owner, denying there was ever a gun with him at all. And then his brother turns up and gives a statement which I only got on Saturday, saying that was with him. Now, now, it's taken me eight months to get this, but they have cleverly left out the emails of the information they requested. They have only

A given me what they've chosen to disclose. I mean, this disclosure argument will go on all the way to the Court of Appeal. If I don't get my disclosure lawfully, I won't let go. Now, getting back to your, the issue, you see, they have, they refused to disclose the ammunition they say they arrested me for. And when I asked, when I was arrested, what ammunition, they refused to tell me. Now, I must assume that they want ammunition for a firearm. We've, we found out only this morning that they may be looking for .303 ammunition or B .410. Now, this second statement from my wife, would you believe, which I had knowledge of ever being taken, my wife can confirm that, dated the 12th, the ...

C **His Honour Judge Thomas:** Do you mean your wife hasn't told you that she made a statement, Mr Kirk?

Mr Kirk: Sorry?

D **His Honour Judge Thomas:** Do you mean your wife hasn't told you that she gave a statement? Is that what you mean?

Mr Kirk: No, I gave you the reason possibly why?

E **His Honour Judge Thomas:** You're saying your wife hasn't told that --

Mr Kirk: No.

F **His Honour Judge Thomas:** She made those statements.

Mr Kirk: No. No, the first one, because she was so annoyed to be treated in the way. But this one is 7 December, and it relates to ammunition. *And* the police went and did a second G search. Now, they won't disclose this to me. This is the first time I have heard about it. And if it was 7 December it must have happened --

His Honour Judge Thomas: It was on the schedule, Mr Kirk.

H **Mr Kirk:** It's on the schedule, but it doesn't disclose to me exactly what's going on, which is why all that schedule should be disclosed to the Jury. They've gone back and they have found ammunition, says, my wife has said that they, it says it. I'm reading it. Doesn't it?

A **Mrs Jeune:** Yes.

Mr Kirk: Yes, thank you.

B **His Honour Judge Thomas:** There's a statement, Mr Kirk, that says that the police found ammunition at your house when your wife was there. It was part of the statement from, I think it was Mr Brown yesterday.

Mr Kirk: No, sorry, you aren't a, you aren't *up* ...

C (defendant confers with his sister)

Mr Kirk: With all due respect, this was only served on me an hour and 20 minutes ago.

D **His Honour Judge Thomas:** Mr Brown said --

Mr Kirk: Have you not seen it?

E **His Honour Judge Thomas:** Mr, I haven't seen it.

Mr Kirk: No, well --

F **His Honour Judge Thomas:** Sorry, I have seen a bit of it. But Mr Brown said in his statement, and you asked him questions about it yesterday, that when he went to the house there was ammunition at your house that was shown to him by your wife. That was, you cross-examined that yesterday, Mr Kirk.

G **Mr Twomlow:** *Your* --

Mr Kirk: Which is why --

H **Mr Twomlow:** *Your, Your Honour, this* --

Mr Kirk: I wish to, I haven't finished.

A **Mr Twomlow:** I think Mr --

Mr Kirk: Which is --

B **Mr Twomlow:** Kirk is --

Mr Kirk: Why --

C **Mr Twomlow:** Referring to --

Mr Kirk: I want him recalled.

His Honour Judge Thomas: Sorry?

D **Mr Twomlow:** I think Mr Kirk is referring to a second statement.

His Honour Judge Thomas: *Now ...*

E **Mr Twomlow:** Of his wife.

His Honour Judge Thomas: About --

F **Mr Twomlow:** Which was not being relied upon by the Prosecution, because the Prosecution saw it to be irrelevant. But it has been disclosed to him.

(defendant confers with his sister)

G **Mr Kirk:** Could you show this to the learned Judge please?

His Honour Judge Thomas: Thank you.

H (defendant confers with his sister)

His Honour Judge Thomas: Yes. Well, what's the mystery about that, Mr Kirk?

A Mr Kirk: It, *it* --

His Honour Judge Thomas: What's the mystery about it?

B Mr Kirk: Does it indicate the date that the second search took place relating to items in that statement dated 7 December?

His Honour Judge Thomas: Your wife says in this that she found some ammunition ...

C Mr Kirk: Yes.

His Honour Judge Thomas: After the search, and she rang the police and told them about it.

D Mr Kirk: Why is it dated 7 December?

His Honour Judge Thomas: Because she said it was on 25 or 26 November that she found the other ammunition.

E Mr Kirk: Right.

His Honour Judge Thomas: So --

F Mr Kirk: Right.

G **His Honour Judge Thomas:** What, what she is saying, so there's no mystery and there's no conspiracy, your wife says that after the police searched and found ammunition, she became concerned that there may be more ammunition. She looked and she then contacted the police because she's no longer a firearm certificate holder. And she, when the police arrived she very sensibly and responsibly handed them the shotgun, shotgun cartridges for safe keeping.

H Mr Kirk: But on the --

His Honour Judge Thomas: Now, it's not ...

A

Mr Kirk: On the 2nd --

B

His Honour Judge Thomas: On any view, relevant to this trial. You were given it because you were asked about your wife's statement, and I thought that although it wasn't relevant, it's something you should see. But please don't try and claim that things have been held from you improperly, when it's quite clear from any reading of that that this relates to an entirely different set of circumstances months later when your wife found other ammunition and told the police about it.

C

Mr Kirk: On 2 December, from the prison, so it's proven, it's recorded, I sent a letter to the Crown Prosecution Service saying, why have you not asked me about .303 ammunition that was deliberately left as the helicopter was hovering? I have a copy of that statement locked up downstairs, but they've got one. And on the list of, of, I hasten to add, ammunition that is in the category, it is the Defence's case, to being a memento and not being prohibited, OK? It is identified on the schedule which was late given to me a few weeks, this weekend, the, this Friday. This, I, I got it in Saturday's post. And I asked the Prosecution to identify the new list of material because when I was searched, when the house was searched it was filmed and the item or items of what, left, as a paperweight, would have been filmed by the police. And it has been deliberately omitted from the original statements when I was examined. And I was, I was interrogated in the police car. I said, what ammunition? And they refused to expand on the subject, just like Foxy.

D

E

F

His Honour Judge Thomas: Right, now, Mr Kirk, would you please ask this witness any more questions you have of him --

G

Mr Kirk: Right.

His Honour Judge Thomas: Please?

H

Mr Kirk: Ammunition. How old do you think .303 ammunition has to be before it could be considered, what word would you like to say? Safe? Outside the Section, '68 Act.

A

Mr Rydeard: All right. Well, I'm, I'm afraid the, the law makes absolutely no mention whatsoever of ammunition in respect of, shall we say, you know, obsolescence or curiosity. It makes no mention of that at all. So there is no such thing, for example, as antique ammunition.

B

Mr Kirk: As what? Antique --

Mr Rydeard: Antique or --

C

Mr Kirk: Yes.

Mr Rydeard: Obsolete ammunition.

D

Mr Kirk: Right. So if it --

Mr Rydeard: I have, I have fired, personally fired ammunition from the First World War and it is still viable. It depends very much on the conditions of storage.

E

Mr Kirk: Right. So it would interest the Jury to see what my paperweight has been, because you suggest that it could also be a prohibited item.

F

Mr Rydeard: I, I, I would have to see what item it, it was, but most ammunition is subject to Section 1. Some ammunition is prohibited.

G

His Honour Judge Thomas: Such as --

Mr Kirk: And one last --

H

His Honour Judge Thomas: Stun guns --

Mr Kirk: *Question.*

His Honour Judge Thomas: Presumably.

Mr Kirk: I think the --

A **His Honour Judge Thomas:** Such as stun gun bullets.

Mr Kirk: The, the, the --

Mr Rydeard: Indeed, Your Honour, yes.

B **Mr Kirk:** The, the, there is no question that those shells are prohibited.

Mr Rydeard: There is no question they are, they are empty cartridge cases.

C **Mr Kirk:** Yes, right, and they are lawful.

Mr Rydeard: Absolutely.

D **Mr Kirk:** Yes. Thank you for your time.

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

E **Mr Twomlow:** Just this please.

Mr Rydeard: *Yes, Sir.*

F **Mr Twomlow:** Do any of Mr Kirk's questions or any of your answers to them change or alter in any way the evidence you gave this morning about this gun?

Mr Rydeard: No.

G **Mr Twomlow:** That's all, thank you very much.

Mr Rydeard: Thank you, Sir.

H **His Honour Judge Thomas:** Thank you. Thank you very much indeed, Mr Rydeard.

(clerk confers with witness)

A (defendant confers with his sister)

Mr Twomlow: The next witness is Meurig Powell, page 29.

B **Mr Kirk:** Thank you very much, Sir. *It's* been a pleasure to meet you.

(defendant confers with his sister)

His Honour Judge Thomas: This is *a*, this is *a*, one of the search officers, is it?

C **Mr Twomlow:** One of the search officers. His statement is very short.

His Honour Judge Thomas: But likely to be some time in cross-examination.

D **Mr Twomlow:** Well, it may be.

E **His Honour Judge Thomas:** Mr Kirk, there's *a*, the next witness is one of the officers who came to your house and searched, so I suspect you're going to be some time with that officer, are you?

F **Mr Kirk:** It does raise a matter. The previous Judge said that certain officers were irrelevant, and I've managed to work out that, I wish to, might be wrong, but one of the previous Prosecution police officers was still brought and gave evidence, by the name of Allsop.

His Honour Judge Thomas: Allsop, yes.

G **Mr Kirk:** Yeah. Well, the notes taken by somebody else that have now come my way at lunchtime stated that he was on the long list of the, of what His Honour Bidder considered irrelevant. Now, now, what, what I am concerned about is, but I'm quite used to this sort of game ...

H **His Honour Judge Thomas:** Look at that statement.

Mr Kirk: Hiding the vital witnesses. So I asked for a police officer by the name of Glyn or something. Can we just confirm that he is going to be giving evidence?

A

His Honour Judge Thomas: Glyn.

Mr Kirk: He's --

B

His Honour Judge Thomas: Well, I think --

Mr Kirk: The most --

C

His Honour Judge Thomas: Allsop was --

Mr Kirk: Important --

D

His Honour Judge Thomas: Glynn --

Mr Kirk: Witness.

E

His Honour Judge Thomas: Wasn't he?

Mr Kirk: OK.

F

His Honour Judge Thomas: Oh, there's a, yes, there's a Dominic Glyn.

Mr Kirk: He, he is due to give evidence.

G

His Honour Judge Thomas: Is he due to give evidence, Mr Twomlow?

Mr Twomlow: No, he's not.

H

Mr Kirk: Ah, oh, surprise --

Mr Twomlow: I think he was --

Mr Kirk: Surprise.

A

Mr Twomlow: Not, if, if he's not on the list of witnesses, then he was not required at the hearing conducted by His Honour Bidder.

B

His Honour Judge Thomas: Well, it seems that he's now needed, so can arrangements be made to get him here? Not today obviously.

Mr Twomlow: Enquiries can be made, yes.

C

His Honour Judge Thomas: Thank you.

(clerk confers with witness)

D

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

PC Powell: I swear by Almighty God ...

E

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

PC Powell: That the evidence I shall give ...

F

Court Clerk: Shall be the truth ...

PC Powell: Shall be the truth ...

G

Court Clerk: The whole truth ...

PC Powell: The whole truth ...

H

Court Clerk: And nothing but the truth.

PC Powell: And nothing but the truth.

Court Clerk: Thank you.

A **Mr Twomlow:** What's your full name, your rank and your station please?

PC Powell: My name is Meurig Powell. I'm a police constable serving in the South Wales Police. At the time of the incident I was a member of the operational support team based at police headquarters in Bridgend.

B **Mr Twomlow:** Yes. On the morning of Monday --

C **His Honour Judge Thomas:** I'm sorry. I, I, sorry, can I interrupt? I've handed my statement to someone. I don't know now where it is. Did I give it to Mr Kirk?

Mr Twomlow: I think you might have done.

D **His Honour Judge Thomas:** I have, yes. Thank you, all right. Right, read --

PC Powell: (coughs) Oh, sorry.

E **His Honour Judge Thomas:** Read that please, Mr Kirk. And when you've finished reading it, if I could have it back please.

(defendant confers with his sister)

F **His Honour Judge Thomas:** Sorry, that's, that should be here. Thank you.

PC Powell: Yes. Oh.

G **Court Clerk:** Sorry, yeah.

His Honour Judge Thomas: *Well, he's got himself a gun there.*

H **PC Powell:** I'm seeing double.

His Honour Judge Thomas: Yes, thank you.

A **Mr Twomlow:** Yes. On the morning of Monday 22 June 2009 was there a police search of The Marl pits, St Donats under the powers granted by Section 32 of the Police and Criminal Evidence Act 1984?

PC Powell: Yes, there was.

B **Mr Twomlow:** And did that search that day continue till half past 6 in the evening, when it was suspended?

PC Powell: Yes, it did.

C **Mr Twomlow:** And at 20 past midway the following day did it recommence?

PC Powell: Yes, it did.

D **Mr Twomlow:** Were you present during the search?

PC Powell: On both days, yes, Sir.

E **Mr Twomlow:** On both those days. Did you on the second of those days go into the downstairs study at the premises?

PC Powell: Yes, I did, Sir.

F **Mr Twomlow:** And did you find something in a filing cabinet?

PC Powell: Yes.

G **Mr Twomlow:** Would you look at, in the green folder please, page 29? In the Jury bundle, it is, ladies and gentlemen. Ah, sorry, I've got the, I think I've got the wrong page.

H (counsel takes instructions)

Mr Twomlow: *It's* page 28.

His Honour Judge Thomas: 28?

A **Mr Twomlow:** Yes. Is that a sheet of paper showing items for sale?

PC Powell: That's correct, Sir.

B **Mr Twomlow:** And then at the very first, the very first item of numerous items on that page, is there a:

C "De Havilland 2, ex Farnborough Show for sale for £40,000 and original 1916 Lewis machine gun, Kinner engine, VGC"?

PC Powell: That's correct.

D **Mr Twomlow:** And did you then hand that piece of paper to DC Stuart Davies, who was the exhibits officer?

PC Powell: Yes, I did, Your Honour.

E **Mr Twomlow:** And later that day did you make a statement regarding these matters?

PC Powell: I did.

F **Mr Twomlow:** Yes, thank you very much. Mr Kirk will have some questions for you.

Mr Kirk: Who gave you the instructions to be there?

G **PC Powell:** Detective Inspector Hughes.

Mr Kirk: And who was giving her instructions?

H **PC Powell:** I wouldn't have a clue, Sir.

Mr Kirk: What MAPP level was I at that time?

PC Powell: I don't know, Sir.

A

Mr Kirk: Why don't you know?

PC Powell: I'm not privy to that information as a member of the search team.

B

Mr Kirk: Sorry, you're a police officer and you are not privy to somebody who is on the top 5% wanted people in the country. When I mean wanted, I mean surveillance. Is that, isn't that right?

C

PC Powell: I don't know, Sir.

Mr Kirk: Right, well, *no*, I'm taking this off a government document printed off a website, MAPPA Level 3, for the nasties, those people that have to be under police covert surveillance. Do you understand that? Do you know anything about police covert surveillance?

D

PC Powell: A little, but it's not my field of work, Sir.

E

Mr Kirk: *No*, we're going to get every police officer saying this in this case, so let's start on the right foot here. You must have some understanding of what covert surveillance is.

PC Powell: A limited understanding.

F

Mr Kirk: Phone tapping.

PC Powell: I struggle to switch on a computer, Sir.

G

Mr Kirk: Stuart Davies's job was what?

PC Powell: Was he the exhibits officer? I, I don't know.

H

Mr Kirk: Sorry?

PC Powell: Was he the exhibits officer, Stuart Davies? I don't know.

A **Mr Kirk:** *Well*, he was there at the house.

PC Powell: I was a member of the search team. My, my, my job in the day was to search.

B **Mr Kirk:** For what?

PC Powell: For any information relating to the 1916 Lewis machine gun.

C **Mr Kirk:** Yeah, but the South Wales Police Force knew that I'd sold aeroplane and weapon, as you describe it, over a year before. What information were they going on? They were after another one, weren't they?

PC Powell: I went on the information I was given, to, to search for any information ...

D **Mr Kirk:** Ah.

PC Powell: Regarding the 1916 ...

E **Mr Kirk:** Are you --

PC Powell: Lewis machine gun.

F **Mr Kirk:** You mean, what information did you have by way of description to tell you what to look for? You must have had a picture of one. How would you know one when you saw on?

G **PC Powell:** I pointed out to the technical people, is this is a machine gun?

Mr Kirk: Right. They're saying that's a machine gun. Did you see that in my house?

H **PC Powell:** I didn't, no.

Mr Kirk: Who was the first one in the door?

PC Powell: I haven't got a clue, Sir.

A

Mr Kirk: Who was the first one in the door?

PC Powell: I haven't got a clue, Sir. Haven't got a clue.

B

Mr Kirk: Well, what time did you get there?

PC Powell: 11:30 on the Monday and then 12:20 on the Tuesday.

C

Mr Kirk: Did you make a written note of all this at the time? Have you --

PC Powell: I did.

D

Mr Kirk: Got it, have you got it with you?

PC Powell: In my pocketbook, Sir.

E

Mr Kirk: Sorry?

PC Powell: My original statement, sorry, Sir?

F

Mr Kirk: No, no. Did you write it in your notebook?

PC Powell: I made a statement as my original notes.

Mr Kirk: Yeah. Did you write it in your notebook?

G

PC Powell: Sometime afterwards.

Mr Kirk: When?

H

PC Powell: The following day.

Mr Kirk: Right. Was anybody with you when you wrote the notebook?

A **PC Powell:** No, Sir.

Mr Kirk: What date is your statement?

B **PC Powell:** My statement was dated 23.06.2009.

Mr Kirk: Are you, are you suggesting you wrote the statement before you wrote your notebook?

C **PC Powell:** Because they were my original notes, Sir, yes.

Mr Kirk: Your original notes was your statement?

D **PC Powell:** Yes, Sir.

His Honour Judge Thomas: That's, that's standard procedure, Mr Kirk.

E **Mr Kirk:** So, right, did you write --

His Honour Judge Thomas: Or at least common, common procedure, I should say, not standard. Commo procedure.

F **Mr Kirk:** Did you write your statement in your own hand?

PC Powell: Yes, I did, Sir.

G **Mr Kirk:** Can I have a copy of it please? Could I, am I entitled to have a copy?

His Honour Judge Thomas: You can see the original statement, yes.

H **Mr Kirk:** Oh, I don't need to see the original, just a copy, *but* whichever's quicker.

His Honour Judge Thomas: Sorry, can I, can I just clarify something with you? Your original statement, was that typewritten or handwritten?

A **PC Powell:** It was handwritten outside the house, Sir.

(defendant confers with his sister)

B **PC Powell:** It was, it was made at the conclusion of the search. As the search ended I sat, I sat in my vehicle and wrote the statement.

Mr Kirk: Sorry, I didn't hear that, and it's a bit important.

C **PC Powell:** As the, as the search ended I wrote the statement.

(defendant confers with his sister)

D **Mr Kirk:** So were you sitting in the car?

PC Powell: Sir, yes.

E **Mr Kirk:** On a standard MG11?

PC Powell: Yes, Sir.

F **Mr Kirk:** Oh, right. I'm getting rusty.

(defendant confers with dock officer)

G **Mr Kirk:** Yeah, I can't, I need to see what you wrote. Who else was there when you were there? How many?

PC Powell: Me.

H **Mr Kirk:** How many ...

PC Powell: I was on my own --

Mr Kirk: Sorry.

A

PC Powell: Sir.

Mr Kirk: At the house generally.

B

PC Powell: At the house, a search team. I, you'd have to have a look at the search record -
-

Mr Kirk: Well, roughly.

C

PC Powell: To see how many people.

Mr Kirk: Roughly how many other police officers did you see? My wife said 25.

D

PC Powell: If that's the case, you, if, it, it's, it would be --

Mr Kirk: Was it roughly 25?

E

PC Powell: It would be all recorded in the search record, Sir.

Mr Kirk: *But* I'm asking you. Was it roughly 25 people?

F

PC Powell: If that's what your wife said ...

Mr Kirk: I'm asking you. You were there. I wasn't.

G

PC Powell: I can't give you a number, Sir.

Mr Kirk: You can't remember. Is it *standard*, are you a standard, regular searching officer?

H

PC Powell: Yes, I am.

Mr Kirk: Right. Is it not police practice to open the door and film before you rummage?

PC Powell: I'm a search officer. I don't film.

A

His Honour Judge Thomas: That wasn't the question. On searches that you've been on, are they normally filmed as you go in?

PC Powell: Some are, Your Honour. Some are not.

B

His Honour Judge Thomas: Was this one filmed?

PC Powell: To my knowledge, it was, yes.

C

Mr Kirk: Yes, right. I'd like you to look at the video that was filmed by your colleague, of the office where I, where my computer and legal papers against the South Wales Police, Court number CF101741. I want to confirm with you that the video was the first person in the room. Now, I'm going to let you go home to think about that.

D

His Honour Judge Thomas: Did you take the film?

PC Powell: No.

E

His Honour Judge Thomas: Have you ever seen the film?

PC Powell: No.

F

His Honour Judge Thomas: In that case he can't help on that point, can he?

Mr Kirk: The name of the officer that takes the film and goes in the door first please. The name please.

G

PC Powell: The name of the officer? I, I don't know.

Mr Kirk: Why don't you know? What was the occurrence number for the incident?

H

PC Powell: Haven't got a clue.

His Honour Judge Thomas: How many, how many searches have you been on since June?

A

PC Powell: Countless, Sir. I'm a, I'm a police search adviser as well, so I, I'm, countless. I, I wouldn't be able to tell you without looking it up, Sir.

(defendant confers with his sister)

B

Mr Kirk: How many Lewis machine guns have you looked for in your life?

PC Powell: That I can tell you. One.

C

Mr Kirk: Are you sure about that?

PC Powell: Yes, Sir.

D

Mr Kirk: So you're sure about that.

PC Powell: Yes.

E

Mr Kirk: There was a red, foreign registered, purportedly foreign, in the entrance of the property, partly on the road, a red, French registered convertible, wasn't there? A police --

PC Powell: I, I, I can't remember, sorry.

F

Mr Kirk: A police --

PC Powell: I --

G

Mr Kirk: Officer Glyn was there, wasn't he?

PC Powell: If you say so.

H

(defendant confers with his sister)

Mr Kirk: Did you see any officers go away with anything that day *and put it on* --

A **PC Powell:** All exhibits were handed to the exhibits officer.

Mr Kirk: Yes. Did you see what they were?

B **PC Powell:** Not all of them, because obviously we're searching your house, and I was part of the search team, in different rooms, so I wasn't with, you don't search everything together. You work in pairs.

Mr Kirk: All I'm asking, did you see anything carried out of the property?

C **PC Powell:** There were bags of things carried out of the property, yes, Sir.

Mr Kirk: Bags?

D **PC Powell:** Bags.

Mr Kirk: What about my legal papers against the South Wales Police?

E **PC Powell:** I can't, I can't say what was in all the bags. I can say what I, what I found.

Mr Kirk: Did they take any ironware out through the door?

F **PC Powell:** I don't recall seeing it. I, I couldn't tell you.

Mr Kirk: Because you had two shifts. I can, I can see that. There were two types of search going on there. What was the other team, search team described as?

G **PC Powell:** I, I don't know.

Mr Kirk: Were, were you attached to a drug squad search?

H **PC Powell:** No.

A **Mr Kirk:** Well, there's somebody there, I remember, who introduces himself, if he dares come into this room, as, as a specialist in drug search.

PC Powell: Right.

B **Mr Kirk:** Well, well, who was he? What was his name?

PC Powell: Don't know, Sir.

C **His Honour Judge Thomas:** Was there a --

Mr Kirk: Did you --

His Honour Judge Thomas: Was there a --

D **Mr Kirk:** Recognise --

His Honour Judge Thomas: Was there a record taken ...

E **PC Powell:** Yes, Sir.

His Honour Judge Thomas: Of what was taken?

F **PC Powell:** Of every search, there's a record of what, what was taken. And, and the procedure --

His Honour Judge Thomas: Is this *the* PolSA search record?

G **PC Powell:** It's a PolSA search record.

His Honour Judge Thomas: Well, where, where is that? That --

H **PC Powell:** It's an F2 --

His Honour Judge Thomas: Presumably is --

A **PC Powell:** It's an F209 search record.

His Honour Judge Thomas: Well, no doubt that can be produced and shown to Mr ...

B **PC Powell:** There's an, but added to that, there an exhibits record, premises search record which will contain an exhibits list of everything that was taken. The procedure for that day was as in every search, that I recovered this, I give it to the exhibits officer, bag it, exhibit label there and then on the finding of that exhibit.

C **His Honour Judge Thomas:** Well, no doubt by tomorrow morning that document can be unearthed, Mr Twomlow.

(counsel takes instructions)

D **His Honour Judge Thomas:** Whether that is relevant or not, of course, is another matter, but --

E **Mr Kirk:** Can I carry on, please, because we've got a lot to get through?

His Honour Judge Thomas: I thought you said you wanted to know what was taken. I'm trying to help on that.

F **Mr Kirk:** Yes, well, that can, let's not waste time. Let's carry on with something else, and when it comes in we can go back to it. Let, how's, how's my three legged Jack Russell? Did you see any dogs?

G **PC Powell:** Great, yeah.

Mr Kirk: Yeah, he wouldn't leave you alone, would he?

H **PC Powell:** No, he wouldn't.

Mr Kirk: How many Springer Spaniels did you count?

PC Powell: Gosh, I *wouldn't know*. Was it a couple there? I don't know. I, I ended up sort of throwing sticks --

A

Mr Kirk: Right.

PC Powell: To them in the field.

B

Mr Kirk: Did you see any other dogs there?

PC Powell: I, the three legged Jack Russell stood out, I'm going to be honest, as did the Springer. I can't remember.

C

Mr Kirk: Were there any police dogs there?

PC Powell: Police dogs. Police dogs. No.

D

Mr Kirk: Right. Does --

PC Powell: But I, I can't, I honestly can't remember.

E

Mr Kirk: Does a Chief Superintendent or something Superintendent McKenzie mean anything to you?

PC Powell: He's an officer in the South Wales Police.

F

Mr Kirk: Was he involved with this search?

PC Powell: I don't know. I didn't see him.

G

Mr Kirk: You don't know.

PC Powell: I, I don't know, didn't see him.

H

Mr Kirk: Are you aware, since, that he was in charge?

PC Powell: He's, he was in charge of, well, he's an officer in major crime, so I, I --

A

Mr Kirk: Of what --

PC Powell: I don't know.

B

Mr Kirk: Of what sort of crime?

PC Powell: Major, he's in the Major Crime Department.

C

Mr Kirk: Ah, so, so you have a Major Crime Group.

PC Powell: Yes.

D

Mr Kirk: What was the name, what was the, what was the name given to the, the, the, did I get his statement in the end? Did I get, I'm yet to get your statement, aren't I? Was there a name of the search? What, what was the operation name given to the ...

E

PC Powell: I don't remember, Sir.

Mr Kirk: You don't know. Would it be written in your notebook?

PC Powell: No.

F

Mr Kirk: It wouldn't be written in your notebook?

PC Powell: No.

G

Mr Kirk: Would the occurrence number of the incident be written in your notebook?

PC Powell: No.

H

Mr Kirk: What would be written in your notebook?

PC Powell: Very brief details of *went on*, of what went on that day, because my original notes are in the statement.

A

(defendant confers with his sister)

Mr Kirk:

B

“I’m a police ... serving officer ... advisor licensed to advise chief officers on all low risk ... Further to my previous statement ...”

C

So how many statements did you make?

PC Powell: Two.

D

(defendant confers with his sister)

Mr Kirk: How was the entry made? Was it made by a PACE or was it Section 32? What lawful way did the police get into my house?

E

PC Powell: There was a warrant granted under Section 32 of PACE.

Mr Kirk: Sorry?

F

PC Powell: There was a warrant granted under Section 32 or the powers granted under Section 32 of PACE.

G

Mr Kirk: But what’s the point of having that if they could have just phoned and made an appointment?

H

His Honour Judge Thomas: The trouble with making an appointment if they’re looking for something in a house is that you can’t guarantee that the householder is going to have the item there when you arrive, I would have thought, Mr Kirk.

Mr Kirk: Is this what the police do when they’re looking for something? They, why, why the high drama? Why not just turn up and knock on the door or telephone?

A **PC Powell:** I just --

Mr Kirk: To say, we believe, we would like to talk to you about a matter, could we come and see you, do you have this, do you have that?

B **His Honour Judge Thomas:** Well, Mr Kirk, it may not apply to you, but if, for example, you're going around to somewhere where you think there may be stolen goods and you ring and ask if it's all right to come around, it may be that the search --

C **Mr Kirk:** *He's* walked into that one.

His Honour Judge Thomas: Wouldn't be very effective.

D **Mr Twomlow:** He's walked straight into it. The very reason for public interest immunity argument, I'm entitled to the MAPPa information that they are withholding that will show that I was under phone tap. I was under surveillance. And it was nothing to do with this. It was to do with the fact that on 29 May, the date given when they first admitted knowing about their excuse for wanting to enquire into this exhibit 1, was the day that I in Court served the schedule, which is on the website, which has been served on the Civil Court, which has caused the circuit, the, the civil Judge to order the Dolmans' Andrew Oliver to give a statement why he wanted me arrested a few days later. I want to put that schedule before this office.

E

F **His Honour Judge Thomas:** Which schedule?

G **Mr Kirk:** *The* schedule showing that I'd won over 112 charges, their rate at the moment is 12, that my family and my wife have suffered 18 years of their harassment. I have won six Crown Court cases, is it now, Your Honour, in here?

His Honour Judge Thomas: No idea.

H **Mr Kirk:** Yes, you do. And how many, and how many --

His Honour Judge Thomas: Mr Kirk --

A **Mr Kirk:** Have been stopped.

His Honour Judge Thomas: Mr --

B **Mr Kirk:** And --

His Honour Judge Thomas: Kirk, it's been a long day. Tempers are getting frayed. Please do not, if I say I haven't seen something, tell me that I have, when I told you that I hadn't. Now, do you have any more questions for this witness?

C **Mr Kirk:** Yes, I wish to introduce --

His Honour Judge Thomas: Well, please ask them then.

D **Mr Kirk:** I wish to introduce my police record into this case.

His Honour Judge Thomas: Well, by all means do so. Are you aware of his record?

E **PC Powell:** I haven't got a clue, Your Honour.

His Honour Judge Thomas: Just ask questions of this officer. There will --

F **Mr Kirk:** Are --

His Honour Judge Thomas: Be an --

G **Mr Kirk:** Are --

His Honour Judge Thomas: Officer --

H **Mr Kirk:** Are you --

His Honour Judge Thomas: I'm sure --

Mr Kirk: Aware --

A **His Honour Judge Thomas:** In due course.

Mr Kirk: Of my police forensic history?

B **PC Powell:** No, Sir.

Mr Kirk: How long have you been working in South Wales?

C **PC Powell:** Since 1995.

Mr Kirk: Sorry?

D **PC Powell:** Since 1995.

Mr Kirk: It, it's a matter of record. Are you aware that it's the South Wales Police that made a complaint that caused me to be struck off the veterinary register on 29 May, seven years earlier?

E **PC Powell:** No, Sir.

F **Mr Kirk:** It is 28 or 29 May that, following my private prosecution that I started against the Chief Constable and Adrian Oliver in the Barry Magistrates, that they sent, dated 13 May, confirming two Court cases, in '96 and '97, I think it was, which the Chief Constable has denied ever existed. And you know nothing about any of this?

G **PC Powell:** No, Sir.

Mr Kirk: Which part of Wales were you in the last, in, since '95? All in South Wales?

H **PC Powell:** Glynneath. We don't get much information up there, Sir.

Mr Kirk: I can't argue with that one. No, he's won that argument, I think.

(laughter)

A
His Honour Judge Thomas: Elvis is dead.

PC Powell: (laughs) Sorry.

B
Mr Kirk: Right, I'm, I'm, I'll be, *right*, I'm just trying to think. Perhaps you might have a question to ask that you, that is clearly relevant to the matter of a hammer to crack a nut.

His Honour Judge Thomas: Sorry, I, I, could you speak up a little?

C
Mr Kirk: You, is there anything that you feel I should bring to the notice of the Jury, relative to a helicopter, the fact that there were 25 odd needed?

D
His Honour Judge Thomas: Well, *I*, you see, I, I think, Mr Kirk, that members of the Jury will have already gathered that you've got a long running dispute with the South Wales Police, that you feel that you've been victimised and persecuted by them. I think they've no doubt picked up on that. They will have also no doubt picked up on the fact that you've got proceedings against the South Wales Police, with documents numbering 50 odd box files. I haven't quite worked out the chronology, but you seem to suggest that this arrest coincides with a stage in your civil proceedings.

E
Mr Kirk: Well --

F
His Honour Judge Thomas: Have I got that right so far?

G
Mr Kirk: It's a remarkable coincidence, and I'm hoping to gather the evidence as we go through.

His Honour Judge Thomas: The --

H
Mr Kirk: 29 --

His Honour Judge Thomas: I, I've followed that, and I'm sure that the members of the Jury have followed all that, but what I'm still struggling to understand is what that has got

to do with whether or not you had possession of the gun. If you say the gun was planted on you, then I can see the relevance of it.

A

Mr Kirk: If it was what?

His Honour Judge Thomas: If it was planted on your or altered in some way, I can see the relevance, but I, at the moment I'm at a loss to understand why this is relevant.

B

Mr Kirk: Did you get written instructions to go to the search?

C

PC Powell: No, it was a, it was a briefing, a --

Mr Kirk: Yeah, how many --

D

PC Powell: Verbal briefing.

Mr Kirk: How many were at the briefing?

E

PC Powell: The search team?

Mr Kirk: Yeah, how many?

F

PC Powell: I believe eight, but again you can check the, the search record would have a full list of the, the officers --

Mr Kirk: Right.

G

PC Powell: Involved.

Mr Kirk: And it would have the date that the search took place, the, the --

H

PC Powell: It, it, it would have --

Mr Kirk: Meeting.

A **PC Powell:** All the, all the details. That and the exhibit book would have all the details of everything that happened --

Mr Kirk: You --

B **PC Powell:** In that search.

Mr Kirk: You won't mind me looking at it, will you?

PC Powell: Carry on.

C **Mr Kirk:** Yes, but roughly, from the day you did it, was it the day before or that morning? Or ...

D **PC Powell:** *We have a briefing each morning.*

Mr Kirk: No. You mean the only brief you went to, to know about this, was the same day?

E **PC Powell:** I have a briefing each day, and that's the first, the first time that I had any involvement in it.

Mr Kirk: Right, thank you very much.

F **His Honour Judge Thomas:** Thank you. Any re-examination?

Mr Twomlow: No, thank you very much.

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

(defendant confers with his sister)

H **PC Powell:** Thank you, Your Honour.

(defendant confers with his sister)

Mr Twomlow: Might that be a convenient moment, Your Honour?

A

His Honour Judge Thomas: It is. Mr Kirk, if you can retrieve your cheque and give it to your sister ...

(defendant confers with his sister)

B

His Honour Judge Thomas: I have no objection to that being done.

C

Mr Kirk: No, no, but the problem is, if I retrieve it whilst I'm in the custody of Reliance, the way they're going at the moment, where I wasn't even allowed a, a drink when you all had your recess, they have their rules, which seem to dominate this, this building. But if I then go to the Home, the, the, the Ministry department and I'm under the custody of the police, the prison, I run the risk of having yet another, they've confiscated my chequebooks. They've confiscated the cheque that was written out to a lawyer, being handed to my daughter on a prison visit. If I go back to the prison, unless you can offer a laxative of some sort, I run the risk ...

D

His Honour Judge Thomas: I'm afraid I have many powers, but offering --

E

Mr Kirk: I run the --

His Honour Judge Thomas: Laxatives --

F

Mr Kirk: Risk of losing that chequebook.

His Honour Judge Thomas: Is not one of them.

G

Mr Kirk: Cheque.

His Honour Judge Thomas: Thank you, members of the Jury. 10:30 tomorrow.

H

Female Juror: Thank you.

His Honour Judge Thomas: Thank you.

A (jury retires)

 (defendant confers with his sister)

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

Court Clerk: Court please rise.

C The Transcription Agency hereby certifies that the above is an
 accurate and complete recording of the proceedings or part thereof.

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