

**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  
Mr Paul Jenkins - Defendant's friend

**Whole Hearing**

Hearing date: 27 January 2010  
Transcribed from 10:41:37 until 11:43:35  
12:02:53 until 13:09:49  
14:20:57 until 15:53:20  
15:57:01 until 16:01:19

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Number of folios in transcript 518  
Number of words in transcript 37,248

A

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

**His Honour Judge Thomas:** Yes, sit down, Mr Kirk, please, by all means.

B

**Mr Twomlow:** Your Honour ...

**His Honour Judge Thomas:** Just before --

C

**Mr Twomlow:** Arrangements have --

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

D

**Mr Twomlow:** Been made for Foxy --

**His Honour Judge Thomas:** Sorry, just before --

E

**Mr Twomlow:** Who appears --

**His Honour Judge Thomas:** You raise anything else, Mr Twomlow --

F

**Mr Twomlow:** Yes.

**His Honour Judge Thomas:** There's a matter I need to deal with.

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

G

**His Honour Judge Thomas:** I've received a letter from Mr Kirk's sister requesting medical records from the Caswell Clinic. It appears that an appointment is to be arranged with an ENT surgeon, and the request is that I order records from the Caswell Clinic, where ■■■

H

■■■■■ is a consultant psychiatrist for the purposes of that examination. It seems to be suggested that Mr Kirk's hearing difficulties date from a time when he was staying at the Caswell Clinic. Now, that matter, it seems to me, does not directly affect or impinge on

A the issue in this case, and thus I'm afraid I cannot order them. It may be that Mr Kirk could obtain them by other means, but I cannot order them.

B Two other issues are raised in the letter. One appears to be in relation to fitness to plead. That matter was of course determined before His Honour Judge Gareth Jones before I became the trial Judge. I have of course kept an eye on that situation, but it is clear to me that Mr Kirk is abundantly able to ask appropriate and searching questions of the witnesses and to follow proceedings. And I should say that the question of bail has been raised in that letter. I was the last Judge to refuse Mr Kirk bail, of course, a week or two ago in Newport, and I have to stress that I would have done so irrespective of the contents of any report by C Dr Williams. Let, let me say this as well. I have got still in mind Mr Kirk's application for witness summonses. I haven't forgotten about that.

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

D **His Honour Judge Thomas:** I'm going to wait until I see what the issues are in the case, and we'll revisit the question of witness summonses possibly tomorrow or Friday.

E **Mr Kirk:** Well, I, I would object, with all due respect. The issues and the evidence that's coming from Prosecution witnesses not on cross-examination but on evidence-in-chief make it very, very serious that I, I know that I have my Defence witnesses before I choose to cross-examine or not, the witnesses that have come through already and the ones that are yet to come through. If you are going to delay me my right to know what Defence witnesses I can F have, at least will you hold the witnesses once they've given evidence? Because I may not be prepared to cross-examine them until you have allowed me my Defence witnesses.

G **His Honour Judge Thomas:** Well, at the moment the way in which the Defence witnesses are asked for, there are witnesses whose relevance I cannot presently see. There are witnesses who are unnamed, for example all the staff at RAF Lyneham. There are one or two people whose names are mentioned. I can't issue witness summonses if I don't know against whom the witness summons has to be issued. If you're asking me, for example in H the case of the former Chief Constable of, of South Wales Police, I cannot at the moment see any relevance. So the reason that I am holding back on it is because I want to find out if it does become relevant. If you ask me to make a decision now, I'm afraid the answer would have to be, in nearly all of those instances, that I would not issue a witness summons.

**A** **Mr Kirk:** Well, *but* just as a point of record, for the date of this hearing now, I apply for a witness summons for the current police constable of South Wales, and I want one for the past constable of South Wales Police Force, Barbara Wilding.

**B** **His Honour Judge Thomas:** On what basis? What are your grounds for doing so?

**Mr Kirk:** If I was allowed to have, first, my medication, which I've been a, refused again, twice in three days by the, the, the custody staff, and if I could have access to my papers, this time I have been taken, I have not even been able to come into Court with pen and paper.

**C** **His Honour Judge Thomas:** Mr Kirk, the question was, on what basis do you require a witness summons for the present and past Chief Constables of South Wales Police? On what --

**D** **Mr Kirk:** I --

**His Honour Judge Thomas:** Basis?

**E** **Mr Kirk:** I have the written reasons in my papers for this Court that are being unlawfully withheld by Reliance Services.

**F** **His Honour Judge Thomas:** No, you've been told on numerous occasions that you can have access to your papers on the basis that you sign for receipt of them. You consistently, as I understand it, refuse to do so.

**G** **Mr Kirk:** I left your Court last night under the understanding that I would be given bail unless it was opposed. I was then locked up --

**His Honour Judge Thomas:** By whom? Who told you that?

**H** **Mr Kirk:** Well, I can only work on limited information, but what I was told by someone, it was either the prison staff or the CPS, wash your mouth out, Maurice, that the conditions of me being kept in custody expired on the 26<sup>th</sup>, my first wife's birthday, which was yesterday. Now, I didn't hear you remand me to prison yesterday, but I have a hearing problem ever

since I was subjected to that barbaric gulag archipelago Caswell Clinic, run by the South Wales Police Force. Now, could that matter be cleared?

A

**His Honour Judge Thomas:** Yes. Your custody remains. Had the trial not started on Monday, on the 20, *well*, on the 26<sup>th</sup>, sorry, Tuesday, then I would have had to have reconsidered the matter because the custody time limit would have expired. In fact, the trial did start, and therefore the custody time limit did not expire, and therefore you remain remanded in custody.

B

**Mr Kirk:** So you are responsible for me having to be put back in the prison last night. All my papers are taken off me, contrary to my wishes. They are then bagged and sealed and taped and do whatever bureaucracy has to do, for which I have no objection. They are then purportedly handed over to someone else. But there must come a time when somebody is responsible for giving back my papers I require in a British Court of law --

C

D

**His Honour Judge Thomas:** *Yeah.*

**Mr Kirk:** To defend myself. Oh, I haven't finished. My sister, my kid sister, because of all this, attempted to get a local barrister, of whom I have great faith, to come and see me in custody, when he was available over the next few days, to give me advice on points of law that have arisen due to the unusual evidence by the Prosecution. My sister is here to tell you that she was refused to arrange it because it has to go through a firm of solicitors.

E

F

**His Honour Judge Thomas:** Yes.

**Mr Kirk:** Bollocks. Absolute bollocks.

G

**His Honour Judge Thomas:** Now, Mr Kirk.

**Mr Kirk:** You have --

H

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

**Mr Kirk:** The power --

A

**His Honour Judge Thomas:** Would you listen to me for a moment? Mr Kirk, the one thing I will not tolerate, I'm afraid, in this Court is bad language. That is probably on the cusp of bad language. And I think we're all robust enough, but please don't resort to bad language. It won't help your case. It won't help the dignity of the Court.

B

**Mr Kirk:** But being thoroughly deceitful you will tolerate in your Court, will you?

C

**His Honour Judge Thomas:** *Now*, Mr Kirk, the question that I asked you some little time ago now was the basis upon which you require a witness summons for those two Chief Constables.

D

**Mr Kirk:** I'd told you I have the written information downstairs --

**His Honour Judge Thomas:** Right.

E

**Mr Kirk:** Sealed by the prison, and I believe not unsealed by the custodial services.

**His Honour Judge Thomas:** Let me make it clear that you must have all the papers that you require to conduct your case. However, it appears that because of prison and Reliance regulations, you must sign for receipt. If you do not sign for receipt, you will not have them. If you do, as far as I'm concerned, you must have them. Let's proceed with the case. Thank you.

F

**Mr Kirk:** Right.

**His Honour Judge Thomas:** Can we have the Jury in please?

G

**Mr Kirk:** The previous Judge said that he had the power to produce a barrister to come and see me. And without consulting me, he did it prior to him saying it on the October transcript that you handed to me at the beginning of this trial. His name is Nicholas Cooke, with an E. And he caused a number of lawyers to enter my current hotel uninvited, barristers, solicitors, you name it, because they thought that your blackmail that I have been subjected to for the last eight months had eventually succeeded. When I gave instructions to both solicitors and barristers who came into my hotel, none of them, *none*, they all refused to take actions that I gave them, some in writing for later evidence, to preserve evidence required that is relevant

H

to this trial. I ask you to order the barrister I name to come and give me assistance on a point of law.

A

**His Honour Judge Thomas:** I'm not able to --

**Mr Kirk:** Well --

B

**His Honour Judge Thomas:** Require --

**Mr Kirk:** Cooke is. I ask you to ask him. It's on the transcript that he has the power under the Welsh, the, what do they call it? The Wales Law Society. It's on the transcript. You've got a copy, Your Honour. I paid for it because the --

C

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

D

**Mr Kirk:** Court wouldn't --

**His Honour Judge Thomas:** Have no --

E

**Mr Kirk:** Produce it.

**His Honour Judge Thomas:** I have no right, I have no power to order any barrister to represent you.

F

**Mr Kirk:** If we are going to pretend, after the third day of this, this, this charade, that you run this Court based on the rule of law, your power outside that door each time you leave this room was apparent when the Judge on 17 December, after half a million pounds had been offered to the Court, no, sorry, £400,000. My sister's come over from Jersey to offer another £100,000 for bail surety. His Honour Judge Bidder arranged for the police to go around at 4:40 in the afternoon to the house that, to the property in, in, in Tynwydd Road following my naming the property. And I have, later, witnesses coming to Court who were interviewed by the police to check that the property was suitable for me to move to. He then used the only excuse for not letting me have bail. [REDACTED] the Director of South Wales Police Psychiatric Forensic Service, saying that I have a mental disorder and I will

G

H

ignore Court orders, therefore there is no point in giving me conditions of bail. I would remind you that Barry Magistrates gave me unconditional bail.

A

**His Honour Judge Thomas:** Yes. Thank you, Mr Kirk. Can we have the Jury in please?

(defendant confers with his sister)

B

**Mr Kirk:** I'd like to have the tape played back please, up until you were talking about the Caswell Clinic. I didn't hear it, my sister didn't hear it and a very concerned party who's travelled halfway across the country to come and witness this Court also couldn't hear it.

C

**His Honour Judge Thomas:** No.

**Mr Kirk:** If there's anything that I've missed, could you please repeat it. Thank you.

D

**His Honour Judge Thomas:** Members, the members of the Jury are now coming in. We will deal with this at a later stage.

(defendant confers with his sister)

E

(jury returns)

**His Honour Judge Thomas:** Good morning, members of the Jury. Sorry again for the by now expected delay, I, I suspect. I see some of you at least have braved the, braved the courtroom in shirtsleeves. Now, we've had the heating on for some time, and I hope it's a little warmer than it was. Let me explain something before we commence with the, the evidence. You can see that there's a screen erected around the Jury, around the witness box. I hope all of you can see the person who's in the witness box. I wonder if the gentleman right nearest the door can, at the back.

F

G

**Male Juror:** *Yes, Your Honour.*

H

**His Honour Judge Thomas:** This is a witness mentioned by Twomlow in opening whose name is, for these purposes, Foxy. I have made an order that he can give evidence behind a screen and use the pseudonym Foxy because he is an undercover police officer, and therefore



A it's important that the general public do not see his identity because that of course might well compromise his ability to act in that capacity. What I need to make abundantly clear to you is that because this is being adopted, that should not in any way at all be held against Mr Kirk. It's no reflection on him. It simply to protect this witness's identity. So please don't in any way think that it prejudices Mr Kirk's position. Yes, thank you very much.

B **Mr Twomlow:** OK, thanks. He wants to be sworn, *OK?*

**Court Clerk:** Sworn, OK.

C **Mr Kirk:** Before you start, I wish to make an application.

**His Honour Judge Thomas:** What is that, Mr Kirk?

D **Mr Kirk:** PII.

**His Honour Judge Thomas:** Sorry, you'll have to explain that.

E **Mr Kirk:** Public immunity --

**His Honour Judge Thomas:** I know what it means, but on what basis?

F **Mr Kirk:** Your Honour, my defence statement was written before my arrest. It is 64 pages long. I asked that the Jury have it early on in order for them to understand the relevance of the Prosecution evidence. You have refused me. I have --

**His Honour Judge Thomas:** I haven't --

G **Mr Kirk:** Lawyers --

H **His Honour Judge Thomas:** I haven't refused you. I haven't heard the application before that.

**Mr Kirk:** I, well, let's pretend that, then. Sorry, Your Honour, it may have been during a bail application with seven other Judges. OK. I have caused a lawyer to write a defence

A

statement on the day that I was arrested, with an attachment that relates to the evidence that is about to be given. Those need to be served on the Court. They are downstairs. You will not let me have them.

B

**His Honour Judge Thomas:** No, that is not right, Mr Kirk. I have told you on many occasions, you can have any documents you require in the dock with you. I have told you that repeatedly. The members of the Jury have heard me say it on at least one occasion.

**Mr Kirk:** You are a liar.

C

**His Honour Judge Thomas:** Now, Mr Kirk, please, I have treated you, I hope, with courtesy and respect. Please do the same. Would you now please take your place. These matters will, if you wish to introduce them, *they can* be introduced at the appropriate time, which is as part of the Defence case.

D

**Mr Kirk:** I am talking about the failed disclosure of the Prosecution that may be relevant to this witness. I have not objected to these screens. I have not objected to the content of the evidence. It has been sent in advance. You do accept that. I have not, I do not object. It is the matter of the, the police surveillance under MAPPA Level 3. I have been classified as a, a, a terrorist levelled prisoner, and the information was controlled by the Chief Constable of, of South Wales, a Ms Barbara Wilding, prior to my arrest. And I don't wish to comment on the evidence here until I'm correctly allowed to, but the, the manner in which the evidence that you are about to hear must be considered in the light of what I wish to argue with the Judge, I would have thought in the absence of the Jury. But I am entitled to the records of the, of the communications that were going on by the police on a number of matters that also include the, the ornamental ironware, because I have been phone tapped for years. You have kept, you have bugged my house. And by the way that my wife was interrogated the minute, within minutes of me being arrested, it was very clear to her that the phone had actually been tapped in the previous three days because the information that the police officer that you are refusing me to call raised subjects that he could not have acquired other than by my landline phone being tapped. You are about to hear evidence which I may not dispute. I have no objection to the system. I, I am, I am a British subject, and I know how serious this should be. My late brother had a gun put to his head in the back streets of Londonderry. I know all about this sort of thing.

H

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

**A**

**Mr Kirk:** But you are obliged under the law, sorry, sorry, the CPS should be putting a legal argument as to why I shouldn't have the disclosure that led up to this piece of evidence. I think that's the right way to do it, Your Honour. I'm sorry to take up your time.

**B**

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

**Mr Kirk:** Good God.

**C**

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

**Foxy:** I swear by Almighty God ...

**D**

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

**Foxy:** That the evidence I shall give ...

**E**

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

**Foxy:** Shall be the truth ...

**F**

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

**Foxy:** The whole truth ...

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

**G**

**Foxy:** And nothing but the truth *at all*.

**Court Clerk:** Thank you.

**H**

**Mr Twomlow:** For the purposes of this hearing, it has been ordered that you are to be known as Foxy.

**Foxy:** That's correct.

**A**

**Mr Twomlow:** Are you a serving United Kingdom police officer?

**Foxy:** I am, Your Honour.

**B**

**Mr Twomlow:** Did you on 30 May make two telephone calls in an attempt to contact the Defendant in this case, Mr Maurice Kirk?

**Foxy:** Your Honour, may I refer to notes that I've made.

**C**

**His Honour Judge Thomas:** When did you make the notes up?

**Foxy:** They were made at the time, Your Honour, as soon as reasonably practicable.

**D**

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

(defendant confers with his sister)

**E**

**Mr Kirk:** Excuse me. Could I have a pen and paper please?

**His Honour Judge Thomas:** Yes, certainly you may.

**F**

**Mr Kirk:** If you think I'm having a policeman's one, I'm not.

(parties confer)

**G**

**His Honour Judge Thomas:** Yes.

**Mr Twomlow:** Did you attempt to contact Mr Kirk at 9:51 on the morning of Saturday 30 May?

**H**

**Foxy:** I did, Your Honour.

**Mr Twomlow:** Did you dial a landline number first of all?

**A** **Foxy:** The first call I made on that day, on the 30<sup>th</sup>, was to a, a mobile number. There was no reply. And I believe I later received a missed call from the same number.

**B** **Mr Twomlow:** Yes. If the members of the Jury and Your Honour look at page 19 of the Jury bundle, there is a transcript then. On the first occasion you attempted to contact Mr Kirk, did you manage to do so?

**Foxy:** No.

**C** **Mr Twomlow:** Now, on the second occasion what time was that that you phoned him? Still on 30 May?

**D** **Foxy:** The, the events on that day, at 12:10 I had a missed call from the number to my phone. And then at 13:05 I called the mobile number 07966 523940, and on that attempt I did manage to speak to a male, Your Honour.

**Mr Twomlow:** Right, and was that telephone call tape recorded?

**E** **Foxy:** It was recorded.

**Mr Twomlow:** Yes. I'm now going to play the, the recording of that to the Court.

**F** (beginning of recording playback)

**Foxy:** Time is 9:51.

**G** (end of recording playback)

**Mr Twomlow:** *It's, it's at the top of page, the first one.*

**H** (beginning of recording playback)

**A** **Foxy:** On Saturday 30 May 2009. I'm Foxy, and I'm a serving UK police officer, intending now to make a call to attempt to speak to Maurice Kirk again. The first number I'm going to call is 01446 792109.

(phone rings)

**B** **Recorded Message:** Hello, your call *cannot* --

**Foxy:** That's gone through to answerphone, and I'll now try the mobile number 07966 523940.

**C** **Recorded Message:** This is the Vodafone voicemail service for 07966 523 --

**D** **Foxy:** And that's also gone through to answerphone. The time now, by my watch, is 09:53, and I'll deactivate this device.

(end of recording playback)

**E** **Mr Twomlow:** So that deals with the first call. *We'll* now *hear* the second one.

(beginning of recording playback)

**F** **Foxy:** Time's now 13:05. It's 30 May. I'm Foxy, and I've had a miscall from 07966 523940. That was at 12:10 hours today. I'm going to now call that number back and see if I can speak to Mr Kirk.

(phone rings)

**G** **Mr Kirk:** Hello.

**Foxy:** Hello.

**H** **Mr Kirk:** Yes.

**Foxy:** Is that Mr Kirk?

**A** **Mr Kirk:** Yeah, you rang me yesterday.

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

**B** **Mr Kirk:** The Lewis? Do you mean the machine gun?

**Foxy:** Yeah.

**C** **Mr Kirk:** You saw it. Where did you see the advert?

**Foxy:** On, on your web. It's a, it's a bit of a long --

**D** **Mr Kirk:** Oh, right.

**Foxy:** Bit of a long story.

**E** **Mr Kirk:** *Yeah.*

**Foxy:** But --

**F** **Mr Kirk:** *But* she's, she's no longer with me.

**Foxy:** Oh, OK. It's just that I've got, I've got a Vickers already. I've got a couple of pieces myself. That was all. OK, if, if it's gone --

**G** **Mr Kirk:** How do you stay legal when you have something like that?

**Foxy:** Say again.

**H** **Mr Kirk:** How do you stay, stay legal?

**Foxy:** Well, it's just that, you know, well, mine's deactivated, so ...

**A** **Mr Kirk:** Oh, I see. No, no, this one worked.

**Foxy:** Oh, OK, OK, no, no problem. If it's gone, it's gone. All right.

**B** **Mr Kirk:** Yeah, OK.

**Foxy:** OK, thanks a lot for the call.

**Mr Kirk:** *Thanks a lot.*

**C** **Foxy:** Bye bye.

**Mr Kirk:** *OK, bye.*

**D** **Foxy:** Bye.

(end of recording playback)

**E** **Mr Twomlow:** I think you then --

(beginning of recording playback)

**F** **Foxy:** I managed to speak then to the --

(end of recording playback)

**G** **Mr Twomlow:** Stop *it there*. And you then summarise the content of that telephone call on the tape.

(counsel takes instructions)

**H** **Foxy:** Certainly. The, the summary of the call, then, Your Honour, would be that I managed to speak to a, a, a male who did say he was Mr Kirk. *I* asked him about the Lewis, which was a machine gun. He asked me how I would stay legal with something like that. I told



him basically that the one I'd purported to have was deactivated. He said that that one wasn't. And the, the telephone call was terminated.

A

**Mr Twomlow:** That was your own summary after the telephone call had finished.

**Foxy:** That's correct.

B

**Mr Twomlow:** Yes, so the telephone call is what we've just heard.

**Foxy:** That's correct, sorry.

C

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

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

D

**Mr Kirk:** Good morning, Sir or Madam. When were you first instructed to do this surveillance?

**Foxy:** I was given instructions regarding this particular operation on 29 May 2009.

E

**Mr Kirk:** No, no. When were you first instructed to do surveillance on me?

**Foxy:** Your Honour, the, the answer to the question is the same. I was only given instructions in relation to this operation on 29 May.

F

**His Honour Judge Thomas:** The day before.

**Foxy:** The day before.

G

**His Honour Judge Thomas:** I wonder if you could speak into the microphone.

**Foxy:** *OK.*

H

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

**A** **Mr Kirk:** I'm not talking about this one, Sir/Madam. When were you first instructed to do surveillance on Maurice Kirk, bearing in mind that I came and bought a veterinary practice in 1992 in Barry?

**Foxy:** Your Honour, until 29 May I think it's fair to say that I'd never heard of Mr Kirk.

**B** **Mr Kirk:** What information, what are you aware, are you aware of any issues within your surveillance team relating to the questions I've previously put to you?

**C** **Foxy:** I'm not sure I understand the question. I'm not part of a surveillance team, Your Honour.

**His Honour Judge Thomas:** I think Mr Kirk is asking if you were aware of anything about him before 29 May, any problems, etc..

**D** **Foxy:** As I've said, Your Honour, I'd never heard of Mr Kirk before 29 May.

**E** **Mr Kirk:** And you, you, you operate from Bridgend HQ? Oh, sorry, I'm not allowed to ask, am I, or am I?

**His Honour Judge Thomas:** Well, I'll allow this because it may ...

**Mr Kirk:** No, no, I withdraw my question.

**F** **His Honour Judge Thomas:** Well, let, let, let me ask. Are you a South Wales based police officer?

**G** **Foxy:** I'm a serving United Kingdom police officer, Your Honour. I'm not a member of South Wales.

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

**H** **Mr Kirk:** Who instructed you to make the phone call on the 29<sup>th</sup>?

**Foxy:** I was instructed by a Detective Chief Inspector Benson-Davidson.

**A** **Mr Kirk:** And would you know where he got his instructions from?

**Foxy:** Sorry, I didn't hear that question.

**B** **Mr Kirk:** Would you know where he got his? You must have been briefed as to the purpose of the call. Where did it originate in Bridgend HQ?

**C** **Foxy:** I was instructed by DCI Benson-Davidson in relation to my part in this operation. Any, any questions regarding Mr Benson-Davidson's briefing would have to be asked of him. I've no idea.

**D** **Mr Kirk:** Yeah, so, but he's outside your privilege of anonymity, isn't he? I, I would be able to get him as a witness, to be, to be interviewed, I mean. He, he's available under the law, to allow me to interview him? Yes or no.

**His Honour Judge Thomas:** Well, that's *a*, that's a matter of law in due course for me.

**E** **Mr Kirk:** Well, you could answer it please.

**His Honour Judge Thomas:** Well, I will answer it in due course, but can you just at the moment ask questions of this witness?

**F** **Mr Kirk:** Well, well, depending on the, if he's categorised with this gentleman, so be it. But if he's somebody who has gathered information relating to the Operation Chalice, do you see my point?

**G** **His Honour Judge Thomas:** Yes, but I --

**Mr Kirk:** You have refused me --

**H** **His Honour Judge Thomas:** I've no --

**Mr Kirk:** Witnesses --

**His Honour Judge Thomas:** I've ...

**A**

**Mr Kirk:** I --

**His Honour Judge Thomas:** If --

**B**

**Mr Kirk:** Have found a new one, and I will do my damndest to have him called here.

**His Honour Judge Thomas:** Yes, but until ten seconds ago I'd never heard of Detective Constable, Detective Chief Inspector Benson. I don't know where he comes from.

**C**

**Mr Kirk:** No, no, no, I'm --

**His Honour Judge Thomas:** Or anything --

**D**

**Mr Kirk:** Asking --

**His Honour Judge Thomas:** Of that nature.

**E**

**Mr Kirk:** I'm asking you to ask the gentleman, will this superior officer claim the same immunity as this person?

**His Honour Judge Thomas:** How would he know that, Mr Kirk?

**F**

**Mr Kirk:** Well, because he's in the business of surveillance, Your Honour.

**His Honour Judge Thomas:** Whose name has been given, so we can assume from that that he isn't seeking to protect his identity. Could you ask him more questions please?

**G**

**Mr Kirk:** Why didn't you answer my question that I put to you on the phone?

**H**

**Foxy:** *I*, regarding that, is that the question *as to* how do you stay legal with something like this?

**Mr Kirk:** Yes.

**A** **Foxy:** I believe, in saying that mine was deactivated, that that was some part of an answer.

**Mr Kirk:** You said just now in evidence-in-chief that, the trouble is I can't read my own writing:

**B** "Mine was deactivated but the other one wasn't."

Can you accept that that's what you said, or words like it?

**C** **Foxy:** No, *that* mine was deactivated.

**Mr Kirk:** Yes.

**D** **Foxy:** You said that yours wasn't.

**Mr Kirk:** I did not. How many phone calls do you think I had from the police in the months leading up to Operation Chalice, needing 30 police officers to raid my home?

**E** **Foxy:** Your Honour, I can't possibly answer that question.

**Mr Kirk:** Why can't you answer that question? I know that there was tape recordings by interested parties of other police officers doing exactly what you were doing, and you would have been made aware of it in order that the right arm knew what the left arm was doing.

**F** Are you saying again that you were not aware of any other officer instructed to make covert phone calls?

**G** **Foxy:** That's correct, Your Honour.

**Mr Kirk:** Right. You say, and I've heard the voice, and I am prepared to accept that it is my voice, because I don't have any documents with me, read out what you put in your statement, to my reply, how do I stay legal? No, no, just read the *context*. Get it into context.

**H** Read whatever you wrote down.

**Foxy:** From the transcript, Your Honour:

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

I said:

**B** “Say again.”

“How do you stay legal?”

“Well, it’s just that, well, mine is deactivated, so ...”

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

**Mr Kirk:** Did I tell you when it worked?

**D** **Foxy:** No.

**Mr Kirk:** Why didn’t you ask?

**E** **Foxy:** Because my purpose there wasn’t to interview you, Mr Kirk.

**Mr Kirk:** So, what was your purpose?

**F** **Foxy:** As I’ve already explained, my purpose was to make a telephone call to see if I could purchase that weapon if you still had it for sale.

**Mr Kirk:** So you don’t even have a Vickers, do you?

**G** **Foxy:** Sorry, I can’t hear that.

**Mr Kirk:** You don’t have a Vickers machine gun.

**H** **Foxy:** Do I personally own a Vickers machine gun? No, I don’t, Your Honour.

**A** **Mr Kirk:** So we accept, and I, there's no, I'm make, making issue of this, you had to fabricate a story in order to gather evidence to fight crime. Agree?

**Foxy:** Your Honour, it's not uncommon for someone in my position --

**B** **Mr Kirk:** No, no, I'm --

**Foxy:** To use a --

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

**Foxy:** Cover story.

**Mr Kirk:** I just want you to say, yes, that is what you did.

**D** **Foxy:** Yes.

**Mr Kirk:** Good. So the purpose of your call, you're saying, was to establish whether it was for sale. Is that --

**E** **Foxy:** Your Honour --

**Mr Kirk:** Was that, was that, was that your brief?

**F** **Foxy:** Your Honour, I've written down my operational objectives that I was given by Mr Benson-Davidson on that day.

**G** **Mr Kirk:** Good. Let's have a look at them.

**Foxy:** I was given the following objectives.

**H** **Mr Kirk:** No, no, just give me a copy --

**His Honour Judge Thomas:** No.

**Mr Kirk:** Please.

**A**

**His Honour Judge Thomas:** Mr Kirk, Mr Kirk. Can you read out what it is that you were told by Detective --

**Foxy:** Yes, Your Honour.

**B**

**His Honour Judge Thomas:** Detective Chief Inspector Benson-Davies [sic] if you are able to do so.

**C**

**Foxy:** Via telephone call I was to establish contact with Mr Kirk or a third party to express interest in property he had advertised for sale, including a Lewis machine gun and ammunition, with a view to purchasing one or more items, to arrange to meet with him or a third party with a view to purchase that Lewis machine gun and ammunition, to establish if there are any prohibited articles available for sale. I am also authorised to interact with persons via the internet, email or other modes of media.

**D**

**Mr Kirk:** Good. Now can I have a copy of that please?

**E**

**His Honour Judge Thomas:** Are you able to provide that?

(defendant confers with his sister)

**F**

**Foxy:** A, a copy of that book can be taken. I would have, have thought it would have been done already, Your Honour, but ...

**G**

**His Honour Judge Thomas:** Right, well, it may well have been. If that can be provided without compromising your identity, then that should be done. Is that already in the unused material, do we know?

**Mr Twomlow:** No.

**H**

**His Honour Judge Thomas:** In that case that should be provided. We'll arrange photocopying in a moment.



**Mr Kirk:** I --

**A**

**His Honour Judge Thomas:** Yes.

**Mr Kirk:** Cannot proceed without it in my hand. Why wasn't this given to me before?

**B**

**His Honour Judge Thomas:** I don't know, Mr Kirk, but you will have it in a moment. So we'll have it photocopied, and you can then proceed with it in your hand.

**Mr Kirk:** You, for things to come, I'd like to remind you that I've been served 375 items called undisclosed non sensitive material.

**C**

**His Honour Judge Thomas:** Yes.

**D**

**Mr Kirk:** Should it not have been on that list?

**His Honour Judge Thomas:** At the moment I don't know. It may well, it may well ought to have been, yes.

**E**

**Mr Kirk:** Thank you, and while we're on that point, while some photocopying's being done, why was I given the list of 365 items by the Prosecution if I am not allowed to pay with my own money a copy of the emails from the Prosecution to the commanding officer of RAF Lyneham and to the Civil Aviation Authority, who only yesterday have been frantically emailing the prison with the view of, do they disclose their involvement in this case? Why can I not have, why was, why was the list given to me if I cannot have the information to which it refers?

**F**

**G**

**His Honour Judge Thomas:** I've explained, now I think this is probably the sixth or seventh time, why that is, and I don't propose to go through it again, Mr Kirk. I've said it in front of the Jury, *and* I've said it to you six or seven times.

**H**

**Mr Kirk:** You are saying because you are not satisfied with my defence statement.

**His Honour Judge Thomas:** I've told you the reasons. I'm not going to go through them again, I'm afraid.

**A**            **Mr Kirk:** I --

**His Honour Judge Thomas:** We have got to get on with this case, Mr Kirk. We have to get on with it on two bases. First of all you must have a fair trial, and that is why I'm here to ensure that. But secondly we have to make sure that time is not wasted.

**B**

**Mr Kirk:** I wish to call as a Defence witness the lady sitting over there, who is identified on the Prosecution witness list that was, came my way during the hearing yesterday. And if she's going to be my Defence witness and she is the investigating officer in this trial, she will give Defence information to me as to the relevance of why well over a, close to £1 million has been spent on this, by only looking at the list of what they've been doing. They've been investigating me in France. They have been, they've, they took that gun 2,000 miles, I've worked out in my head, frantically trying to gather information. The list, if it is of, not of, if I'm not allowed to have it, are you allowed to know the content of it?

**C**

**D**            **His Honour Judge Thomas:** Of what?

**Mr Kirk:** Of the 360 items under the heading ...

**E**

**His Honour Judge Thomas:** I've been given exactly what you have been given.

**Mr Kirk:** No, but are you, are you entitled to see to which they refer? They --

**F**

**His Honour Judge Thomas:** Yes.

**Mr Kirk:** For example, they --

**G**

**His Honour Judge Thomas:** And if --

**Mr Kirk:** Say --

**H**

**His Honour Judge Thomas:** It becomes, if it becomes relevant, then another procedure will be adopted.

**Mr Kirk:** *Yeah.*

**A** **His Honour Judge Thomas:** I've told you that on --

**Mr Kirk:** Yes.

**B** **His Honour Judge Thomas:** Many occasions.

**Mr Kirk:** Do you consider anything on that list today at 11 ...

**C** **His Honour Judge Thomas:** Let me ask you this --

**Mr Kirk:** 24 --

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

**Mr Kirk:** Are --

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

**Mr Kirk:** Relevant?

**F** **His Honour Judge Thomas:** Mr Kirk, you say that you did not say that your gun had worked. Is that correct?

**G** **Mr Kirk:** I will give my evidence when and, when I, when, when I consider it appropriate for a, a British Court of law. I am doing the cross-examining, and I'm not going to be cross-examined by a Judge who will not let me have my aspirins for me, for, for my headache. I'm not allowed to have my documents which are down there, because they're squabbling. They wouldn't give me a cup of coffee, because, because they'd made mistakes in the last few days. You're, you're such, *such* petty people. I'm just really sick and tired of you. I've been locked up for eight months, and I've heard evidence that is, is disgraceful, so far. **H** No disrespect for this gentleman. He's got a proper job to do. I've at last found somebody who's got a proper job to do in this case. Now, if I am saying that the list of un, un, non sensitive scheduled documents that the police have acquired during Operation Chalice, for

example they've been emailing the person who I say sold me the aeroplane in 1996 or '97 in Singapore. And emails have been going backwards and forwards.

A

Now they have brought somebody with the same surname to give evidence today, emailing him. A late statement has come from him only this Saturday, who is the person who's supposed to have sold it to me, the, the vintage aircraft, from his museum. I, if they are prepared to put it on a list and I'm not allowed to, to know the content of these emails, you will not let me pay the photocopying of an email to the commanding officer of, of RAF Lyneham, where the aircraft stayed for at least two years, and you are saying you aren't going to look at it unless you think it's relevant. Are you considering today, at this time, now 25 past 11 on the Wednesday 27, that, going down that list, things have not arisen yesterday in cross-examination that are now burningly obvious should be put before the Jury?

B

C

D

**His Honour Judge Thomas:** Right, thank you Mr Kirk. I've heard what you've had to say. Do you have any more questions for this witness?

E

**Mr Kirk:** When I have seen what I heard. Dr Tegwyn Williams says that I suffer from a short term memory disorder. It is written in his five, four, well, not all, but at least two of his four psychiatric reports that have been used to detain me in custody for nearly eight months. It is written clearly.

F

**His Honour Judge Thomas:** Right, we now, I think, have a copy of that document.

**Mr Kirk:** Causing me to look around, well, it reminded me, because I wish the lady to be a Defence witness, she shouldn't be in Court.

G

**His Honour Judge Thomas:** Do the Prosecution propose to call that witness?

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

H

**His Honour Judge Thomas:** Do the Prosecution propose to call that witness as a Prosecution witness?

**Mr Twomlow:** It was a matter that was under consideration, depending upon what --

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

**Mr Twomlow:** Requirements there are.

**B** **His Honour Judge Thomas:** Well, in --

**Mr Twomlow:** And so --

**His Honour Judge Thomas:** That case, it's probably best that she does not remain in Court.

**C** **Mr Twomlow:** She's not made a witness statement, but, as matters progress, it's a matter that's been under review. There's be no reason as yet to think that she will be called as a witness.

**D** **His Honour Judge Thomas:** No, but I think probably --

**Mr Twomlow:** But --

**E** **His Honour Judge Thomas:** For the sake of --

**Mr Twomlow:** It, it, it, to be cautious.

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

**Mr Twomlow:** Yes.

**G** **His Honour Judge Thomas:** For the sake of cautious, caution it's probably best that she doesn't attend.

**Mr Kirk:** Could I have the name for the record please?

**H** **His Honour Judge Thomas:** I think it was given yesterday. I don't remember what it was.

**Mr Kirk:** DI Hughes. But I want it from the Prosecution please.

**A** **Mr Twomlow:** Suzanne Hughes. Suzanne Hughes.

**His Honour Judge Thomas:** Suzanne Hughes, I'm told, Detective Inspector Hughes.

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

**Mr Kirk:** *Could, could, could* I seek guidance? Has she made a witness statement or not?

**C** **His Honour Judge Thomas:** I'm told not, which is usual practice for an officer in charge of the case.

**D** **Mr Kirk:** I need the notes, the copious notes that she's been taking in my Court without your permission. There are two ladies over there whose Court cases I have followed in detail, and I have seen the way they've been treated in this building. And I have heard you say Sir Norman Scarth was banned from my Court on 1 October. You can read it on the transcript that you served on me at the beginning --

**E** **His Honour Judge Thomas:** Who is Sir --

**Mr Kirk:** Of trial.

**F** **His Honour Judge Thomas:** Norman Scarth?

**G** **Mr Kirk:** Norman Scarth has tried to send me legal documents to the Court, books, papers. My young son in London is at the moment travelling here with books that have been delivered and refused at the prison. His name is, well, we, *we, well*, you'll find because I'm asking to call evidence. And you have said, and Norman Scarth, Sir Norman was banned from the Court because he was taking notes. And the lady here was taking notes, and each time she spoke in that Court, inaudible, inaudible. And whenever I said something about gulag archipelago, it was always inaudible.

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

**A** **Mr Kirk:** You not only control the prison system, you control the legal trade around here. You have a, a, a ring fenced legal system here in South Wales, not Wales, South Wales. And I'm now under the pressure of that lot downstairs. I successfully sued them in the Bristol Court. No, this Court, this Court, Cardiff Court.

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

**Mr Kirk:** In the past.

**C** **His Honour Judge Thomas:** Thank you, Mr Kirk. We need now to get on, I'm afraid, with the case. Is that document available?

(no audible response)

**D** **His Honour Judge Thomas:** You've got a copy of it. Please read it and then ask any questions that arise out of it, Mr Kirk.

(defendant confers with his sister)

**E** **Mr Kirk:** Is this your entire note, officer?

(no audible response)

**F** **Mr Kirk:** It's, under the laws of best evidence, Your Honour, if he has an original document, I'm entitled to see it. Well, I would be happy for you to see it because, if he's a special one, does this photocopy fit the original note?

**G** **His Honour Judge Thomas:** Well, let me look at the original note and the --

**Mr Kirk:** Archbold --

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

**Mr Kirk:** Paragraph 1,001, 39<sup>th</sup> Edition. I dread to think what edition you are on now, but I learnt that when I was accused of stealing a chief constable's notebook in 1977.

**A** **His Honour Judge Thomas:** Give him mine.

**Mr Kirk:** Sorry, I think it was '74.

**B** **His Honour Judge Thomas:** Yes, it deals with the instructions that this officer was given. Thank you, if you could return that to the officer. Thank you.

**Mr Twomlow:** There are copies of that page for the ladies and gentlemen of the Jury if Mr Kirk wished for him to have them while he asked questions about them, if he's going to.

**C** **His Honour Judge Thomas:** Mr Kirk, do you wish for the members of the Jury to have copies of that document?

**D** **Mr Kirk:** *Yeah*, I, I didn't hear what he said, but I heard you, thank you.

**His Honour Judge Thomas:** Is that a yes?

**E** **Mr Kirk:** Well, if they've got nothing to read, yes, I expect they might like it.

**His Honour Judge Thomas:** While we're on the subject of, of documents, there was the Pilot Magazine that you wanted to put before the Jury.

**F** **Mr Kirk:** Sorry?

**His Honour Judge Thomas:** The copy of the Pilot Magazine.

**G** **Mr Kirk:** Yes, well, I thought that was done.

**His Honour Judge Thomas:** I'm just checking whether it had been done. Has it been done?  
*Are there --*

**H** **Mr Twomlow:** Yes.



**His Honour Judge Thomas:** Are there copies available, or have the members of the Jury had the copies?

A

**Mr Twomlow:** They've, they've had them.

**His Honour Judge Thomas:** Oh, they've had the copies, sorry.

B

(parties confer)

**Mr Twomlow:** I think.

**His Honour Judge Thomas:** No, they haven't.

C

**Mr Twomlow:** Oh.

(parties confer)

D

**Mr Twomlow:** I'm sorry. I know copies were made. Ah.

**Mr Kirk:** Could I --

E

**Mr Twomlow:** Perhaps they're here.

**Mr Kirk:** Please not, this Court leave the Crown Prosecution Service to do things that I've asked for? I'm in a Court of law, and it is the responsibility of HM Courts Service to do such things. To allow the Prosecution to interfere with my defence in such a manner is disappointing.

F

**His Honour Judge Thomas:** Are there, are there copies now available, Mr Twomlow?

G

**Mr Twomlow:** Well, copies were made. There appear to be four. I thought they'd been given to the Jury.

H

(parties confer)

**Mr Twomlow:** They --

**A**           **Mr Kirk:** If ...

**Mr Twomlow:** They have been --

**B**           **His Honour Judge Thomas:** Sorry, wait a minute, Mr Kirk, please. We may be able to --

**Mr Twomlow:** I understand --

**His Honour Judge Thomas:** Get to the bottom --

**C**           **Mr Twomlow:** They have been put into the Jury folders, and ...

**Female:** *They are.*

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

**Mr Twomlow:** The Jury are now nodding, so they have --

**E**           **His Honour Judge Thomas:** They have them.

**Mr Twomlow:** Had them. So my understanding was fortunately correct.

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

**Mr Kirk:** So, getting back to the issue, you didn't answer my question, how to stay legal, because you weren't instructed to do that. Is that right? You weren't there to interrogate

**G**           me. You were there to gather evidence by some other means.

**Foxy:** Yeah, as I've already said, the --

**H**           **Mr Kirk:** Yeah.

**Foxy:** The brief on that was given, and the objectives are written down. And you've now got a copy of that.

**A** **Mr Kirk:** Number 3:

“To establish if there are any prohibited articles available for sale.”

*Well --*

**B** **Foxy:** That’s correct.

**Mr Kirk:** Why didn’t you complete the list?

**C** **Foxy:** I think it’s fair to say that the telephone conversation we had negated any further contact because to go on with the conversation further at that point would have been possibly false and pointless, I would say, Your Honour.

**D** **Mr Kirk:** Didn’t you get the impression that I knew damn well who you were?

**Foxy:** I didn’t form any impression about that telephone conversation at all.

**E** **Mr Kirk:** You formed, no, but why didn’t you ask about the ammunition?

**Foxy:** Sorry? Say again.

**F** **Mr Kirk:** Why didn’t you ask about ammunition?

**Foxy:** I asked you about the gun, and that was a natural point for me to terminate the conversation, there, in my opinion.

**G** **Mr Kirk:** Who said it was my gun?

**Foxy:** Say again.

**H** **Mr Kirk:** Who said it was my gun?

**Foxy:** The briefing I was given by Mr Benson-Davidson ...

**A** **Mr Kirk:** Yes.

**Foxy:** Related to the fact that you had a machine gun, a Lewis machine gun for sale, and ammunition.

**B** **Mr Kirk:** Right, the ammunition, right. We've got all day. I've got nothing else to do. Now, what are you going to say about, when were you given those instructions? First, you said earlier, 29 May. I put it to you that, that the police were investigating, what were they relying on? Was it an advertisement on *the* website?

**C** **Foxy:** Your Honour, I don't know where the --

**Mr Kirk:** Oh, come on.

**D** **Foxy:** Origin of this operation came from. I was given my instructions by Mr Benson-Davidson on 29 May. Prior to that date, I hadn't heard about *it*.

**E** **Mr Kirk:** Did he do this by letter or by verbal?

**Foxy:** Was I briefed by letter? Or ...

**Mr Kirk:** Yeah.

**F** **Foxy:** I was briefed on the telephone.

**G** **Mr Kirk:** So this is your record, in which case this paperwork should not have gone to the Jury. Is this your handwriting?

**Foxy:** Yes, it's my handwriting.

**H** **Mr Kirk:** Yeah, well, your job, you ought to know better, you, the Judge should have accepted something and it should have been typed out. God, no wonder the IRA get away with so much. Now, are you telling me that you relied on a phone call to cause a helicopter, sniffer dogs? My wife said 25 police officers over two days searching our home. And you

did all this on a phone call. Is it because you do this regularly and you have an efficient staff system and therefore you are confident in the manner in which it's done?

A

**Foxy:** Your Honour, I was, I was given by briefing by Mr Benson-Davidson over the telephone. That's not uncommon in this kind of work. However, what happened as a result of my part in this operation and sniffer dogs and things that may have attended Mr Kirk's address, I have no knowledge of that.

B

**Mr Kirk:** I'll, one last time, not wishing to take up the Court's time, that is the total written record that you have of this incident?

C

**Foxy:** I'm not sure what the, Mr Kirk's been given.

**Mr Kirk:** Sorry, I didn't hear that.

D

**His Honour Judge Thomas:** What, what do you mean, the total written record, Mr Kirk?

(no audible response)

E

**His Honour Judge Thomas:** There is a little bit over the page which basically deals with the phone call, but the questions you asked about Benson-Davies or Davidson --

**Mr Kirk:** Yeah, OK.

F

**His Honour Judge Thomas:** Is contained on there.

**Mr Kirk:** You mean you saw a little bit more than I did?

G

**His Honour Judge Thomas:** There's a little bit more about the phone call, yes.

**Mr Kirk:** Yes, I'd like a copy of it please. Don't hold up the proceedings, but I want a copy before the end of today's play. Thank you, Sir, Your Honour. So, the ammunition. So why did you not ask about ammunition?

H

**A** **Foxy:** I never got to that point in the conversation. It never came up, and there was no point calling you back.

**Mr Kirk:** Why not call me back? You --

**B** **Foxy:** It was --

**Mr Kirk:** You, hold it, you discussed it with an officer, and you're saying that you were told not to ring me back.

**C** **Foxy:** No, that's not the case at all. The telephone conversation that you've got in front of you there that we've heard on the tape came to a natural conclusion.

**Mr Kirk:** In whose opinion?

**D** **Foxy:** In mine.

**Mr Kirk:** Right, so it's your opinion and it did not involve any South Wales police officers.

**E** **Foxy:** No. I'd been given the briefing that you've got now in front of you. I made the telephone call and recorded that call. And it came to a natural conclusion.

**F** **Mr Kirk:** Right, right, so the fact that you were asked to make enquiries about ammunition for sale circa 1916, you, it was you and you alone, to all intents and purposes, that failed to pursue that avenue of enquiry.

**G** **Foxy:** I think you'll also see that at number 3 I was asked to establish if there were any further prohibited articles for sale. I was also to arrange to meet with you or a third party to purchase that machine gun. That also never happened, because it wasn't natural to do so.

**H** **Mr Kirk:** Yes, but it's number 3 that's the only one that catches my eye. You never mentioned ammunition, did you?

**Foxy:** I don't believe I did, no.

**A** **Mr Kirk:** No. Ammunition is a major part of the defence in this case. But you'll have to wait until the defence comes. I would ask that this witness be, no you'll refuse me anyway, so I'll, thank you, Your Honour.

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

**B** **Mr Twomlow:** No, thank you.

**C** **His Honour Judge Thomas:** Yes, well, members of the Jury, I'm afraid, for security reasons, the Court has to be cleared, and perhaps you'd like to take that as a chance to stretch your legs. Perhaps you can come back in, in ten minutes.

**Mr Kirk:** I'd have no objections if the papers came straight back in now.

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

**E** **Mr Kirk:** I feel that security of our country's more important than this case, and I'd be, I, the Defendant, only gave them something to read for the sake of reading. It, it is not part of my case whether they see it or not, and therefore I'd be quite, I'd be happier if they handed those papers back. But I don't object if they go out the door if you overrule me. Well, I do, but it's, I'm not one to make a big issue of it.

**F** **His Honour Judge Thomas:** *Are you, are you saying that you don't want the Jury to ...*

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

**His Honour Judge Thomas:** Keep those?

**G** **Mr Kirk:** The security aspects of this. I thought that somebody else, if I was in charge of, of, of the security of this country, I wouldn't have run this procedure the way it's been run on this particular chap who's got a terribly serious job to do in this country.

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

**A** **Mr Kirk:** He has put his position in jeopardy. I'm living with people who would have made mincemeat of this, and they would identify who he is by his handwriting. I'm, I'm living with multimillionaire drug dealers who, money no object. And I feel, now that I've had a chance to calm down and think about it, I think I make an official request that those papers be typed and that the original, the, sorry, I'm, I didn't need to see the original. I trusted you, Your Honour, a lawyer, trust me, that those documents be returned unless the Prosecution **B** have any particular reason to object.

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

**C** **Mr Twomlow:** I think the contents of the document could be typed out.

**His Honour Judge Thomas:** Do you have any objection to the handwriting being in front of the Jury?

**D** **Foxy:** No, Your Honour, I don't.

**His Honour Judge Thomas:** Well, we can have them typewritten to allay Mr Kirk's fears. But that can't be done instantly. Thank you. How many more witnesses are you hoping to **E** call this morning, Mr Twomlow?

**Mr Twomlow:** Well, I have a number of witnesses available who easily take us to 1 o'clock.

**F** **His Honour Judge Thomas:** Yes, well, let's, let's rise for, until 5 to, and then we'll start again. Thank you.

**Court Clerk:** Court please rise.

**G** (jury retires)

(short adjournment)

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

(defendant confers with his sister)



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

(defendant confers with dock officer)

(jury returns)

**B** **His Honour Judge Thomas:** Yes, Mr Twomlow.

**C** **Mr Twomlow:** I call Detective Constable Stephen Lee Parker, at page 1 of Your Honour's bundle. And it's, during his evidence he will be referring to the Jury bundle from page 2 onwards.

(clerk confers with witness)

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

**DC Parker:** I swear by Almighty God ...

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

**DC Parker:** That the evidence I shall give ...

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

**DC Parker:** Shall be the truth ...

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

**DC Parker:** The whole truth ...

**H** **Court Clerk:** And nothing but the truth.

**DC Parker:** And nothing but the truth.

**Court Clerk:** Thank you.

**A**  
**Mr Twomlow:** What is your full name, your rank and your station please?

**DC Parker:** I'm Stephen Lee Parker, a detective constable, 1560, in the South Wales Police, stationed at the High-Tech Crime Unit at Police Headquarters, Bridgend.

**B**  
**Mr Twomlow:** Detective Constable Parker, on Friday 29 May of last year did you access the worldwide web on the internet?

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

**Mr Twomlow:** And did you navigate to the website kirkflyingvet.com?

**D**  
**DC Parker:** I did, yes.

**Mr Twomlow:** Did you see two images and download them?

**E**  
**DC Parker:** Yes, Sir.

**Mr Twomlow:** If we look at, do you have the green file you have there, the Jury bundle?

(no audible response)

**F**  
**Mr Twomlow:** At page 2 of that bundle there is a photograph of Mr Kirk carrying a dog and a machine gun.

**G**  
**DC Parker:** Yes.

**Mr Twomlow:** Was that one of the images you downloaded?

**H**  
**DC Parker:** Yes, Sir.

**Mr Twomlow:** And on the next page, is there a, a further image, of Mr Kirk again carrying a dog and a machine gun?

**A**            **DC Parker:** That is correct, yes.

**Mr Twomlow:** Did you go to the homepage of the website?

**B**            **DC Parker:** Yes, I did.

**Mr Twomlow:** And did you save that page?

**DC Parker:** Yes, Sir.

**C**            **Mr Twomlow:** And where do we find that in the bundle? Is, that starts at page 4.

**DC Parker:** That's correct, Sir, SLP3, the reference number.

**D**            **Mr Twomlow:** Sorry?

**DC Parker:** SLP3 is the reference number, page 4 in the bundle.

**E**            **Mr Twomlow:** SLP3.

**DC Parker:** Yes, Sir.

**F**            **Mr Twomlow:** And that, I think, is pages 4, 5, 6 and 7.

**DC Parker:** That is correct, yes.

**G**            **Mr Twomlow:** And what we have there is lists on the left of what could be accessed on the site.

**DC Parker:** That's a print --

**H**            **Mr Twomlow:** *Yeah*, so --

**DC Parker:** Of the page.

**A**           **Mr Twomlow:** That's at page --

**DC Parker:** Yes.

**B**           **Mr Twomlow:** 4. Sorry?

**DC Parker:** That's a print of the page, yes, Sir.

**Mr Twomlow:** Yes, this is the print.

**C**           **DC Parker:** Yeah.

**D**           **Mr Twomlow:** I think we've seen yesterday a, an image of the site itself, and these are the words that were printed on the left hand side.

**DC Parker:** They would have appeared on the page. Obviously, when it's printed, we *have* a slightly different format, but that's --

**E**           **Mr Twomlow:** Yes.

**DC Parker:** The text that was on the page.

**F**           **Mr Twomlow:** All right. And again if we look over the page we can see the sort of material that was on the website.

(counsel takes instructions)

**G**           **Mr Twomlow:** Page 6, there's a reference to a Royal Courts of Justice hearing.

**DC Parker:** Yes, Sir.

**H**           **Mr Twomlow:** And other matters.

**DC Parker:** Yes, *Sir*.

**A** **Mr Twomlow:** And then at page 7:

“Follow Maurice.”

And a number of other matters.

**B**  
**DC Parker:** Yes, Sir.

**Mr Twomlow:** Did you navigate then from the homepage to a page where there was a link  
**C** titled:

“For sale”?

**D** **DC Parker:** I did, yes.

**Mr Twomlow:** Is that shown at page 9 of the bundle?

**E** **DC Parker:** That is correct, yes.

**Mr Twomlow:** And are there a number of items there listed for sale?

**F** **DC Parker:** There are.

**Mr Twomlow:** And is the final one:

“Lewis machine gun with spare ammo circa 1916 £4000”?

**G** **DC Parker:** It’s the final one on page 9, yes, Sir.

**Mr Twomlow:** I think there are other items over the page, page 10.

**H** **DC Parker:** That’s correct, yes, Sir.

**Mr Twomlow:** Did you go to the photo page?

**A**            **DC Parker:** Yes, Sir.

**Mr Twomlow:** Of the gallery page of the website? So you navigated to the gallery page and then the photo page of that gallery. Is that right?

**B**            **DC Parker:** Yes, Sir.

**Mr Twomlow:** Were there thumbnail images on that page?

**C**            **DC Parker:** There were thumbnail images I saw, yes.

**Mr Twomlow:** And is page 11, your reference SLP8, was that, did that display the picture that we see there, Mr Kirk, I think it's the same photograph as we've seen earlier.

**D**            **DC Parker:** That is correct, yes, *Sir*.

**Mr Twomlow:** And we see the caption:

**E**                            "Dressed for Cardiff Court and a level playfield."

**DC Parker:** Yes.

**F**            **Mr Twomlow:** And on that page was there a link titled:

"Maurice's pics"?

**G**            **DC Parker:** There was, yes.

**Mr Twomlow:** And did you see a thumbnail image there and click on it and there, thereby come to what we see at page 13?

**H**            **DC Parker:** Yes, *I* --

**Mr Twomlow:** SLP10.

**A** **DC Parker:** Yes, I did, Sir, yes.

**Mr Twomlow:** And is that an image of Mr Kirk holding a machine gun and the dog, and the subtitle:

**B** “Glorious Twelfth - crooked lawyer shoot”?

**DC Parker:** Yes, Sir.

**C** (clerk confers with witness)

**Mr Twomlow:** Did you return to the photo page of the gallery titled Legal and navigate to the second image of a man holding a firearm?

**D** **DC Parker:** I did, Sir, yes.

**Mr Twomlow:** And did a new webpage open there and display a larger version of the image, with the text below it?

**E** **DC Parker:** Yes, Sir.

**Mr Twomlow:**

**F** “The final solution [is text underneath it, question mark]?”

And:

**G** “Breakdown in UK law and order.”

With other text after that.

**H** **DC Parker:** Yes, Sir.

**Mr Twomlow:** Now, did you save the image, then, that we can see at page 15?

**A** **DC Parker:** Yes, I did, Sir, yes.

**Mr Twomlow:** Is that, that the same photograph as at page 14?

**B** **DC Parker:** Yes, Sir.

**Mr Twomlow:** And were you able to open that image and find data in relation to it?

**DC Parker:** There was some embedded data concerning that image, yes.

**C** **Mr Twomlow:** And what sort of data was that and where did it come from?

**D** **DC Parker:** It's data that sits within a file. If you take a, if I could explain, if you take a, a photograph with a digital camera, although you're taking the image, the camera will also embed certain data within that on occasion, such as the make of the camera, time and date to which the camera is set at that time and possibly the make and model of that camera.

**E** **Mr Twomlow:** Right, and were you able to then recover that sort of data in respect of this photograph?

**DC Parker:** In respect of that photograph, yes.

**F** **Mr Twomlow:** And what data did you recover?

**DC Parker:** It was a Sony digital still camera and it was the model DSC-W170.

**G** **Mr Twomlow:** And did it have a date/time recorded for the taking of the photograph?

**DC Parker:** There was a date and time embedded in it, yes, Sir.

**H** **Mr Twomlow:** And what, what were they?

**DC Parker:** If I, could I refer to my notes for exhibit SLP13, I think it is?



**Mr Twomlow:** When did you make the notes?

**A**

**DC Parker:** My notes were made as I was doing the examinations.

**Mr Twomlow:** May the officer refer to the notes, Your Honour?

**B**

**His Honour Judge Thomas:** *Well, the, the, the, you,* sorry, you say they were made at the same time.

**DC Parker:** As I'm doing the case, yes, Sir, with the, the data in front of me.

**C**

**His Honour Judge Thomas:** Yes.

**DC Parker:** The date was reported as 17 August 2008.

**D**

**Mr Twomlow:** And the time?

**DC Parker:** 12:02 and 19 seconds.

**E**

**Mr Twomlow:** So that's 2 minutes after midday, is it, and some seconds?

**DC Parker:** Or it could be AM. That's depending on whether the camera is set to morning or noon. All, all I can report is that the time is 12:02 and 19.

**F**

**Mr Twomlow:** Yes. And did that conclude your investigation of the site on that day?

**DC Parker:** The site was viewed on that day. That's the data --

**G**

**Mr Twomlow:** Yes.

**DC Parker:** I recovered on that particular day --

**H**

**Mr Twomlow:** Yes.

**DC Parker:** Yes.

**A** **Mr Twomlow:** And then did you on Saturday 30 May, the next day, again access the worldwide web?

**DC Parker:** Yes, I did.

**B** **Mr Twomlow:** And return to the same site?

**DC Parker:** Yes, I did.

**C** **Mr Twomlow:** Did you save certain webpages there?

**DC Parker:** Yes, I did.

**D** **Mr Twomlow:** From there?

**DC Parker:** Yes, I did, Sir.

**E** **Mr Twomlow:** And during the course of saving them, did you identify that there were video clips present which appear to have originated from YouTube?

**DC Parker:** During my examination of the website it was apparent that there were videos on there, and it, it was identified there was a small logo on the bottom right hand corner, YouTube.

**F** **Mr Twomlow:** Right. Now, it may, may not be necessary. Can you explain what YouTube is please?

**G** **DC Parker:** It's a free online service for people to either view without being members, or you can become a member, and where you could share, upload and view videos that other members, well, basically the world, have uploaded at some stage.

**H** **Mr Twomlow:** Yes.

**DC Parker:** Over various subjects.

**A**           **Mr Kirk:** When you say upload, do you mean put, put your own ...

**DC Parker:** Yes.

**B**           **Mr Kirk:** Video clips onto the site?

**DC Parker:** Yes, if you've got a, if you have a *video*, you could take a video clip and upload that to YouTube if you're a member, for other, or for other persons to view.

**C**           **Mr Twomlow:** Did you in fact save four video clips?

**DC Parker:** I did, Sir, yes.

**D**           **Mr Twomlow:** Well, *I'm* going to ask that the Court view two of those now.

(counsel confers with clerk)

**E**           **Mr Twomlow:** They'll be the first and the fourth. *The* first is CAA, Civil Aviation Authority Demand Flight Test. That was the heading.

**DC Parker:** Yes, Sir, of one of the clips.

**F**           **Mr Twomlow:** *It was* already on that video. That's not something --

**DC Parker:** That was the title --

**G**           **Mr Twomlow:** That we've --

**DC Parker:** Of the clip --

**H**           **Mr Twomlow:** Put on.

**DC Parker:** Yes.

**Mr Twomlow:** Yes.

**A**  
(beginning of recording playback)

**Mr Kirk:** Well, I've been up tonight trying to be really bright on one of these maps. Ah, oh, my arthritis, ah, oh. Yes, well, tomorrow I have to maintain a standard that's suitable for the right stamp into my logbook. An error of judgement, I landed my Piper Cub in Texas a little too close to the President Bush's ranch, which caused erroneous information to go from one authority to another, causing the Civil Aviation Authority to remove my, my licences. They later found out that, yes, I had landed near but five miles from the ranch and outside the permanent prohibited seven mile radius zone called P49. And I'd landed in a farmer's field rather like this lovely airstrip of mine here in St Donats, South Wales. But after arrest and visits to psychiatric hospital, imprisonment in the sausage machine for removing aliens, I persuaded the CAA that I had committed no criminal offence, and the Federal Aviation Authority confirmed this with me. But the CAA in their wisdom have made me go and sit and fly with a trapper, as we said in the reserve forces, RAF Reserve, the instructors that come and examine the instructors. And I've had to swat up a bit theory as well as become familiar with a PA28 Spam can, which is a PA, which is an American Piper Cherokee. So I've borrowed one from the flying club at Bristol, and I just hope that I get it right tomorrow. I've been flying for 40 years now. Is it 40? Since 19, see, I can't even do the mental arithmetic, my head is so tired from reading up air law. Well, anyway, I don't think she'll be with me tomorrow. I hope it won't be appropriate.

**F**  
(end of recording playback)

**Mr Twomlow:** Yes, well, one thing, officer. The subtitles were not originally there, were they? They've been put on since to --

**G**  
**DC Parker:** That is correct.

**Mr Twomlow:** Clarify what's been said.

**H**  
**DC Parker:** That's correct, yes.

**Mr Twomlow:** Yes. Can you just pause it for a moment? Did you make a search on YouTube itself for the name Kirk WACL?

A

**DC Parker:** I did, yes.

**Mr Twomlow:** And did you then examine the video clips associated with that?

B

**DC Parker:** Yes, I did.

**Mr Twomlow:** And was this Royal College of Veterinary Surgeons, police and now CAA one of those clips?

C

**DC Parker:** It was, yes, Sir.

**Mr Twomlow:** And so did you capture that and save I?

D

**DC Parker:** Yes, I did.

**Mr Twomlow:** Yes. Can we see that now please?

E

**Female:** *There's one around that.*

(beginning of recording playback)

F

**Mr Twomlow:** Tomorrow I'm going to do a flight test with a civil aviation examiner. My indiscreet landing in Texas recently near Mr Bush's, President Bush's ranch caused me to be detained at his pleasure in a prison in Texas. But the Federal Aviation Authority told me afterwards that I had committed no *aviation* offence and that I could collect my aeroplane when I was released from the psychiatric hospital. But unfortunately whatever department notified the Civil Aviation Authority at Gatwick that I had been engaged in criminal activity and endangering the general public. Fortunately now FAA have put them straight on all that, but in their wisdom CAA have said, right, you are now going to apply to see our examiner as if you haven't flown an aeroplane for five years. That means a rigorous GFT, a, a general flight test, hour and a half flying. It means I'm going to Bristol Airport. It means I'm going to have to use the radio, which I hate. I'm going to have to be polite and charming to lots of

G

H

A people. I've got to pay landing fees. I've got to do all sorts of things that I never have to do when I'm flying in America or when I am here at my little airfield here at St Donats. But there we go. There we go. If I don't fly and if I don't get my theory correct, I'm not going to get my licences back. So that's what I'm going to do. So let's get back to being a good boy.

B (end of recording playback)

Mr Twomlow: Can I just ask you this? Was there, is there any way *that*, were you able to date the making of those clips from any information that you had on the, on either the website or off YouTube?

DC Parker: The date that was reported is reported as the date it's uploaded, not the --

D Mr Twomlow: The date ...

DC Parker: It's uploaded to the website, not the actual date of the making.

E Mr Twomlow: Was there a date in respect of the uploading of the clip we've just seen?

DC Parker: Yes, Sir. It was 24 August 2008.

Mr Twomlow: All right.

F His Honour Judge Thomas: So that would be the date that it was put on YouTube rather than the date that it was taken.

G DC Parker: That's what was displayed against the file there with a title, Your Honour, yes.

Mr Twomlow: And so far as the first clip that we saw, CAA Demand Flight Test, were you able, from information on, that was from the website, wasn't it?

H DC Parker: Yes, Sir.

- A** **Mr Twomlow:** Were, were you able, from information there, to, to date the making of that clip or when it was put onto the website?
- DC Parker:** It was from the, the website YouTube, and the CAA Demand Flight Test was 11 October 2008.
- B** **Mr Twomlow:** 11 October 2008.
- His Honour Judge Thomas:** Sorry, *that*, that was the, the date of what *again*?
- C** **DC Parker:** The, the date displayed on the --
- His Honour Judge Thomas:** The second.
- D** **DC Parker:** The YouTube ...
- His Honour Judge Thomas:** Thank you.
- E** **DC Parker:** Site.
- Mr Twomlow:** Right.
- (counsel takes instructions)
- F** **Mr Twomlow:** Now, did you on Thursday 4 June of last year, 2009, again access the worldwide web and go back to the website kirkflyingvet.com?
- G** **DC Parker:** I did, yes.
- Mr Twomlow:** Were there three images of the male holding the gun still present on the site?
- H** **DC Parker:** Yes, they were.
- Mr Twomlow:** And was the for sale advert still present on the site at that time?

**DC Parker:** Yes, it was.

**A**

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

**Mr Kirk:** I, I heard you were doing some navigating. Did you use a map or a chart?

**B**

**DC Parker:** When I refer to navigating, I've gone to the homepage. There are various links on the homepage, and I followed those links, and that's what I referred to as navigating.

**Mr Kirk:** I see, *yes*. I didn't hear a little bit because I was not concentrating. The camera confirms, does it, that those were the dates that the still photographs were taken?

**C**

**DC Parker:** The data that's embedded in the image is dependent, the, the, the actual date the camera was used to take the image, that that date and time were correct. So that's reliant upon the actual camera being set correctly at that time.

**D**

**Mr Kirk:** Was it set correctly?

**DC Parker:** I don't know, because I wasn't there on that particular date.

**E**

**Mr Kirk:** Who could you ask to check that?

**DC Parker:** Possibly yourself.

**F**

**Mr Kirk:** Why wasn't I asked?

**DC Parker:** I can't give you the answer to that.

**G**

**Mr Kirk:** Well, it's 4 June as your second visit, or something. Yeah, 29 May. This is three weeks before they came calling. Why didn't somebody just ring me up and say, we're looking at this on *the* website, did you have your camera set to fit? Wouldn't it have been a good idea?

**H**



**A** **DC Parker:** I have reported those facts within my evidence, and one of the things is identifying what the device is and the, the date that's reported within the image. And that's all I can --

**Mr Kirk:** Yeah.

**B** **DC Parker:** Answer on that.

**Mr Kirk:** Who instructed you to do this?

**C** **DC Parker:** I went to a briefing that was run by Detective Superintendent Stuart McKenzie, and where we were tasked to do the tasks I did.

**Mr Kirk:** *It*, it, hold it. His title again?

**D** **DC Parker:** Detective Superintendent Stuart McKenzie.

**Mr Kirk:** Yeah, and what was the date of that meeting?

**E** **DC Parker:** 28 May 2009.

**Mr Kirk:** *Yeah*, right. Who was there?

**F** **DC Parker:** Superintendent McKenzie, myself, another member of the High-Tech Crime Unit, my manager.

**Mr Kirk:** Names? Name?

**G** **DC Parker:** Paul Webb.

**Mr Kirk:** Yeah. Your manager's name?

**H** **DC Parker:** Paul Webb.

**Mr Kirk:** Oh, sorry, I, yeah, but there was someone else you were about to mention as well.

**A** **DC Parker:** Detective Inspector Suzanne Hughes I believe was there.

**Mr Kirk:** Yes. She is the officer in, in this case, isn't she?

**DC Parker:** Yes.

**B**

**Mr Kirk:** And who's the second officer in this case?

**DC Parker:** I don't know the answer to that.

**C**

**Mr Kirk:** ID Williams.

**DC Parker:** Pardon?

**D**

**Mr Kirk:** A Mr ID Williams. Can you confirm that?

**DC Parker:** When I went to the briefing, the SIO, the senior investigating officer, was Detective Superintendent McKenzie.

**E**

**Mr Kirk:** Yeah. Where was this? At HQ?

**DC Parker:** Yes.

**F**

**Mr Kirk:** Where the Chief Constable resides.

**DC Parker:** The Chief Constable's --

**G**

**Mr Kirk:** In business.

**DC Parker:** Office is in headquarters --

**H**

**Mr Kirk:** No, her --

**DC Parker:** Yes.

**A** **Mr Kirk:** Home is somewhere else. I know. I know --

**DC Parker:** Right.

**B** **Mr Kirk:** That. Yeah. Right, but that was on 28 May. What time of day roughly?

**DC Parker:** I was there at approximately 6pm.

**Mr Kirk:** Oh, an evening meeting.

**C** **DC Parker:** I went to the meeting at 6 o'clock, yes.

**D** **Mr Kirk:** Right. Under what heading was the raid on my house called? What was the operation that you were setting up? It was given a --

**DC Parker:** Well --

**E** **Mr Kirk:** It was given a codename.

**DC Parker:** The only name I'm aware of is Operation Chalice.

**F** **Mr Kirk:** Right, OK, and it involved the helicopter?

**DC Parker:** I wasn't present when that operation took place.

**G** **Mr Kirk:** Yeah, OK, right. I will be getting copies of the two videos that the Prosecution has chosen not to show.

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

**H** **Mr Kirk:** Am I entitled to them?

**His Honour Judge Thomas:** *Well*, certainly, yes.

**Mr Kirk:** Can you give me my computer back?

**A**

**His Honour Judge Thomas:** No, that's an exhibit, I'm afraid.

**Mr Kirk:** Sorry?

**B**

**His Honour Judge Thomas:** That, I'm afraid, is an exhibit.

**Mr Kirk:** My computer is a Prosecution exhibit?

**C**

**His Honour Judge Thomas:** Yes.

**Mr Kirk:** Why didn't they tell me this when I was arrested on 22 June? It was taken off me, and for eight months I have been working the Home Office, the prison system, MAPPA security, multi, multi-agency public protection arrangements, where the, the supervisor, Mr Nicole somebody, Nicholas somebody is in charge of those present from Caswell Clinic, the prison service, the probation service, Elizabeth Paul from the social services, and the Chief Constable, Barbara Wilding, heading the meetings to which we have only found one so far. Now --

**E**

**His Honour Judge Thomas:** As far as the --

**Mr Kirk:** This --

**F**

**His Honour Judge Thomas:** It's, wait a --

**Mr Kirk:** Computer --

**G**

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

**Mr Kirk:** Contains --

**H**

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

**Mr Kirk:** My --

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

**Mr Kirk:** Defence statements.

**B** **His Honour Judge Thomas:** Mr Kirk, Mr Twomlow, as far as the information in the other two clips that we haven't seen is concerned ...

**Mr Twomlow:** Yes, they can be, they can be played to Mr Kirk.

**C** **His Honour Judge Thomas:** Yes, well, that can be done perhaps over the ...

**Mr Twomlow:** Yes.

**D** **His Honour Judge Thomas:** A convenient time.

**Mr Twomlow:** Yes, no difficulty about that at all.

**E** **His Honour Judge Thomas:** Yes, any more questions, Mr Kirk?

**Mr Kirk:** Yes, but I want to cross-examine this witness on the content of the other videos.

**His Honour Judge Thomas:** *Then* cross-examine him on the other videos.

**F** **Mr Kirk:** Yeah, well, they've just put up there, it's simple. They've got it on digital. They've got it on the same CD, from the information that I understand. And I wish to cross --

**G** **His Honour Judge Thomas:** You want the other two videos, clips played, do you?

**Mr Kirk:** Yeah, I want him to see them.

**H** **His Honour Judge Thomas:** Yeah, well, that --

**Mr Kirk:** Well --

**A** **His Honour Judge Thomas:** Can be done now.

**Mr Kirk:** For everybody if they're interested.

**B** **His Honour Judge Thomas:** We'll do that now.

**Mr Kirk:** But I want to, I want him to answer questions relating to the four.

**C** **His Honour Judge Thomas:** Well, let's, let's see the other two video clips then.

(parties confer)

(beginning of recording playback)

**D** **Mr Baker:** Maurice Kirk's used to making the headlines. This was his protest last year just before his ban for flying too low. That was later overturned. On another occasion he crash landed in a Somerset field. Now the vet's in trouble again. BT, who operate the website he runs, have threatened to cut him off after receiving complaints about allegedly defamatory statements.

**E** **Mr Kirk:** It's against freedom of speech and it's the thin end of the wedge. It is a real warning to the general public across the country. I mean, we know what's going on in America on this, and, *you know*, I found this an opportunity to publish what actually goes on in our Courts.

**F** **Mr Baker:** They include comments on people involved in legal proceedings, which currently totals 18 Court cases. In one, he's suing the police for wrongful arrest. In another, he's charged with common assault. Although Mr Kirk's now taken the contentious material off the internet, he certainly still intends to carry on his fight for justice. BT, however, will be keeping a close eye on him. In a statement today, they said:

**G** **H** "Although we don't police web-sites, as a responsible internet service provider we have to respond to complaints, otherwise BT could be held liable in any ensuing action."

**A** In the meantime, the vet plans to publish all his Court transcripts on the internet. Nick Baker,  
HT --

(end of recording playback)

**B** (beginning of recording playback)

**Mr Kirk:** Well, you won't believe this, British bureaucracy for you. It is nearly two weeks now that I went to Newport to try and get a passport, an emergency level. It still hasn't arrived, phone calls, faxes, which reminds me of a little story. This weekend I went over to the France without a valid passport. Not only did it get France for three days to sort out the holiday cottages for the season starting, I came back and came through immigration at Portsmouth. And it wasn't until I made a great complaint that anybody seems to be able to do this, but they took me seriously. And when I think that it wasn't long ago that I went into Florida with live ammunition and a big knife in my personal hand luggage, not just into Florida but out again, makes you wonder where our taxes are going, whether we're American citizens or UK --

**E** (end of recording playback)

**His Honour Judge Thomas:** Yes, Mr Kirk.

**F** **Mr Kirk:** There was an incident there, referred to as I came out of the Bristol Magistrates' Court back to my aircraft at Bristol Airport. I, the, the, if you went over to my old website, the original website set up to fight you lot, it referred to a shotgun incident. You don't have a still of that, do you? We don't need to go through it again. You, you don't already have a still photograph of the front page of my website, my first website.

**G** **DC Parker:** No, I don't, Sir.

**H** **Mr Kirk:** No.

**DC Parker:** No.

**A** **Mr Kirk:** I'd like to look, I'd like you to look at paragraph 76, I think it is, or page 7 of my defence statement that was signed as the helicopter was hovering over the house. Could somebody give it to him please? I've served one in advance to the Judge. I've served one in advance to the Prosecution Service. There can be no excuses this time, as previous Court hearings, that it is unavailable. My three copies for my sister are down, locked up in a box. **B** Now, are you going to make me go down there and sign a piece of paper for it or is the Prosecution Service going to allow his witness --

**His Honour Judge Thomas:** *Well*, what, what document are you referring to, Mr Kirk?

**C** **Mr Kirk:** My defence statement that was signed 19 June.

**His Honour Judge Thomas:** *Is* that the statement that you handed in at the police station?

**D** **Mr Kirk:** I've handed in statements. It's a 64 page statement summarising my 18 years in, in Barry as a veterinary surgeon under covert surveillance.

**His Honour Judge Thomas:** Well, I've got a document headed:

**E** "Maurice Kirk v. South Wales Police."

And then various actions, none of --

**F** **Mr Kirk:** Yes.

**His Honour Judge Thomas:** Which of course --

**G** **Mr Kirk:**

"Kirk v. South Wales --

**H** **His Honour Judge Thomas:** Are this --

**Mr Kirk:**



“Police.”

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

**Mr Kirk:** Yes.

**B** **His Honour Judge Thomas:** These are civil actions that you have brought --

**Mr Kirk:** Yes.

**C** **His Honour Judge Thomas:** Against the South Wales Police Force --

**Mr Kirk:** Well, they are --

**D** **His Honour Judge Thomas:** Which are, as I understand it, continuing.

**Mr Kirk:** Yes.

**E** **His Honour Judge Thomas:** So, what is the --

**Mr Kirk:** *It*, it --

**His Honour Judge Thomas:** Page that you want?

**F** **Mr Kirk:** I think from memory it was 70, at paragraph 76, 77, something like that.

**His Honour Judge Thomas:** Sorry, there's six.

**G** **Mr Kirk:** No, no, not, page 7, I think it was, but it's paragraph 76, right at the beginning.

**His Honour Judge Thomas:** Page 7.

**H** **Mr Kirk:** *It, well*, well, it's paragraph 76, wherever that is. They're, each line is paragraphed for this Court case.

**His Honour Judge Thomas:** Yes, just, just to clarify it, these are not in relation to this case. These are in relation to your civil actions against the police force.

A

**Mr Kirk:** They were written because my wife and I knew that once the Chief Constable had signed an erroneous affidavit denying that Court cases took place in Barry and that they denied that the police broke into my Cardiff surgery in daylight in front of the neighbours and the shopkeepers beside, that things were serious. Didn't Voltaire write, it's a bit lost in the translation:

B

“When the Government is wrong it is dangerous to be right”?

C

I changed my will, I told my family that my life was at stake and I started to write that document.

D

**His Honour Judge Thomas:** *Well*, I've got paragraph 76 of that document. Let me hand that to you, and you can then ask a question about it.

**Mr Kirk:** Well, I, I need, I need him to have a copy, which is why I came to Court, and I've come to Court every time until I've been denied my own documents, at least three copies of the ...

E

**His Honour Judge Thomas:** Well ...

F

**Mr Kirk:** Statement.

**His Honour Judge Thomas:** You refresh your memory of it, and then you can give it to the officer and ask him your question.

G

**Mr Kirk:** I don't need to refresh my memory about it.

**His Honour Judge Thomas:** In that case let the officer have it, and you can ask him your question.

H

**Mr Kirk:** Yeah, 76 will do. Just read the, the subject matter of, say, 76 for about five or eight lines.

A (pause)

**Mr Kirk:** Have you got the gist of the incident in Taunton?

B (no audible response)

B

**Mr Kirk:** Right, I, I will, this is where I was arrested for assault on police with a shotgun. This led to a Crown Court trial and a number of Magistrates' hearings. Now, that was going to, that video was going to be a Prosecution exhibit. Can you give any reason why the Prosecution have, chose to withdraw it?

C

**DC Parker:** Personally, I can't, no.

**Mr Kirk:** Well, don't you think it might relate to the full content of the 64 pages, and in particular paragraph 76 onwards, where I have been accused of stealing, not the Chief Constable, the Chief Superintendent of the, the, the chief police officer of the Taunton area, his notebook from his office in Taunton HQ? I don't *know*. You can't answer some, but there you see, do you, information? And could you go to the back page of the document to see the, when it was signed and dated?

D

E

**His Honour Judge Thomas:** 19 June 2009, according to this.

**Mr Kirk:** Could either the learned Judge read out the post scripts in different type ...

F

**His Honour Judge Thomas:** 3:05pm:

**G** "I've only just been informed by Defendant's lawyers, they will not allow a mutual exchange of witness statements by 4pm this afternoon as set down by Court order."

**H** 3:42pm:

A

“The Defendant’s email provoked speech *Français*, refusing to give an [earlier date] earliest date refusing me any time on Monday 22 June, causing me to believe this is another delay tactic.”

B

Mr Kirk, I think the members of the Jury have probably worked out by now that you have a substantial and long running dispute with *the* South Wales Police and possibly other police forces.

C

**His Honour Judge Thomas:** Now, that is not relevant to these charges unless you tell me how it is relevant. I don’t want to waste the members of the Jury’s time going through 18 years of disputes. Can we please stick to the issues arising here?

D

**Mr Kirk:** No.

**His Honour Judge Thomas:** And do you have any other question for this officer please?

E

**Mr Kirk:** I, I, I’m grateful for you keeping me on track. What was I arrested for?

**His Honour Judge Thomas:** When?

F

**Mr Kirk:** On 22 June.

**DC Parker:** I wasn’t on duty on 22 June 2009, Sir.

G

**Mr Kirk:** Are you aware of any information as to what I was arrested for?

**DC Parker:** The actual arrest on 22 June, if it was that date, I wasn’t on duty on that time. And I’ve been called as a witness concerning my input concerning the investigation.

H

**Mr Kirk:** Could you please answer the --

**His Honour Judge Thomas:** Now, Mr Kirk, there will be, I’ve no doubt, someone who was present at the arrest, and you can ask that person if you consider it relevant.

**A**           **Mr Kirk:** It will --

**His Honour Judge Thomas:** And more to the point --

**B**           **Mr Kirk:** Be --

**His Honour Judge Thomas:** If I do.

**C**           **Mr Kirk:** Different, Your Honour. You know that. That is why I am taking advantage of this witness, who will know why I was arrested. And he is at the moment, may I suggest, prevaricating?

**His Honour Judge Thomas:** Were you present at the arrest?

**D**           **DC Parker:** No, Your Honour.

**His Honour Judge Thomas:** Do you know what the arrest was for?

**E**           **DC Parker:** My role during the enquiry or my investigation was concerning the firearm. *Now*, I can presume it was in relation to firearms offences, but the exact reason for the arrest, I wasn't there on that date.

**F**           **His Honour Judge Thomas:** Right, let's move on, Mr Kirk. Is there any other matter that you want to ask this officer about?

**Mr Kirk:** What would be the occurrence number given to your involvement in this?

**G**           **DC Parker:** The actual number, I, I don't know, Sir.

**Mr Kirk:** But you could supply that before the end of play today on a piece of paper, signed.

**H**           **His Honour Judge Thomas:** What, occurrence number for what, Mr Kirk?

**Mr Kirk:** Let, could you --

**A** **His Honour Judge Thomas:** Occurrence number for what, Mr Kirk?

**Mr Kirk:** Could you explain what I mean please?

**B** **His Honour Judge Thomas:** No, you please explain, Mr Kirk, what occurrence number you want? For this particular incident?

**C** **Mr Kirk:** This case is all about the police refusing to disclose information. Now, I have asked, you heard earlier, for the occurrence number for my arrest. My sister is still here, but not much longer. She has to go back to, back. I fortunately got someone further forwards to put it in writing. They refused to put a signature to it.

(defendant confers with his sister)

**D** **Mr Kirk:** Yes.

**His Honour Judge Thomas:** Well, you've, you've had the occurrence number.

**E** **Mr Kirk:** And it was different to what is on the front of my arrest sheet.

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

**F** **Mr Kirk:** Which, if I had my papers --

**His Honour Judge Thomas:** You've had the occurrence number, have you?

**G** **Mr Kirk:** Yes, but I --

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

**H** **Mr Kirk:** It's downstairs locked up. You won't let me have it.

**His Honour Judge Thomas:** Right.

**Mr Kirk:** So could you please assure me that I will get it before the end of today into the Court, the occurrence number?

A

**His Honour Judge Thomas:** You've already had the occurrence number, Mr Kirk.

**Mr Kirk:** Which one? I've had two from the Prosecution so far.

B

**His Honour Judge Thomas:** Did you create the occurrence number?

**DC Parker:** No, I didn't, Your Honour.

C

**His Honour Judge Thomas:** Right.

**Mr Kirk:** Who did?

D

**His Honour Judge Thomas:** Mr Kirk, can we move on please?

**Mr Kirk:** I was arrested for threats of criminal damage, with the suggestion that I would attach a brick, what we say in Somerset, a gurt brick to my witness statement in order to complete the Judge's, the learned Judge's order, Judge Seys-Llewellyn QC, but the Prosecution, me, and the Defendant, Ms, Ms Barbara Wilding, was to exchange witness statements by 4pm on 19 June. You have just heard from the learned Judge what I was putting onto the tape recorder for this, for this Court case minutes before time expired. Witnesses will be coming shortly who will say that Dolmans, Adrian Oliver, instructed my arrest by notifying Barbara Wilding, who was in charge of Operation Chalice. I would like the witness to see the late statement that was only served on me last week by Dolmans Solicitors, Cardiff.

E

F

G

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

**Mr Kirk:** I wish to put that --

H

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

**Mr Kirk:** Statement. It is a Prosecution statement.

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

**Mr Kirk:** I wish to put it to this witness.

**B**            **His Honour Judge Thomas:** Mr Kirk, there may be other witnesses who will deal with your arrest. It may be, although at the moment I can't see how, that that is relevant. But this officer was not there. Do you have any specific questions for him?

**C**            **Mr Kirk:** I have been here numerous times where Judges have promised me Prosecution witnesses that never materialise. I am not missing the opportunity of gathering some of the evidence that should come from Prosecution witnesses. If he has that information, he has, under law, a duty to give it.

**D**            **His Honour Judge Thomas:** Do you have that information, personally?

**DC Parker:** I'm getting a bit confused here, Your Honour.

**E**            **His Honour Judge Thomas:** Join the club.

**DC Parker:** The, the exact, what information are you asking that I have?

**F**            **Mr Kirk:** It's why I was arrested and so on. We've covered that. But the learned Judge has the power to make the CPS hand over the, the, the policeman's, the, the Dolmans statement that caused *the*, not one statement, there were many, but the one that they've put last after an order from His Honour Judge Llewellyn on the 23<sup>rd</sup> of, for the Court hearing of 23 July, which was, I was, the prison refused to allow me to go to. So he quickly put it onto 28 July, and in there he ordered Dolmans to supply that statement. And it wasn't until I complained throughout the summery by way of documentation by letters that His Honour caused the Court to write to Dolmans to hand it over.

**G**            **His Honour Judge Thomas:** But that's about your civil claim against the police, not this trial.

**H**



**A** **Mr Kirk:** The, Dolmans signed her, his statement, which was anticipated, which is why it's part of my defence statement. And Dolmans, Mr Adrian Oliver, who's the senior partner, signed the witness statement dated 22 June, within the same afternoon whilst I was interrogated under Operation Chalice in some dingy little cell in Port Talbot. That is the relevance of it.

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

**C** **Mr Kirk:** And in that statement, the limited information, they admitted that they had caused the police to have me arrested. Now, I find it very unsavoury, unsatisfactory, the, the order in which witnesses are coming, but I'm so used to it in this building. I would have thought, in the interests of justice, that a Jury who come in and rely on facts alone as best they can should be hearing the opening speech which we did have. But the witnesses should be in the order that can least confuse those wishing to take this case seriously.

**D** **His Honour Judge Thomas:** Right. Thank you officer.

(witness confers with clerk)

**E** **His Honour Judge Thomas:** Thank you very much, unless you have any re-examination.

**Mr Twomlow:** No, thank you.

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

**Mr Kirk:** Am I to get that occurrence number?

**G** **His Honour Judge Thomas:** You've been given two occurrence numbers.

**Mr Kirk:** No, no, *I*, he hasn't refused, has he, or has he, or has he been overruled by you? I need this for the Court of Appeal.

**H** **His Honour Judge Thomas:** Yes, he has been.

**Mr Kirk:** He's been --

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

**Mr Kirk:** Overruled. Overruled, OK.

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

**Mr Twomlow:** The next witness is Sara *Jayne* Williams.

**C** **His Honour Judge Thomas:** Is she likely to be a long --

**Mr Twomlow:** Page 7.

**His Honour Judge Thomas:** Witness-in-chief?

**D** **Mr Twomlow:** Well, not so far as the Prosecution are concerned, no.

**His Honour Judge Thomas:** Well, let's get her evidence-in-chief. Thank you. Where do I find her evidence please?

**E** **Mr Twomlow:** Page 7.

(clerk confers with witness)

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

**Ms Williams:** I swear by Almighty God ...

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

**Ms Williams:** That the evidence I shall give ...

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

**Ms Williams:** Shall be the truth ...

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

**Ms Williams:** The whole truth ...

**B**           **Court Clerk:** And nothing but the truth.

**Ms Williams:** And nothing but the truth.

**C**           **Court Clerk:** Thank you.

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

**Ms Williams:** Sara *Jayne* Williams.

**D**           **Mr Twomlow:** Are you employed by the South Wales Police as a firearms licensing manager?

**E**           **Ms Williams:** Yes, I am.

**Mr Twomlow:** Have you, how long have you held that position?

**Ms Williams:** I've held the position as manager for three years.

**F**           **Mr Twomlow:** And does that make you responsible for the management of personnel within the firearms licensing department?

**G**           **Ms Williams:** It does, yes.

**Mr Twomlow:** And do you directly advise chief officers on the licensing of firearms, shotguns and explosives?

**H**           **Ms Williams:** I do.

**A** **Mr Twomlow:** Were you asked to provide information that was held on the National Firearms Licensing Management System in respect of Mr Maurice Kirk?

**Ms Williams:** I was.

**B** **Mr Twomlow:** And did you carry out a search of that system in respect of Mr Kirk?

**Ms Williams:** I did.

**C** **Mr Twomlow:** What did you find?

**Ms Williams:** It was a negative result. No match came back.

**D** **Mr Twomlow:** And did you also conduct an address search in relation to The Marl pits, St Donats, Llantwit Major?

**Ms Williams:** Yes, I did.

**E** **Mr Twomlow:** I think that was in respect of Mr Kirk's wife.

**Ms Williams:** That's right.

**F** **Mr Twomlow:** According to the record, was Mr Kirk a holder of a current firearms certificate?

**Ms Williams:** According to the records, he wasn't.

**G** **Mr Twomlow:** Or shotgun certificate?

**Ms Williams:** No.

**H** **Mr Twomlow:** Or explosives?

**Ms Williams:** No.

**Mr Twomlow:** Has he ever had an application refused or a certificate revoked?

**A**  
**Ms Williams:** To my knowledge, the database was telling me that he had not.

**Mr Twomlow:** Is all information in relation to any such application held on the National Firearms Licensing Management System?

**B**  
**Ms Williams:** It is, yes.

**Mr Twomlow:** And how long has that system been in place?

**C**  
**Ms Williams:** The nation system's been in place since September 2006.

**Mr Twomlow:** And is information in respect of an application that's been refused or a certificate revoked held on that database indefinitely?

**D**  
**Ms Williams:** That's correct.

**Mr Twomlow:** Are all applications that are received scanned and stored on a document management system?

**E**  
**Ms Williams:** That's right.

**Mr Twomlow:** And are the hard copies then destroyed, once the, once that is stored?

**Ms Williams:** Yes.

**Mr Twomlow:** And since September 2006 have any records been deleted from that system?

**Ms Williams:** No, they --

**Mr Twomlow:** Or the --

**H**  
**Ms Williams:** Haven't.

**Mr Twomlow:** Document management system?

**A**

**Ms Williams:** No.

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

**B**

**His Honour Judge Thomas:** Do you have questions for this witness, Mr Kirk?

**Mr Kirk:** It was like a couple of others. I'm not quite sure the purpose of her evidence.

**C**

**His Honour Judge Thomas:** I'm sorry, I can't hear you. Could you speak up a little please?

**Mr Kirk:** I'm sorry. I'm usually accused of being too loud. Good afternoon. When were you first told to do whatever you had to do?

**D**

**Ms Williams:** I was, I was asked to carry out a search of the database.

**Mr Kirk:** Right.

**E**

**Ms Williams:** On *the* --

**Mr Kirk:** OK, who by?

**F**

**Ms Williams:** I think it was a Detective Constable Erica Knight.

(defendant confers with his sister)

**G**

**Mr Kirk:** Are we going to hear from this lady later?

**Ms Williams:** I don't know.

**H**

**Mr Kirk:** OK. And what date would that have been?

**Ms Williams:** The date that's on statement. I can't recall.

**Mr Kirk:** Well, could you have a look please?

**A**

**His Honour Judge Thomas:** 11 August according to the copy I have.

**Mr Kirk:** Could you identify whether it's correct? No disrespect to you, Your Honour, but, but could she check that that is the statement to which we refer?

**B**

**His Honour Judge Thomas:** Yes, certainly. Would you care to see the original?

**Mr Kirk:** I don't need to, but if she, she ...

**C**

**Ms Williams:** Yes, that's correct.

**Mr Kirk:** Sorry, what date was that?

**D**

**Ms Williams:** 11 August.

**Mr Kirk:** Of 2007?

**E**

**Ms Williams:** No, 2009.

**Mr Kirk:** 2009, OK. Right. Right, she's asked you to make a statement. You wrote it.

**F**

**Ms Williams:** The officer wrote the statement.

**Mr Kirk:** And you just came in --

**G**

**Ms Williams:** And I signed it.

**Mr Kirk:** In between copy, and signed it. Is that right?

**H**

**Ms Williams:** That's right.

**Mr Kirk:** Yes. Did you read it?

**Ms Williams:** Yes.

**A**

**Mr Kirk:** What did it mean?

**Ms Williams:** What did the statement mean?

**B**

**Mr Kirk:** Yeah. What was the gist of it? What, what did you, what conclusion did you make? You're the manager. Why do you think it was being made?

**C**

**Ms Williams:** I was, I was asked to confirm whether you were held on our database as ever holding a firearm or shotgun certificate.

**Mr Kirk:** Right.

**D**

**Ms Williams:** And I was able to confirm that --

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

**E**

**Ms Williams:** You --

**Mr Kirk:** Trying to --

**F**

**Ms Williams:** Have not.

**G**

**Mr Kirk:** Convince me that you couldn't get more and better particulars with the police system, or am I going to start getting annoyed about the security around here, of national security? Have I ever owned some sort of piece of paper to allow me to have a muzzleloader, whatever?

**H**

**Mr Kirk:** All right then.

**Ms Williams:** Issuing --



**A**           **Mr Kirk:** All right then.

**Ms Williams:** A firearm --

**B**           **Mr Kirk:** A shotgun.

**Ms Williams:** Or shotgun certificate.

**Mr Kirk:** What about a shotgun or what about a rifle? Did you --

**C**           **His Honour Judge Thomas:** Well, well, Mr Kirk, can I, can I, can I ask, so that, that I can follow it and perhaps others can follow it, are you saying you ever have had such a certificate?

**D**           **Mr Kirk:** I'm not here to give you information. Will you kindly answer the --

**His Honour Judge Thomas:** No, you may --

**E**           **Mr Kirk:** Question?

**His Honour Judge Thomas:** You may not be, Mr Kirk, but so that the members of the Jury who are trying the case can work out --

**F**           **Mr Kirk:** There is a --

**His Honour Judge Thomas:** What you're --

**G**           **Mr Kirk:** Time --

**His Honour Judge Thomas:** Going to say.

**H**           **Mr Kirk:** And a place for the Defence to give their evidence, with --

**His Honour Judge Thomas:** *Yeah.*

**A** **Mr Kirk:** All due respect.

**His Honour Judge Thomas:** Well, are you saying that you've ever had one? Are you challenging her evidence?

**B** **Mr Kirk:** What I am challenging is, is that I don't believe that the headquarters of the South Wales Police Force can't establish whether I've ever owned any form of paperwork issued by the police force to allow me to be in possession, which is on the indictment, of any form of, what shall we call it? Offence weapon? Prohibited *weapon*? What do they call it? A  
**C** firearm, a shotgun. I, *there*, there are so many different, can you confirm whether I have ever, that you, that you have established whether I have ever owned a police issued document to hold a shotgun?

**D** **Ms Williams:** The only way I can confirm that is by doing --

**Mr Kirk:** Did you or didn't you?

**E** **Ms Williams:** Is by doing a search of the database, and the database came back with a negative result for your name, which indicated to me that you had never held a firearm or shotgun certificate.

**Mr Kirk:** Is that what you said in evidence-in-chief?

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

**Mr Kirk:** Are you reliable in what you do?

**G** **Ms Williams:** Am I reliable?

**Mr Kirk:** Yes. I mean ...

**H** **Ms Williams:** Yes.

**Mr Kirk:** *Yeah*, the, the, the search is a reliable system?

**A** **Ms Williams:** To my knowledge, it is.

**Mr Kirk:** Yeah.

**B** **Ms Williams:** Yes.

**Mr Kirk:** Why did the police officer ask you to do it?

**Ms Williams:** She didn't give me a reason. It's, it's part of our daily --

**C** **Mr Kirk:** Right.

**Ms Williams:** Duties that we're often called upon --

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

**Ms Williams:** By police officers to do a search of the database.

**E** **Mr Kirk:** I've written here 11 August that you did this. No, no, sorry, that was the signing of the statement. Sorry. What was the date that she asked you to do it?

**Ms Williams:** The date on my statement.

**F** **Mr Kirk:** I'm sorry. I'm going to need to look at the statement please, copy of or something. I'll look at the original please, if it was written by Erica Knight.

**G** (judge confers with clerk)

**Mr Kirk:** I'll only be a few more minutes, Your Honour.

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

**Mr Kirk:** I'm as hungry as you. I'll only be a couple of minutes.

**Court Clerk:** The original.

**A**

**Mr Kirk:** That's not handwritten. How was it done?

**Ms Williams:** There was a handwritten statement by Erica Knight, the first one I gave.

**B**

**Mr Kirk:** Good. I want to see it please. You've had time to think, haven't you? I would like to see the handwritten one.

**His Honour Judge Thomas:** So did you say there was a handwritten one or there was not a handwritten --

**C**

**Ms Williams:** There was a handwritten one.

**D**

**His Honour Judge Thomas:** But there, there isn't on the Court --

**Court Clerk:** No.

**His Honour Judge Thomas:** File?

**E**

**Court Clerk:** The typed one is signed in the original ink.

**His Honour Judge Thomas:** Is that your signature on the statement?

**F**

**Ms Williams:** It is, yeah. That was the second statement I was asked to *read*.

**Mr Kirk:** It was a second statement.

**G**

**His Honour Judge Thomas:** Was there any difference between the handwritten and the typewritten?

**H**

**Ms Williams:** I think in the first statement that was handwritten I was asked to produce documents which related to Mrs Kirk.

**His Honour Judge Thomas:** I see, so this relates only to Mr Kirk.

**A** **Ms Williams:** Yes.

**His Honour Judge Thomas:** Yes. Yes, this is the typewritten copy. We don't, it appears, have on the Court file the, any handwritten one.

**B** **Mr Kirk:** Could the Prosecution assist?

**Mr Twomlow:** Well, it, it may be that the handwritten one is, is one that's not relevant to this case.

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

**Mr Twomlow:** Because there were two statements, and ...

**D** **His Honour Judge Thomas:** Enquiries can be made over the luncheon adjournment.

**Mr Kirk:** No, no. No, no. Don't you, please. I've got this one. I put it to you that you signed your first statement before I was arrested.

**E** **Ms Williams:** I don't know when you were arrested, so I don't know.

**F** **Mr Kirk:** The Prosecution have it in that file or in his briefcase. It's handwritten, and it's handwritten by the, the lady who interrogated me in the police station on 22 and 23 June. Do you not recall that there was a statement, which I've got down there in my boxes of files locked up in the cell down below, that this is, this one you've shown the Court is your second statement?

**G** **Ms Williams:** That's right.

**Mr Kirk:** No, it's not.

**H** **His Honour Judge Thomas:** What is the date of your first statement?

**Ms Williams:** Without it in front of me, I couldn't, sorry, I can't tell you.

**A** **His Honour Judge Thomas:** Would it have --

**Mr Kirk:** Did you --

**B** **His Honour Judge Thomas:** Been the day before or a, another day?

**Ms Williams:** It was sometime prior to that. I had a telephone call to make the second statement to be more specific to Mr Kirk.

**C** **Mr Kirk:** Yeah, who, but who from?

**Ms Williams:** The second statement, I had a telephone call from Detective Inspector Suzanne Hughes.

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

**Ms Williams:** Yes.

**E** **Mr Kirk:** How quickly did you create that second one?

**Ms Williams:** I think it was done the same day.

**F** **Mr Kirk:** Right. Right, so what about the third statement?

**Ms Williams:** The what, sorry?

**G** **Mr Kirk:** The third statement.

**Ms Williams:** Third?

**H** **Mr Kirk:** Third.

**Ms Williams:** I've made no third statement.

**A** **Mr Kirk:** Un, deux, trois, third one. Is there anything, on that typed statement, relating to my wife?

**Ms Williams:** I think the typed statement relates to the check at the home address.

**B** **Mr Kirk:** *Well*, could you, would you like to have it in front of you? It might help you remember the details of your first statement.

**Ms Williams:** I conclude on this statement that the address search provided information in relation to Kirsty Louise Kirk.

**C** **Mr Kirk:** Yes, so is there a third statement in existence or not?

**Ms Williams:** There is not.

**D** **Mr Kirk:** So you only made two statements.

**Ms Williams:** That's correct.

**E** **Mr Kirk:** And you accept that you originally said this was the statement. Who caused you to give such evidence?

**Ms Williams:** Well, I was asked to provide statements by, by a police officer.

**F** **Mr Kirk:** No. When did you last see that statement?

**Ms Williams:** I was handed this, sorry, this one this morning.

**G** **Mr Kirk:** Yeah, who by?

**Ms Williams:** Detective Inspector Suzanne Hughes.

**H** **Mr Kirk:** Yeah, yeah, right, and why didn't she give you your first one, the one that relates to me? Didn't you ask?

**His Honour Judge Thomas:** This one does relate to you, Mr Kirk.

**A**  
**Mr Kirk:** You made a statement weeks before I was arrested, didn't you?

**Ms Williams:** I understood this statement was the one that was relevant to ...

**B**  
**Mr Kirk:** No.

**Ms Williams:** This case.

**C**  
**Mr Kirk:** That's August the, roughly the 11<sup>th</sup>, you say. You made your first statement weeks before Operation Chalice was decided, in May. Yeah, your statement was, was just around about May/June, just at the turn of May. That's when you made your *statement*. Where did you do it? In the HQ?

**D**  
**Ms Williams:** In headquarters, yes.

**Mr Kirk:** Right.

**E**  
**His Honour Judge Thomas:** Well, tell me, Mr Kirk, are you saying that this statement is false, in other words that you did have a firearms certificate? If not, what is the relevance of it?

**F**  
**Mr Kirk:** I hold nothing against this lady based on the evidence she has so far given, other than perhaps a lapse of memory, because the way that she's been presented to a British Jury is what I, is what I object about. Could you, over lunch, possibly obtain a copy or persuade the jailors down there, slip them something, to let me get at my copy, so that at 2 o'clock  
**G** this Court can see the content of your original statement?

**His Honour Judge Thomas:** Well, rather than perhaps Mr Kirk directing witnesses and people what to do, let me make an order belatedly. Could you make enquiries to see if there  
**H** is a copy of the first statement please?

**Mr Twomlow:** Yes, I will.



**A** **His Honour Judge Thomas:** Thank you very much. I think, members of the Jury, you perhaps deserve a longer lunchbreak than normal. Can you make it quarter past 2 please?  
Thank you.

(jury retires)

**B** **His Honour Judge Thomas:** Thank you. I'm afraid you'll have to come back this afternoon. Please don't discuss your evidence with anybody else.

**Ms Williams:** OK.

**C** **His Honour Judge Thomas:** Thank you. Mr Twomlow, which other witnesses are hoped to be called?

**D** **Mr Twomlow:** The witnesses who are here and due to give evidence, we have PC Rigley, DC Robinson, DC Dixon, Mr Nigel Brown and Mr Andrew Huxtable. I don't know about PC Frank.

(counsel takes instructions)

**E** **Mr Twomlow:** No, no, those are the witnesses that we have. It's in relation to the transfer of *the* gun from Nottingham, from Mr Scott and to Mr Brown and then to Mr Huxtable, who is one of the expert witnesses.

**F** **His Honour Judge Thomas:** *Yeah, all right.* So Mr Huxtable, as an expert witness, is, it is hoped, will be called this afternoon.

**G** **Mr Twomlow:** Yeah, well, he, he may be.

**His Honour Judge Thomas:** Is he available tomorrow?

(counsel takes instructions)

**H** **His Honour Judge Thomas:** *No, I think --*

**Mr Twomlow:** Can we, can we make an enquiry about that?

**A**

**His Honour Judge Thomas:** Well, I think, I think that should be done just in case you run out of time.

**B**

**Mr Kirk:** Your Honour, I, I, I might, I pray, I pray, not to be rude, but I suspect I understand what you are after. If I could see the statements of those witnesses that have just been mentioned, I haven't been given the opportunity to agree the statement.

**C**

**His Honour Judge Thomas:** Well, I'm sure that, rather than going into the rights and wrongs of that, if the statements of those who are to be called this afternoon could be photocopied and given, it may save time. I see the look of displeasure on Mr Twomlow's face, but it may well be that a stitch in time might save nine.

**D**

**Mr Twomlow:** Your Honour, every statement that's been served on Mr Kirk has been copied again, and ...

**E**

**His Honour Judge Thomas:** I know, but there are witnesses, witnesses being brought here and kept here is more expensive again.

**F**

**Mr Kirk:** No, I'm willing to pay.

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

**Mr Kirk:** You know, I have a bottomless pit.

**Mr Twomlow:** Mr Kirk --

**G**

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

**Mr Twomlow:** Has his --

**H**

**His Honour Judge Thomas:** I wouldn't say --

**Mr Twomlow:** Documents.

**A**           **His Honour Judge Thomas:** That which I ...

**Mr Twomlow:** He has his documents and he could get hold of them. And, but nevertheless --

**B**           **His Honour Judge Thomas:** Well, it's up to you, Mr Twomlow. If you don't --

**Mr Twomlow:** *But he* --

**C**           **His Honour Judge Thomas:** Give him them, then we may have a delay this afternoon.

**Mr Twomlow:** Your Honour --

**D**           **His Honour Judge Thomas:** I'm just trying to save some time. If it costs the CPS a few bob, I'm sorry, it isn't really my concern. It may cost them more money to have witnesses hanging around. Thank you.

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

(luncheon adjournment)

**F**           **Court Clerk:** Court please rise.

(counsel takes instructions)

**G**           **His Honour Judge Thomas:** Mr Twomlow, before you say anything to me, there's one or two things I want to make abundantly plain.

**Mr Twomlow:** Yes.

**H**           **His Honour Judge Thomas:** The first is this. No one is to approach the dock. That is to say, anybody connected with Mr Kirk, his friends or supporters must not approach the dock and try and pass him anything, or in any other way. Otherwise, security will be compromised. If I hear that someone does on another occasion, there will be serious

A repercussions. The other thing I have to say is this. The Court staff are not here to provide information. They're here to do other jobs, and they should not be approached to provide information or to provide services, unless it is with my express consent. Yes, Mr Twomlow.

B **Mr Twomlow:** Your Honour, the first thing is this. I've received information, and I think it came from two sources, that a member of, of the public who's in the public gallery was this morning taking notes. Your Honour's already spoken about whether, about people not taking notes, when they're not authorised to do so.

C **His Honour Judge Thomas:** Has that person been identified?

**Mr Twomlow:** Yes.

**His Honour Judge Thomas:** Who is it?

D **Mr Twomlow:** I believe it is the lady sitting at the back here with the T shirt with Ruth something on it.

E **His Honour Judge Thomas:** Could you stand up please, Madam?

**Female:** Certainly.

F **His Honour Judge Thomas:** Have you been taking notes?

**Female:** I have, Sir.

G **His Honour Judge Thomas:** I, were you here yesterday when I said that no one was to take notes?

**Female:** I was not present yesterday.

H **His Honour Judge Thomas:** Right, will you please hand the notes to the usher?

**Female:** They, they've, they've *gone away, my notes*, because, *because* I'm going to do *them* correctly in response to, in response to your allegation that Mr Kirk --

**A** **His Honour Judge Thomas:** Well, you've said you had been taking notes.

**Female:** Yes, but in response to an allegation I can take notes. It, it's not an unlawful activity.

**B** **His Honour Judge Thomas:** Yes, it is.

**Female:** *Under* whose, whose authority am I not allowed to take notes, Sir?

**C** **His Honour Judge Thomas:** Mine. It is against --

**Female:** Sir, Sir, I'm asking --

**D** **His Honour Judge Thomas:** Don't --

**Female:** Sir, do you have an oath of office?

**E** **His Honour Judge Thomas:** I, I beg your pardon?

**Female:** Do you have an oath of office?

**F** **His Honour Judge Thomas:** If you do not, Madam, stop taking notes or if you take any notes again, you will be removed from the Court on my authority.

**Female:** Sir, on whose authority?

**G** **His Honour Judge Thomas:** Right, would you take this lady from Court please? If necessary, a police officer can come.

**Mr Kirk:** I do lodge an objection. She is ...

**H** **Female:** *Don't push.*

**Mr Kirk:** Memorising information that I need as a Defendant who's being denied his papers.

**A** **Female:** *Put makeup on, seriously.*

(defendant confers with dock officer)

**B** **Female:** On what grounds, though, am I being removed?

**His Honour Judge Thomas:** Yes, would you please leave the Court? Otherwise, there will be repercussions for you.

**C** (pause)

**D** **His Honour Judge Thomas:** Just so that we're sure, that lady is not to be let back into the Court. Anybody else who takes notes, I'm afraid, my also be asked to leave. Yes, are there any other matters, Mr Twomlow?

**Mr Twomlow:** The statements have been copied. Statements of the witnesses who may give evidence this afternoon have been copied so that Mr Kirk can have those statements.

**E** **His Honour Judge Thomas:** Does he have them now?

**Mr Twomlow:** Yes, I think *the* ...

**F** **His Honour Judge Thomas:** Thank you. Let's have the Jury back in then please.

**Mr Twomlow:** And there is ...

**G** (counsel takes instructions)

**H** **Mr Twomlow:** There is the original, the first statement from the witness who's currently giving evidence, which I can hand in. There's a handwritten, it, it's handwritten, and there's a typed copy as well, attached to it.

**His Honour Judge Thomas:** And the original is here?

**Mr Twomlow:** And this is the original.

**A** **His Honour Judge Thomas:** Has Mr Kirk been given a copy of this?

**Mr Twomlow:** Yes, just, or his ...

**B** **Mr Kirk:** Could I see a sight of the original please?

(pause)

**C** **Mr Kirk:** Thank you.

**His Honour Judge Thomas:** Right, can we have the Jury back in then please? While we're waiting for the members of the Jury, it may be as well if the witness was given a copy of it so she can refresh her memory.

**D** (jury returns)

**E** **His Honour Judge Thomas:** Yes, good afternoon, members of the Jury. I've been given a copy of a handwritten statement dated 3 June and a typewritten copy of it. Do you have that as well, Mr Kirk?

**Mr Kirk:** But I don't have a typewritten one of the, of the second one.

**F** **His Honour Judge Thomas:** Well, I've got a typewritten copy of the second one. Do you not have it?

**G** **Mr Kirk:** It's August the ...  
(defendant confers with his sister)

**H** **Mr Kirk:** Am I --

**His Honour Judge Thomas:** I beg your pardon. The, I beg your pardon, the first one. I'm sorry.

**A** **Mr Kirk:** Yeah, I have the first one.

**His Honour Judge Thomas:** Yes, but do you --

**B** **Mr Kirk:** But --

**His Honour Judge Thomas:** Have a typewritten copy of the dated 3 June 2009?

**Mr Kirk:** Yes.

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

**D** **Mr Kirk:** I'm being offered paper from somebody. You warned anybody who approached, who --

**His Honour Judge Thomas:** Yes, that may be.

**E** **Mr Kirk:** Approached the dock --

**His Honour Judge Thomas:** Documents --

**F** **Mr Kirk:** And gave me --

**His Honour Judge Thomas:** Emanating from the Court can be passed to you.

**Mr Kirk:** So they concerned my sister. And he can give me anything they like.

**G** **His Honour Judge Thomas:** No, no, pieces of paper to do with the Court case.

**H** **Mr Kirk:** So if my sister can give me all the papers that I gave her yesterday before the Court confiscated all my defence papers, she's not in trouble. Is that right?



**A** **His Honour Judge Thomas:** Mr Kirk, you've been told about the papers. I'm not going to revisit that. Please ask any questions you want to about this witness and these statements please.

**Mr Kirk:** Well, without any papers, I'm in difficulties --

**B** **His Honour Judge Thomas:** You've just been given the statements. Please ask any questions you want to about that.

**Mr Kirk:** You've got a copy of your first statement.

**C** **Ms Williams:** I have.

**Mr Kirk:** Does it indicate whether I have owned a firearm certificate?

**D** **Ms Williams:** It indicates that the database has been checked and that you haven't held a firearm or shotgun certificate.

**E** **Mr Kirk:** Right. It doesn't, does it? You just haven't been able to find it, have you? Are you telling me that when you contacted the Somerset Police Force, did you?

**Ms Williams:** I haven't contacted any other force, no.

**F** **Mr Kirk:** Why not?

**Ms Williams:** The firearms database is a national system.

**G** **Mr Kirk:** Oh, right, so it covers Somerset.

**Ms Williams:** It does.

**H** **Mr Kirk:** So, on these three hundred and, oh, it's more. It keeps going up every time I look. It's three hundred and eighty something item numbers of police schedule of non sensitive unused material that was served on me on Friday last week, gives information which reminds me of the stuff that was served on me in the summer, of identical document format, that you

**A** made enquiries to France about me and firearms. And was I selling machine guns in Brittany and was I visiting antique gun shops in Brittany? And you have been contacting the Somerset Police.

**Ms Williams:** Not me.

**B** **Mr Kirk:** Where I held a licence for my shotguns for at least 15 years. Are you saying that your system in South Wales could not detect that?

**C** **Ms Williams:** The search that we carry out on the National Firearms Licensing Database will bring back a hit of anybody that's got a current firearm or shotgun certificate or any certificate that's ever been refused or revoked.

**D** **Mr Kirk:** Yes, but I asked my sister because I thought I'd missed it. You can confirm to this Court that if I'd had a firearm certificate, and even if I had the relevant legal paperwork on the day of my alleged offence for this case, your system wouldn't confirm it, would it?

**E** **Ms Williams:** It would have confirmed it if you were a current firearm or shotgun certificate holder.

**Mr Kirk:** Right. What's a police permit?

**Ms Williams:** Sorry?

**F** **Mr Kirk:** What is a police permit?

**Ms Williams:** A, there's a shotgun permit or a, a temporary firearms permit.

**G** **Mr Kirk:** A, a temporary one being for what?

**Ms Williams:** They're issued for, for temporary possession of a firearm or shotgun.

**H** **Mr Kirk:** What's the exemption for people who live abroad?

**Ms Williams:** Sorry, what do you mean?

A

**Mr Kirk:** There are exemptions in the '68 Act for people who come over for the, the Glorious Twelfth for a day's grouse shooting and go back to Paris, where they may be under a different category as to the documentation upon which you, your job is about, on the national computer. Now, do you know about what I'm talking about or do I wait for my own Defence witnesses on this?

B

**Ms Williams:** Are you talking about a visitors firearm --

**Mr Kirk:** Yes.

C

**Ms Williams:** Or shotgun --

**Mr Kirk:** All right.

D

**Ms Williams:** Permit?

**Mr Kirk:** Yes, yes, just quickly, briefly. Yes, well, explain please to the, whether it's relevant to the indictment that carries a 5 year prison sentence for each one.

E

**Ms Williams:** Sorry, I don't know what you mean.

**Mr Kirk:** Could it be relevant to today's proceedings, a visitors permit?

F

**Ms Williams:** I don't think so.

G

**Mr Kirk:** So, if I came over from my house in Brittany for the day with a shotgun or, more to the point, borrowed somebody's Purdey to, to, for a day's grouse shooting, would I need a police, British police document to retain, maintain my legality?

H

**Ms Williams:** I believe you'd have to apply for a visitors shotgun permit if you weren't resident in --

**Mr Kirk:** *Right*, right.

**Ms Williams:** The UK.

**A**

**Mr Kirk:** OK. Did you find any record of such an application?

**Ms Williams:** The check I made on your name and date of birth came back with no results at all.

**B**

**Mr Kirk:** Right. I find that very worrying. I, at the time of you doing it, was classified by your officer, Barbara Wilding, as Level 3 of the MAPPAs security services of our country. Were you aware of that when you were asked to do the search?

**C**

**Ms Williams:** I'm sorry. I don't know what you're talking about.

**D**

**Mr Kirk:** Have you been made aware since you made the search in June that I have been classified as terrorist level? That's the top 5% of the nastiest people we have in our country at the moment. And that doesn't mean Mr Blair. You, you aren't aware of what I'm talking about. You don't even --

**E**

**Ms Williams:** I'm not. All, my only involvement with this matter was to check the database.

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

**F**

**Ms Williams:** And provide a statement, and nothing, not further involvement.

**Mr Kirk:** I'm terribly sorry. Are you a civilian or a police officer?

**Ms Williams:** I'm a civilian.

**G**

**Mr Kirk:** I'm sorry. I would have been far more polite for you. I, I understand now you're not, you're, I am sorry. I missed the point. My fault entirely. So if I said to you that I must have had a firearm certificate, shotgun licences at least from the age of, what, 14, 15, 15 till they all expired when I went, left the country, could you get access to confirming that? Because I need that, by the sounds of it, by the way this case is going. Are you in the position to check up and come back or send in to the Judge something on an official piece of paper?

**H**

**Ms Williams:** On the database if a record is, a firearm or shotgun certificate is cancelled, we only retain records for five years.

A

**Mr Kirk:** So, what happens if when I leave this Court without handcuffs and I apply for a firearm certificate, well, let's make it a shotgun, shotgun certificate, they rely on how I fill in the form, have you ever owned a, a, a licence to allow yourself to have a shotgun? They rely on the honesty of the guy with his Lewis machine gun wanting to rob a bank. Is this, is this the system you operate here in South Wales to protect us and my child?

B

**Ms Williams:** Thorough vetting checks are carried out on every applicant, and a home visit is conducted.

C

**Mr Twomlow:** Oh, home visit. I wasn't there on the day, was I? I was walking my child through St Donats, and it took 30 of you. Why wasn't I asked all these things at the time?

D

**His Honour Judge Thomas:** She's just said she's a civilian, not a police officer.

**Mr Kirk:** I'm sorry. I keep forgetting. Thank you for, for putting me in order. I'm, I'm sorry. I, I must. Thank you.

E

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

**Mr Twomlow:** Can I just ask you this? You've said that records with the database were since September 2006.

F

**Ms Williams:** Yes.

**Mr Twomlow:** What went onto the database originally when it was created?

G

**Ms Williams:** When records were transferred onto the national database, the only cancelled records that came over, the cancelled certificate, was, was them that had been cancelled within the previous five years. So anything that'd been cancelled five years or later wasn't transferred onto the system.

H

**A** **Mr Twomlow:** All right, so, if a certificate had been in existence but cancelled before somewhere about 2001, then that would not have been transferred onto --

**Ms Williams:** No.

**B** **Mr Twomlow:** The database.

**Ms Williams:** It wouldn't.

**C** **Mr Twomlow:** Were all existing records of firearms certificates that were current then transferred onto that database?

**Ms Williams:** Yes, they were.

**D** **His Honour Judge Thomas:** So if Mr Kirk, for example, had a shotgun certificate or firearm certificate in 1999, just to pluck a, pluck a date from the air, that would not have shown up on the database.

**E** **Ms Williams:** Not if it had been cancelled. If he'd had a certificate revoked, then they're on the system indefinitely, but not if they're cancelled.

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

**F** **Mr Twomlow:** So, just to be clear about it, what was transferred onto the database in 2006? Which records were transferred?

**G** **Ms Williams:** All current firearm and shotgun certificates, any certificate that had been revoked, any application that had been refused and any *application*, any certificate or record that had been cancelled in the previous five years.

**H** **Mr Twomlow:** Five years, but as far as those earlier categories are concerned, that went back as long as records could go back.

**Ms Williams:** Yes.

**Mr Twomlow:** Right.

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

**Mr Twomlow:** Yes.

**B**  
**Mr Kirk:** Could I just, I don't know, through you, you do mean by cancelled, do you mean those that have just expired because they have a, a, a ...

**Ms Williams:** They've expired, and the --

**C**  
**Mr Kirk:** Yeah, thank you.

**Ms Williams:** Certificate holder --

**D**  
**Mr Kirk:** Thank you.

**Ms Williams:** Doesn't want to ---

**E**  
**Mr Kirk:** Thank you.

**Ms Williams:** Renew.

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

**Ms Williams:** Lapsed.

**G**  
**Mr Kirk:** Lapsed. Is that the word? Thank you.

**His Honour Judge Thomas:** Thank you. Yes, thank you, Ms Williams.

**H**  
**Ms Williams:** Thank you.

**His Honour Judge Thomas:** Yes.

**A** **Mr Twomlow:** Your Honour asked before lunch if Mr Huxtable was available tomorrow. *But out of five witnesses who are going to be here this afternoon, he is available tomorrow.*  
I don't know whether ...

**His Honour Judge Thomas:** Are there other ...

**B** **Mr Twomlow:** Well --

**His Honour Judge Thomas:** Firearms experts being called tomorrow?

**C** **Mr Twomlow:** I'm sorry.

**His Honour Judge Thomas:** Are there other firearms experts being called tomorrow?

**D** **Mr Twomlow:** I believe. Let me just check. Yes, Mr Rydeard is being called tomorrow.

**His Honour Judge Thomas:** Well, it may be as well to have them back to back in the case.

**E** **Mr Twomlow:** It may be, yes.

**His Honour Judge Thomas:** Thank you. Yes, the next witnesses are, well, your next witness is ...

**F** **Mr Twomlow:** Adam Rigley.

**His Honour Judge Thomas:** PC Rigley.

**G** **Mr Twomlow:** At page 58. He, he is to do, he met Mr Scott.

(defendant confers with his sister)

**H** **Mr Twomlow:** Adam Rigley, page 58, Gary Dixon at page 60, Donna Robinson at page 61 and Nigel Brown at page 62 are --

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



**A** **Mr Twomlow:** The four witnesses. And we did have Mr Huxtable, but ...

**His Honour Judge Thomas:** Yes.

**B** **Court Clerk:** Could you raise the Testament in your hand?

**PC Rigley:** Thank you.

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

**PC Rigley:** I swear by Almighty God ...

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

**PC Rigley:** That the evidence I shall give ...

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

**PC Rigley:** Shall be the truth ...

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

**PC Rigley:** The whole truth ...

**G** **Court Clerk:** And nothing but the truth.

**PC Rigley:** And nothing but the truth.

**H** **Court Clerk:** Thank you.

**Mr Twomlow:** What's your full name, your rank and your station please?

**PC Rigley:** I'm Police Constable 1484 Adam James Rigley from the Nottinghamshire Police, and I'm stationed on the Firearms Support Group.

**A** **Mr Twomlow:** On Monday 22 June, officer, at 7 o'clock in the evening were you on duty in uniform and on mobile patrol in a marked police Volvo in company with Police Constable, Police Constable Pilkington [sic]?

**B** **PC Rigley:** Pilkington, yes.

**Mr Twomlow:** Pilkington.

**PC Rigley:** Yes.

**C** **Mr Twomlow:** It's a misprint. Did you go to a premises in Newark in Nottinghamshire?

**PC Rigley:** Yes, I did.

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

**PC Rigley:** Yes.

**E** **Mr Twomlow:** What happened then please?

**PC Rigley:** He handed me what I believed at that time to be a World War One era Lewis gun which I'd been asked to cease, which I duly did. I was asked to issue a clearance certificate on the weapon to prove that it was safe and clear to be handled --

**F**

**Mr Twomlow:** Right.

**G** **PC Rigley:** Which I did, and then took a statement from Mr Scott.

**Mr Twomlow:** Yes. Now, I think you gave your initials AJR1 as the police reference number for that.

**H** **PC Rigley:** I did, yes.

**Mr Twomlow:** And it's exhibit 1 in this case. Do you recognise what is on the desk there?

**A** **PC Rigley:** I do, Sir, yes.

**Mr Twomlow:** Now, you examined the exhibit.

**B** **PC Rigley:** Yes.

**Mr Twomlow:** And was a, a certificate issued, as it were, to enable it, you to clarify it as clearance safe for the purposes of taking it --

**C** **PC Rigley:** Yes, I issued that certificate.

**Mr Twomlow:** Did you then take a statement from Mr Scott?

**D** **PC Rigley:** I did, yes.

**Mr Twomlow:** And what happened to the gun?

**E** **PC Rigley:** I basically retained it and drove down to St Ann's Police Station, where I handed the weapon to DC Dixon.

**Mr Twomlow:** Right. Now, St Ann's Police Station is in Nottingham.

**F** **PC Rigley:** It is, in the city.

**Mr Twomlow:** So you took the exhibit there and you handed it to ...

**G** **PC Rigley:** DC Dixon.

**Mr Twomlow:** DC Dixon. What time was that?

**H** **PC Rigley:** 10pm.

**Mr Twomlow:** 10pm. Yes, thank you very much. Mr Kirk will have some questions for you.

**A**           **Mr Kirk:** No, thank you.

**His Honour Judge Thomas:** No questions. Has, has Mr Huxtable actually been sent away yet?

**B**           **Mr Twomlow:** Sorry?

**His Honour Judge Thomas:** Has Mr Huxtable actually been sent away yet? I may --

**C**           **Mr Twomlow:** No.

**His Honour Judge Thomas:** Be as well to --

**D**           **Mr Twomlow:** He hasn't.

**His Honour Judge Thomas:** To hand on to, to him for a little while.

**E**           **Mr Twomlow:** Yes.

**His Honour Judge Thomas:** Just in case we go quicker than anticipated. Thank you, PC, DC Dixon [sic]. I'm sorry that you've had to come all the way for, for that brief piece --

**F**           **PC Rigley:** *It's a --*

**His Honour Judge Thomas:** Piece of evidence.

**G**           **PC Rigley:** OK, then. Thank you.

(clerk confers with witness)

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

**Mr Twomlow:** The next witness is Gary Dixon.

(parties confer)

**A**

(clerk confers with witness)

**Court Clerk:** And could you raise the Testament in your hand please?

**B**

**DC Dixon:** Yes.

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

**C**

**DC Dixon:** I swear by Almighty God ...

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

**D**

**DC Dixon:** That the evidence I shall give ...

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

**E**

**DC Dixon:** Shall be the truth ...

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

**F**

**DC Dixon:** The whole truth ...

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

**DC Dixon:** And nothing, and nothing but the truth.

**G**

**Court Clerk:** Thank you.

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

**H**

**DC Dixon:** I am Detective Constable 480 Gary Dixon of the Nottinghamshire Police, presently stationed at the St Ann's Homicide Unit in Nottingham.

**Mr Twomlow:** At 10 o'clock on the night of Monday 22 June of last year were you on duty at St Ann's Police Station --

**A**

**DC Dixon:** I was.

**Mr Twomlow:** In Nottingham?

**B**

**DC Dixon:** I was indeed, yes.

**Mr Twomlow:** Did you see PC 1484 Rigley?

**C**

**DC Dixon:** I did, yes.

**Mr Twomlow:** And what happened please?

**D**

**DC Dixon:** PC Rigley handed me an exhibit, which was a firearm. That had a label attached to it. It was referred to as police item AJR1.

**Mr Twomlow:** And looking down at the desk here, do you recognise that?

**E**

**DC Dixon:** That would be the same weapon, yes.

**Mr Twomlow:** And then did you transport that item somewhere?

**F**

**DC Dixon:** I did. I then, together with a colleague, DC Robinson, transported it along the M42 to the Hopwood service station area, where at 20 to midnight that same evening I handed it to a firearms officer, Mr Brown, from the South Wales Police.

**G**

**Mr Twomlow:** Was that Nigel Brown?

**DC Dixon:** Nigel Brown, yes. That's correct.

**H**

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

**DC Dixon:** Thank you.

**A** **Mr Kirk:** Did you exceed the speed limit at all?

**DC Dixon:** No, I did not.

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

**DC Dixon:** I am quite positive I did not.

**C** **Mr Kirk:** There, so there was no urgency in the ...

**DC Dixon:** I beg your pardon.

**Mr Kirk:** There was no great urgency in all this.

**D** **DC Dixon:** Oh, oh, there was urgency, but there was no need to exceed the speed limit. It's a matter of 45 minutes from where I work to Birmingham.

**E** **Mr Kirk:** I see. What aspect of this, your involvement did you consider was urgent?

**DC Dixon:** Urgent?

**Mr Kirk:** Yes.

**F** **DC Dixon:** Only, the only urgency was the fact that we'd been asked to do a job, and I, with a, my colleague, as I've said, had to transport it. It was getting late into the evening, and I was under the impression that ...

**G** **Mr Kirk:** You --

**DC Dixon:** The South Wales Police needed this exhibit ...

**H** **Mr Kirk:** Yeah.

**DC Dixon:** As soon as possible.

**A** **Mr Kirk:** You would have come off duty at 10 o'clock.

**DC Dixon:** I should have done, yes.

**B** **Mr Kirk:** Yes, and it was, that's why you wanted to get on with it, wasn't it?

**DC Dixon:** No, I was quite happy to work the overtime. I finished, I think it was half past 1 in the morning, and I regularly work 12, 14, 16 hour shifts.

**C** **Mr Kirk:** Careful, I'll lose my temper. How many Lewis type machine gun replica, whatever, have you taken in a police car since you first became a police officer?

**DC Dixon:** That's the only one of its kind I've ever seen.

**D** **Mr Kirk:** Thank you. Are you familiar with such prohibited weapons under the '68 Act being transported around the country in a manner similar to what you were part of?

**E** **DC Dixon:** I can't say I am familiar, because I don't normally have involvement with firearms.

**Mr Kirk:** Sorry, so what's your job?

**F** **DC Dixon:** I'm a detective on the homicide unit. I'm not a firearms officer. I've not, I've never been firearms trained. I was taking an exhibit from Nottingham to hand over to the South Wales Police.

**G** **Mr Kirk:** Do we have, did we have motorway traffic police in those days?

**DC Dixon:** Nottinghamshire haven't got a motorway traffic department. I can't speak for other forces.

**H** **Mr Kirk:** No, so you were the officer available at the time to transport a package.

**DC Dixon:** That's correct, yes.



**A**           **Mr Kirk:** Thank you.

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

**B**           **Mr Twomlow:** No, thank you.

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

**DC Dixon:** Thank you.

**C**           **Mr Twomlow:** Donna Marie Robinson, page 61, Your Honour.

(pause)

**D**           (clerk confers with witness)

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

**DC Robinson:** I swear by Almighty God ...

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

**DC Robinson:** That the evidence I shall give ...

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

**G**           **DC Robinson:** Shall be the truth ...

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

**H**           **DC Robinson:** The whole truth ...

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

**A** **DC Robinson:** And nothing but the truth.

**Court Clerk:** Thank you.

**B** **DC Robinson:** I'm Detective Constable 210. I'm Donna Robinson. I work on the homicide unit in Nottinghamshire Police.

**Mr Twomlow:** Yes, Detective Constable, did you go on the night of 22 June 2009 with Detective Constable Dixon?

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

**Mr Twomlow:** From St Ann's, is it St Ann's Police Station in --

**D** **DC Robinson:** It is.

**Mr Twomlow:** Nottingham?

**E** **DC Robinson:** Yeah.

(defendant confers with dock officer)

**F** **Mr Twomlow:** And what was the purpose of your journey with him that night please?

**DC Robinson:** My purpose was to accompany DC Dixon to the Hopwood services to transport a firearm and pass it over to the South Wales Police.

**G** (defendant confers with dock officer)

**Mr Twomlow:** And what was the firearm?

**H** **DC Robinson:** An, a police, our exhibit number AJR number 1. I don't know the name of, I think it's a Lewis type gun.

(defendant confers with dock officer)

**A** **Mr Twomlow:** But you went, in any event, with DC Dixon. And where did you go to?

**DC Robinson:** The Hopwood services, which is just off the M42 motorway.

**B** **Mr Twomlow:** Yes, and what happened there?

**DC Robinson:** DC Dixon handed the, *the* firearm on to the South Wales officers.

**C** **Mr Twomlow:** Right. Do you remember the name of the officer it was handed to?

**DC Robinson:** No, unfortunately I don't, sorry.

**D** **Mr Twomlow:** Yes, thank you very much.

**DC Robinson:** Thank you.

**E** **His Honour Judge Thomas:** Yes, Mr Kirk.

**Mr Kirk:** Thank you.

**F** **His Honour Judge Thomas:** So you, the, you, the, are you indicating you've got no questions, Mr Kirk?

**G** **DC Robinson:** Well, I did attempt to sort these statements out more than once in the last eight months. I have 26 applications to make to you, and you won't let me put them. And I tried to do a deal to get rid of some of these witness statements so that I could bargain with you for time for you to hear my applications.

**H** **His Honour Judge Thomas:** You will have time this afternoon. At half past 3 I will send the members of the Jury away and I will deal with as many *of* the applications then as I can.

**Mr Kirk:** With my papers.

**His Honour Judge Thomas:** You will get your papers when you sign for them, Mr Kirk.

A

**Mr Kirk:** They've come from the prison un, sealed. They're sitting down there. They've promised me, these security people here in your Court, that they're still sealed. And when they go back tonight, I'm going to plead with the governor, Siân, who asked, I asked for mistletoe on my canteen at Christmas, hoping that she'd pay a visit to my cell. I'm going to ask her if I can get a message to her. Could they send my property directly into this room and bypass the security services? My family have tried to send in boxes of legal papers, exhibits, witness information, and it's been turned away at the door at the prison time and time again. And here we are getting bogged down with this utter nonsense, and I require to what I'm entitled under Article, Section [sic] 6(3) of the Convention, not that stupid Act that Blair put through to line the pockets of lawyers by avoiding Section 1.

B

C

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

D

**DC Robinson:** Thank you.

(clerk confers with witness)

E

**His Honour Judge Thomas:** Yes.

**Mr Twomlow:** Nigel Graham Brown please.

F

(clerk confers with witness)

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

G

**Mr Brown:** I swear by Almighty God ...

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

H

**Mr Brown:** That the evidence I shall give ...

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

**A**           **Mr Brown:** Shall be the truth ...

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

**B**           **Mr Brown:** The whole truth ...

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

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

**C**           **Court Clerk:** Thank you.

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

**D**           **Mr Brown:** I'm Nigel Graham Brown. I'm a firearms examination officer in South Wales Police, stationed at headquarters.

**E**           **Mr Twomlow:** Yes, Mr Brown, did you on the night of Monday 22 June 2009 go to the Hopwood service area on the M42, southbound/

**Mr Brown:** Yes, I did, Your Honour.

**F**           **Mr Twomlow:** Do you remember what time you arrived there?

**Mr Brown:** About 23:40, I think. Sorry, what time did I arrive there?

**G**           **Mr Twomlow:** Yes.

**Mr Brown:** We arrived there quite early, about 9 o'clock.

**H**           **Mr Twomlow:** I see.

**Mr Brown:** And we had to wait for the --

**Mr Twomlow:** And did you meet other officers there?

**A**

**Mr Brown:** Yes, we met officers from Nottingham.

**Mr Twomlow:** Can you remember the officers who you met?

**B**

**Mr Brown:** I think it was a DC Dixon.

**Mr Twomlow:** DC Dixon, and what time did you meet him?

**C**

**Mr Brown:** I'm not sure, Your Honour. 10:40, was it? So ...

**Mr Twomlow:** *Yeah, all* right. What happened when you met him?

**D**

**Mr Brown:** He handed to me a, what was said to be a Lewis machine gun.

**Mr Twomlow:** Now, do you recognise that machine gun?

**E**

**Mr Brown:** That looks like the, the, the item, yes.

**Mr Twomlow:** And was it police item AJR1?

**F**

**Mr Brown:** Yes, it was, Your Honour.

**Mr Twomlow:** What happened to the machine gun after you took possession of it?

**G**

**Mr Brown:** It was returned to police headquarters in Bridgend, and then the following morning it was handed to Mr Andy Huxtable, who's the NABIS armourer.

**Mr Twomlow:** Right, so Mr Huxtable received it the following morning. And who handed it to him?

**H**

**Mr Brown:** I did.

**Mr Twomlow:** Yes.

**A** **His Honour Judge Thomas:** You said NABIS. What does NABIS stand for?

**Mr Brown:** National and Ballistic Intelligence Service, Sir.

**B** **Mr Twomlow:** Yes, thank you very much.

**Mr Brown:** Thank you.

**C** **Mr Kirk:** Sorry, I don't know if I have the right statement in front of me. You're Nigel Graham Brown.

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

**D** **Mr Kirk:** You only made one statement.

**Mr Brown:** I did, yes.

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

**Mr Brown:** One statement. I've, I've made a, a note of a telephone conversation I had with a Mr Scott on the, early in the evening.

**F** **Mr Kirk:** Good. Have you got it with you?

**Mr Brown:** I haven't, no.

**G** **Mr Kirk:** Could you arrange for it to come to the Court by the end of tomorrow?

**Mr Brown:** I, I think you'll find it's probably in the, in the witness room at the back of the Court.

**H** **Mr Kirk:** So I could have it before 4:30, 4 o'clock possibly.

**Mr Brown:** You certainly could, yes.

**A** **Mr Kirk:** Thank you. What was the content of that note, roughly?

**Mr Brown:** Just a conversation from Mr Scott that he, he had the, the weapon in his possession and that I, I think he, he explained that he didn't think it was a deactivated weapon.

**B** **Mr Kirk:** You, was this done, on the note, you mean, you mean on the phone or, or at the, at his shop?

**C** **Mr Brown:** No, he, I had a conversation with him from when I was in headquarters in Bridgend on the telephone. And after that telephone conversation I was asked to make a note of that telephone conversation.

**D** **Mr Kirk:** Who by?

**Mr Brown:** By the officer in charge of the case.

**E** **Mr Kirk:** Who is ...

**Mr Brown:** I'm sorry. I didn't hear the question.

**F** **Mr Kirk:** Who is the officer in charge?

**Mr Brown:** The Detective Inspector.

**Mr Kirk:** Name please.

**G** **Mr Brown:** I'm, I'm not sure, Your Honour.

**Mr Kirk:** Male or female?

**H** **Mr Brown:** Female.

**Mr Kirk:** OK. So, what day was that, relative to ...



**A**           **Mr Brown:** It was the same day as I went up to collect the weapon from the service station.

**Mr Kirk:** Which was ...

**B**           **His Honour Judge Thomas:** 22<sup>nd</sup> of ...

**Mr Kirk:** Monday, oh, in the evening.

**His Honour Judge Thomas:** 22 June.

**C**           **Mr Kirk:** Of the, the 20, oh, no, on the, the 22<sup>nd</sup>, the Mon, the, Tuesday 22.

**Mr Brown:** I went up on the --

**D**           **Mr Kirk:** Yeah.

**Mr Brown:** Tuesday, yes.

**E**           **Mr Kirk:** Yeah.

**Mr Brown:** Yeah.

**F**           **Mr Kirk:** So you phoned while you were driving.

**Mr Brown:** No, no, I, I was in the ...

**G**           **Mr Kirk:** Oh, sorry, you said so. Sorry.

**Mr Brown:** Police station in Bridgend, in, headquarters.

**H**           **Mr Kirk:** Yeah. So, what --

**Mr Brown:** Or police office.

**Mr Kirk:** Time, what time did you make that phone call?

**A**

**Mr Brown:** I'd have to refer to the note, Your Honour. It's, it's ...

**Mr Kirk:** Roughly, roughly.

**B**

**Mr Brown:** That was about 5 o'clock in the evening, something like that.

**Mr Kirk:** OK, right. How did you know it was there? Did he ring you or did you ring them?

**C**

**Mr Brown:** No, I was asked to, I was handed the phone and asked to speak to him.

**Mr Kirk:** So somebody had phoned him and then handed you the phone.

**D**

**Mr Brown:** That's, that's correct.

**Mr Kirk:** Right. Do you do this sort of thing often?

**E**

**Mr Brown:** What sort of thing, Mr Kirk?

**Mr Kirk:** Driving around the countryside to pick up firearms.

**F**

**Mr Brown:** No, I was asked to do it in my capacity as a firearms examination officer. Sorry. *But* I was asked to go and collect it.

**Mr Kirk:** Yeah, I'll ask the question again. Do you, is it routine for you to drive around the country picking up single items of hardware?

**G**

**Mr Brown:** If the, if the need arises, yes, I have been asked in the past to do this.

**Mr Kirk:** Yeah.

**H**

**Mr Brown:** Yes.

**Mr Kirk:** How often in the last 12 months?

**A**

**Mr Brown:** In the last 12 months, none.

**Mr Kirk:** OK. How many Lewis machine guns have you picked up in your life?

**B**

**Mr Brown:** I've never picked up a Lewis machine gun before.

**Mr Kirk:** I thought I had the wrong statement here, but did you get involved, did you attend my home?

**C**

**Mr Brown:** I did, Mr Kirk, yes.

**Mr Kirk:** Sorry, have you been asked about that in your evidence-in-chief at all? Have you already given evidence on that?

**D**

**Mr Brown:** No.

**Mr Kirk:** And are you sure this is the only statement other than that note?

**E**

**Mr Brown:** Yes.

**Mr Kirk:** Right. It says here at 2 o'clock on 22 July you went to The Marl pits, St Donats, Llantwit Major, the home and address of Mrs Louise Kirk. Why did you go there?

**F**

**Mr Brown:** I was asked by the teams that were at the premises, searching the premises.

**G**

**Mr Kirk:** Teams? Teams? What?

**Mr Brown:** They was of --

**H**

**Mr Kirk:** Teams of --

**Mr Brown:** They were --

**Mr Kirk:** Horses or ...

**A**

**Mr Brown:** The, the police teams, *the* police search teams that were at the premises --

**Mr Kirk:** Yeah.

**B**

**Mr Brown:** Required somebody to come and have a look at the firearms that were at the premises.

**C**

**Mr Kirk:** Yes. There were two teams of police there. What were their usual purposes, not when they were on my property? What were they --

**Mr Brown:** I, I can't answer that, Your Honour. I was, I don't know who they are.

**D**

**Mr Kirk:** Oh, I see. How many police officers were there when you arrived?

**Mr Brown:** I cannot answer that either, Your Honour.

**E**

**Mr Kirk:** Why not?

**Mr Brown:** Because I don't know how many officers were there when I arrived. I, I spoke to an officer who took me to a room and showed me weapons, with your wife. And I took them away from the premises.

**F**

**Mr Kirk:** Let's start again. What time, you say here:

“At 2 o'clock I attended Marlpits.”

**G**

Did you get driven there or did you drive yourself?

**Mr Brown:** No, I drove myself.

**H**

**Mr Kirk:** Right, and an officer. Got a name?

**Mr Brown:** No, I haven't, Your Honour.

**A**           **Mr Kirk:** Have you got a record in your notebook?

**Mr Brown:** I don't keep a note. I'm a civilian.

**B**           **Mr Kirk:** Oh, I'm sorry. I'll be a little more polite. I'm terribly sorry. I've missed, I've done it again. So you are a civilian employed by the police force.

**Mr Brown:** I am.

**C**           **Mr Kirk:** Ah, right, I'm sorry. So you went there on behalf of, who asked you to go?

**Mr Brown:** I was requested, I had a telephone call from the operations room to ask me to attend at the premises.

**D**           **Mr Kirk:** Who asked you to go there? Do you remember?

**Mr Brown:** No, I can't, Your Honour. It's, it's --

**E**           **Mr Kirk:** Male or female?

**Mr Brown:** Again, I can't remember that, Your Honour.

**F**           **Mr Kirk:** OK, OK. You went into the, you went into the building. Do you remember the rank of the police officer?

**Mr Brown:** No, I don't, Your Honour.

**G**           **Mr Kirk:** No, and as you went in did you go through the front door or the back door?

**Mr Brown:** I, I sat in the garden with your wife at the, at the table. And --

**H**           **Mr Kirk:** Right.

**Mr Brown:** I went in with her to the cabinet just inside the toilet or shower area.

**A**           **Mr Kirk:** You're talking the standard firearms cabinet.

**Mr Brown:** Yes.

**B**           **Mr Kirk:** Yes, and in there did you look down the barrels of the shotgun in there at all?

**Mr Brown:** I checked the weapons to make sure they were safe, yes.

**C**           **Mr Kirk:** No, I'm talking about the condition of my shotgun. It, it, were the barrels looking OK?

**Mr Brown:** I didn't examine them for condition. I just took possession of them and took them back for safe keeping at Bridgend.

**D**           **Mr Kirk:** Ah, you were there purely to take --

**Mr Brown:** To --

**E**           **Mr Kirk:** Property, put it somewhere else. *OK.*

**Mr Brown:** Yes.

**F**           **Mr Kirk:** *That's fine.* Where are my shotguns now?

**Mr Brown:** They're in the army and police headquarters in Bridgend.

**G**           **Mr Kirk:** Well, I've been asking for them to be returned to this Court as exhibits. Could you arrange that?

**Mr Brown:** I can, it can be arranged, Your Honour, yes.

**H**           **Mr Kirk:** It, it, it's Court record and it's police, CPS record that I've been asking for any items alleged to be exhibit F1 to be secured by the, the, the Court before it could be tampered with by the South Wales Police. Are you aware of any of those requests?

**A**           **Mr Brown:** I'm not aware of that, Your Honour.

**Mr Kirk:** No.

**B**           **Mr Brown:** No.

**Mr Kirk:** OK. So you simply, and I've got a list, you picked up all these items and you left the scene. You had nothing else to do with this, did you?

**C**           **Mr Brown:** I left the scene with those items, yes, and took them back to police headquarters.

**Mr Kirk:** And, and, and you can't really help the Court on anything else, can you?

**D**           **Mr Brown:** I --

**Mr Kirk:** No. My wife made a statement. Were you there when she did it?

**E**           **Mr Brown:** No, I wasn't, Your Honour.

**Mr Kirk:** The police refused to release it to me. Are you aware of that?

**F**           **Mr Brown:** I'm not aware of that, Your Honour, no.

**Mr Kirk:** It's listed on the three hundred and, 382 items under police schedule of non sensitive unused material. You know nothing about *that*?

**G**           **Mr Brown:** I know nothing about that, Your Honour.

**Mr Kirk:** OK.

**H**           **Mr Brown:** No.

**Mr Kirk:** You're aware that she's made an official complaint.

**Mr Brown:** No, I'm not, Your Honour.

**A**

**Mr Kirk:** Are you aware that a, a Stuart Davies has signed that there is no reason to retain any evidence from Maurice Kirk?

**Mr Brown:** I'm not aware of any of that, Your Honour.

**B**

**Mr Kirk:** You haven't seen sight of the document?

**Mr Brown:** No, I, I'm just a firearms examination officer. I have --

**C**

**Mr Kirk:** Yeah.

**Mr Brown:** Nothing to do --

**D**

**Mr Kirk:** Ah, but --

**Mr Brown:** With the case.

**E**

**Mr Kirk:** You were, you were there. I just hope that you might, Stuart, he was an inspector.

(defendant confers with his sister)

**F**

**Mr Kirk:** It's on the front page of my arrest sheet, which I demanded when I was arrested, and it said, it's a yes and a no block, and it says:

“Do we have any reason to retain evidence [from Mr Kirk] from the arrested?”

**G**

And it was ticked:

“No.”

**H**

You've not been a party to that, bearing in mind you were taking firearms?



**Mr Brown:** No, Your Honour.

**A**

**Mr Kirk:** Were any of those firearms that you took considered or proved to be later unlawful, in those premises?

**B**

**Mr Brown:** They haven't been, they are just stored in headquarters at the moment, Your Honour. As far as I'm aware, they are just listed on or were listed on Mrs Kirk's licence at the time.

**C**

**Mr Kirk:** My old trusty muzzleloader made in Minehead, which you can see across the water if it isn't a, too foggy a day, 150, 170 years old now. If I ask for it back, could you arrange for it to come to Court?

**Mr Brown:** Yes, *Your Honour*, I probably could.

**D**

**His Honour Judge Thomas:** *What*, what do you mean to have it back, Mr Kirk?

**Mr Kirk:** Well, am, am I entitled to be in possession of that gun?

**E**

**Mr Brown:** You're entitled to, *if*, if it's an antique then, yes, you're entitled to have it without a, a licence, yes.

**F**

**Mr Kirk:** Right. Can you give some comment about what is an antique when it comes to firearms? Are you in the, are you a, here as an expert or just because, what are you here for? Hang on. You're here just to give fact.

**Mr Brown:** I'm here because I collected the, the --

**G**

**Mr Kirk:** Yeah.

**Mr Brown:** Lewis gun --

**H**

**Mr Kirk:** Yeah.

**Mr Brown:** From ...

**A** **Mr Kirk:** Could I have guidance from the Court please? Is, is he considered an expert witness? Or ...

**His Honour Judge Thomas:** He's talked about antiques, so I'd be grateful for your views on antiques.

**B**  
**Mr Brown:** OK. Antiques are, are, are weapons that the calibre of the weapon now are no longer manufactured, so you can't commercially buy the ammunition for, would probably render a, a weapon an antique. It has got nothing to do with age. It's not the same as an  
**C** antique item that you see on the Antiques Roadshow which is 100 years old. It's to do with whether you can still commercially buy the ammunition to fire from that weapon.

**His Honour Judge Thomas:** Sorry, could you, could you take that bit slower?

**D**  
**Mr Brown:** Sorry.

**His Honour Judge Thomas:** As far as you're concerned, an antique weapon is one for which you, you can still ...

**E**  
**Mr Brown:** You cannot buy --

**His Honour Judge Thomas:** Sorry, you cannot --

**F**  
**Mr Brown:** Commercially the ammunition to fire from it.

**His Honour Judge Thomas:** Buy commercially.

**G**  
**Mr Brown:** It's not manufactured anymore, Your Honour.

**His Honour Judge Thomas:** Calibre to, to, to fire it.

**H**  
**Mr Brown:** Yeah.

**His Honour Judge Thomas:** Sorry, Mr Kirk, I want to get this right in my mind.

**A** **Mr Kirk:** Oh, I, so do I want you to.

**His Honour Judge Thomas:** An antique weapon is one for which you cannot commercially buy ammunition of a calibre to fire it.

**B** **Mr Brown:** That's correct, Your Honour.

**His Honour Judge Thomas:** And that's your definition that you've been asked for by Mr Kirk.

**C** **Mr Brown:** Yes, it is.

**D** **His Honour Judge Thomas:** And it's not to do, you say, with the age of it, simply the availability of ammunition.

**E** **Mr Brown:** No, there, there are, there are still some weapons which, which normally you would consider to be antique by age, but you can still commercially buy ammunition which you can fire from those weapons, so it wouldn't be considered to be an antique.

**F** **Mr Kirk:** Your Honour, I need guidance here. Do I spend two hours cross-examining him on that point, or would it not be more efficient for you to deal with it, or do you wish to do that at the end of the trial?

**G** **His Honour Judge Thomas:** *Well*, that's why I wanted to find out what his --

**Mr Kirk:** I, I, I --

**H** **His Honour Judge Thomas:** View of an antique was.

**Mr Kirk:** Yeah, exactly.

**I** **His Honour Judge Thomas:** You say:

“Commercially.”

**A** If there is commercially available ammunition ...

**Mr Brown:** Yes, Your Honour.

**B** **His Honour Judge Thomas:** Which can be fired from the gun even though it is not the original ammunition, is that in your view an antique?

**Mr Brown:** No, but, I mean, Mr, Mr Kirk's on about his musket. It's a muzzle loading weapon, so that would be considered to be an antique because of the fact it's muzzle loading.

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

**Mr Brown:** *He, he --*

**D** **His Honour Judge Thomas:** But the question I was asking is, if for example a, take this gun, if there was commercially available ammunition which could be fired from it, what does that do to its status?

**E** **Mr Brown:** It, it remains what it is, Your Honour. It, it, it wouldn't be considered an antique, because there would be ammunition. I mean, that particular weapon, I, I think, fires a .303 round, and that is still commercially, you can still purchase that round quite readily on the open market.

**F** **Mr Kirk:** You've got a phone number, have you?

**Mr Brown:** Sorry?

**G** **Mr Kirk:** Got a phone number I can ring?

**Mr Brown:** No.

**H** **His Honour Judge Thomas:** No, what did you say? What, what ammunition did you say could be fired from that?

**Mr Brown:** I, I think, Sir, that it's a, it's .303.

**A**

**His Honour Judge Thomas:** .303?

**Mr Brown:** Yes, Sir.

**B**

**His Honour Judge Thomas:** So, *according to* your definition, that is not an antique.

**Mr Brown:** On the surface of it, Sir, no, it's not an antique.

**C**

**His Honour Judge Thomas:** Yes, is there any other matter arising from that that you want to ask, Mr Kirk?

**D**

**Mr Kirk:** An awful lot, Your Honour, but now is not the time. If you said what you said, I've got more than I hoped. You are based where?

**Mr Brown:** Police headquarters in Bridgend.

**E**

**Mr Kirk:** Yeah. How many firearms officers were around when you arrived with that?

**Mr Brown:** When I arrived ...

**Mr Kirk:** With that in the back of your police car.

**F**

**Mr Brown:** At 3 o'clock in the morning there was --

**Mr Kirk:** No, no.

**G**

**Mr Brown:** Nobody.

**Mr Kirk:** Yeah. Next morning.

**H**

**Mr Brown:** How many firearms officers were around?

**Mr Kirk:** Yeah. You took it in at half past 8 or what time?

**A** **Mr Brown:** I put it into my armoury at 3 o'clock, 4 o'clock in the morning, and it remained there until I came in the next day, when I gave it to --

**Mr Kirk:** Yes.

**B** **Mr Brown:** Mr --

**Mr Kirk:** Yes.

**C** **Mr Brown:** Huxtable.

**Mr Kirk:** Yeah, no, what time?

**D** **Mr Brown:** At about 10 o'clock, 10:15 in the morning.

**Mr Kirk:** And who was with you when you took it up?

**E** **Mr Brown:** Nobody. Mr Huxtable.

**Mr Kirk:** Well, that's not the information I've got. How many firearms officers have you got, roughly, in, no, I think that might be security. How many, how many would have been available on the specific morning?

**F** **Mr Brown:** Available for what, Your Honour?

**Mr Kirk:** To be on duty in the building.

**G** **Mr Brown:** *Look*, Your Honour, I work from a little hut with an armoury, in the back carpark of headquarters. There is no --

**H** **His Honour Judge Thomas:** Yeah, I think there's, I, I think there may be a bit of a difference of definition. There are firearms trained officers, who will go to a scene where there may be a firearms incident. As I understand it, that isn't what you do, is it?

**Mr Brown:** No, no, Your Honour.

**A** **His Honour Judge Thomas:** He's not a, he's not one who would turn up with a gun.

**Mr Brown:** No, I, I --

**B** **His Honour Judge Thomas:** And, and a, and a bullet vest, as I understand it.

**Mr Brown:** That's correct, Your Honour.

**C** **His Honour Judge Thomas:** So it may be there's a clash of definition there, Mr Kirk.

**Mr Kirk:** You've got me back on track.

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

(defendant confers with his sister)

**E** **Mr Kirk:** So at about 10 o'clock you gave it to whoever, Huxtable --

**Mr Brown:** Mr Huxtable.

**Mr Kirk:** Who's a police officer.

**F** **Mr Brown:** No, he's a --

**Mr Kirk:** No.

**G** **Mr Brown:** Civilian like myself.

**Mr Kirk:** Right, OK. Was there anybody there when you did it?

**H** **Mr Brown:** Other than Mr Huxtable and myself, no.

**Mr Kirk:** And before you left you didn't see him discussing it with various people.

**A** **Mr Brown:** No, he would have taken it back to the, the science block, which is a, another building in, in police headquarters.

**Mr Kirk:** What would he have done with it?

**B** **Mr Brown:** I am not aware of what he done with it, Your Honour.

**Mr Kirk:** What did he tell you he did with it?

**C** **Mr Brown:** He hasn't told me what he did with it at all.

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

**D** **Mr Brown:** Mr Huxtable would have taken it and done the examination that he, he carries out on weapons, before he sent it away to be examined by, by somebody else.

**Mr Kirk:** What do you know about that?

**E** **Mr Brown:** I don't know anything about that, Your Honour.

**Mr Kirk:** You've just said that he, before he sent it away for someone else to examine.

**F** **Mr Brown:** That's correct, Your Honour. He would have sent it away to be forensically examined.

**Mr Kirk:** Why forensic?

**G** **Mr Brown:** Because they are the experts, Your Honour.

**H** **Mr Kirk:** Yeah, but what was, you acquired it. He got a phone call from the CAA, could you be a good chap and drive to your local gunsmith and hand it a gun that was bolted to the front of his aircraft? You're aware of that, are you?

**Mr Brown:** I'm not aware of any of this, Your Honour, no.



**A** **Mr Kirk:** Right, well, before it got to you, we've heard a string of police officers who've had to spend quite a lot of time coming here to confirm that the CAA, which we heard earlier, caused Mr Cooper to stop whatever he was doing, unbolt or whatever he was doing with the gun, which will come later, took it to a gunsmith, a Mr Scott. If there was forensic needed because he'd been trying to hold up a bank with it or shoot a chief constable, why wasn't **B** Nottingham Police dealing with it?

**Mr Brown:** Why wasn't ...

**C** **Mr Kirk:** Why wasn't Nottingham Police? This man was *with a* --

**Mr Brown:** I, I can't answer, Mr Kirk, for what Nottingham Police do, no.

**D** **Mr Kirk:** But you have the information as to why Mr Cooper was not put in handcuffs and ballistic tested?

**Mr Brown:** I don't know Mr Cooper at all.

**E** **Mr Kirk:** No, right. If, if, if I robbed a bank, which I'm in the mood for *with the* RBS at the moment, in the high street of Barry, using a machine gun, if I'd got arrested, they would do, are you familiar, because it's got to come in some way, and can it come from you, about ballistics testing on the person? Is that your line of country?

**F** **Mr Brown:** Well, it's not my line of country, no, but I am --

**Mr Kirk:** No, no, it's --

**G** **Mr Brown:** Aware that --

**H** **Mr Kirk:** Your job. No. The testing, if you fire cordite or whatever the, the projectile powder is ...

**Mr Brown:** Yes.

A

**Mr Kirk:** Deposits come on your clothes and your face and so on. You get swabbed, like I was. Is that --

**Mr Brown:** I'm, I'm --

B

**Mr Kirk:** That's *the* --

**Mr Brown:** Not aware of that, Mr Kirk.

C

**Mr Kirk:** Oh, right. But there will be, there'll be somebody along the line, I hope can explain that. So, can you confirm that the muzzleloaders I can have back. What about my computer?

D

**His Honour Judge Thomas:** Well, *look*, wait a, wait a minute. It's not a question of you having it back. These are exhibits. At the end of the trial, then the situation will be revisited.

**Mr Kirk:** No, I need them as Defence exhibits.

E

**His Honour Judge Thomas:** For what purpose? To show that you had other guns?

**Mr Kirk:** I would have thought it was rather obvious, but --

F

**His Honour Judge Thomas:** Well, it may be.

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

G

**His Honour Judge Thomas:** But I'm afraid it's escaped me to date.

H

**Mr Kirk:** Well, I'm worried that you are not ahead of me on this. Are you saying that I cannot introduce the firearms, I'll have to get the correct word, the, the, the ironware that, that, that causes projectiles to go out the front, to be called, to be given in evidence alongside the Prosecution's evidence, taken from the same house?

**His Honour Judge Thomas:** Why, why are other guns in your house relevant to this gun?

**Mr Kirk:** Because they're on policemen's statements. They've --

**A**

**His Honour Judge Thomas:** Maybe --

**Mr Kirk:** All been --

**B**

**His Honour Judge Thomas:** But why --

**Mr Kirk:** Taken away. Why were they taken away from my house if they were legal?

**C**

**His Honour Judge Thomas:** Why are they relevant to this?

**Mr Brown:** Can I answer that, Your Honour?

**D**

**His Honour Judge Thomas:** No.

**Mr Brown:** They weren't --

**E**

**His Honour Judge Thomas:** Not for a moment.

**Mr Brown:** They weren't taken away from his house because they were illegal. They were voluntarily handed over to us by Mrs Kirk because she didn't want them in the house.

**F**

**Mr Kirk:** Are you aware of her statement of complaint that her house was raided and she was persecuted by impersonal personal cross-examination by a Stuart Davies?

**G**

**Mr Brown:** I'm not, Your Honour. But on the day that those weapons they taken, they were with the full knowledge and permission of Mrs Kirk, who asked us to take them away from the house.

**Mr Kirk:** Are you aware that she made a statement?

**H**

**Mr Brown:** No, I'm not, Your Honour.

**A** **Mr Kirk:** Are you aware? I'm telling you that I'm told. And it's listed, it's listed on this great long list of mystery that she made a statement. Can you explain why I'm not entitled to have a copy of it?

**Mr Brown:** I'm, I'm not involved in any part of that, Your Honour.

**B** **Mr Kirk:** Right, I'm trying to, I'm sorry to take up time. I'm trying to --

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

**C** **Mr Kirk:** Work out --

**His Honour Judge Thomas:** We'll, we'll --

**D** **Mr Kirk:** What he's good at.

**His Honour Judge Thomas:** We'll deal with the question of the statement at half past 3 or whenever you finish with this witness, and we'll, we'll look at that position.

**E** **Mr Twomlow:** May Mr Huxtable be released, then, today?

**His Honour Judge Thomas:** Well, we don't know if Mr, oh, sorry, Mr Huxtable can be, yes.

**F** **Mr Kirk:** Sorry, can I carry on?

**His Honour Judge Thomas:** Please.

**G** **Mr Kirk:** Yes. So you've picked up a, an, an AF shotgun, a Verona shotgun, a Webley & Scott humane killer, a Greener humane killer, a, a Scholberg humane killer, four muzzle loading weapons, loads of shotgun cartridges of various types, a Winchester, .22 Winchester long rifle, some blanks, .22 blanks, a firearms certificate, one shotgun certificate. Now, we  
**H** can confirm that the shotgun certificate, the firearms certificate is in my wife's name.

**Mr Brown:** That's correct, Your Honour.

**A**           **Mr Kirk:** Right, and it was your job to check that.

**Mr Brown:** To check what?

**B**           **Mr Kirk:** The, the documentation.

**Mr Brown:** I did check the documentation, yes.

**C**           **Mr Kirk:** Right. Now, why is my wife complaining to the high authorities about her house being raided, searched without a warrant?

**Mr Brown:** I've no idea, Your Honour.

**D**           **Mr Kirk:** Right, OK. I'll ask you again. There were two groups of search officers there searching for different things. Did you become aware of what they were looking for?

**Mr Brown:** No, Your Honour. I was just there to, to collect the weapons and take them back to headquarters.

**E**           **Mr Kirk:** Did the weapons relate to their search?

**Mr Brown:** They would, as I said, Mrs Kirk wanted them removed from the premises for safe keeping.

**F**           **Mr Kirk:** Didn't need a search for that, did it?

**G**           **Mr Brown:** I've no idea, Your Honour. I was just invited there to collect these weapons and take them back to headquarters.

**H**           **Mr Kirk:** Why couldn't the police have taken them back? Why did you have to come and do it?

**Mr Brown:** Because, as my job as firearms examination officer and working for the Firearms Licensing Department, they thought it was my place to do it.

**A** **Mr Kirk:** We've heard evidence this afternoon that Tom, Dick and Harry have been carrying a, a, a, an item of great seriousness to the South Wales Police, but it doesn't seem to be of great seriousness to the Nottinghamshire Police. Well, how was it transported? Last question.

**B** **Mr Brown:** How was what transported --

**Mr Kirk:** *Yeah.*

**C** **Mr Brown:** Your Honour?

**Mr Kirk:** *Sorry, the, the, that one, did you transport that one?*

**D** **Mr Brown:** I did, yes.

**Mr Kirk:** Yeah. How did you collect it? What did it look like? Where was it?

**E** **Mr Brown:** It was collected from the officers from Nottingham and placed in the boot of my vehicle.

**Mr Kirk:** Yeah, well, was it in a box? Was it in a bag? Was it ...

**F** **Mr Brown:** It was --

**Mr Kirk:** How --

**G** **Mr Brown:** I, I can't remember exactly, but I think at the time it was in a plastic bag, Your Honour.

**Mr Kirk:** Yeah. Was a seal number on it?

**H** **Mr Brown:** I believe so, Your Honour.

**Mr Kirk:** Where is it?

**A**           **Mr Brown:** I've no idea.

**Mr Kirk:** Good. Can you arrange that for me?

**B**           **Mr Brown:** You'd have to see the officer, the exhibits officer in charge of the exhibits.

**Mr Kirk:** No, no. It came down from a different police force, and I am confident that they'll have meticulous records. Are you, are you suggesting that it wasn't transported, other than with seals like my property that's now locked up downstairs?

**C**           **Mr Brown:** No, I'm not suggesting that at all, Your Honour.

**Mr Kirk:** How did you have it in your possession? Was it in a bag?

**D**           **Mr Brown:** I believe, Your Honour, as I said, at the time it was sealed in a bag and it was given to me and I placed it in the boot of my car to --

**E**           **Mr Kirk:** Colour of the bag?

**Mr Brown:** I can't remember, Your Honour. It was 3 o'clock in the morning six months ago.

**F**           **Mr Kirk:** Was it the same gun?

**Mr Brown:** Was it the ...

**G**           **Mr Kirk:** Same gun.

**Mr Brown:** I believe it's the same gun. It looks from here as if it's the same gun, yes, Your Honour.

**H**           **Mr Kirk:** Oh, it's sort of blackish and it's a bit rustyish, and you believe it's the same gun.

**Mr Brown:** If my signature's on the exhibit label, then it --

**A**           **Mr Kirk:** Oh, that settles it. Oh, that, thank you very much.

(defendant confers with his sister)

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

(counsel takes instructions)

**Mr Twomlow:** No, thank you.

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

**Mr Twomlow:** Thank you very much, Mr Brown.

**D**           **Mr Brown:** Thank you, Your Honour.

(clerk confers with witness)

**E**           **His Honour Judge Thomas:** I suspect that the next witness, who's Mr ...

**Mr Twomlow:** Huxtable.

**F**           **His Honour Judge Thomas:** Huxtable may take some time.

**Mr Twomlow:** Yes.

**G**           **His Honour Judge Thomas:** And in any event, he's been sent away. And there are matters, as you've all heard, that Mr Kirk wishes to raise, matters of law. That means that my day and Mr Kirk's and Mr Twomlow's day has not ended. You may or not be pleased to hear that yours has. So could I ask you please to be back by 10:30 tomorrow? I hope that we'll have a straight start. Please don't hold me to that. Thank you.

**H**

(jury retires)



**A** **His Honour Judge Thomas:** Mr Twomlow, the letter, I beg your pardon, the statement that Mrs Kirk gave to the police, is there any reason why Mr Kirk should not have a copy?

**Mr Twomlow:** Not that I know of. I'd have to just take some instructions in relation to it.

**B** **His Honour Judge Thomas:** There are also --

(defendant confers with his sister)

**C** **His Honour Judge Thomas:** Sorry, Mr Kirk, are you having problems hearing?

**Mr Kirk:** Sorry?

**His Honour Judge Thomas:** Are you having problems hearing?

**D** **Mr Kirk:** No, I was just noticing that in the old days he wouldn't be allowed to address you without a, a solicitor, but purely nothing to do with the case. I, I, I do get bored. I --

**E** **His Honour Judge Thomas:** You and I, you and I are traditionalists, Mr Kirk, I'm afraid. Times change.

**Mr Kirk:** That --

**F** **His Honour Judge Thomas:** *There are* many things that have gone that --

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

**G** **Male:** *Fell to pieces.*

**Mr Kirk:** I'm afraid in Bristol there's an expression, a nail on the head ...

**H** **His Honour Judge Thomas:** There are certain items that have been mentioned as being in the unused material, and I have, as I told Mr Kirk earlier, I have been looking through the unused material schedule. Reference has been made by, reference has been made to emails

to armourers at RAF Lyneham. It seems to me that that is potentially material which Mr Kirk is entitled to have. Any reason why he shouldn't have it?

A

**Mr Twomlow:** I, I don't want to give an answer immediately if I may, if, if *I*, if I may. May I discuss these matters with, with the disclosure officer so that --

B

**His Honour Judge Thomas:** Well, let me --

**Mr Twomlow:** I --

C

**His Honour Judge Thomas:** Tell you, let me tell you, at the moment I would need some persuading ...

**Mr Twomlow:** I, I, I'm not suggesting --

D

**His Honour Judge Thomas:** That they're not admissible or not --

**Mr Twomlow:** I'm not suggesting --

E

**His Honour Judge Thomas:** Disclosable.

**Mr Twomlow:** That that's not correct, but, and I, *I'm*, I'm not resisting what Your Honour is saying, but I'd simply like to ...

F

(defendant confers with his sister)

**Mr Twomlow:** To check the position before I give an undertaking.

G

**His Honour Judge Thomas:** Well, you, you will *have*, I have lectured Mr Kirk many times about the system about disclosure. Now, he --

H

**Mr Twomlow:** Yeah.

**His Honour Judge Thomas:** May or may not agree with it, but by the same token I have to protect his interests ...

**A**           **Mr Twomlow:** Yes.

**B**           **His Honour Judge Thomas:** As an unrepresented Defendant. And I have therefore to keep my eye on the ball of disclosure. And I can't at the moment see any reason, and I say it in open Court for Mr Kirk to hear it, I can see at the moment no reason why, for example, the email correspondence with RAF Lyneham should not be disclosed. I can certainly see no reason why the statement from Mrs Kirk should not be disclosed, particularly as there's, under the schedule, listed under the schedule --

**C**           **Mr Twomlow:** Well --

**His Honour Judge Thomas:** That they are.

**D**           **Mr Twomlow:** Subject to any further representations, I, I agree with Your Honour. I, I'm not ...

**His Honour Judge Thomas:** Well ...

**E**           **Mr Twomlow:** Suggesting --

**F**           **His Honour Judge Thomas:** Unless you come back tomorrow morning and make application to the contrary, I would like Mr Kirk to have them by tomorrow morning please. I, that isn't to say that you don't have the opportunity --

**Mr Twomlow:** *No.*

**G**           **His Honour Judge Thomas:** To make further representations.

**Mr Kirk:** Yes.

**H**           **His Honour Judge Thomas:** But in their absence. Now, there was one other matter that I looked at.

**Mr Kirk:** The CAA.

**A** **His Honour Judge Thomas:** Right. Now then, Mr Kirk. Thank you, Mr Twomlow. Mr  
Kirk, I've been given a letter dated 26 December in which you talk about witnesses that you  
require to have summonsed. Now, I cannot summons anybody whose name I do not know.  
**B** I also have to be satisfied that such a person can give material evidence. That is to say,  
evidence which is relevant to this case, not relevant for example only to the matters that you  
have in issue with the South Wales Police Authority. Now, there are names here that are  
mentioned in your paragraph 3, where it seems to me that I *will* need to explore the situation  
with the Prosecution. But I need a little bit of help from you, if you are prepared to give it  
to me. John Long, who is John Long?

**C** **Mr Kirk:** John Long gave me a witness statement. My, my sister has spent two days trying  
to persuade him to go into a police station because the Prosecution don't accept the form in  
which he has written a statement which I've served on the CPS. But he, he, he is a James  
**D** Bond. He was the chap who flew the hang glider over the waterfall in Moonraker, and I was  
supposed to be his second pilot. That's how I know him. And he picked me up at, at the  
bottom of many cliffs where I kept breaking my body playing hang gliders. He gave a  
statement dated 1 September --

**E** **His Honour Judge Thomas:** To you or to the police?

**Mr Kirk:** To me in, in, in Caswell Clinic by way of letter. I don't think I spoke to him.  
Yeah, I must *have*. No, I don't, no, I didn't. Yeah, I might have spoken to him.

**F** **His Honour Judge Thomas:** Well, you don't have to, you don't have to tell me precisely  
what he said, just the, the, the --

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

**His Honour Judge Thomas:** Gist of what he says.

**H** **Mr Kirk:** The Prosecution do not accept it, because it hasn't got the standard paragraph at  
the front. Because I was in custody, I couldn't copy one off the police statement.

**His Honour Judge Thomas:** What does it roughly say?

**A** **Mr Kirk:** It says that:

“Mr Kirk was with me when we went looking for this aircraft for sale, the aircraft attached to the item 1.”

**B** And in 1997 we found the museum in Dorset, Cattistock, Chalmington Manor. And when, when we opened the hangar doors with the people that were there, there was a weapon, a, a, a, an ironware on the front of this aircraft.

**C** **His Honour Judge Thomas:** Well, it seems to me that his evidence therefore is ...

**Mr Kirk:** In conflict.

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

**Mr Kirk:** Well --

**E** **His Honour Judge Thomas:** Well, it's a --

**F** **Mr Kirk:** I know why I did it now, because when they, when they realised they couldn't get the chap who sold me the aeroplane because he's on the run and he lives in Singapore for the last ten years, they had switched it to somebody else, who, and the Prosecution served a statement on me late July, 23 July, by the name of Woodford.

**His Honour Judge Thomas:** Woodford, yeah.

**G** **Mr Kirk:** And --

**His Honour Judge Thomas:** But coming back to John Long, what, what's his address?

**H** **Mr Kirk:** I made sure that he typed, he printed his address. It's Isle Brewers, a good, good duck shooting area, out on Sedgemoor, out on, well, out on the moor just behind Taunton. So his address, his postal address is the name of the house spelt something like I, C, G, U, U, A. It's, it's South American --

**A**           **His Honour Judge Thomas:** Well, is he, Mr, Mr Kirk, I don't want to cut across you, but if you can write down somewhere the address ...

**Mr Kirk:** No, no, I've already served it on, on --

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

**Mr Kirk:** The, *the other side*.

**C**           **His Honour Judge Thomas:** Serving it on the Prosecution doesn't mean to say the Prosecution have to accept it. You would have to call Mr Long. And in order to call Mr Long, if you require a witness summons to get Mr Long here ...

**D**           **Mr Kirk:** Yes.

**His Honour Judge Thomas:** Then I can issue a witness summons.

**E**           **Mr Kirk:** Right.

**His Honour Judge Thomas:** You, I can't compel him to give you a --

**Mr Kirk:** No.

**F**           **His Honour Judge Thomas:** Statement. I can't compel anyone to give you a statement, and I certainly can't compel the Prosecution to accept anyone's statement ...

**G**           **Mr Kirk:** No.

**His Honour Judge Thomas:** Without --

**H**           **Mr Kirk:** Of course not.

**His Honour Judge Thomas:** Calling him.

**Mr Kirk:** No, of course not.

**A**  
**His Honour Judge Thomas:** But if you can give me Mr Long's address ...

**Mr Kirk:** Yes.

**B**  
**His Honour Judge Thomas:** Then I can arrange for a witness summons to be issued.

**Mr Kirk:** If I ever get put back with my own property, yes.

**C**  
**His Honour Judge Thomas:** Now then, as far as the Woodfords are concerned, you named three Woodfords, Brian, Mrs B and Mrs Rosalind Woodford.

**Mr Kirk:** I remember a Rosalind in university days, stories which I would not repeat now.

**D**  
**His Honour Judge Thomas:** Well, I'm sure on another occasion I'd be interested to hear it, but not today --

**Mr Kirk:** Oh.

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

**Mr Kirk:** They're fun.

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

**Mr Kirk:** They are fun.

**G**  
**His Honour Judge Thomas:** Can I just ask you, Mr Twomlow, please, so that I can fulfil my duties in this respect, I note from the statement of the Woodford that you are calling, the brother, I forget his first name. Is it Colin Woodford?

**H**  
**Mr Twomlow:** Mr David Woodford.

**His Honour Judge Thomas:** David Woodford.

**A** Mr Twomlow: Page --

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

**B** Mr Twomlow: 80.

**His Honour Judge Thomas:** Yes. Now, obviously an important part of the case is what was or not on the plane at the time when it was sold to or acquired by Mr Kirk. And there is some, something cryptic in the statement. Just give me a moment. I'll turn it up. To the effect that, sorry, did you say 18 or 80?

**Mr Twomlow:** 80 and 81.

**D** (counsel takes instructions)

**His Honour Judge Thomas:** Yes, he, he talks about Mr Woodford and his wife Laura currently residing abroad. Well, it, it's all been a bit of a mystery. What is the position with them?

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

**His Honour Judge Thomas:** You may want to listen to this, Mr Kirk.

**F** Mr Twomlow: What Mr Kirk has just told you is basically correct. May not be Singapore, but my understanding is that Mr Brian Woodford cannot leave wherever he is now, Kuala Lumpur or somewhere like that, because he is wanted in the United States as a fugitive.

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

**Mr Twomlow:** And so what Mr Kirk said is basically correct, I think, in relation to, to him.

**H** **His Honour Judge Thomas:** So, if a witness summons were to be issued, he's unlikely to respond to it.



**Mr Twomlow:** Highly unlikely.

**A**

**His Honour Judge Thomas:** Yes. What about Laura Woodford?

**Mr Twomlow:** I don't know.

**B**

**His Honour Judge Thomas:** Presumably with her husband.

(defendant confers with his sister)

**C**

**Mr Kirk:** If I could assist, last week *or*, sorry, on Monday, two days ago the Prosecution served a, a new statement from David Woodford.

**His Honour Judge Thomas:** Yes.

**D**

**Mr Kirk:** But it, it carried with it a photo, a, a, a printout of a, a, a purported piece of ironware that may or may not have been on the front of the aircraft but is definitely different to what is in exhibit in the Prosecution's case.

**E**

**His Honour Judge Thomas:** Well, I think that's the Prosecution's point, isn't it?

**Mr Kirk:** There, oh, I *thought* this is all to do with me wanting witness summonses. Well, he's coming to give evidence, so that's no problem.

**F**

**His Honour Judge Thomas:** Oh, he's coming, yes, but the question is it seems that Brian Woodford, for reasons of his own, is unlikely to respond to a warrant.

**G**

**Mr Kirk:** Well --

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

**H**

**Mr Kirk:** Well --

**His Honour Judge Thomas:** A witness summons --

**Mr Kirk:** The --

**A**

**His Honour Judge Thomas:** From me to, to, to leave --

**Mr Kirk:** If you see --

**B**

**His Honour Judge Thomas:** Kuala Lumpur.

**Mr Kirk:** Yeah, you, you, you said that I ought to have the commanding officer's emails because they've ignored all my letters for eight months. Well, of course the same applies, you'll see on the non sensitive list of three hundred and odd items, they've been communicating regularly with Brian Woodford by way of email. Now, of course, if you've allowed the RAF one, I think it would be constructive if I'm allowed to see those.

**C**

**D**

**His Honour Judge Thomas:** Well, Mr Kirk has a point there, doesn't he?

**Mr Twomlow:** I will take instructions in relation to that, certainly.

**E**

**Mr Kirk:** That --

**His Honour Judge Thomas:** Again, if you're calling David Woodford, he's entitled to know what, what Brian Woodford was saying, just in case he contradicts him.

**F**

**Mr Twomlow:** Yes.

**His Honour Judge Thomas:** You're on a roll, Mr Kirk.

**G**

**Mr Kirk:** Well, well, I did always, since I was arrested, in order that I might get out a bit quicker, it's all on record.

**His Honour Judge Thomas:** Well, that doesn't mean to --

**H**

**Mr Kirk:** But --

**His Honour Judge Thomas:** Say that because these documents are being disclosed to you that they will necessarily help you. I've no idea one way or the other. But I think it's right that you should see the contents of them.

**Mr Kirk:** But, but if I'm going to start getting some disclosure after eight months, of course it flows from your argument that's apparently in my favour, if I'm to believe it, that if I can have the emails relating to the RAF, who must have had custody of the exhibit for the best part of two years, and the person who I have put in my statement when under caution sold the aircraft, incidentally a plane I was taught, Sir, is something for smoothing pieces of wood, I try and always say the word aeroplane or aircraft, with no disrespect.

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

**Mr Kirk:** I call it a --

**His Honour Judge Thomas:** My telling on that point.

**Mr Kirk:** I, I call it a plane as much as anybody else. But the CAA are getting very upset. They've, they've emailed the prison a few days ago, but only last night when I got back to my cell was a copy of it put under my cell door at about 7 o'clock last night, at last knuckling under to my application under the Data Protection Act and Freedom of Information Act back in August, when the summonses, when the depositions were served on me, when I found to my horror that it was the CAA that had caused a Mr Cooper to unbolt his, his, his beloved ironmongery and put it in the back of his car, in a bag or not, and take it off to some gunsmith.

Now, their involvement is major in this case. That is the Defence's position. And therefore I should be allowed to have the disclosure that the CAA have appeared, by email, to say they will now give. Their excuse before, since July of this year, last year, was that just because you write to us from Cardiff Prison, just like your bank and the lawyers I've been trying to employ, they'll say, unless you give independent proof that you are Maurice John Kirk and you produce a passport and you live at the prison, we will not trade with you as lawyers and we will not bank your money and send money abroad, which is what I was trying to do with the RBS. And the CAA have been using that excuse for at least, at least five months. And that email, which is with me but locked up downstairs, I was going to put to you today if I got the chance, to follow the argument which you appear to be now in favour of that there

A are lots of little issues within those 360 odd items that, if you're going to allow me to have information relating to previous handlers being in the possession of the alleged offensive weapon, prohibited weapon ...

**His Honour Judge Thomas:** Well, I don't ...

B **Mr Kirk:** I would ask you to include the CAA material that the Prosecution already have and have referred to time and time again in this list.

C **His Honour Judge Thomas:** Well, again, I don't purport to understand fully your argument on that, but if there is any correspondence on the MG6C schedule which relates to correspondence between the police or the prosecuting authority and the CAA, it seems to me that that again, in the absence of any proper objection being made, should be disclosed.

D **Mr Twomlow:** No. Can, can I just say this, Your Honour? As far as the issues which the Jury have to determine in this case are concerned, as opposed to the narrative history, it, it really may not matter at all whether this gun was attached to that plane when Mr, that aeroplane when Mr Kirk bought it, or not.

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

**Mr Twomlow:** And so, and so in --

F **His Honour Judge Thomas:** I know.

**Mr Twomlow:** Terms of relevance to the issues the Jury has to try, the Prosecution would not have seen that as, as undermining for the Prosecution case or assisting the Defence case.

G **His Honour Judge Thomas:** I'm not --

**Mr Twomlow:** But, but --

H **His Honour Judge Thomas:** I am not --

**Mr Twomlow:** I understand.

**A** **His Honour Judge Thomas:** I am not criticising the stance taken by the disclosure officer or the CPS to date. Let me make that clear.

**Mr Twomlow:** I understand that.

**B** **His Honour Judge Thomas:** But as matters have developed, it, it may be that these are red herrings. But it seems to me that because there are, potentially, issues, I don't purport yet to have identified them, but it seems to me that that is sufficient to mean --

**C** **Mr Twomlow:** Well --

**His Honour Judge Thomas:** That he should see them.

**D** **Mr Twomlow:** And in support of Your Honour's approach, there is a statement here from David Woodford which deals with, with the purchase by Mr Kirk of the air, aircraft. And so that is something which is dealt with within the Prosecution papers. So, so, yes, but I, I, I simply ...

**E** **His Honour Judge Thomas:** Well, what I would --

**Mr Twomlow:** Wanted to make --

**F** **His Honour Judge Thomas:** What I --

**Mr Twomlow:** That, that point.

**G** **His Honour Judge Thomas:** What I would like, if it's possible, would be for Mr Kirk to have those before he leaves today. Is that going to be possible?

**Mr Twomlow:** If, if you would give me a few moments to speak to those who instruct me ...

**H** **His Honour Judge Thomas:** It's, it's really a question of logistics. I, I'd rather deal with anything we need to deal with in Court and let, let you go and do that.

**A** **Mr Twomlow:** Yes.

**His Honour Judge Thomas:** Mr Kirk, we're not sitting tomorrow until 10:30, so, although I hope that you will get them this evening, it may be that you have time tomorrow morning, before we start, to see these documents.

**B** **Mr Kirk:** Well, I, there's no guarantee because ...

**His Honour Judge Thomas:** No, there's no guarantee.

**C** **Mr Kirk:** No, no, I'm talking about, if they gave them to the Court, will the Court give them to me? Because at the moment in your building all my 60 odd lever arch files for this case, sealed by the prison, sitting in a cell, locked, I don't even know if they're going to come back to me with the prison.

**D** **His Honour Judge Thomas:** Have you ever seen the film Groundhog Day, Mr Kirk?

**E** **Mr Kirk:** No, I've heard of it but not seen it, no.

**His Honour Judge Thomas:** In Groundhog Day the same scene reoccurs time and time again. And that's how I'm beginning to feel. I've explained to you, you can have the documents when you sign for them. It's as simple as that. If you're prepared to give your signature, you will have them.

**F** **Mr Kirk:** But I wasn't signing for them earlier. What has changed?

**G** **His Honour Judge Thomas:** The fact that because you are in the environment that you are, it is a regulation, because the Reliance staff have to protect their own security systems, all you have to do, and it seems to me, the, the other, the other thing that comes to mind, probably more your generation even than mine, Mr Kirk, do you remember the Stanley Holloway monologue, Pick Oop Tha' Musket, Sam?

**H** **Mr Kirk:** Yes.

**His Honour Judge Thomas:** If I said, please would you sign? Would you sign?

A

**Mr Kirk:** Your Honour, I'm asking, and it's my successful financial judgment against them that has not helped, why can't, when I get my property away from Reliance, and it's in for the prison service, why can't the prison service, why can't the prison service, with my blessing, and let me sign something, let the prison give it to the custody of the Court? In the old days, when I used to be taken from, from prisons in Dorchester or wherever for misbehaving in an aeroplane, allegedly, convicted for it, the prisons took me to the Court. And if I had a piece of property, I was signed as the body and, as the body, they had to sign that they'd produced the body that was still breathing to the Court. Why can't we just arrange now so that we avoid Reliance and let the prison bring me to this Court?

B

C

**His Honour Judge Thomas:** Well, that, I'm afraid --

D

**Mr Kirk:** Direct.

**His Honour Judge Thomas:** For reasons ...

(defendant confers with his sister)

E

**His Honour Judge Thomas:** Far too complicated for me to understand is not the system. What we might be able to do to, to prevent this, from your point of view, descending into, into a farce is, if the documentation were to be in Court with your sister or whoever is assisting you ...

F

**Mr Kirk:** Yeah.

G

**His Honour Judge Thomas:** Has on the tables in front of them, if they could be released in that way, I don't know the logistics. I wonder if please, the Reliance staff, if consideration could be given to that.

H

**Mr Kirk:** *No, no, no, look --*

**His Honour Judge Thomas:** If it means a signature from you, Mr Kirk ...

**Mr Kirk:** No, no, no. They must never go back into the Reliance. I mean, I may be refusing to leave my cell tomorrow because I now know that they might get shredded.

A

(dock officers confer)

**Mr Kirk:** And I'm going to be saying, carry on with this case without me.

B

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

**Mr Kirk:** Oh, is that a, am I entitled to do that?

C

**His Honour Judge Thomas:** You're entirely entitled to do it. Whether *there* --

**Mr Kirk:** Right.

D

**His Honour Judge Thomas:** Whether there would be any sense in doing it --

**Mr Kirk:** Ah, no, that's my problem, not yours.

E

**His Honour Judge Thomas:** That's your problem, indeed.

**Mr Kirk:** But --

F

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

**Mr Kirk:** But --

G

**His Honour Judge Thomas:** The Reliance --

**Mr Kirk:** But, but, but --

H

**His Honour Judge Thomas:** Officer just --

**Mr Kirk:** But, but --



**His Honour Judge Thomas:** Wants to say --

**A**

**Mr Kirk:** No, no.

**His Honour Judge Thomas:** Something.

**B**

**Mr Kirk:** I don't want anything to do with Reliance after --

**His Honour Judge Thomas:** No.

**C**

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

**His Honour Judge Thomas:** But I --

**D**

**Mr Kirk:** Done to me --

**His Honour Judge Thomas:** I'm going to be given information in a second, Mr Kirk.

**E**

**Dock Officer 1:** Your --

**Dock Officer 2:** If --

**Dock Officer 1:** Your Honour, he --

**F**

**Dock Officer 2:** Yeah.

**G**

**Dock Officer 1:** He could, he could have all his property. It could be kept here in a cell, locked up, and he could have it every single day. He wouldn't have to sign every day, *first*. He could have it in his cell and he could take back to the prison what he wanted to in the night to study and, and bring it back in the morning.

**H**

**Dock Officer 2:** Not only that --

**Dock Officer 1:** But he, he's just --

**A** **Dock Officer 2:** Not only that, he could hand it out to a representative. If he wants to hand it over to a, an outside representative, it's entirely up to him.

**His Honour Judge Thomas:** *But it, what's the objection to him, as to handing it over to an outside presentative?*

**B** **Dock Officer 2:** None at all. They sign for it. They take possession of it.

**His Honour Judge Thomas:** There we are.

**C** **Dock Officer 1:** But it's a lot of property.

**Dock Officer 2:** It's a lot.

**D** **His Honour Judge Thomas:** It's a lot of property.

**Dock Officer 1:** We're talking 15 --

**E** **Mr Kirk:** Right.

**Dock Officer 1:** 16 boxes.

**F** **Mr Kirk:** So, if my sister could meet the prison vehicle at half past --

**Dock Officer 2:** No, *no*.

**Mr Kirk:** Whatever time it --

**G** **Dock Officer 1:** No.

**Mr Kirk:** Arrives outside the police station ...

**H** **His Honour Judge Thomas:** No, no, it's got to come via Reliance. That's the system.

**Mr Kirk:** No, no, I'm not, if I run the risk of letting them have it tomorrow morning in the prison ...

A

**Dock Officer 1:** *Yeah*, you can have it tonight then.

**Dock Officer 2:** *Why not* have it *tonight*?

B

**Mr Kirk:** I may not get it back.

**His Honour Judge Thomas:** Well, she can have it tonight apparently.

C

**Dock Officer 2:** Have it now.

**Mr Kirk:** No, I'm getting it back from them.

D

**His Honour Judge Thomas:** No, no, they can give it to your sister tonight.

**Mr Kirk:** I don't have to, apparently I don't have to sign for it to have it back into the prison tonight. That's what makes a nonsense of it.

E

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

**Mr Kirk:** And, and, and --

F

**His Honour Judge Thomas:** I'm, I'm doing my best, Mr Kirk, to try and solve this problem.

**Mr Kirk:** Well, I'm not sure if I agree with you on that point --

G

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

**Mr Kirk:** With all due respect.

H

**His Honour Judge Thomas:** Sorry about that, but the items can either be given to your sister or they can be here for your use. At the moment it seems to me that you're cutting off your own nose to spite your face.

**A** **Mr Kirk:** They have to be with me continuously for the next few days, continuously in my cell or here in Court --

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

**B** **Mr Kirk:** Or in --

**His Honour Judge Thomas:** They can be in Court.

**C** **Dock Officer 2:** They can be in Court.

**His Honour Judge Thomas:** You've been told this. They can be in Court.

**D** **Mr Kirk:** I am prepared --

**His Honour Judge Thomas:** Is there any objection to this documentation being in Court?

**E** **Mr Kirk:** I am prepared to separate from the property between the prison and coming to Court if I know that my documents are going to be here for trial inside this room.

**His Honour Judge Thomas:** They can be brought into this room, Mr Kirk.

**F** **Mr Kirk:** But I --

**His Honour Judge Thomas:** What more do you want than the documents being in this room, Mr Kirk?

**G** **Mr Kirk:** That is, except I need to use it during the night.

**His Honour Judge Thomas:** Well, you can take back to the prison --

**H** **Mr Kirk:** Yes, which is --

**His Honour Judge Thomas:** Any --

**A**           **Mr Kirk:** Why --

**His Honour Judge Thomas:** Documents you require.

**B**           **Mr Kirk:** Originally I asked that, originally, earlier today or yesterday when it all started, that, why can't the property come from the prison to the Court building and the Court take ownership of it like they used to in the old days, along with the person with the handcuffs on?

**C**           **His Honour Judge Thomas:** It's got to be done through Reliance. That is the system, I'm afraid.

**Mr Kirk:** No, it hasn't got to be at all. You have the power to change it.

**D**           **His Honour Judge Thomas:** No, I don't. I don't have that power.

**Dock Officer 1:** It's two different agencies, Maurice.

**E**           **Dock Officer 2:** *It's who you have a contract with. That's the case with a --*

**His Honour Judge Thomas:** The prison, HM Prison and Reliance are two different bodies. One has --

**F**           **Mr Kirk:** I --

**His Honour Judge Thomas:** One area of responsibility and the other has another.

**G**           **Mr Kirk:** I am --

**His Honour Judge Thomas:** Now --

**H**           **Mr Kirk:** Prepared *to* --

**A** **His Honour Judge Thomas:** Awful though you may or may not think I am, the ability to, to do anything about that is beyond my remit. But it seems to me that if there are any problems, they are of your making, not of anybody else's. Now, if you want to have a word with your sister and your friend ...

**B** (dock officers confer)

**His Honour Judge Thomas:** Let's try and cut this Gordian knot.

**C** **Mr Kirk:** Just, just to, just to turn this --

**His Honour Judge Thomas:** Now, you've just mentioned, Mr Kirk, this, that you were considering not leaving your cell tomorrow. Now, that is your prerogative, but I want you to be sure of one thing. If you do not attend tomorrow, the trial will continue --

**D** **Mr Kirk:** Yes.

**His Honour Judge Thomas:** In your absence.

**E** **Mr Kirk:** Good. You've said that.

**His Honour Judge Thomas:** Evidence will be called in your absence. I want you to be absolutely sure of that.

**F** **Mr Kirk:** Right.

**G** **His Honour Judge Thomas:** And I would encourage you to attend tomorrow, in your own best interests, because tomorrow the evidence is going to be given as to the deactivation or otherwise of the weapon. So it seems to me that that's an important piece of evidence, potentially, in the case.

**H** **Mr Kirk:** Why is it the arresting officer is being left to the end of the case with the investigation officers when of course they should have been towards the beginning?

A

**His Honour Judge Thomas:** Mr Kirk, all I can say is that I've been involved in Crown Court trials now for 30 years, and I can't remember any case where the investigating officer and the arresting officers weren't right at the end, so there's nothing sinister about it. I can't ever remember a case ...

B

*Mr Twomlow: No.*

**His Honour Judge Thomas:** Where it was otherwise.

C

**Mr Kirk:** Well, I can.

**His Honour Judge Thomas:** Well, it may be that your experience is greater than mine. I don't know.

D

**Mr Kirk:** *No.*

**His Honour Judge Thomas:** Right, so if that, I'm not going to wait in Court until the matters of disclosure and photocopying are completed. I encourage that they be given to Mr Kirk at the first opportunity. More than that, I cannot do at this stage.

E

**Mr Twomlow:** So, yes, well, Your Honour, we'll discuss that now. There's one other matter. Mr Kirk has been concerned about his computer.

F

**His Honour Judge Thomas:** Yes.

G

**Mr Twomlow:** His computer has, has not been a police exhibit or in the possession of the police. It, it was investigated and it was returned to Mrs Kirk in July. We've, I haven't got the exact date at the moment, but we do not have that computer. It was returned. The information that was required, if any, was taken from it and it was returned.

H

**His Honour Judge Thomas:** Right, well, I will correct that impression --

**Mr Twomlow:** I say that --

**His Honour Judge Thomas:** Tomorrow.

**A** **Mr Twomlow:** So that ...

**Mr Kirk:** Well, well, why couldn't the Prosecution have told me this months ago? Because I have not been given the computer. If it is given to my wife and it's my property, what were they doing giving the Defendant's personal computer to a third party without my consent?  
**B** And I want it. It's for them to return it because it's an essential part of this case.

**His Honour Judge Thomas:** Well, it sounds as if your wife has got it, so she's the person you need to ask.

**C** (defendant confers with dock officer)

**Mr Kirk:** I'm not in the position to ask her.

**D** **Dock Officer 1:** Right.

**Mr Kirk:** Your Honour, I received divorce papers a few days ago.

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

**Mr Kirk:** She's suffered 18 years of this as much as me, and she just can't take much more of it.

**F** **His Honour Judge Thomas:** Is she still on speaking terms with your sister?

**Mr Kirk:** I would hope so, yes.

**G** **His Honour Judge Thomas:** Perhaps, just as a suggestion, if you want to see the computer, it may be that you won't be allowed access to it in, in prison. I don't know. But if your sister speaks to her ...

**H** **Mr Kirk:** I want it --

**His Honour Judge Thomas:** It may --



**A** **Mr Kirk:** Here. I want it here in Court as a Defence exhibit.

**His Honour Judge Thomas:** That is a matter that you'll have to discuss with your wife, who appears --

**B** **Mr Kirk:** No.

**His Honour Judge Thomas:** To have it.

**C** **Mr Kirk:** I shouldn't be forced to do that. The, the police have, have taken my property without my consent and handed it to a, a, an, a third party. It's for them to give it back to me and for them, I'm not having my sister come over from Jersey worried about my health to start getting involved with this Court case. She's here now because she's horrified at what she's witnessing.

**D** **His Honour Judge Thomas:** Yes, 10:30 tomorrow morning. Thank you.

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

(short adjournment)

**F** **Court Clerk:** Court please rise.

(discussions in gallery)

**G** **Dock Officer 1:** Your Honour, she's just come back into Court and she won't have it.

(discussions in gallery)

**His Honour Judge Thomas:** Right.

**H** **Dock Officer 1:** This man has just passed tablets, tried to pass tablets to Mr Kirk again, which you told him not to.

- A** **Mr Jenkins:** Mr Kirk has a headache, he said, and he would like a couple of aspirins. What is the problem with that?
- His Honour Judge Thomas:** Were you here when I said that nothing was to be passed into the dock?
- B** **Mr Jenkins:** I was.
- His Honour Judge Thomas:** Did you hear what I said?
- C** **Mr Jenkins:** Yes.
- His Honour Judge Thomas:** Why, then, did you do exactly what I told you not to do?
- D** **Mr Jenkins:** Because once the Court is closed there is no dock.
- His Honour Judge Thomas:** Are you trying to deliberately be facetious?
- E** **Mr Jenkins:** No, Sir. Can I tell you something? This morning Mr Kirk asked for his computer and Mr Twomlow said --
- His Honour Judge Thomas:** Well, wait.
- F** **Mr Jenkins:** Just a minute. Just a minute.
- His Honour Judge Thomas:** Wait a minute. Don't you bandy words with me. You deliberately passed tablets, in defiance of my order.
- G** **Mr Jenkins:** I didn't pass tablets to him.
- Dock Officer 1:** Tried.
- H** **His Honour Judge Thomas:** You tried to. You knew that that had been forbidden. Now, that puts you very close to and, in my book, over the limit of contempt of Court, which means that I have powers which include being able to send you to prison. Do you understand that?

**A**           **Mr Jenkins:** Yes.

**His Honour Judge Thomas:** Is that what you want me to do? Do you want to go to prison for contempt of Court?

**B**           **Mr Jenkins:** Well, why are, why are barristers allowed to get away with contempt of Court and contempt of justice?

**C**           **His Honour Judge Thomas:** You are skating on very thin ice at the moment, and if I were you what I would be doing is apologising and saying that you will never pass tablets again. Do you think that's a good idea?

**Mr Jenkins:** Yes.

**D**           **His Honour Judge Thomas:** Are you going to do it?

**Mr Jenkins:** I apologise and I won't pass any tablets again.

**E**           **His Honour Judge Thomas:** You have come as close it is, as it is possible to being sent to prison for contempt of Court. Are you coming tomorrow?

**Mr Jenkins:** I think I will now.

**F**           **His Honour Judge Thomas:** You think you will come to Court?

**Mr Jenkins:** Yes.

**G**           **His Honour Judge Thomas:** Well, you will not be in this courtroom. I will not allow you to come into the courtroom. Do you understand that? Do you understand that?

**H**           **Mr Jenkins:** Yes, Sir.

**A** **His Honour Judge Thomas:** If you come into the courtroom whilst the Court is in session, if you approach the dock, you will be sent to prison for contempt of Court. Do you understand that? Do you understand that?

**Mr Jenkins:** Yes, Sir.

**B** **His Honour Judge Thomas:** The other lady who was sent out of Court earlier again is not permitted to come into the courtroom. If there's anybody here who knows her, that should be transmitted to her. If she is still outside, could a member of the Court staff please tell her that precisely? What is your name?

**C**  
(no audible response)

**His Honour Judge Thomas:** What is your name?

**D**  
(no audible response)

**His Honour Judge Thomas:** Can I give you a third opportunity to tell me your name please?

**E**  
(no audible response)

**His Honour Judge Thomas:** Let me just give you this final warning. If you do not give me your name, I will send you to prison for contempt of Court. Do you understand?

**F**  
(no audible response)

**His Honour Judge Thomas:** Now, I'll ask you a final time. What is your name?

**G**  
**Mr Jenkins:** Paul Jenkins.

**His Honour Judge Thomas:** And your address?

**H**  
**Mr Jenkins:** 43 Main Street.

**His Honour Judge Thomas:** Sorry, 43 ...

**A**           **Mr Jenkins:** Main Street.

**His Honour Judge Thomas:** How is that spelt?

**B**           **Mr Jenkins:** M, A, I, N. S, T, R, double E, T.

**His Honour Judge Thomas:** And where is that?

**C**           **Mr Jenkins:** Greetham.

**His Honour Judge Thomas:** And where is that?

**D**           **Mr Jenkins:** Oakham.

**His Honour Judge Thomas:** Rutland.

**E**           **Mr Jenkins:** Rutland.

**His Honour Judge Thomas:** As it used to be. I am amazed that I haven't sent you to prison as yet. I would repeat, do not come back into Court tomorrow. You are disruptive and you are causing problems and I will not have it in my Court. Do you understand?

**F**           **Mr Jenkins:** Yes, *Sir*.

**His Honour Judge Thomas:** If you do attend in Court tomorrow, what will happen?

**G**           **Mr Jenkins:** You say you'll arrest me.

**His Honour Judge Thomas:** I will send you to prison. It's not a question of arresting. I will send you to prison for contempt in the face of the Court. Now, I can't make that any clearer, can I, Mr Jenkins?

**H**           **Mr Jenkins:** Yes, *Your Honour*.

A

**His Honour Judge Thomas:** Let everyone in Court know, I know that they are loyal, fiercely loyal to Mr Kirk. I will not have disruption. I will not have my instructions disobeyed. Anybody else who tries this sort of nonsense will be doing seven days in custody. Do we understand that?

B

**Court Clerk:** Court please rise.

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The Transcription Agency hereby certifies that the above is an accurate and complete recording of the proceedings or part thereof.

C

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