

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 Maurice John Kirk (Litigant-in-Person) on behalf of the Defence

Other Parties Present and their status

Mr Francis Werren - Defendant's McKenzie Friend

Whole Hearing

Hearing date: 8 February 2010
Transcribed from 10:17:30 until 10:53:15
11:05:49 until 11:34:51
12:16:33 until 12:22:10
14:02:08 until 16:00:01

Reporting Restrictions Applied: No

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Number of folios in transcript 392
Number of words in transcript 28,172

A **Court Usher:** Court rise.

Court Usher: Continuing the trial of Maurice Kirk.

B (females and males and defendant confer)

(jury returns)

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

Juror: Good morning.

D **His Honour Judge Thomas:** Mr Kirk, do you have any witnesses you wish to call?

(female talks to defendant)

E **Mr Kirk:** Your, Your, Your Honour, there's still the matter of the jury note questioning the number of items similar to Exhibit 1 that are in this case, and we were, we're, we were trying to get to the, get, I was trying to get you to make them disclose the information about the red aircraft that's in the video.

F **His Honour Judge Thomas:** Well, do you want the red --

G **Mr Kirk:** Item, item 19 on the 382 items has, states that Mrs Kirk told two police officers that the machine gun with that aircraft has been sold to somebody. Now I have managed, with some difficulty, to contact one of my family, one of my family and I've been given a message this morning through the glass. I left my glasses behind, so I couldn't read through the glass my cousin's information, so she tried to shout it through the glass, that a Mr Ace has given a statement relating to all this, I hope, but he's given a statement to the police at least a week ago --

H

Female: Couple --

Mr Kirk: About --

A

Female: Couple of weeks ago.

B

Mr Kirk: About a couple of weeks ago when this first was raised, and I still haven't got it. Now, now that gentleman can cast light on the information. But to save time, of course, under the police schedule, which I want the Jury to see, it is clearly indicated that there are at least two police statements relating to that situation, and the statements should be sufficient to tell, give the Jury more information, should that still be a worry to, a concern to them. You will recall that the Prosecution have put before the Jury, you remember I wanted to call Stuart Davies, the, the, the, the, the police officer that interviewed my wife on a different occurrence number, and we argued, we differed about that, Your Honour. In that exhibit, in that police schedule list, I think it's number 84, there are the notes taken by the officer that was with my wife, if it's the same, because there were at least thirty five, we've now identified just under forty police officers have been on, on my airfield on the two, three occasions since I've been detained in custody. But they have, to save Mr Ace, well, I don't know if I need him until I've seen his statement, but apparently I'm having difficulties being given his statement. The police already have the information that the Jury will need, and the CPS have now got it in that box that is six feet in front of me.

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His Honour Judge Thomas: Mr Kirk, the problem is this. For the Jury to assess any witness, they cannot simply be given the statement, in the same way as the Prosecution statements could not simply be given to them. The Prosecution may not accept what, for example, Mr Ace says or what your wife says, and therefore the only way in which that evidence can properly be before the Court is for them to go into the witness box to give their evidence and that the Jury can assess them, and them, for them to be cross-examined by Mr Twomlow. Now I can understand it may be frustrating for you that you can't simply hand over a document for the Jury to read, but the evidence, if the Prosecution do not accept it, has, I'm afraid, to be tested. Now if the Prosecution have statements from Mr Ace, I, and I'll ask Mr Twomlow about that, then, of course, you must see them to assess whether you call him, but it's simply not a question of handing over statements to the Jury, I'm afraid. They have to be called.

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Mr Kirk: Your Honour, I'm not talking about Defence statements. I'm talking about Prosecution statements. The Jury watched the Prosecution submit statements without my

consent, and you allowed it, on Friday. I refer to the lady at the airport, the, Mr Clifford, who, I must have a haircut before I meet him again, the CAA examiner, Trapper.

A

His Honour Judge Thomas: But you were asked, you see, Mr Kirk, and have been asked throughout, which witnesses you require. You've called an awful lot of witnesses. You've asked the Prosecution to call them and they have called them.

B

Mr Kirk: No, no. You can divert my attention as much as you like, Your Honour, but they were closing their case, and in, before he closed his case he put before the Jury documents which include the videos on that screen, which include the photographs in the exhibits, page 16 and so on. I put in front of the investigating officer, Detective Inspector Suzanne Hughes, who is in the back of the Court at the moment, and she admitted what I needed with my six questions that you allowed. I had 606 letters, questions for that lady, and each question was damning for the, each answer was damning for the Prosecution's case. And we heard that the CAA, who deny that there's ever been a, I am aware, on the front of the de Havilland 2, Airco designed de Havilland 2, which is the, the subject of this case, but yet the Prosecution, without my consent, without my, my, my consideration, in front of you, without, put, put to the strict proof thereof, documents that technically, on the laws that you've just uttered, should not have been put before the Jury. Now you all knew this. All ten judges knew this, Your Honour, and I'm disappointed that you are not allowing me to let the Jury see the two statements that were taken by the police officers in the presence of my wife when she took them and showed them where the red aircraft that's in the video, if it, it's the same video --

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His Honour Judge Thomas: Mr --

Mr Kirk: If it's --

G

His Honour Judge Thomas: Mr --

Mr Kirk: Not --

H

His Honour Judge Thomas: Kirk --

Mr Kirk: A --

His Honour Judge Thomas: All you need to do is to call your wife to give evidence.

A

Mr Kirk: I could just have the statement she's got there to be given to the Jury. That is sufficient. Will you allow me to do that?

B

His Honour Judge Thomas: Not unless you call your wife or you give a reason why your wife can't give evidence, if she's ill or out of the country or something like that.

Mr Kirk: Will you allow me to serve on the Jury the witness statement made by my wife when she was interviewed on 22 June?

C

His Honour Judge Thomas: If she gives evidence, yes.

D

Mr Kirk: The statement was written by the police officer Stuart Davies. It is, it is purported to make it look as if it was her statement. You have already heard information in the Court that her, her first statement she refused to sign. If you examine that statement, it is in the handwriting of Stuart Davies in the presence of Saunders, WPC, no, Detective Constable Saunders, who wrote two pages of notes, which are on the schedule list, which will clarify everything that is of concern to the Jury about the red aircraft and the other machine gun that my wife is purported to have said to those police officers, except I know that it was unlikely to be those two. It would be two other police officers, but they, but, without, without seeing proper disclosure under Section 3(c) of the European Charter of 1948, I'm going to be in difficulties, and this Court will be in breach of basic law.

E

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His Honour Judge Thomas: Well, I'm afraid, Mr Kirk, that I've got to decide what the law is. If the Jury convict you and if the Court of Appeal say I'm wrong, well, that's another matter, but I have to deal with what I understand the law to be. Now as far as your wife is concerned, if you want to call her, please do. As far as Mr Ace is concerned, I'll ask Mr Twomlow what the position, with any statements.

G

Mr Twomlow: No.

H

His Honour Judge Thomas: You don't --

Mr Twomlow: No.

A **His Honour Judge Thomas:** Have any?

Mr Twomlow: No.

B **His Honour Judge Thomas:** If you wish to call Mr Ace then you can call --

Mr Kirk: Can you --

His Honour Judge Thomas: Mr --

C **Mr Kirk:** What --

His Honour Judge Thomas: Ace, Mr Kirk.

D **Mr Kirk:** He gave it to Taunton police station.

Female: Yeah.

E **Mr Kirk:** Yeah, apparently Mr Ace gave his statement about two weeks ago --

His Honour Judge Thomas: Well, is --

F **Mr Kirk:** At --

His Honour Judge Thomas: Mr Ace here today?

G **Mr Kirk:** I've no idea. How am I to know? I, I have no paper. I'm not allowed a pen in my cell down there. I have a sheet of glass. Because of my hearing I have to talk through a grille, and this ear is better than that ear. And, and in the, in, in the prison, since I last saw you, you gave me these. What are, what, the Prosecution, and you said that I should, because the prison won't let me hear the, the, the interview tapes of Mr Cooper and of Mrs Cooper, that a friend was supposed to send in a tape recorder to the prison. I mean, am I living on a different planet, with all due respect, Your Honour? To have a tape recorder in the hands of a prisoner in, in, in, in, in, in, in Her Majesty's prison? The prisoners, the prison officers

H

A joked and laughed. They had one. They were playing music on it in their little office on A Wing, in punishment wing. I'm on punishment wing where, on purpose. I set it up, because they can then, they have to bring my food to my door. I don't have to get out of my seat and go up those stairs and down those stairs. I'm in punishment block because I set it up that way. But, but I still want to hear these tapes.

B **His Honour Judge Thomas:** Mr Kirk, this trial has now gone on for two weeks. We're into the third week. That is time which the members of the Jury are devoting to public service. I would dearly like you to give an explanation to the Jury. I would dearly like you to give evidence through witnesses if you are able to do so.

C **Mr Kirk:** Your Honour, I've served --

D **His Honour Judge Thomas:** I would feel a lot more comfortable about it, but I have to abide by the rules, not rules of my making, rules that I have to administer.

Mr Kirk: Your Honour --

E **His Honour Judge Thomas:** Now if you have any witnesses here today or if there's a prospect of a witness arriving today, please call that witness to give evidence. We cannot go on day after day in this fashion. There has to come a time where if you have witnesses, if you have evidence, this jury needs to hear it. Now I can't explain any more times that unless the Prosecution agree with the contents of the statements, you have to call the witnesses to give evidence. I cannot say that any more times. Do you have any witnesses that you wish to call, please?

G **Mr Kirk:** Dealing with the first point, well, finish this. There is a tape missing, the third tape of Mr Cooper's is missing. It's 1, 2, 4, 5. And the middle one, and the times, the, the, well over an hour of interview under caution, under whatever they call it for a witness, of witness tapes, the length has, has given me further doubts as, about the, the amount of information that was recorded in the statement given by Mr Cooper and the evidence-in-chief by Mr Cooper.

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

Mr Kirk: What has --

A

His Honour Judge Thomas: Know --

Mr Kirk: Caused --

B

His Honour Judge Thomas: What --

Mr Kirk: Me --

C

His Honour Judge Thomas: We --

Mr Kirk: To --

D

His Honour Judge Thomas: Don't --

Mr Kirk: Be --

E

His Honour Judge Thomas: Know --

Mr Kirk: Concerned --

F

His Honour Judge Thomas: Mr Kirk --

Mr Kirk: Your Honour --

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His Honour Judge Thomas: It --

H

Mr Kirk: If I could just finish, Your, with all due respect, Your Honour. I noticed that it wasn't until the, Mr Dodge, on 7 August, on the day that I was being sectioned to an, to, to a loony bin for life, if I hadn't been, and, quick witted, the magazine of that item 1 was handed to Mr Martlew. He is the first person who the Prosecution have accepted may have been in possession of Exhibit 1 before I purportedly became the owner of item 1. The fact that the Prosecution deliberately allowed him to examine the magazine caused me to get a message out via my little girl, if she wasn't dreaming about learning to play an Irish fiddle,

A and my son has managed to get information that the magazine was painted silver by someone after, somewhere between the, somewhere between the 1st of, well, some time in '08 to the time that I was arrested. Now there is a lot more going on and I'm going to get to the bottom of it.

B **His Honour Judge Thomas:** Well, Mr Kirk, look, we still don't know after ten days of this trial if you accept you ever had that item in your possession. We still don't know that. At least I don't know that. Now if we knew that we could see where the relevance of all this was. Are you saying you never had that item, that what you had in your hand was a totally different item? We don't know. You haven't chosen to tell us. Now unless we know these things, how can I, or how can the Jury, how can anyone assess what you're saying?

C **Mr Kirk:** Your Honour, with respect, I, I have let, I've let the Prosecution run. I have let them introduce photographs, videos, all sorts of things to the Jury, with the hope that the Prosecution, by breaking the law, by not putting these items to strict proof, I would at least be allowed to serve on the Jury the statement that the Prosecution wish to say is my wife's statement, but, in fact, it's not, in law, because it was never signed by her and she never agreed to it. It was --

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

E **Mr Kirk:** Written --

F **His Honour Judge Thomas:** The, a passage has actually been read out by me, which --

Mr Kirk: Sorry?

G **His Honour Judge Thomas:** A passage of that statement was read out by me, wasn't it, at one point.

Mr Kirk: Her statement?

H **His Honour Judge Thomas:** (indicates agreement)

Mr Kirk: Well, I want --

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

Mr Kirk: To --

B **His Honour Judge Thomas:** You --

Mr Kirk: Make --

C **His Honour Judge Thomas:** You, you --

Mr Kirk: I --

D **His Honour Judge Thomas:** Went, you, you were cross-examining about it. It doesn't say anything about the red plane, as far as I can remember.

E **Mr Kirk:** You're, you're, you're quite right. I'm, thank you, Your Honour. I think I did refer to it. But I wanted, in, in, as you know, there must be no ambiguity in a court of law, that, that the Jury must have a, a copy of that statement. If the Jury, if the Prosecution have been allowed to serve all those statements from the CAA, the, the other thing the Jury will be worried about still is, is how did the CAA manage to persuade a Mr Cooper to leave his job of work, drive to the airfield, unbolt it, put it in the back of his car and take it to a gunsmith in another town. Now you won't let me serve the witness statements about the
F CAA's phone call, who it was, what they wanted. How did the CAA manage to do this? This has been, with all due respect, deliberately withheld from the Jury.

G **His Honour Judge Thomas:** Well, what's the point of it? What, what, what does that matter in terms of this case? I don't still understand.

Mr Kirk: Well, they could have done that with me, couldn't they?

H **His Honour Judge Thomas:** What, let you get, let you what?

Mr Kirk: No, the police could have made a phone call. Instead of saying, it's over a million, my son has now worked out that it's well over a million pound's been spent on this case.

A All they needed, to phone me to say is it true that you had an aeroplane a year ago that had this, and I would have said possibly, because you never say yes or no to the South Wales Police when they cross-examine you if you've had the, the horrific experiences of 18 years that I've had whilst residing in this lovely Vale of Glamorgan.

B **His Honour Judge Thomas:** Now, Mr Kirk, we can argue up hill and down dale. I really have to, at this stage, ask you the simple question. Do you have any witnesses here today that you wish to call to give evidence?

C **Mr Kirk:** I have a character witness here, but that, he is in the wrong order. I, you have refused me, I gave you a Defence statement, that the Prosecution have seen in the witness box, signed by my lawyer for this court case. His name is Adrian Oliver. You have, are you allowing that statement to go before the Jury?

D **His Honour Judge Thomas:** That statement has got nothing in it referring --

Mr Kirk: The Defence statement --

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

Mr Kirk: Your Honour --

F **His Honour Judge Thomas:** Mr Kirk, the Defence statement does not at any point mention this machine gun, your alleged possession of it or its alleged nature. That Defence statement runs to 64 pages --

Mr Kirk: No --

G **His Honour Judge Thomas:** And sets out --

Mr Kirk: No --

H **His Honour Judge Thomas:** In some detail your complaints over 18 years against the South Wales Police.

Mr Kirk: Yeah, and, and --

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

Mr Kirk: It --

B **His Honour Judge Thomas:** It --

Mr Kirk: It --

C **His Honour Judge Thomas:** Say anything in it --

Mr Kirk: Yes.

D **His Honour Judge Thomas:** About the machine gun?

Mr Kirk: Yes.

E **His Honour Judge Thomas:** What?

F **Mr Kirk:** Yes. It talks about how I was arrested on firearms charges, and I won the court case and the police have hounded me ever since, because I was accused of cheating the, stealing the chief superintendent's notebook in Taunton, and they took me to Crown Court, and he was made to read out Exhibit 6, and 11 police officers gave evidence. I gave no evidence. I called no witnesses. And when he was made to read out the Prosecution statement, it was written in Latin, olim in Taunton tyranne (inaudible). Once upon a time in Taunton there was a tyrant called Curly Hawkins. And they have hounded me for 30 years ever since.

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

H **Mr Kirk:** No. I haven't finished. The Defence statement that I handed to Suzanne Hughes last week was all about what happened on 29 May, because that's what this case is all about. I went on 29 May, when Suzanne Hughes was given the job to have me arrested, I went to Dolmans Solicitors. I, I did a demonstration outside the assembly halls for nearly two hours

A

with all my placards. I was nicked for a yellow line, double yellow line, and had to produce my documents. The police then followed me to Penarth police station, where I made a complaint of, of theft of one of my properties in Cardiff, and they couldn't find the thing on the, at least that's, I made an audit trial. When I came out, the police were examining my car. I then drove to Barry police station, where an Inspector Rice took a statement from me relating to this trial, and I was videoed and I was interviewed, and they're all listed on the 382 items on the police schedule, and they're all relevant to why I was arrested. You said that the arrest had nothing to do with this trial, my arrest had nothing to do with this trial.

B

His Honour Judge Thomas: You're --

C

Mr Kirk: You --

His Honour Judge Thomas: Talking --

D

Mr Kirk: You --

His Honour Judge Thomas: About --

E

Mr Kirk: Will --

His Honour Judge Thomas: Arrest --

F

Mr Kirk: Not let me have the superior officer, Stuart Davies, superintendent. My wife made immediate complaint to Inspector Dyson. I want him called. A chief inspector, 1719, I can't, Mike, somebody, was the overall man in charge, and I want him as a, a, a, as, as, as a, as a witness. And on 29 May I then, what happened? I did something else on 29 May. I've, oh, I went to the Court. I went to the County Court and I served, this is the affidavit of, this is my Defence statement, which I serve again, if there's misunderstanding. Could you take this, please? Which lists all that built up to the 22nd. The minute Adrian Oliver knew I was in jail he signed the document, and he was acting for Barbara Wilding.

G

H

His Honour Judge Thomas: Thank you.

Mr Kirk: I went to the County --

A **His Honour Judge Thomas:** This is about --

Mr Kirk: Court

B **His Honour Judge Thomas:** Your, this is about your civil claim against --

Mr Kirk: No --

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

Mr Kirk: It's --

His Honour Judge Thomas: Police.

D **Mr Kirk:** Not. It's about this court case and why I was, why Suzanne Hughes was
E commissioned that day to have me investigated. And 29 May, they pulled down on the
computer, they've already heard, with Parker and the, Foxy and all the others. Oh, and while
we're talking about Foxy, you, in, in another Court, in, caused the police to give further and
F better information that Foxy and police officers had been phoning and talking to my wife
prior to the time that he said he did on oath, and that is a document signed 21 January, before
we even came to trial, and, guess what, signed by Suzanne Hughes, detective inspector, 4149.
That needs to go before the Jury, please. And --

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

Mr Kirk: Of --

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

Mr Kirk: Course --

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

A **Mr Kirk:** And, of course, the document that had them really worried is this one, which is my schedule of the incidents that led to the harassment that I have, and I wrote on it the Claimant refused to accept, the, sorry, the Defendant, that was when I was at the offices, when the police, when Dolmans phoned the police to have me followed, and it's dated 29 May in my handwriting, and I wrote in my hand, in, Court refused to take document because it had not come by post, and it's got the post stamped on it, 6 June. It's ten pages, and there are two items in there where the, Barbara Wilding has denied court cases took place. **B** And I served, because my kid sister, whilst I was in prison, here, during the trial, obtained, obtained, from Barry Magistrates', proof that those court cases took place when I arrested the prosecutor, took him by the scruff of the neck in order to be arrested, but because they wanted to bury the issue, because it had been a, a perversion of justice, and Rice, the same police officer, was then a sergeant. We could hear the sirens coming all the way from Barry police station, and six of them tried to come through a door half the size of that one, and I wouldn't, they didn't put a hand on me. And everything started on 29 May, which is why they lifted the helicopter on the Sunday and they lifted the helicopter on the Monday, and on the Sunday my wife and I watched them filming me with their infrared and their multi range speakers, and they could hear what I said. I think they want to talk to me, I'm going to go back to France tomorrow. And what should concern you, Your Honour, is that Suzanne Hughes said, and you did not ask her because you just wanted to cut my cross-examination, **E** why was I to be away from the premises in order for I to be arrested, and if you look at the schedule you'll see that they had warrants. They had warrants, and they had to go back and cancel the warrants, i.e., the warrants for arrest and search were not used.

F **His Honour Judge Thomas:** Well, perhaps the reason they wanted you away from the premises, Mr Kirk, was that if you were on the premises with what they considered to be a firearm, that may be a dangerous situation.

G **Mr Kirk:** Well, why didn't --

His Honour Judge Thomas: It --

H **Mr Kirk:** You --

His Honour Judge Thomas: May be better to --

Mr Kirk: Well --

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

Mr Kirk: You should --

B **His Honour Judge Thomas:** Someone --

Mr Kirk: Have --

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

Mr Kirk: Put --

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

Mr Kirk: That. Can we recall the witness?

E **His Honour Judge Thomas:** It may be, it may be, I don't know, the, the reason.

Mr Kirk: Well, can we recall the witness, please?

F **His Honour Judge Thomas:** Now, Mr Kirk, I have asked you on several occasions this morning --

(defendant talks to dock officer)

G **His Honour Judge Thomas:** I have asked you on several occasions this morning if you have any witnesses here that you wish to call. If you do, please now call the first of those witnesses.

H **Mr Kirk:** Chief Constable of South Wales. I tell you why. He now knows that the affidavit signed by Barbara Wilding on 25 February last year is false.

A **His Honour Judge Thomas:** Do you have any witnesses relating to the gun, Exhibit 1, your possession of it or non possession of it or anything of that nature? Do you have any such witness here --

Mr Kirk: I --

B **His Honour Judge Thomas:** Today?

Mr Kirk: Have 78 statements which I wish to serve.

C **His Honour Judge Thomas:** In relation to the gun?

Mr Kirk: Yes.

D **His Honour Judge Thomas:** Can I see them?

E **Mr Kirk:** The Prosecution have got them in advance. They took 78 statements from police. They took over 50 records from the police. They have over 50 personal notebook records relating to this case. I want them all to go, no, I, they don't need to all go to the Jury. I need to see them and sift it down to about 10%.

His Honour Judge Thomas: Now, Mr Kirk, I'm sorry, there comes a time --

F **Mr Kirk:** But you asked to see --

His Honour Judge Thomas: There --

G **Mr Kirk:** Them.

His Honour Judge Thomas: Comes a time --

H **Mr Kirk:** Why is it that --

His Honour Judge Thomas: Mr --

Mr Kirk: You don't --

A

His Honour Judge Thomas: Kirk --

Mr Kirk: Want to see them?

B

His Honour Judge Thomas: Mr Kirk, there comes a time when, I'm afraid, much, though, I would like you to give evidence and to call witnesses, there comes a time when I have to decide whether that is going to sensibly happen, and it seems to me that all that's happened for the last half an hour is that we have argued back and forth. I take it now that you have no witness that you wish to --

C

Mr Kirk: Yes --

D

His Honour Judge Thomas: Call.

Mr Kirk: I wish to call, hang on a second. I wish to call the security from the prison who have promised me three weeks ago to confirm my MAPPA status. I have said from the beginning, Your Honour, that this is a case of public interest immunity, public interest immunity relating to security information on how to, covert surveillance has to be kept secret and be kept secret in a court of law, in, in a court of law. In the interests of the general public --

E

F

His Honour Judge Thomas: Mr --

Mr Kirk: You --

G

His Honour Judge Thomas: Kirk --

Mr Kirk: You, you witnessed a bit of Foxy --

H

His Honour Judge Thomas: Mr Kirk, the next stage now is that you are entitled to address the Jury. You cannot give evidence to the Jury. You can address them on issues relating to the evidence that has been heard. I will allow you, for that purpose, in the first instance half an hour. If the information or if the speech that you are making is relevant to the issues I

will allow you to continue. If it is not, I will ask you, please, to finish that after half an hour.
So the stage that has now been reached is that you must address the Jury finally, please.

A

Mr Kirk: And my wife's statement can go to the Jury?

His Honour Judge Thomas: Mr Kirk, I have explained that if you wish your wife's evidence to go before the Court, you must call her to give evidence. I can't say that any more clearly and any more often.

B

(male talks to defendant)

C

Mr Kirk: I call Mrs Kirk.

His Honour Judge Thomas: Is she here?

D

Mr Kirk: I've no idea.

His Honour Judge Thomas: I asked you on Monday to make arrangements for Mrs Kirk to be here.

E

Mr Kirk: How do I make arrangements --

His Honour Judge Thomas: Because you have several people, including, we understand, your niece and your son and other people, I asked you on, on Friday to have your witnesses here. Now if you wish to call Mrs Kirk, why isn't she here?

F

Mr Kirk: Your Honour, I win my court cases here on the rule of law. I have won six Crown Court cases here against South Wales Police. That is why they've bent over backwards to stop me from representing myself. I know that I'm --

G

His Honour Judge Thomas: Mr --

H

Mr Kirk: Entitled --

His Honour Judge Thomas: Kirk, can we --

A **Mr Kirk:** I --

His Honour Judge Thomas: We --

B **Mr Kirk:** Know --

His Honour Judge Thomas: Get --

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

His Honour Judge Thomas: Can we --

D **Mr Kirk:** To --

His Honour Judge Thomas: Get --

Mr Kirk: Disclosure.

E **His Honour Judge Thomas:** Mrs Kirk here? Can we get Mrs Kirk here? Can we get her here today?

F **Mr Kirk:** I said the purpose of calling my witnesses is to confirm the authenticity of the disclosed documents that the Prosecution already have to confirm my innocence. Your Honour, the notes that were coming from the last jury were of a similar note.

G **His Honour Judge Thomas:** Excuse me, could that gentleman there sit down, please? Can you sit down, please? Thank you.

Mr Kirk: I think he might have something --

H **His Honour Judge Thomas:** He may well --

Mr Kirk: Serious information to give me.

His Honour Judge Thomas: Well, if he wants to tell Mr Werren then let Mr Werren --

A

Mr Kirk: Yes.

His Honour Judge Thomas: Tell you. No, Mr Werren, would you go and speak to him, please, if there's anything --

B

Mr Werren: What --

His Honour Judge Thomas: Yes. Thank you. Now about Mrs Kirk --

C

Mr Kirk: Your, Your, Your Honour, are you going to let the Jury see similar documents that you've allowed the Prosecution to serve, that have not been put to the strict proof thereof? And I refer to the red aircraft and the fact that it's written on item 19 of 382 items, that there was a machine gun on it and it was sold. Whether it was to Ace or not, even I am not sure, and if he's, but he can, he can throw information on it.

D

His Honour Judge Thomas: Now, Mr Kirk --

E

Mr Kirk: Why can't --

His Honour Judge Thomas: Is your --

F

Mr Kirk: The --

His Honour Judge Thomas: Wife --

G

Mr Kirk: Jury --

His Honour Judge Thomas: Is your wife here or can she be got here in order to give evidence this morning or, if necessary, first thing this afternoon?

H

(male talks to defendant)

Mr Kirk: I apply for bail for lunch --

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

Mr Kirk: Only --

B **His Honour Judge Thomas:** Kirk, is your wife here or can she --

Male: She's --

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

Male: Not.

His Honour Judge Thomas: Here by 2 o'clock in order to give evidence?

D **Mr Kirk:** I make application for bail for lunch to get my medicine from my doctors at Cowbridge. I have again, the game they're playing today is there are no medicines downstairs. The police have, the prison have removed my three prescriptions from the system and now they're playing that there are no medicines. I had unopened packets of, of **E** diclofenac which was going to last me for a month. Now I wish to have bail at lunchtime to see my wife, to get the Defence exhibits, which are, Mr Werren can confirm, were refused. What did they say? They said they --

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

Mr Kirk: Were irrelevant.

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

Mr Kirk: The --

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

Mr Kirk: Police --

His Honour Judge Thomas: Your --

A

Mr Kirk: Said --

His Honour Judge Thomas: Wife --

B

Mr Kirk: That --

His Honour Judge Thomas: Here --

C

Mr Kirk: My Defence --

His Honour Judge Thomas: Or can your wife be here by 2 o'clock?

D

Mr Kirk: I wished adjournment. I wish, I wish to have bail for lunch only to, to go to Cowbridge to get, to, to get my wife here for 2 o'clock, to get my medicine from my, my thing, from, and to get the Defence exhibits, which are across the road in the police station. They have told Mr Werren, who's here to confirm it, they are irrelevant to the case. They are the items that were removed from my property on 22 and 23 June, and on the, round about 16 December when they went back and they say they found ammunition. Now if that ammunition is relevant to this case, they say it's .303. That must go before the Jury. All this information needs to go with the lady who was not arrested because she had a, she, because she had a firearm certificate. If you have a firearm certificate you're allowed to

E

have a prohibited weapon? You heard that on oath from Miss Suzanne Hughes. I wish, during the one hour out there, I wish to walk across the road and have my firearm certificate renewed. I've had a firearm certificate for nearly 20 years. If you look at the exhibits, they've had the police tell other courts to refuse me bail because I've always been considered

F

not fit to hold a shotgun licence, let alone a firearm certificate. As if I haven't had humane killers in the, in the years, the, 40 years as a veterinary surgeon. In fact, we even used a .32 German pistol, all of which I was legally entitled to have.

G

His Honour Judge Thomas: Mr Kirk, I'm --

H

Mr Kirk: This --

His Honour Judge Thomas: Going --

A

Mr Kirk: Is --

His Honour Judge Thomas: To --

B

Mr Kirk: This --

His Honour Judge Thomas: Mr --

C

Mr Kirk: Is the --

His Honour Judge Thomas: Kirk --

D

Mr Kirk: This --

His Honour Judge Thomas: I'm --

E

Mr Kirk: Is --

His Honour Judge Thomas: Going --

F

Mr Kirk: The --

His Honour Judge Thomas: To --

Mr Kirk: Wickedness --

G

His Honour Judge Thomas: Rise for five minutes. You, please, remain in the dock. You have Mr Werren in front of you. You have your niece. Would you please ask them if either of them can make arrangements, either themselves or through others, to get your wife here by a reasonable time? And by reasonable time I mean 2 o'clock this afternoon.

H

Mr Kirk: Will you allow --

A **His Honour Judge Thomas:** If, if Mrs Kirk can be got here by 2 o'clock and if she is prepared to give evidence then you can call her. In the event that she does not arrive at 2 o'clock and there are no other witnesses, you will have at that time to address the Jury. I am not going to let this case drag on ad infinitum at your whim, I'm afraid, Mr Kirk.

B **Mr Kirk:** They had over --

His Honour Judge Thomas: Right. I'm going to rise --

Mr Kirk: Over --

C **His Honour Judge Thomas:** For five --

Mr Kirk: 30 --

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

Mr Kirk: Witnesses.

E **His Honour Judge Thomas:** I'm going to rise for five minutes. In that time please ask anyone here who can get your wife here to make arrangements. If you tell me in five minutes that cannot be done then you will have to then address the Jury.

F **Mr Kirk:** Can my --

His Honour Judge Thomas: I'll --

G **Mr Kirk:** Cousin --

His Honour Judge Thomas: Rise.

H **Mr Kirk:** Give me two aspirins?

Court Usher: Court rise.

Mr Kirk: Can my cousin give me just two aspirins?

A

His Honour Judge Thomas: If the dock officers permit, yes.

(adjournment)

B

Court Usher: Court rise.

(female and defendant confer)

C

(jury returns)

His Honour Judge Thomas: Members of the Jury, Mr Kirk made reference earlier to a, a document, which I consider you are entitled to have a copy of. Could that perhaps be distributed?

D

Court Usher: Yes --

His Honour Judge Thomas: It's --

E

Court Usher: Your --

His Honour Judge Thomas: The --

F

Court Usher: Honour.

His Honour Judge Thomas: Report relating to other phone calls made to Mr Kirk's property by Foxy.

G

(court usher talks to jury)

(defendant and male confer)

H

His Honour Judge Thomas: Mr Kirk, is it possible to get your wife here some time today?

Mr Kirk: Some matters have arisen in the meantime which are causing some difficulty.

Your Honour --

A

His Honour Judge Thomas: Now before we go on to any other matters which may or may not be causing any difficulty, Mr Kirk, could you please tell me if it is possible to get your wife here today?

B

Mr Kirk: Your Honour, due to information I've just received, I wish to make an application for bail, for --

C

His Honour Judge Thomas: Mr Kirk --

Mr Kirk: An --

D

His Honour Judge Thomas: Is --

Mr Kirk: Application --

E

His Honour Judge Thomas: It possible --

Mr Kirk: For --

F

His Honour Judge Thomas: To --

Mr Kirk: You --

His Honour Judge Thomas: Get --

G

Mr Kirk: To --

His Honour Judge Thomas: Your --

H

Mr Kirk: Recuse --

His Honour Judge Thomas: Wife here --

A **Mr Kirk:** Yourself --

His Honour Judge Thomas: Today?

B **Mr Kirk:** To recuse yourself from this case, and I wish to make an application, another application in the absence of the Jury.

His Honour Judge Thomas: Right. Before that application is made, and I will hear your application in the absence of the Jury, is it possible to get your wife here today?

C **Mr Kirk:** If I'm not allowed to see the Court exhibits, if --

His Honour Judge Thomas: Right.

D **Mr Kirk:** I'm not allowed to even examine Exhibit 1 --

E **His Honour Judge Thomas:** I'll take that, Mr Kirk, as I think I have to now, as a no. Members of the Jury, I'm sorry you've had to, you'll have to go back out again. There's a matter of law that Mr Kirk wishes to raise. Thank you.

(jury leaves)

F **His Honour Judge Thomas:** Yes, Mr Kirk?

Mr Kirk: I've given you the reasons why I wanted bail over lunch. There's no --

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

Mr Kirk: Need to repeat the reason. One is to get medication. The prison and Reliance, in your absence, have refused to allow my niece to even give me a couple of aspirins.

H **His Honour Judge Thomas:** Well, that is because there are strict rules about passing medications, Mr --

Mr Kirk: I have --

A

His Honour Judge Thomas: Kirk.

Mr Kirk: Been without my medicine now for two weeks of this trial. I have not been able to get medicine once back in the prison.

B

His Honour Judge Thomas: Right. You --

Mr Kirk: Each --

C

His Honour Judge Thomas: Said --

Mr Kirk: Day --

D

His Honour Judge Thomas: There --

Mr Kirk: I --

E

His Honour Judge Thomas: Was an --

Mr Kirk: I apply --

F

His Honour Judge Thomas: You said there was an application for me to recuse myself.

Mr Kirk: I have a splitting headache, Your Honour. I will be sweet and charming, please, if someone, my gun, my gun expert was here. He tried to give me a, a, an aspirin, and you've banned him from the Court.

G

His Honour Judge Thomas: Only as, at that time I didn't realise he was an expert. Of course, as an expert he's entitled to come.

H

Mr Kirk: Sorry?

A **His Honour Judge Thomas:** As an expert, as I've made it clear on several occasions, he is entitled to come. Now you've said that there was an application to recuse myself. Make that application, please.

Mr Kirk: But you --

B **His Honour Judge Thomas:** Make that application, please, Mr Kirk, the application to recuse myself.

C **Mr Kirk:** Your Honour, you must have been aware of the content of the 382 items which are in the police schedule.

His Honour Judge Thomas: Yes.

D **Mr Kirk:** In there displays my innocence, in the remaining two indictments that are before a British jury. There is clear evidence that the gun, if we call it a gun, was in the possession of a number of well known people, including officers of the Civil Aviation Authority, before I purchased the aircraft in Dorset 13, 14 years ago. You were aware that there are, there are transcripts, sorry, there are interviews with the relevant witnesses in their enquiry, dating
E back six weeks before I was arrested, that would have, that would have told them or caused them to make further enquiry that the gun, the Exhibit 1, had been considered exempt of the Firearms Act way back in 1977, or roughly then, when the designer and builder of the aircraft arranged for a number of similar Lewis machine guns to go on the different aircraft that he
F was building for Thorpe's Park, outside London, for the museums and for the films, for the films that they have been used in, including my own in Gunbus. You were aware of this, and, if you were not, you should have been aware of it. I have made this application because I've noticed that even today where you allowed the Prosecution to put in, into the bundle,
G and, by way of extra documents, statements and reports from Prosecution, potential Prosecution witnesses that previous judges have all ruled were irrelevant to the trial.

H **His Honour Judge Thomas:** Which one is that now, then, Mr Kirk? The one you asked the Jury to have?

Mr Kirk: Clifford, did I ask for Clifford's to go before the Jury?

His Honour Judge Thomas: Clifford --

A

Mr Kirk: I --

His Honour Judge Thomas: Hasn't gone --

B

Mr Kirk: I --

His Honour Judge Thomas: Before the Jury.

C

Mr Kirk: It's in their bundle.

Mr Twomlow: I read the statement of Mr Clifford, and there's a, a document in relation to a flight test in the bundle, but --

D

His Honour Judge Thomas: Yes.

Mr Twomlow: It was in the bundle from the beginning.

E

Mr Kirk: And, and a very important gentleman, Sir, is the CAA, who is apparently in Afghanistan somewhere, and my, my, my daughter, Belinda Kirk, the, the film, film producer, has been instructed to try and trace and to take a, a, a witness statement off him, because, you remember, that witness statement states that the CAA have no knowledge of, of, of this aircraft ever having the gun, the Exhibit 1, on the aircraft.

F

His Honour Judge Thomas: Well, that doesn't help you, then, does it?

G

Mr Kirk: It --

His Honour Judge Thomas: Doesn't help --

H

Mr Kirk: Will --

His Honour Judge Thomas: You --

Mr Kirk: Show --

A

His Honour Judge Thomas: If they --

Mr Kirk: The --

B

His Honour Judge Thomas: See it.

Mr Kirk: Jury that everybody is running for cover, because I am being prosecuted and no-one else is.

C

His Honour Judge Thomas: Do you want that statement read out to the Jury?

Mr Kirk: If, if we can obtain it --

D

His Honour Judge Thomas: Well --

Mr Kirk: Because --

E

His Honour Judge Thomas: We've got the statement. The --

Mr Kirk: No.

F

His Honour Judge Thomas: Statement's in the bundle.

Mr Kirk: No. We know that it won't stand to proof if I cross-examine him, which is why they've deliberately not allowed his interview that he had, just like the, the interview with Cooper, with the missing tape. The missing tape, I'm confident, will confirm that the, the gun that he had at the time was black with a silver magazine. I have now looked back at the statement, the MG11, and I can see that on his first statement that he, not only does he admit that he painted it silver, and the Prosecution --

H

His Honour Judge Thomas: So --

Mr Kirk: Brought --

His Honour Judge Thomas: Black and --

A

Mr Kirk: Well, it's at the bottom line of page 5, I think, of his statement.

(male talks to defendant)

B

Mr Kirk: And where it may be the games of the Prosecution to withhold evidence, I believe the duty of the Court is to establish the truth, and the truth has been, deliberately been bypassed, and that you should have been aware of the conduct of the Prosecution. And what really got me riled this weekend for me to even consider such an application is that I asked a, a man in a position of privilege, who was so concerned about my arrest on 22 June, he was the appropriate adult that had been having his lunch in the pub next to my house on the Sunday, told me, whilst I was in custody, that a number of firearms officers of the South Wales Police had already stated this is a load of junk. In fact, Rigley, up in Nottingham, said it was a load of shit. All this information is known to the Prosecution but has been deliberately withheld. Now what has upset me is that I have great respect for the situation of the Foxies of this world, who have, keep their anonymity, and I employed a lawyer in London who I've never met. I sent him a couple of grand to trace that witness and ask him to put a statement, not to the, the crooked Prosecution but to the judge of my trial. Now I was, been told this morning that my brother, a, a, the, the second gun expert who's travelled all the way from Cornwall to give evidence about the gun and couldn't stay any longer, he was there last week, overheard you talking to Twomley here about the appropriate adult's information and that it wouldn't be allowed, he wouldn't be allowed to be a witness behind the screen. Now --

C

D

E

F

His Honour Judge Thomas: It was a, there was a letter from a solicitor asking if Mr Reeves could be anonymous and behind a screen. I said that the, the grounds for such an application were not made out because there was no reason why Mr Reeves should be anonymous, particularly as Mr Reeves's name is on a document which the members of the Jury have. That was done in open Court. I can assure you that there was no conversation with Mr Twomlow outside Court.

G

H

Mr Kirk: The document with the Jury does not identify the geographical position, his, his form of work or the, the, the, his name.

A **His Honour Judge Thomas:** His name, his name --

Mr Kirk: His name --

B **His Honour Judge Thomas:** Is on the document.

Mr Kirk: Yes.

C **His Honour Judge Thomas:** So how can --

Mr Kirk: But --

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

Mr Kirk: Foxy's --

His Honour Judge Thomas: Have --

E **Mr Kirk:** Name and all the, I mean, a woman police officer was trying to buy my advert, an advert that had been on my website for six years, for Pete's sake, six years.

His Honour Judge Thomas: All right. Is that your application?

F **Mr Kirk:** Oh, no, no.

His Honour Judge Thomas: Is there any other ground of application?

G **Mr Kirk:** No, no. I wish to refer you to the conduct that you know about and that is of the Prosecution. They discussed, and you heard it on oath by Suzanne Hughes, Tegwyn Williams, the psychiatrist, the purpose, the purpose of my arrest that day was to get me sectioned to Broadmoor. It had nothing, and you know this, it had nothing whatever to do with machine guns. The statement that Mrs Kirk was expected to sign was drafted and written, and you've seen it, which, all they needed was her signature on it, and Tegwyn Williams's signature, which they already were promised because staff from the Caswell

H

A Clinic had attended MAPPA meetings, including Dr, Dr Gaynor Jones, the social worker Elizabeth Paul, and each month they were being briefed about me to be sectioned under the Section 35 of the '83 Mental Health Act. And on the day of the, I was sectioned, Dodge was up at Haverfordwest with the, item 1 in a box on his back seat, but when he heard the evidence from a witness prior to my buying the, the machine, the aircraft, he was told don't show Mr Martlew the, the, the, item 1 because he will come out with further information which will do us no good. Now, now in my absence, in the presence of the Prosecution main witness, Suzanne Hughes, and in front of the young lady that was in the back of the Court, Nadia, I can't pronounce the name.

C **Male:** Feldmeier.

Mr Kirk: Feldmeier. On 2 December Dr Tegwyn Williams pleaded that a Section 41 should be served on Maurice Kirk and that I be sent to Ashworth high security hospital.

D **His Honour Judge Thomas:** I've, well, I've listened --

Mr Kirk: No, no --

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

Mr Kirk: No. Let me --

F **His Honour Judge Thomas:** No --

Mr Kirk: Finish.

G **His Honour Judge Thomas:** No. Mr --

Mr Kirk: I have --

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

Mr Kirk: The transcript --

His Honour Judge Thomas: Mr Kirk, I'm --

A

Mr Kirk: I --

His Honour Judge Thomas: Getting --

B

Mr Kirk: Have --

His Honour Judge Thomas: To the --

C

Mr Kirk: The --

His Honour Judge Thomas: Stage --

D

Mr Kirk: Evidence in front --

His Honour Judge Thomas: I --

E

Mr Kirk: Of --

His Honour Judge Thomas: Am --

F

Mr Kirk: Me.

His Honour Judge Thomas: Getting to the stage where I have to move this trial on. You are making these points. They are not relevant to the issues. Could we have the Jury back, please? And then when they do, you're going to have to address them.

G

Mr Kirk: Mr Twomlow --

His Honour Judge Thomas: Yes, thank you very much. Could we have the Jury back?

H

Mr Kirk: Mr Twomlow --

His Honour Judge Thomas: Mr --

A Mr Kirk: Says --

His Honour Judge Thomas: Mr Kirk, sit down now, please.

B Mr Kirk: Mr Twomlow --

His Honour Judge Thomas: Mr Kirk --

C Mr Kirk: Says --

His Honour Judge Thomas: Sit down, please.

D Mr Kirk: May I, perhaps have, I have, may I just say, perhaps, I have spoken to Dr Williams this morning and I have seen the contents of Dr Silva's report. He is also the view that Mr Kirk would be fit to plead subject to the, and then they interrupt. It was only the case of whether he has cancer or not, I think, that Dr Williams was concerned about. Now that information is the medical information, Your Honour, that, that lawyers, the, the past, present
E MP for the Vale of Glamorgan, Mr Sweeney, Walter Sweeney, has been trying to get, and I have paid my Freedom of Information, and that they are withholding vital medical reports at the prison and at the Caswell Clinic that relate to my custody and continuing custody.

F His Honour Judge Thomas: Thank you.

(jury returns)

G His Honour Judge Thomas: Members of the Jury, ideally it would, it would have been, I'm sure, something you would have wished, to have heard evidence. There comes a time where if that evidence is not forthcoming I, I have to make a decision, I'm afraid. Now that means that all the evidence in the case has ended. I will now give Mr Kirk an opportunity to address you. He must address you on the basis of the evidence so far and not give
H evidence. As to whether that will be manageable, I don't know. But, Mr Kirk, I will give you in the first instance --

(female talks to defendant)

A **His Honour Judge Thomas:** Half an hour to address the members of the Jury. If what you say is relevant, I will, of course, allow you to continue as long as you want. Would that gentleman please sit down? I've asked him twice to sit down. Please sit down. Thank you.

B **Male:** Your Honour, I wish --

His Honour Judge Thomas: Sit --

Male: Wish --

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

Male: To call --

D **His Honour Judge Thomas:** Please, Sir, or you'll be, have to be removed from the Court. Thank you. Yes, Mr Kirk?

E **Mr Kirk:** I wish to make the third application in the absence of the Jury.

His Honour Judge Thomas: Mr --

Mr Kirk: I did --

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

G **Mr Kirk:** No, I did say that. I wish to make an application in the absence of the Jury. I did say that.

His Honour Judge Thomas: What --

H **Mr Kirk:** I --

His Honour Judge Thomas: Is --

Mr Kirk: Didn't --

A

His Honour Judge Thomas: The nature --

Mr Kirk: Ask --

B

His Honour Judge Thomas: Of the --

Mr Kirk: For --

C

His Honour Judge Thomas: Application --

Mr Kirk: The --

D

His Honour Judge Thomas: Mr Kirk?

Mr Kirk: I didn't --

E

His Honour Judge Thomas: What's --

Mr Kirk: No --

F

His Honour Judge Thomas: The nature of the application?

Mr Kirk: You know what it will be.

His Honour Judge Thomas: I don't, Mr Kirk. Tell me what the nature of --

G

Mr Kirk: No.

His Honour Judge Thomas: The application --

H

Mr Kirk: You are not supposed to do it in front of the Jury, which is why I asked for my favourite barrister, local barrister, Ieuan Rees --

His Honour Judge Thomas: Right.

A **Mr Kirk:** To give me advice on the responsibilities of a jury in, in 2010.

His Honour Judge Thomas: Right. Mr Kirk, please address the Jury.

B **Mr Kirk:** I wish to make an application.

His Honour Judge Thomas: Mr Kirk, please address --

C **Mr Kirk:** I wish --

His Honour Judge Thomas: The --

D **Mr Kirk:** To --

His Honour Judge Thomas: Jury.

E **Mr Kirk:** Make an application for no case to answer.

His Honour Judge Thomas: The time for that, I'm afraid, has passed. There is a case to answer, in my view. Please address the Jury

F **Mr Kirk:** But I haven't brought to your notice the content of the police schedule of 182 enquiries around Europe, which must be disclosed because they have become relevant once I had extracted new information on cross-examination of the last witness, Suzanne Hughes.

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

Mr Kirk: I really must insist that I have just two aspirins before I speak. I will, I --

H **His Honour Judge Thomas:** All right. Now, Dock Officer, is there any reason why Mr Kirk can't be administered two aspirins?

A **Dock Officer:** All medication, Your Honour, has got to come from the prison. We don't, anything downstairs. If he requests a doctor, might be, the doctor here for some reason. We can't our self administer any medication whatsoever, unless it comes from the prison.

B **His Honour Judge Thomas:** Is it possible to get a prison doctor to examine Mr Kirk to see if he requires two aspirins?

Dock Officer: If you think that's possible you take him down, Your Honour, and can order that, if you think a doctor's required. Not for me.

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

Dock Officer: I can't give an opinion on that.

D **His Honour Judge Thomas:** How long will that take?

Mr Kirk: No, no --

E **Mr Werren:** Your Honour, I do have some sealed paracetamol --

His Honour Judge Thomas: Sorry, Mr --

Mr Werren: Tablets.

F **His Honour Judge Thomas:** Mr Werren. Sit down, Mr Kirk, please. I want to ask the dock officer.

G **Mr Kirk:** There's no time --

His Honour Judge Thomas: Will you please sit down? I --

H **Mr Kirk:** What's --

His Honour Judge Thomas: Want --

Mr Kirk: The --

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

Mr Kirk: Point --

B **His Honour Judge Thomas:** Ask --

Mr Kirk: Of --

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

Mr Kirk: Wasting time? Just give me an aspirin.

D **His Honour Judge Thomas:** How long would it take to organise two aspirins for Mr Kirk?

Dock Officer: As soon as the doctor says he requires them, Your Honour. Obviously he needs somebody to come and see him first.

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

Dock Officer: I --

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

Dock Officer: Can't say. Four and a half hour? I don't know, Your Honour.

G (defendant talks to female)

His Honour Judge Thomas: Right.

H (defendant talks to female)

His Honour Judge Thomas: All that needs --

(female talks to defendant)

A

His Honour Judge Thomas: Mr Kirk, all that needs to be done, it seems to me, is if a doctor can be telephoned and asked if two aspirins can be administered. If a doctor is happy with that then we can do it quickly. We're not talking about anything other than aspirin.

B

Mr Kirk: I don't want anything else.

His Honour Judge Thomas: Right. We'll come back into Court at 12 o'clock. At that time we will have heard any other applications. I'm sorry, members of the Jury, you'll have to go out again. And then we will give Mr Kirk half an hour to address you on relevant matters. If what he is saying is relevant he can continue. Thank you.

C

(jury leaves)

D

(defendant and male confer)

His Honour Judge Thomas: Yes, Dock Officer --

E

Dock Officer: Yes, Sir.

His Honour Judge Thomas: I realise that this process and these last two weeks have been, in many ways, trying for several people, but to get two aspirins seems to me not to be the most difficult thing in the world if a man requires that. I'm sure that can be arranged if, if necessary. Now before that is done, perhaps somebody could go down and make those enquiries. It doesn't require an examination. It's two aspirins for a headache. Could one of you go down or is that not really possible?

F

G

Dock Officer: We, we can't leave him alone.

His Honour Judge Thomas: You can't leave --

H

Dock Officer: There's --

His Honour Judge Thomas: Him.

A **Dock Officer:** Got to be two --

His Honour Judge Thomas: All --

B **Dock Officer:** Two --

His Honour Judge Thomas: Right.

Dock Officer: Officers.

C **His Honour Judge Thomas:** In that case --

Dock Officer: We'll have --

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

Dock Officer: To --

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

Dock Officer: Take him back down.

F **His Honour Judge Thomas:** I want to briefly discuss a couple of matters with Mr Twomlow. I went through last week the matters of law that are --

Mr Twomlow: Yes.

G **His Honour Judge Thomas:** Appropriate, and I've given you a copy of --

Mr Twomlow: Yes --

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

Mr Twomlow: You have.

A **His Honour Judge Thomas:** Written directions on the firearm. Do you have any comments on those?

Mr Twomlow: Yes, I have.

B **His Honour Judge Thomas:** Do you --

Mr Twomlow: Do --

C **His Honour Judge Thomas:** Have any comments on those?

Mr Twomlow: Any comments? No, no, no. Thank you.

D **His Honour Judge Thomas:** As far as directing the Jury on Mr Kirk not giving evidence, it seems to me that this is not an appropriate case to ask them to draw an adverse inference. In the circumstances I propose to tell them, give them the old direction, as it were.

Mr Twomlow: Yes.

E **His Honour Judge Thomas:** Do you agree?

F **Mr Twomlow:** Yes, I do. I, I was going to ask Your Honour to consider whether, in the light of Mr Kirk's frequent suggestions that when he was arrested there was nothing on his property and so that might have made it an unlawful arrest, whether there might be some direction as to what reasonable grounds for arrest constitute in the sense that, so, so, so that the, the Jury are not left with any impression that it, there had to be a gun on the premises for arrest to be lawful. I simply raise that matter and, and leave it there, really. It's, it's part of the, it's what's been raised, not in evidence, I'm bound to say, by Mr Kirk, two witnesses during the course of the trial and, and in Court.

G **His Honour Judge Thomas:** What do you say the law is on that matter? What do you say the law is? That the police --

H **Mr Twomlow:** Reasonable --

A **His Honour Judge Thomas:** Have to have reasonable grounds?

Mr Twomlow: Reasonable grounds to suspect the commission of a, an offence.

B **His Honour Judge Thomas:** And what do you say that arises from?

Mr Twomlow: I can, it's at, it's 15-23 of Archbold at page 1603.

C **His Honour Judge Thomas:** Yes, but in, in the context of this, what do you say it is? What are the reasonable ground?

D **Mr Twomlow:** Well, an, an officer, this is, this usually arises where an officer has stopped somebody in the street and, and, to, to stop and search and so on. It, it, it may be, and I, I, I, I raise the matter in the knowledge that it may be that, to, to give any direction in relation to that may be considered to be a complicating rather than a simplifying factor for a member of --

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

Mr Twomlow: Of --

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

Mr Twomlow: Members --

G **His Honour Judge Thomas:** Mean --

Mr Twomlow: Of the Jury.

H **His Honour Judge Thomas:** At the end of the day it's possible the Jury may accept what Mr Kirk has said, that there was no proper reason, it simply emanates from a, a vendetta against him or it may be that the reasonable grounds arise from the contents of the websites that they've looked at before, but is it really a question where --

Mr Twomlow: Well --

A

His Honour Judge Thomas: The, the, the arrest goes to the issues or is it simply going to be a, a, an extra complicating matter?

B

Mr Twomlow: Well, it may, it may be something that should only be dealt with if it's raised by the Jury rather than

His Honour Judge Thomas: Yes, I agree. If the Jury --

C

Mr Twomlow: Rather --

His Honour Judge Thomas: Raise it --

D

Mr Twomlow: Than --

His Honour Judge Thomas: Then we --

E

Mr Twomlow: I --

His Honour Judge Thomas: Can --

F

Mr Twomlow: I, I, I simply raise the question because it's something that's been raised in the course of the trial by Mr Kirk, but I do appreciate that this is an area of law where the direction that could be given would not be perhaps the most straightforward. I understand that.

G

His Honour Judge Thomas: Yeah.

Mr Kirk: Now I want to, I want to read what he's been referring to, please. I want to see it. I would like a copy of it. I'd like to leave the room with a copy of the point --

H

His Honour Judge Thomas: It's --

Mr Kirk: Of --

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

Mr Kirk: Law that he, I know it --

B **His Honour Judge Thomas:** It's --

Mr Kirk: Is.

His Honour Judge Thomas: Archbold.

C **Mr Kirk:** I want the paragraph. I know where it is and I know what it's about, but I must have it in my hand.

D **His Honour Judge Thomas:** Well, that can be photocopied, I've no doubt. Now, then, Mr Kirk, are there any matters of law at this stage that you want to address me on, as to what the Jury should be directed? You've seen the written document, I hope, which was handed to Mr Werren.

E **Mr Kirk:** No, I haven't.

His Honour Judge Thomas: Well, Mr Werren will know that, have you given him a copy, Mr Werren?

F **Mr Kirk:** Yes, he gave it to me this morning. I haven't read it yet.

His Honour Judge Thomas: Well, you'll have a chance to read it now in the next half hour.

G **Mr Kirk:** Thank you. Are you expecting me to address you on the law?

His Honour Judge Thomas: If you wish to.

H **Mr Kirk:** Am I allowed to refer to the law to the Jury?

His Honour Judge Thomas: Yes, but you must not tell the Jury to ignore my directions of law, I'm afraid. In fact, no --

A

Mr Kirk: You are --

His Honour Judge Thomas: Any --

B

Mr Kirk: Wrong --

His Honour Judge Thomas: Directions --

C

Mr Kirk: With --

His Honour Judge Thomas: Of --

D

Mr Kirk: With --

His Honour Judge Thomas: Law --

E

Mr Kirk: Due --

His Honour Judge Thomas: Have --

F

Mr Kirk: Respect.

His Honour Judge Thomas: To be mine.

G

Mr Kirk: With --

His Honour Judge Thomas: Sorry?

H

Mr Kirk: With all due respect, the Jury have the power to ignore everything you say.

His Honour Judge Thomas: With due respect, they do not. They have to follow my directions of law.

A **Mr Kirk:** It's in the Magna Carta, and you lawyers are, have been trying to dilute --

His Honour Judge Thomas: Mr --

B **Mr Kirk:** The, the duties of a jury for hundreds of years. For four hundred of years, four hundred years you lot were not allowed in Parliament because of your conduct, and here we are again, the heart of British justice being brought to question --

C **His Honour Judge Thomas:** Mr Kirk, I'm afraid, rightly or wrongly, the law says that the Jury must follow my directions of law. If you say otherwise to them it can constitute a contempt of court for which you can be separately punished, so please do not tell the Jury that they can ignore my directions of law.

D **Mr Kirk:** If I forget, please remind me to do it.

His Honour Judge Thomas: Oh, I certainly will. Right. In the absence of any other matters, I will --

E **Mr Kirk:** Well, well --

His Honour Judge Thomas: Ask you to come back in at, yes, Mr Kirk?

F **Mr Kirk:** I wish to see the videos, because I haven't seen what they are going to be considering in private when they retire.

G **His Honour Judge Thomas:** No, they will only see what has been shown in Court. That is --

Mr Kirk: Yes.

H **His Honour Judge Thomas:** All they --

Mr Kirk: Well --

His Honour Judge Thomas: Will see.

A

Mr Kirk: The, my little girl here has been refused copies. You, you, they promised me copies at the beginning of the trial. She left. My little girl went across to the CPS --

Mr Twomlow: Mr Kirk --

B

Mr Kirk: And they've --

Mr Twomlow: Had --

C

Mr Kirk: Refused, please don't interrupt while I'm speaking.

Mr Twomlow: Mr Kirk --

D

His Honour Judge Thomas: No --

Mr Twomlow: Had --

E

His Honour Judge Thomas: You've --

Mr Twomlow: A --

F

His Honour Judge Thomas: Interrupted --

Mr Twomlow: Copy.

G

His Honour Judge Thomas: Everybody else. Yes, Mr --

Mr Twomlow: Mr --

H

His Honour Judge Thomas: Twomlow?

Mr Twomlow: Kirk had a copy of those clips that were played earlier in the trial. He's had a copy.

A **Mr Kirk:** I have --

Mr Twomlow: Now --

B **Mr Kirk:** Not had a copy. It would be written on the prison record that something's been put into my property. I must see them before I address the Jury, and the best way is to put them up on the screen, and I will have a --

Mr Twomlow: I --

C **Mr Kirk:** Copy now that he's produced it.

D **His Honour Judge Thomas:** What we'll do, if you want the Jury to hear all the, the tapes, that can, the, what the Jury has seen, because there's going to be no more evidence now, what the Jury have seen, we can arrange for you, to be played during your address to them.

Mr Kirk: Thank you.

E **His Honour Judge Thomas:** That's no --

Mr Kirk: But --

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

Mr Kirk: I want put, I want that put into my hand, because it will disappear again.

G **His Honour Judge Thomas:** No, it won't disappear, Mr Kirk.

Mr Twomlow: Well --

H **Mr Kirk:** Well --

Mr Twomlow: There's --

Mr Kirk: He --

A

Mr Twomlow: The --

Mr Kirk: I've --

B

Mr Twomlow: The --

His Honour Judge Thomas: Can --

C

Mr Twomlow: Exhibit.

Mr Kirk: I've --

D

His Honour Judge Thomas: Be put --

Mr Kirk: I've --

E

His Honour Judge Thomas: It can be put in the machine --

Mr Kirk: No.

F

His Honour Judge Thomas: And I'm sure --

Mr Twomlow: The --

Mr Kirk: No.

G

His Honour Judge Thomas: And --

Mr Twomlow: Exhibit --

H

His Honour Judge Thomas: I'm --.

Mr Kirk: They've --

A **Mr Twomlow:** Is --

His Honour Judge Thomas: Sure --

B **Mr Twomlow:** Here.

Mr Kirk: Got --

His Honour Judge Thomas: That --

C **Mr Kirk:** Your own. They've got the Prosecution copy. I want a copy for the Defence. If I had a lawyer I'd have two copies of them, one for the Defendant and one for the lawyer.

D **His Honour Judge Thomas:** Well, there's a copy for you.

Mr Twomlow: He's already had one.

E **Mr Kirk:** Thank you.

His Honour Judge Thomas: Right. 12 o'clock. By then I hope that arrangements have been made for you to have an aspirin and you can then address the Jury. Thank you.

F **Court Usher:** Court rise.

(adjournment)

G **Court Usher:** Court rise.

H **His Honour Judge Thomas:** Before the Jury come in, I've received a letter via Mr Werren relating to an application for habeas corpus that I think Mr Kirk's son wishes to make. I'm afraid I'm not prepared to allow that application. He is not legally qualified, as far as I'm aware, and not formally representing his father. I'm told that Mr Kirk is not prepared to come up from the cells until his medication is given. We've been in contact with the prison. I'm told that he is allowed to have paracetamol. The nurse has given permission for that to

A be given, but, of course, there may be an allergic reaction, and I'm told that paracetamol is being brought. I propose to tell the members of the Jury that when they come into Court, but it seems to me realistically we're not going to be able to do anything in this trial now until 1 o'clock, until 2 o'clock. Thank you very much. I see someone helpfully hands over some painkillers. It's, I'm afraid, not quite as simple as that. I wish --

B **Male:** No --

His Honour Judge Thomas: It were.

C **Male:** (inaudible) I thought you --

His Honour Judge Thomas: Well, I wish it was that simple. Could we have the Jury in, please?

D (jury returns)

His Honour Judge Thomas: Now, Members of the Jury, you'll have noticed that Mr Kirk isn't in the, in the dock. Let, let me explain what's happened. You remember that Mr Kirk was complaining he, he had a headache and wanted some aspirins, and, of course, it's right that he should have them before he addresses you, feel at his, his best. Giving medication to someone who's on remand is, I'm afraid, not a simple matter. You'd think that the simple thing to do would be simply to hand over some aspirins, but I'm told, having made enquiries, it's not that complicated, it's more complicated than that because they have to be sure that there is no possibility of an allergic reaction and they have to be sure that what is being given to him is, in fact, aspirin. There's no, no suggestion here that he's going to be slipped some Ecstasy tablet or whatever, but obviously there are guidelines that, that have to be complied with. I've tried my best to cut through all the, the red tape. A prison nurse has checked his records. He has in the past been given paracetamol in the prison and hadn't had any adverse reaction, and so, would you believe, someone's nipped out to Boots to get some paracetamol, so ultimately a very simple solution to what was becoming a fairly difficult problem. Mr Kirk doesn't want to address you until he's had his paracetamol, and, frankly, I can understand why. He wants to be at his best when he does so. So the delay is now that someone has gone to get the tablets from Boots. Someone in the cells will give him the paracetamol. Hopefully his headache will have gone by 2 o'clock and we'll start then. I'm

A sorry that something quite that mundane has caused yet another delay, but it seems to me that, that if Mr Kirk addresses you this afternoon, unless something surprisingly relevant comes up, I don't think that, it's unlikely that I will, I'm sorry, let me put that in English. I think at some point this afternoon I'll sum up the case and send you out to consider your verdicts. Now that'll probably take, the summing up will be an hour. There will be a part of it, the complicated part, perhaps, will be reduced to writing so that you can take that out with you. It's in relation to firearms or what the law is on firearms. So that is the way I'm looking at the moment. Whether that will actually happen, who knows? So could I ask you, please, to be back at 2 o'clock? Then if you need any aspirins, I suggest you take them with you.

C (jury leaves)

His Honour Judge Thomas: 2 o'clock, then.

D **Court Usher:** Court rise.

(luncheon adjournment)

E **Court Usher:** Court rise.

(pause)

F **His Honour Judge Thomas:** Yeah, before the Jury come in, what's the purport of this, Mr --

Mr Twomlow: I'm sorry?

G **His Honour Judge Thomas:** What's the purport of this I've just been handed?

H **Mr Twomlow:** It's disclosure from something that has arisen in the circumstances of the covering letter. Prosecution, it, it is disclosed on the basis of, not that it undermines or assists, but that it is relevant perhaps to the history of the de Havilland. It's, it's off a public website. It's, it was, but it was sent to us, sent to the police by the Imperial War Museum

and so therefore arises as a result of part of an investigation, so it was thought appropriate to disclose it. That's all.

A

His Honour Judge Thomas: Well, I haven't had a chance to look at it, but what, what is the purport of it?

B

Mr Twomlow: It, it's something which arrived very recently in, and, with the ongoing duty, it was thought appropriate to disclose it.

His Honour Judge Thomas: Right. Thank you.

C

(pause)

(jury returns)

D

His Honour Judge Thomas: Now, Mr Kirk, this is your opportunity to address the Jury. Please confine your remarks to matters which are directly relating to the trial. The history of your problems with South Wales Police over the last year, or last years, is not, in my view, relevant, at least nothing has been said in this trial which makes it relevant. So please deal with the evidence that's been presented in this Court. I shall also say you should not be giving evidence yourself in this way, but I will perhaps see how things get on. In the first instance I'll give you half an hour, and if what you are saying then is relevant I will, of course, extend it for as long as is necessary. Thank you.

E

F

Mr Kirk: Your, Your Honour, this is an opinion from Dr Tegwyn Williams about my medical state today:

G

“Maurice Kirk presents with symptoms entirely consistent with mental illness, namely paranoid delusional disorder (fixed false beliefs, unamenable to reason). This involves the belief that he is at the centre of a web of persecution concerning the police, the criminal justice system, the medical system and Freemasonry.”

H

Your Honour, in the absence of the Jury I obtained part of a transcript that my sister obtained last week, dated 2 December, when the prosecutor, the same one that is sitting in this Court

A

--

(defendant talks to male)

B

Mr Kirk: Told the judge that for the best part of an hour in the presence of the prosecutor in this case, the, the, the, the, Mr Twomlow, and the chief Prosecution witness, DI Suzanne Hughes, was sitting at the back throughout the morning, and he told the judge, Judge Bidder, His Honour Judge Bidder, that they considered that I may have a brain tumour. The wording was repeated by the barrister, part time judge who's sitting in this trial. I and my past friend, Walter Sweeney, has tried to get access to the medical records to support that. The conversation went on in the presence of those two people who are in this building. No, she's not here this morning. She came in this morning. I was in the cells below. Ever since December I have been trying, as I did as from the day I was arrested, to obtain full medical records because I was tipped off from an old client, who's a veterinary surgeon, that they were trying to get me sectioned, under 37/41, to a high security prison, Broadmoor, and that there was no intention of this case coming to trial. I submit, and I would ask that the Jury are not fit to come to a plea. It would be totally contrary to the law to allow this jury to make a decision whether I am not guilty. They have not been allowed the full evidence. It is my view it has been a mistrial. For you not to let me address you on points of law and on points of fact that were not put before the Jury, which you, and in your position as a, a learned judge of the British courts, you had a duty to make the Prosecution disclose to you the abundance of evidence. They've even just given you some from the Imperial War Museum as the Jury were actually walking into Court. I am not in a fit state to read what it is, but it will be to do with the history of the aircraft that I sold well over a year ago. I asked to see a doctor on Saturday at 1:30 in the prison. I asked on Sunday.

C

D

E

F

G

His Honour Judge Thomas: You were given an appointment, I'm told, on Friday, which you declined.

H

Mr Kirk: They said they wanted to examine my ankle, and I knew that it would be a ploy for you to stop this trial letting me call witnesses and say that I was not fit to continue with the case. I wasn't going to fall for that.

His Honour Judge Thomas: Well, did you or did you not turn down an appointment in, with the prison doctor on Friday?

A

Mr Kirk: I was never given appointment. The doctor mentioned was, as a, once a week as a prisoner, once a day I'm allowed 30 minutes outside my cell. I have to stand in a queue for the phone. I only have 53p left to use on the phone until Friday afternoon when they give me a further 8, no, it's now £12 a week.

B

His Honour Judge Thomas: Mr Kirk --

Mr Kirk: In that half an hour I'm supposed to have a shower. You gave me these, and I had to try and find a prisoner who'd smuggled in a, a, a machine that would take tapes. The, the prison officer said a doctor wishes to examine your ankle. And I suspected it was a ploy for you to back out of this case. I immediately asked a, I had tried to find, they locked me up. I said I wish to see a doctor, I wish to have my medicine. And I did it in writing. Everything I do is in writing because I'm dealing with a, a bureaucratic system that has totally lost its way. If I could run that prison for a year I could reduce its capacity by at least 10% by using common sense. I have asked for my medicines this morning in writing at the 8 o'clock applications. I have asked them to submit my MAPPA status.

C

D

E

His Honour Judge Thomas: Were you offered two paracetamol at lunchtime, Mr --

Mr Kirk: I have --

F

His Honour Judge Thomas: Kirk?

Mr Kirk: Taken two paracetamols, and I'm without a watch, because I'm not allowed one. I was told it was about half past, about 1 o'clock, something like that. I have asked for one more paracetamol. They have refused. I weigh well over 97 kilos. I am, I know that my weight, in the veterinary field we give doses by way of weight of animals, which I have noticed, and my father taught me over the breakfast table when I was eight years old, isn't it amazing the way the medical profession continues to prescribe routine, well known tablets numbers per person, without taking regard for their mass, their weight. And I wished to have, but that's not the point. Because of the evidence that is being withheld, I need to have

G

H

a, a, an unequivocal explanation as to why Dr Tegwyn Williams, and it was repeated by Mr Twomlow when he said:

A

“May I just say perhaps, having spoken to Dr Williams this morning, that I think, having seen the contents of Dr Silva’s report”,

B

That’s confidential. That was confidential to the judge and not to any barrister or, or, or, or, or, or prosecution. He is also of the view that Mr Kirk would be fit to plead subject to the, that I be legally represented. This is the argument they’d had all summer, that I must not give evidence, I must be legally represented, I was not fit to give evidence. It was also the case of whether he has cancer or not. I think that Mr Williams was concerned about, etc, etc, etc.

C

His Honour Judge Thomas: Mr Kirk --

D

Mr Kirk: I have been locked up --

His Honour Judge Thomas: Mr --

E

Mr Kirk: From --

His Honour Judge Thomas: Kirk --

F

Mr Kirk: With all --

His Honour Judge Thomas: Mr Kirk --

G

Mr Kirk: Please --

His Honour Judge Thomas: Mr --

H

Mr Kirk: Please --

His Honour Judge Thomas: Kirk --

Mr Kirk: I --

A

His Honour Judge Thomas: Will --

Mr Kirk: Have --

B

His Honour Judge Thomas: You --

Mr Kirk: Been --

C

His Honour Judge Thomas: Please --

Mr Kirk: Locked up --

D

His Honour Judge Thomas: Will you please --

Mr Kirk: Yes --

E

His Honour Judge Thomas: Address --

Mr Kirk: I'm sorry. I'm --

F

His Honour Judge Thomas: The --

Mr Kirk: Sorry.

G

His Honour Judge Thomas: Jury on the points that you want to make to them? I will give you half an hour virtually unfettered and then we'll see how we get on, but please address the Jury.

H

Mr Kirk: I have a splitting headache. Sir Norman Scarth, who was the youngest on HMS Matchless in the North Sea in '43, helped sink the Bismarck. He anticipated your conduct because he has been updated by my friends, the way that this trial has been unfolding. You have given the Prosecution two weeks to, to, to give their case. You have allowed them to submit documents. The website, the website itself is not the property, the, the, the videos do

A not belong to me. They are under the control, apparently, of YouTube. Your, Your, the, the, the presentation, the Prosecution has been ultra vires. It has been outside the law, and the way that you have not been, you have refused to listen to an application in detail based on the evidence from that witness box. It, it, it has caused me to believe that you do not have the power to order the Jury to do anything. It is my belief --

B **His Honour Judge Thomas:** I'm not going to try to order the Jury --

Mr Kirk: It is --

C **His Honour Judge Thomas:** To do anything.

Mr Kirk: My --

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

Mr Kirk: Belief --

E **His Honour Judge Thomas:** Will sum up the law --

Mr Kirk: With --

His Honour Judge Thomas: To them.

F **Mr Kirk:** With respect, that because you have refused to let me make an application in the absence of the Jury, that it is unsafe for this jury to consider me not guilty, because they have not, the Prosecution have not presented the evidence that they had, which they had a duty to. G For example, they had statement signed by a Mr Cooper. They had a tape recording that's missing. When, why is it that the Nottinghamshire Police did not deal with the case from the start, because it is the Nottingham police that recovered what was supposed to be a prohibited weapon? I am not fit to present my case to the Jury. I am entitled to see a doctor. H I've been told by Reliance that the doctor refuses to come from the prison to see me. My medical records are, those are half my medical records that I have with me and those are only the medical records that I've managed to get under the Data Protection Act and Freedom of Information Act. But they are withholding the ones that relate to the belief that I have a

A brain tumour, and that is the world specialist in brain, brain damage, living just a few miles
down the road from, from, from Wales, South Wales's gulag, gulag, equivalent to Stalin's
psychiatric hospital, Professor Roger Wood, who, in the presence of Dr Ruth Bagshaw and
later Dr Silvester brought down from, I think it was Broadmoor, the, the one next to Reading,
I think that's, I think that's Broadmoor, to interview me for over an hour to see whether I'm
fit to present, fit to plead. Those documents have been withheld from a specialist brain
surgeon, a brain neurologist, a neuro, takes xrays. What's the word, please? What's the
word?

Male: Radiologist.

C
Mr Kirk: Consultant radiologist, Dr Kemp. He has sent, we have sent a report to the Court.
It is there in the file. And he has, he has damned the conduct of, of, of, of Caswell Clinic,
saying that they should never have put that radioactive material into my brain. Five times
they made attempts to do it in September at the Princess Elizabeth Hospital. They held me
down. I had it against my will, and they took xrays of my head. They did a, a, a, a --

Male: A scan.

E
Mr Kirk: Various types of scan, and that record is with this Court now. It's dated 1
December. It was the same day that MAPPa expunged my name from MAPPa records. I
have asked to call that witness. I wish to call him again, Jonathan Bailey, and his evidence
is expert evidence, evidence which will support that I am no longer on MAPPa surveillance.
F
And I wish to make it clear, and I have brought a witness with me, that whilst I was under
MAPPa, under surveillance by covert police in Barry whilst working in practice as a
veterinary surgeon, and now, my son's house was raided and his computers were taken and
he was released without charge. Two or three days ago my house was kicked in by the South
G
Wales Police from Barry and a computer was taken relating to this case. During the time
that the Jury were walking in, the Prosecution made a speech, that, due to their ongoing
responsibility of disclosure, they have received an email from the Imperial War Museum.
That alone puts grave doubt --

H
(male talks to defendant)

A

Mr Kirk: To whether I should have ever have been arrested in the first place under a, under the 1968 Firearms Act. I could go on, but I, my head is hurting, Your Honour. I am not fit to consider the evidence of each Prosecution witness. My family, who are here, have found yet more witnesses. I wish to call witnesses. I also wish to --

B

His Honour Judge Thomas: Which --

Mr Kirk: Call --

C

His Honour Judge Thomas: Witnesses, Mr Kirk?

Mr Kirk: Sorry?

D

His Honour Judge Thomas: Which witnesses?

E

Mr Kirk: There are Prosecution witnesses who have given false evidence. For example, with no disrespect to Mr Griffiths, he has given the impression that the videos are of my doing, are of my control. You will recall that I gave the most important Prosecution witness, DI Hughes, an email, which was an email between the psychiatrist, don't ask how I got hold of it, that's a long story, but on the email, it is attached to the ones that, of course, preceded it and, whatever the word is, after it, and it's by Allan Sinclair, chief nurse, and Freemason, incidentally, but that is irrelevant, in the Caswell Clinic, stating we have researched whether Mr Kirk's, this material is under the control of Mr Kirk and we find that his website, kirkflyingvet.control, whatever it is, is not under Mr Kirk's control, it is, nor is it under the control of his wife, Kirstie Kirk. It is material like this that should have been put before the Jury and you should have allowed me to bring the witnesses. Now that witness --

F

G

His Honour Judge Thomas: Well, let me ask, Mr Kirk, do you say that the photographs on the website of the man holding the gun are you or not?

H

Mr Kirk: The evidence that has been given to the Jury before it was put to strict proof under the law, they were handled, a bundle, by the Jury, riddled with material that is ultra vires.

His Honour Judge Thomas: Yes --

Mr Kirk: It --

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

Mr Kirk: Is --

B **His Honour Judge Thomas:** No --

Mr Kirk: Not --

C **His Honour Judge Thomas:** Mr Kirk. Are those photographs of you or not?

D **Mr Kirk:** They were produced by the, they were introduced to the Jury by a man who's representing Her Majesty the Queen, giving them the belief, and, remember, jury thoughts is all to do with misconceived belief, and they were, what were they to do? They've not sat on a jury before. They have been picked off, the tenth person coming out of the, the, the, the, the, the, the, the bus going, the, the train going up the Taff valley after, they are random. They have been taken from the general public based on an, on, on, on, on, on the, the, the beliefs of, of the Magna Carta, and they have been given to believe that those photographs were created by me, are under my control and were published by me. In strict law, they should not have been produced until they had produced witnesses to confirm that. And if we move further on, you'll find that there are statements, we've referred to it before, like Mr Clifford, the CAA senior flight examiner, who examined, flew me, I flew him for an hour and a half, which is a long flight for a test. And they have put before the Jury numerous documents, witness statements, without them being agreed by the Defence. I wasn't even allowed to consider whether the third indictment, that has been removed by a previous judge, could go before the Jury. It was an indictment extremely relevant to my allegation of conspiracy and the fact that the first helicopter was lifted by Dolmans to protect their client in a civil action. And the fact that, that, that, that Suzanne Hughes said that they aborted because they had to wait until I walked away from the property supports that argument, and the, and the second helicopter with armed police units. There are five occurrence units, occurrence --

H **Male:** Incident --

Mr Kirk: Numbers, incident numbers, hidden within the raids on my house because they were being used for different purposes. The fact that they were using them for preventing, to, to help them in civil actions, and so on, is relevant to your duty, Your Honour, and that is, is the Prosecution safe? Was there loss? Was there threat? Was there intent? They have presented photographs that have nothing, that have not been proved, and they said it shows that I am threatening the general public. Each time I've applied for bail in eight months they have used those photographs to say that I was a threat to the community. They gave false information about my antecedent history, forensic history, previous convictions, whatever you want to call it. They highlighted on the 1980 actual bodily harm. Two judges referred to it. It is typed in every psychiatric report in, by Tegwyn Williams. The incident never happened. The conviction never happened. And it was interesting to see when I started this trial that you mentioned it will be what it was on 25 June. The Court produced the correct one, and I watched in the corner of my eye, and, sure enough, the Prosecution served on me double the number of pages. They brought in convictions from a foreign jurisdiction, Guernsey, Guernsey, where I served a 13 month prison sentence for contempt of court, etc, nothing relevant to MAPPAs regulation, Section 3, under the Home Office regulations. This case has been, was it in the public interest to prosecute? The Prosecution have produced nothing to say that it was in the interest, and as the barrister who got into this case when I was in the hospital block on 15 June, I don't know his name, my wife employed him in desperation, he said to His Honour Judge Cooke, the Recorder of Cardiff, who I've had many an argument with in the past, he said is this case about a gun that could be interpreted as being in breach of Section 5.1(a) of the '69, '68 Firearms Act or has this got something to do with Maurice Kirk. If, if, if it's got to do with Maurice Kirk it has been an abuse of process. It's been a, a malfeasance. It has been what they say in the drug trade, which I'm learning all about in the evenings, a joint enterprise of interested parties who are, who are not answerable to anyone. They're either protected by the memorandum of understanding between the Law Society and the chief constables, which is a signed agreement that any police officer giving oath and is found to have done for perjury or if any man with a, a, a woolly hat on and representing Her Majesty the Queen, or the defendant should breach law, to be contempt of court or whatever, if the judge does nothing about it there is no-one else that can do anything about the breaches of law. It is outrageous. The adversarial system in this country is totally antiquated. It should be updated with a code Napoleon, code civil from France. There should be American, even taking ideas from the American, evolving countries. The quality, the, the lack of integrity of those responsible, as I said before, as I've published on the wall of my surgery when I started the, going to the legal aid association 20

A years ago in Guernsey, the law is only as good as those entrusted to administer it. Your Honour, I am not fit. I wish to see a doctor. I believe I have the right to find out what is happening. If they believe there is a tumour, the neglect is frightening. I am not fit to go to the intricate details of each witness. I also --

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

Mr Kirk: Wish to --

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

Mr Kirk: Call --

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

Mr Kirk: Based --

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

Mr Kirk: On --

F **His Honour Judge Thomas:** I've read the reports when you were deemed to be fit to plead. Unless I've missed something, there is no mention made there of any tumour.

G **Mr Kirk:** You have not read Dr Roger Wood's report that was a letter to Bagshaw. They both interviewed me. He gave an opinion --

H (judge and court usher confer)

Mr Kirk: That I had brain damage and it would only get worse.

(judge and court usher confer)

Mr Kirk: Didn't I read that out? Well, it's in another report. Well, I read, yes. There is another report here. There are four reports by, by Tegwyn Williams alone, and it states, it

A

states that I have brain damage and it will only get worse. And, having now got hold of this transcript, this took place in the absence, the absence of me. I was downstairs in the cell. I'm entitled for an adjournment to see a doctor. I am privately insured. I am in funds. I have been asking to see a doctor ever since, I think it was July, due to, no, since my sudden loss of hearing after I had this, I'm not saying that the, the, the radio, radio isotope has caused my sudden loss of hearing. It is not just hearing. It is the serious tinnitus that I suffer --

B

His Honour Judge Thomas: Why --

Mr Kirk: And --

C

His Honour Judge Thomas: Didn't --

Mr Kirk: I'm --

D

His Honour Judge Thomas: You, why didn't you see the doctor on Friday, then?

E

Mr Kirk: I was never, you're, the day is wrong. Well, I was, no, I have no knowledge of being able to see a doctor on Friday. Each day I ask for my medicine. My medicine is well recorded. When I roll over at night, this hip that is due for replacement, diclofenac works beautifully with me. My wife, my mother, made her very ill. I am on, I'm on medication for a number of things. It is well recorded. It, it will be written in those files because those files come from Caswell Clinic. In fact, I have got, I, due to the Data Protection Act I've now managed to get the prison records up until when I applied, which will be up until Christmas. The prison doctor, they tell me downstairs, refuses to come and see me. Two of the medicines I can buy from the chemist. It's only --

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G

His Honour Judge Thomas: But the --

Mr Kirk: One --

H

His Honour Judge Thomas: Prison --

Mr Kirk: Medicine --

His Honour Judge Thomas: Doctor's refused --

A

Mr Kirk: I want.

His Honour Judge Thomas: To see you in these cells because he is busy in the prison.

B

Mr Kirk: Sorry?

His Honour Judge Thomas: You --

C

Mr Kirk: What --

His Honour Judge Thomas: Haven't been offered an appointment last Friday, Mr Kirk?

D

Mr Kirk: No, I did not. If it's, if it's Dr *Kuli*, or whatever her name was, from, went, I saw her about my ears. They, I, I have not, I was not notified. I was hoping to see her. She gave --

E

His Honour Judge Thomas: Mr --

Mr Kirk: Me --

F

His Honour Judge Thomas: Kirk, you've now had 20 minutes of your 30 minutes. If there are other points that you want to make to the Jury, and as yet you haven't addressed the evidence, may I suggest that you make them now, please? As I've said, if they are relevant points I will give you unfettered time.

G

(defendant and female confer)

H

Mr Kirk: I would like the Jury, I spoke to Sir Norman and he sent me six copies. I would ask that the Jury accept these. I, I am not in a position to address the facts of the case. This is a matter of, if I do not get access to a lawyer on the responsibilities of a juror, at least make sure, he said, the Jury have a copy of what he has said. It's the, it, it's the outcome of me talking to him.

(male talks to defendant)

A **Mr Kirk:** He is 20 years my senior, and if he says this is what I shall, should do, I do not question his decision. He has been incarcerated under the Mental Health Act for many years in prison until he fought his way out. Therefore I accept anything he recommends. Could somebody --

B **Mr Werren:** Could you please take this?

C **Mr Kirk:** I still wish to put it on record that I wish to recall Prosecution witnesses and call further Defence witnesses. The person who sent that from the Imperial College, Imperial museum, I haven't read it. I only read the first lines. That needs to go before the Jury. I, I still need to know what is going before the Jury. I have been refused sight of the exhibits. Are the Jury going to see the 30 odd exhibits that are listed in, in, I was served in September about the, page, page 71 to 79 is my eight page letter.

D **His Honour Judge Thomas:** Mr Kirk, this document you've handed in basically can be summarised as follows, that you, the members of the Jury are not bound by my legal directions. I'm afraid they are bound by my legal directions. That's my function in this case, to give the Jury legal directions. The facts are entirely up to them, nothing to do with me.

E **Mr Kirk:** I wish that document to go before the Jury. Whether it is correct is a matter for you. To deprive them of a copy of that document, when it has been drafted and written by the person concerned --

F **His Honour Judge Thomas:** The document exhorts the members of the Jury to ignore any legal directions that I give them. Unfortunately that is not the law. They cannot, in law, ignore my legal --

G **Mr Kirk:** I --

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

Mr Kirk: I, I'm --

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

Mr Kirk: I'm --

B **His Honour Judge Thomas:** Much --

Mr Kirk: Not --

C **His Honour Judge Thomas:** Though Sir Norman Scarth, whoever he may be, or you may wish them to do so.

Mr Kirk: He has been --

D **His Honour Judge Thomas:** That, I'm afraid, is the law.

Mr Kirk: Yes. I, I, I, I may agree with you, but that is not the point. I wish the Jury to take, to retire with the document and hear you explain the law, which is your responsibility in this Court --

E

His Honour Judge Thomas: Yes.

Mr Kirk: Not mine.

F

(pause)

G

Mr Kirk: Sorry, I know what I was doing. I still, I've been refused sight of the exhibits. I have been refused, I know that the Prosecution stopped me from getting bail by relying on one page of the letter to the Chief Constable, which is a Court exhibit, and it's pages 71 to 79. Now I need to know that the Jury are at least going to see the Court exhibits, even if I'm not.

H

His Honour Judge Thomas: Can I check that the video that Mr Kirk wanted the Jury to see again is in a position to be played?

Mr Twomlow: Yes, it is.

A **His Honour Judge Thomas:** When I come to that part of my summing up then I will, I will indicate, please, that it should be played.

(pause)

B

His Honour Judge Thomas: Members of the Jury, the time has come for me to sum up, which, you won't need me to tell you, has been a very unusual case. It's not taken the form that a trial of this type would normally take, and you will, of course, want to make due allowance for that. Let me clarify one thing at the beginning. You and I in this trial have different functions. I deal with the law, and in due course I will give you directions of law which you will follow, despite what Mr Kirk may submit to the contrary. I have tried, I stress tried, to manage the trial as it has gone along. Those are my jobs. Your role is far away the most important. You decide on the facts of the case, not me, not Mr Twomlow, not, with due reference to him, Mr Kirk. You decide the facts. You've listened carefully to the evidence. I'm afraid one of your tasks here is to sift in the evidence that which is relevant and that which is not relevant. I have had to take certain decisions throughout as to what I consider to be relevant. You have to do the same. You must decide which witnesses who've been called by the Prosecution, some of whom they don't rely upon, but they are witnesses and you, therefore, must consider them exactly the same way, you must decide which witnesses you accept and which ones you do not accept, those who are telling the truth, those who are not, those who are reliable, those who are not reliable. I stress again, it is your responsibility, the now 11 of you, to decide the facts in this case and then apply those facts to the legal directions that I give you.

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You will want, members of the Jury, to make due allowance in deciding the evidence for the fact that Mr Kirk is not legally represented, and therefore his cross-examination may not have been as structured or as penetrating as it might have been had he been legally represented. You must, however, decide on the evidence, not on any assertions that Mr Kirk has made from the dock when not on oath or any assertions about what witnesses might have said or would have said had they gone in the witness box to give evidence. You must decide on the evidence you've heard, and you will hear no more evidence in the case. The most important direction that I have to give you is this. The Prosecution bring the case and therefore it's for the Prosecution to prove the case. How do they prove the case? Well, by

A making you sure. Nothing less than that will do. If you are not sure of Mr Kirk's guilt on either count, you must find him not guilty. On the other hand, if you are sure of guilt, you must convict him. Can I ask you now, please, to look at your bundles and to turn up the indictment? It's at page 1.

B (male talks to defendant)

C **His Honour Judge Thomas:** I won't insult your collective intelligence by reading that out again for you. You can see precisely what it says. But in order, I hope, to assist you on what the Prosecution have to prove in relation to those counts, I have produced, or, rather, someone's produced on my behalf, in terms of the typewriting, a document which you can take out with you. I will read it to you now. You can take it with you and you can follow what might be perhaps slightly complicated directions. I wonder, please, if they could be handed to the Jury.

D **Court Usher:** Yes, Your Honour.

His Honour Judge Thomas: Mr Kirk has already been given a copy of these.

E (pause)

F **His Honour Judge Thomas:** Well, what must the Prosecution prove, members of the Jury, so that you are sure? In relation to Count 1, they have to prove, of course, that Exhibit 1 is a prohibited weapon. What is a prohibited weapon? Well, it's a prohibited firearm which is so designed or adapted that two or more missiles can be successively discharged without repeated pressure on the trigger. To that extent it follows the wording on the indictment. Now you must ask yourselves if Exhibit 1 is a Lewis machine gun or is made from the component parts of a Lewis machine gun. Now what constitutes a component part is a matter for you. Something like a general purpose screw or washer you may think would not be a component part, but something without which a Lewis gun could not function you might think would be. I stress it's a matter for you to decide that. You've heard evidence, and I'll remind you of it in due course, that the gas cylinder, gas chamber, gas regulator and bleed mechanism are all component parts of a Lewis gun, and if you took them and put them into another Lewis gun it would function automatically. If you accept that evidence it may assist you, but it's a matter for you. If you're sure it is a Lewis gun or is made from component

A parts of a Lewis gun, are Lewis guns prohibited under the definition at (i) above? You know that in the condition it was in when it was examined, it could not successively discharge two or more missiles without repeated pressure on the trigger. It could only fire single rounds. However, converting a prohibited weapon into a different kind of weapon does not affect its classification. It remains a prohibited weapon.

B Second matter under Count 1 which the Prosecution would have to prove is that the weapon was not deactivated. Now a prohibited weapon can only be legally deactivated if it is sent in, sent to the London or Birmingham proof house and they stamp it accordingly and certify in writing that the decommissioning or, rather, the deactivating work has been carried out in

C a manner approved by the Secretary of State. It is no defence to honestly and reasonably believe that it was deactivated. Thirdly, that the weapon was not an antique. To say, that is to say that it was not possessed as a curiosity or ornament due to its age. You might like to write in on that because I've made a mistake. That is to say that it was not possessed as a

D curiosity or ornament due to its age. Now it's not enough for a defendant to honestly and reasonably believe it was an antique or is an antique. It must actually be one. Now what constitutes an antique, members of the Jury, is again a matter of fact for you to decide. You may consider that a Lewis gun is a 20th century weapon of warfare which can fire modern ammunition such as .303 cartridges, which are commonly and commercially available.

E Again I stress it's a matter for you to decide. The fourth thing that has to be proved by the Prosecution so that you are sure is that Mr Kirk was in possession of it. If you're sure that Exhibit 1 was a prohibited weapon, are you sure it was in Mr Kirk's possession? That is to say, under his control. If it were a prohibited weapon it would not be a defence if Mr Kirk

F did not know that it was. In relation to Count 2, if Exhibit 1 were a prohibited weapon, did Mr Kirk sell or transfer it, in this case to Mr Cooper via his wife, without the due authority of the Secretary of State? Now although you must consider each count separately, Mr Kirk could not, for example, be guilty of Count 2 if he were not guilty of Count 1. It's common

G sense. You may, in fact, think, again it's a matter for you, that the two counts really stand or fall together in the circumstances.

H Now those, members of the Jury, are the written directions. They aren't the only legal directions I give you, but they are the most complicated, and I hope that that assists you when you go out to consider your verdicts. There are other legal directions that I have to give you. You remember Foxy gave evidence behind the screen. I gave leave for that to happen for security reasons, to protect his identity so that he wouldn't be compromised in

A any future operations. As I told you at the time, that should not be held against Mr Kirk at
all. It's no reflection on him that that was adopted. Now you've heard, members of the Jury,
because Mr Kirk has referred on many occasions to them in order to support his contention
that he's being unfairly treated by the police over the years, that there's some conspiracy
against him, you've heard from him that he has had many previous, use an expression, run-
ins with the police, some of which, as you know, although you haven't been given the details,
B have resulted in convictions. Now the fact that he has previous convictions or has been
arrested, etc, in the past does not, of course, make it in any way more likely that he committed
these offences, and therefore for that purpose you should ignore them. It doesn't make it
more likely that he's guilty of this offence because he's been in trouble or had run-ins with
C the police in the past.

The next legal direction, members of the Jury, I give you is this. In this case you've heard
the evidence of several individuals who have been called as experts by the Prosecution. Now
expert evidence is permitted in criminal trials to provide you with, for example, as is the case
D here, firearms information and opinion which is within the experts', or the witnesses'
expertise but which is likely to be outside your experience or knowledge. Now it's important
that you should see such evidence in its proper perspective, which is that it is before you as
part of the evidence as a whole, but you must look at that in context and not look at it in, in
E isolation. An expert is entitled to express an opinion, and you're entitled, and would no
doubt wish, to have regard to this evidence and to those opinions when coming to your own
conclusions, but you should bear in mind that if, having given the matter careful
consideration, you do not accept the evidence of the experts you do not have to act on it.

F Let me next, members of the Jury, say something about which there has been a, a great deal
said by Mr Kirk throughout the trial, and that is to say the question of disclosure. Throughout
the trial Mr Kirk has complained that he has not been given disclosure by the Prosecution.
G Now the Prosecution have an obligation. They must disclose any material in their position,
I beg your pardon, possession which assists the Defence or undermines the Prosecution, and
they have to provide a schedule of it. But the law is that if the Defence then indicates what
the issues are in dispute, in other words what the issues, or what they say about the main
H points in the case, the Prosecution must look again at the disclosure in the light of that, what
the Defendant would say, for example, about whether or not he was in possession of it, what
the nature of the object is, and that must be kept under review throughout the trial. It's a
continuing obligation. But there is no obligation on the Prosecution to disclose material they

hold which is not relevant to the case in the sense that it does not assist the Defendant case, nor undermine the Prosecution case.

A

For the time being, members of the Jury, there are just two more legal directions that I have to give you, and then I'll embark upon a review of the evidence. During the course of this trial Mr Kirk's demeanour and conduct may have elicited your sympathy or, alternatively, it may have been met with your disapproval. It is important that you allow neither to affect your verdicts in this case. You must approach the evidence and reach your conclusions dispassionately, swayed neither by sympathy for, nor, on the other hand, disapproval of the Defendant. You must look at things dispassionately.

B

C

Now Mr Kirk has not given evidence, and that does, of course, mean that there is no evidence from him to undermine, to contradict or to explain the Prosecution case, and that's a matter that you may take into account. However, in this case I direct you, as a matter of law, not to hold his failure to give evidence against him. This means that it cannot by itself provide any additional support for the Prosecution case. You may remember that I said, when asked him if he wanted to give evidence, that you could draw inferences from it. I now say that you cannot. You must not hold it against him. I will deal with the question of his no comment interview at a later stage when I come to review the evidence.

D

E

Now, as you know, a great deal of what Mr Kirk has raised has been connected to his longstanding disputes, a dispute with South Wales Police, Dolmans Solicitors and others. He has said, though not, of course, by way of evidence under oath, that all this, that is to say this trial, is all connected with a, in effect, a vendetta against him by the South Wales Police. In the light of those allegations you would no doubt want to examine the, against, evidence against Mr Kirk with especial care, but if the matters that need to be established by the Prosecution are made out, the fact that, for example, others might also have been theoretically prosecuted would be of no relevance.

F

G

Those, for the time being, members of the Jury, are the directions of law that I give you. What I will now do is to précis, review, the Prosecution case. There is, of course, no Defence case, but I will, as I go through, I hope, put forward what Mr Kirk has been suggesting where it is relevant to these issues. In reviewing the evidence, of course I am trespassing upon your domain because, as I've told you, it's for you to decide the evidence. Now because I am reviewing it, summarising it, it means that I will inevitably leave things out. If I leave

H

something out which you remember, then the fact that I have, have not included it does not make it any less important. It is your memory of the evidence. If I don't mention it, it, nevertheless, has importance if you consider it has importance. And if there's a matter that in due course you want me to remind you of from my notebook then, of course, I will do so, and I know that some of you, at least, have been taking your own notes. That is, this exercise is not intended to supplant that, but simply to hopefully summarise it and put it in some sort of context. Equally, if I have mentioned something in my review of the evidence which you think is unimportant, once again it's your view that is important, not mine.

What is the Prosecution case? I've tried, I hope successfully, to put the evidence into, into categories, and the first category is the history, as far as it's known, of the de Havilland 2, which bears the, the sign G-BFVH, and, indeed, the history of the, of the gun, Exhibit 1. Its formal history, members of the Jury, is set out at page 30 of the bundle, and I wonder if you could turn to that with me, please.

(court clerk and judge confer)

We can see here, can't we, the, the registration history starting at the bottom. We've got the issue date there of February of 1984. It's first owned, it appears, by Russavia Ltd. Then in 1991, May of 1991, its registered owners are Essex Aviation and Transport Ltd of Chalmington Manor near Dorchester. Then in 1997, September, to Mr Kirk at that address in Barry, and then in, I beg your pardon, 2008 it's transferred to Ronald Henry Cooper and his wife, and then to Ronald Henry Cooper and, sorry, not his wife, another Cooper, and then to him and his wife in 2009. Well, that's the formal history. We can see that Russavia transferred it to Wessex Aviation. We've heard, haven't we, in effect, from two witnesses from that organisation. The first one the Prosecution called was David Woodford, a director, described, I think, among others, by himself as effectively a sleeping partner, as the other director, his brother, Brian Woodford, spent most of the year in Singapore, it seems, for tax purposes, if not other purposes. And you know that Brian Woodford and his wife have not been able to come to this Court, he because he fears arrest if he leaves Singapore, and she because she's in prison in California, and clearly any information emanating from them you would wish to treat with a great deal of care. David Woodford told you that it was bought, that is to say the aircraft, in 1991. It was kept in a hangar at their premises at Chalmington Manor, he told you, in pieces, and he never saw it assembled. In 1997 it was sold to Mr Kirk, as confirmed by the printout, for, he thought, £9,000 or £10,000, and Mr Kirk collected

A it on a trailer. Mr Woodford told you that he helped to load it. Then he told you he didn't recall any firearm on or with the de Havilland 2 at any time. Later he said he searched through a catalogue, which he found, which spoke of a dunny, dummy gun, I beg your pardon, a dummy gun, and accordingly, he said, he went to look for a dummy gun and found Exhibit 2 in a cloakroom cupboard at the manor. The de Havilland 2 appears to have featured in a film called Gunbus when it was with Russavia, and the dummy gun, he said, was a prop.

B Well, there was another witness called by the Prosecution and that was a Mr Martlew, a long time friend of Mr Kirk's, but he was an engineer who'd been employed in the 1990s, the early 1990s, to be responsible for the maintenance of what appeared to be a substantial aircraft collection at Wessex Aviation. And you may think, and this is perhaps an example of having to cut through a lot of the, well, I can think of one word, but other material to get at what perhaps was really happening, because you may think that Mr Martlew had a far better working knowledge of it at that time than anyone, especially, more so, than David Woodford, so you may think, again it's a matter for you, that what he said carries rather more weight and substance than anything David Woodford might have told you about the, the history of the machine and, indeed, of the dummy gun, which is exhibit number 2. He told you that he bid for it, that is to say the aircraft, on behalf of Wessex at an auction at Duxford Airport, Airfield outside Cambridge, and he thought that he'd bought it for about £12,000. He said it came with what he described as a replica Lewis gun. Now he was shown various photographs at page 35 and on in your bundle, which he says shows the replica Lewis gun and, in particular, on the de Havilland 2. These, you know, were, in the main, if not all, produced by Mr Kirk. You'll remember that we gave them, or I gave them numbers, but, in fact, there was more than, than one photograph in each of the, of the photograph bundles. So we can see, for example, in the photographs marked Prestige Air Engineers of 1999, certainly what appears to be a weapon, and the top one of those photographs, after page 38, shows a weapon there. It's perhaps the best of them, but others do show it, and also there are photographs taken at the Farnborough Airshow, which again shows, if you'll forgive me saying, a rather younger looking Mr Kirk with a aircraft and again some sort of gun at the front. He was asked, wasn't he, Mr Martlew, about Exhibit 1, and he said that it was similar but it was now black where it had previously been polished by Mr Kirk, polished metal. Well, the answer to that may be, again it's a matter for you, that Mr Cooper told you that he'd cleaned it and painted it, you'll recall. In any event, Mr Martlew went on to say that after the aircraft was sold to Mr Kirk, Mr Kirk asked him, Mr Martlew, to restore the de Havilland 2, and he did, and between the two of them they managed to get it flying. He told

A you that he put a gun, the gun on the aircraft. Its presence, he said, was necessary because
it affected the centre of gravity and its ability to fly. And he said that the plane, the aircraft,
B with the gun on it, went to the Farnborough Airshow. You've got photographs which appear
to confirm that. And, indeed, that on a subsequent or possibly previous occasion it crash
landed at Ferryside in west Wales, on the Tywi estuary, a time, you remember, when Mr
Kirk said that the propeller had been hit by a parrot. Whether that's so or not perhaps doesn't
C matter. In any event, according to Mr Martlew, he recalled that on both occasions the gun
was on it. And the, he was adamant that the gun, exhibit number 1, or like it was on the
aircraft at all times. There are, he said, guns on planes in museums and on private aircraft
and that Mr Viv Bellamy, I think he said, had himself ordered many. The dummy gun he
was asked about, the one that David Woodford said he'd found in a cupboard. It, that was
not anything to do with the plane, he said, it was on the front of a Jeep, it never had anything
to do with the de Havilland 2.

D Another witness also gave evidence along pretty much the same lines, a Mr Twigg, and he
said that he was from what is now known as the Light Aircraft Association based at RAF
Lyneham. Mr Kirk, he said, offered it as part of the 24th Squadron's anniversary celebration.
I hope I've got the squadron's name right. But, in any event, not only did Mr Kirk offer the
E plane but he also later offered a weapon for display, a Lewis gun, which he assured them
had been deactivated. Now he collected that on the handover from Mr Kirk, he told you,
and mounted it on the aircraft throughout until the celebrations ended, when it was stored
and later, at Mr Kirk's request, sent to a man called Paul Grellier, if I've understood his name
correctly.

F Well, that's the evidence about what was happening before it came into Mr Kirk's possession
and before it was sold to Mr Cooper, if you accept that evidence. It's a matter for you,
members of the Jury, but it would seem, wouldn't it, that some weapon resembling a Lewis
G gun had been with Essex Aviation and later openly displayed on the aircraft by Mr Kirk for
several years, with no attempting to hide it, if you accept that evidence and that interpretation
of it. Again a matter for you.

H In July of 2008, a Mr McMillan, from the CAA, saw the de Havilland 2 for the purpose of a
permit to fly survey. He reviewed the documentation and the aircraft for some three hours
and he issued an authority, that is to say a permit to fly. Now he says he didn't ever see any
firearm at that time.

A So how did it come about that the police became involved? Well, according to them, in May
or June of 2009, in fact, the date is, I think, 29 May, two police officers examined a website.
That website was marked www.kirkflyingvet.com or something similar, and they looked at
the website, and as, I suspect, by now we're all familiar with the process, things come up on
B the screen and the police were able to take, they say, screen prints, that's to say snapshots of
what was on the screen at any given time. The photographs, they say, were digital or from
a digital camera, and, I beg your pardon, the photographs appeared to be taken by a Sony
digital, and they say that they were able to extract the date from the screen print, the date
being 17 August of 2008, that's to say some nine months before they examined the website.
C Mr Kirk has said that that has not been formally proved, and you must consider that. On the
other hand, it doesn't appear to have been suggested by Mr Kirk that these items were not
on his website. It's a matter for you to determine.

D Now the photographs, members of the Jury, are in your bundle, and I'll deal with all the
photographs, if I may, at one go. Photographs start at page 2. We've got Mr Kirk with a,
some terrier, which he also has in photograph number 2, with his hand, of course, his other
hand, in his right hand is an object which the Prosecution say is exhibit number 1. Of course,
I know that a note has been sent by one of your number about the photographs and whether
E there was more than one gun. It may be that that hasn't been answered to your satisfaction.
You need to look at the information, the evidence that you have and look at the question for
yourselves. It falls within your area of responsibility. I noticed that a moment or two ago a
couple of you were looking to see Exhibit 1. When you go out to consider your verdict you
F can, of course, take it with you. I'll make sure that there's nothing in it beforehand, just in
case you disagree, but, in any event, you will have an opportunity to compare the
photographs, to compare that, aided, I hope, with the notes that I'm reminding you of now,
on the evidence that I'm reminding you of. You can also, of course, take the dummy gun
G with you.

So those are the photographs that were found, but, of course, going further into the website
there are other pages, and if we turn to page 9 we can see what Mr Kirk, on the face of it at
H least, was offering for sale:

“Lewis machine gun with spare ammo, circa 1916, £4,000”,

And, of course, the Prosecution say that the words:

A “With spare ammo”

Is of significance. There are other pages which the Prosecution say show a sinister connotation and that this was not simply a gun for decorative purposes. Page 11 appears, on the face of it, to show Mr Kirk with the same dog and with an item in his other hand:

B “Dressed for Cardiff Court and a [suitable,]”

C And, I beg your pardon,

“And a level playing field”.

D The next page, page 13, says:

“The Glorious Twelfth, crooked lawyer shoot”.

And then on page 14, the words:

E “The final solution?”

Of course, what the Prosecution say is that having seen those matters on the website, that is what prompted them to take the steps that they later did. Well, you have to decide whether it was as a result of seeing that sort of material on the website or as a result of a desire to fit up Mr Kirk because of the long running vendetta. Mr Kirk would no doubt say the latter. Prosecution would say the former. Again it’s something you have to decide. Now we know, as well, that there were DVD, was DVD content found, as well, and you know that Mr Kirk is anxious that this should be replayed, so, if only to break up the monotony of my voice for ten minutes, or so, or however long it takes, perhaps those could now be played, please.

F

G

H **Mr Kirk:** Your Honour, I believe that you have omitted the law relating, and I, of course, I think I’m not being impolite by interrupting at this point, the law relating to any item that may be the Exhibit 1 or another one prior to my ownership of the aircraft, but more, and also the current law as it stands for item 1 as described by the Prosecution. I refer to, of course,

the purpose for which it was bought, and I refer to the, one of the exemptions, number 8, number 13 of the, the law, that it's been converted in order to shoot smoke at air shows.

A

His Honour Judge Thomas: Yes, thank you. Well, members of the Jury, I'm sorry that I have to say that you have to accept the law as I told you about it, and I have, of course, considered other matters as to their applicability or otherwise here. Just in case what I've said about possession, however, isn't clear, of course you have to be sure that he was in, that it was a prohibited weapon in Mr Kirk's possession at the relevant time. It wouldn't be enough if it had been a prohibited weapon, it was no longer a prohibited weapon. It's Mr Kirk's possession of it at the relevant time which is all important. Thank you.

B

C

(DVD played)

Mr Twomlow: Your Honour will recall the Prosecution showed 1 and 4 first of all, but Mr Kirk requested that 2 and 3 should also be shown. I don't know if Your Honour is proposing to --

D

His Honour Judge Thomas: Yeah --

E

Mr Twomlow: Show --

His Honour Judge Thomas: Certainly, all --

F

Mr Twomlow: All --

His Honour Judge Thomas: The --

G

Mr Twomlow: Four, yes.

His Honour Judge Thomas: All the items can be shown if they would, if they've been shown in evidence, which I think they were, weren't they? Yes.

H

(DVD played)

A **His Honour Judge Thomas:** As I said before, members of the Jury, some of this material is about previous incidents, but that's something that you must put out of your minds and don't hold against him.

(DVD played)

B **His Honour Judge Thomas:** Yes. Well, in that last clip, members of the Jury, we saw in the background a red plane, reference to which, of course, Mr Kirk made at, at some point, though not when giving evidence, but you can at least see it there, and if you, again you want to see this material at a later stage you only have to ask for it when you're in retirement.

C There are, in addition to the entries apparently on the website, things which the police say they found on the laptop at a later stage, and I wonder if we can just go through those now in the bundle, starting, please, at page 9. Actually we've already seen page 9. It's the reference to the Lewis machine gun and spare ammunition for sale, but if we could look at

D page 28, I'm sorry, next. And we can see here what purports to be, on the face of it, a document with Kirk Aviation, proprietor Maurice J Kirk, BVSc, special advisor to the CAA, aerial photography and acrobatic displays, world charter aviation sales consultants, and an address which is the same one as is given in the registration document I referred to earlier. And the first item there for sale:

E "De Havilland 2, ex-Farnborough show, £40,000",

And underneath that, being also for sale:

F "Original 1916 Lewis machine gun".

G No mention there of it being decommissioned or a replica or dummy or any of the, anything of that like. On page 29, which appears to be part of another document, indeed it's got a different reference number at the top you can see, there's reference to French houses and cottages being an hour from St Malo, private aerodrome, and under:

H "Aircraft"

We can see, about four down:

“De Havilland 2 with original machine gun”.

A Again the phrase he used is original rather than replica, dummy, deactivated or anything of that type. Now Mr Kirk, according to the firearms licensing manager, was checked on their records and there was no record of him being a holder of any firearm, shotgun or explosives certificate since September of 2006. There’s no sign of any application being refused or
B revoked, although that wouldn’t show up if there had been a cancelled certificate before 2001. It does seem that at relevant times Mrs Kirk had such licences.

The next heading, members of the Jury, can perhaps conveniently put, be put as the sale of
C the aircraft and, the Prosecution would say, of the Lewis gun. You heard from Ronald Cooper, known as Gerry, who says that he saw the de Havilland 2 for sale on Mr Kirk’s website and got in touch with him about buying it. On page 32 of the bundle is a photograph of the aircraft with some sort of object which looks like a gun at the front, and this is a
D photograph which Mr Cooper thought that he himself might have provided. Now he, that is Mr Cooper, is a collector of World War One and World War Two aircraft, and he said he was interested in buying the de Havilland because the only other one that he knows and is capable of flying is in New Zealand. In early 2008 he saw the airplane in a store barn near
E Winchester and discussed with Mr Kirk whether the Lewis gun came with it, because, according to Mr Cooper, that was necessary for the balance of the aircraft. Mr Kirk said that he’d get it for him later. Mr Cooper asked him about any Lewis gun and asked if it had been deactivated or made safe, and was told by Mr Kirk that it had been. Now Mr Cooper told you that he’d been an armourer for 15 years in the RAF and understood by that that it
F couldn’t be fired. He agreed that Mr Kirk had told him that it was fragile to fly and that he shouldn’t do any vertical manoeuvres, and that’s why the CAA, the Civil, Civil Aviation Authority, only allow very experienced pilots to fly it. The plane, he said, must be kept balanced, though he’s not the only person who said that, and that the centre of gravity was
G important. It affects the airworthiness. And you heard from another witness that if it wasn’t a gun that was there then something of equivalent weight would have to be put on the aircraft to keep its, its balance correct. Now in relation to this we have an exchange of emails, which are at page 41 and following. It’s all under number 41, towards the back of the, the bundle. And if we look at the second of those two pages, because, as often is the case here, it goes
H in reverse order, for reasons I’ve never been able to work out. And this is what is said by Gerry, the last but one entry on that page:

A “Maurice, I can get a full size replica from a company in the States, but the real thing would just finish it off. They’re asking \$2,000, excluding shipping, for a full size correct weight, etc. How much do you want for the Lewis? Look forward to your reply.”

B Mr Kirk seems to have replied:

“Can I be greedy? £2,000 posted or personally delivered. Was the calculation, however, generally after speaking to experts?”

C And then there’s a little bit of turkey trading between Mr Kirk and Mr Cooper. Mr Cooper offers 1,500. Mr Kirk talks about 1,800, and it seems that 1,800 is, at that point at least, what they agreed on. Mr Cooper then sends an email asking about the centre of gravity, etc, etc, and the last letter, oh, I beg your pardon, the last email at the top says this:

D “Had a message from a previous custodian suggesting it may be more real than I was given to believe when it was first sold to me. I suggest appropriate modification and take advice. Blue skies. Maurice.”

E Now Mr Kirk was given a initial deposit of £16,000, according to Mr Cooper. Mr Cooper said that Mr Kirk’s reputation included, among other information, that he was an honest man in such dealings, and he later met him with the remaining £32,000 for what Mr Cooper believed was a good buy. You also heard from Mrs Cooper, who said that she went to **F** Cardiff in an aeroplane flown by a friend of theirs or acquaintance of theirs, a Mr Page from Lincolnshire. Now according to Mrs Cooper and, indeed, to Mr Page, they met Mr Kirk at *the airport* in Cardiff and handed over the extra money, they thought £2,000, in an envelope, and Mr Kirk gave her an object which was wrapped in either cloth or bedding, which Mr **G** Page then carried to his aircraft and it was duly delivered to Mr Cooper. Mr Cooper, you know, I beg your pardon, Mr Kirk, you know, disputes that Mr Page was ever there. You have, and I won’t refer you to it, what appears to be some sort of documentary confirmation of the flight. You’ll see that in the, in the bundle. I won’t take you to it now, but you can look at that at your leisure. Mr Cooper says that he checked himself to see if it was **H** deactivated, at least under his terms, and he said that he found it was incapable of firing in that condition, that there was no feed slot, there was no block. He told you that in his experience many World War aircraft, in both wars, had weapons on them. He cleaned it,

A cleaned the outside of corrosion, painted it and put it on his plane, although, to use his words,
it didn't fit the books, it wasn't a true mounting. He said that he had to retrace all the
documentation because the plane didn't have a logbook. We know that at some point a
logbook appeared in Court. If there's any relevance to it then I can, in due course, remind
you of the evidence, but for present purposes it doesn't seem to me that there is any particular
B relevance to it. He was later, that is to say Mr Cooper, contacted by the CAA about the plane
and by the gun, and as a result of this contact from them he contacted a man named Mike
Scott, for him to check whether it had been deactivated.

C Mike Scott, you remember, is a registered firearms dealer and has a Section 5 permit in order
to keep prohibited weapons. His evidence was that on 22 June Mr Cooper visited him and
he examined the object, which he says was Exhibit 1, fully to see if it had any deactivation
marks, which are, as you know, marks made when the firearm is altered in such a way that
they cannot be fired, and a special procedure, he confirmed, was needed to render the
D prohibited weapon deactivated, not simply a case of making sure that it couldn't be fired
there and then or without some work being done on it. It has to go to an official proof house,
of which there are two, one in Birmingham and one in London, to be activated by them to
Home Office specifications. That meant, in effect, that the bolt would have to be cut away,
E the firing pin removed and the barrel cut underneath for about four inches, and then the barrel
pinned and the pins welded. Once the proof house in Birmingham or London had done that,
it would then be stamped on the barrel and the action receiver and, stamped, as well, and a
certificate will have to be issued. Mr Scott told you he found no such deactivation marks.
He agreed with Mr Kirk that there was no rifling on the barrel that he could see and that
F there was an obstruction at the chamber end of the barrel, but no official deactivation marks.
The only mark that he found was a manufacturer's mark, BSA. For those of you who may
be familiar with motorcycles know BSA stands for Birmingham Small Arms or something
similar, but that was the only thing that he found on it. You've heard also, and I'll remind
G you in a moment or two, that the representatives of both the Birmingham and London proof
houses said that there was no mark apparent and that there was no certificate issued by them.

H Now Mr Scott retained the gun for some hours and then gave it to Police Constable Rigley,
who took it away, and he was later shown the gun, that is to say Mr Scott, by Mr Dodge,
who came back to the East Midlands area, and Mr Scott was asked to identify it. It bore the
same serial number at that stage, although he couldn't say that it was the same barrel. It
appeared to be similar. Mr Cooper said that he wasn't treated as a suspect by the police. He

A also told you that he wouldn't have bought the gun had he realised that it had not been properly deactivated. The gun was then given to the Nottingham police and transferred to the South Wales Police on 22 June. You'll remember that was at a service station. Hopwood, from memory, is on the M42.

B Now can I ask you next, please, members of the Jury, to turn to the jury bundle at page 41? Oh, I beg your pardon. I've already taken you to that. Those are the emails. Sorry. On 29 May the items on the website had been seen by Detective Constable Parker and I think one other, there or thereabouts. An attempt was made, as you know, to arrest Mr Kirk on 21 June, but that was not successful. Now Mr Kirk, as you know, complains bitterly about that, **C** that he wasn't, in fact, arrested that day, that he came back on, they came back on the next day, the number of officers deployed, that some of them might have been armed, and the number of vehicles used and the use of a helicopter to hover overhead, and you've heard, not by way of evidence, but what he said about that whole episode. He says that all this, we **D** know, was prompted by his longstanding problem with the South Wales Police in what, including a long running civil action. He says that he'd been badly treated over many years, including being surrounded by armed police officers in the inner sanctum of the then Chief Constable of police, Barbara Wilding's officers, and that he threatened to attach documents to a brick and throw them through the window of a solicitors, Dolmans, acting for the South **E** Wales Police in the civil action.

F Well, on 22 June last year he was, in fact, arrested, and can I ask you, please, to look at page 24? Now what, according to the arresting officer, had happened was that this document had been printed out before they went to Mr Kirk's and was filled in as they went along in order to give an opportunity, they would say, for any entries to be confirmed. Now Mr Kirk, of course, makes the point that not only was he arrested for possession of a prohibited weapon, the Lewis gun, but he was also arrested on suspicion of possessing prohibited ammunition, **G** and, of course, there's no such charge now against him, and making threats to cause criminal damage to Dolmans Solicitors, his threat to tie certain documents to a brick and put it through their window. Now he says about the arrest two specific things, firstly that he should have warning of what they were doing. Well, of course if someone is executing an arrest warrant, very often the worst thing the police would want to do is to let the person know that they **H** were coming, because the risk will be that that person would get rid of the item that they were searching for. The other complaint he makes is that he wasn't arrested on the first occasion when he was in the house, but they waited until the following day when he came

A out of the house. Again you may think, it's a matter for you, and it may, in any event, have no relevance, but if the police are going to someone's house where they think there may be a machine gun, they're not wanting to go to the house where the machine gun may be. They would want to wait until someone came out of the house, visibly without a machine gun, so that they could effect the arrest there without the danger of a person having a machine gun.

B Well, what here, members of the Jury, is the evidence of possession of exhibit number 1 and, indeed, evidence of the sale? Well, the evidence is that of Mr Cooper, Mrs Cooper and Mrs Page, as to having this item handed over to them, if you accept that they're genuine, the photographs of Mr Kirk with something in his hand, and what is apparently seen on the DVD
C that you've already seen played a few minutes ago. There is, as I say, no explanation for any apparent change in the appearance of the gun that one of you has, has picked out. The photographs on the website, of course, were taken before the police became involved, you've seen, so you have to assess the genuineness of those sorts of pieces of evidence and bits of
D information. Again a matter for you.

Now what about the weapon itself? Neither of the proof house representatives found any deactivation marks, nor did Mr Michael Scott, the authorised dealer, and you'll remember what I've put in the written directions to you. Mr Scott said there was no rifling. When he
E saw it again, that is to say the gun, when the police returned it to him for identification, the obstruction at the barrel end, he said, had been removed. He thought it was a silver barrel but couldn't say it was the same one definitely. A Nigel Brown was phoned by Scott. Now Mr Brown's a firearms instructor with the South Wales Police. I don't think he's a
F policeman but a civilian attached to them, and he was asked if it was an antique, and he says that in his view it wasn't, as it could fire commercially available ammunition. He gave an example of what he believed would be an antique. He said a muzzle loading gun, for example, would be an antique. Andrew Huxtable of the national ballistic services, again
G attached to the South Wales Police at Bridgend, he, for five and a half years was with the Royal Electrical and Mechanical Engineers before his present role. He researched the weapon on the internet. He said that the weapon appeared to be built or made around 1911, was from a light machine gun, that's to say a Lewis gun is a light machine gun, American design, gas operated, and the gases operate the piston to drive to the rear, against the spring.
H He gave other technical details of the mechanism, which, I confess, I didn't follow, but perhaps have little significance to this. Again a matter for you. I can remind you of them, if you wish me to, in due course. He says that a .303 calibre ammunition would be fed into

A a gun, the gun by a feed arm from the magazine, and he says that when he looked at this
Exhibit 1, there were components missing which would have allowed the gun to fire
automatically. The things that were missing, he said, were the feed arm recess and a lever
to make the drum go round. And he said the gun, as he found it, could not fire automatically.
It could only discharge a single shot at a time. As I'll remind you, he wasn't the only expert
B to say that. But he said it wasn't a properly deactivated gun. There was an Allen key type
screw screwed vertically from above, which could be removed from the barrel with an Allen
key tool. There were not, he said, several wells and there was not a permanent bucking of
the barrel. His view was that it remained a prohibited weapon and not an antique. He said
C that he thought it was the original barrel that he saw, although it was, he thought, not rifled.
He wasn't asked, he said, to test the gun for gunshot residue, when asked that by Mr Kirk,
and he accepted that he made no notes about the ammunition, although when he counted
them, at Mr Kirk's request, he found 16 in the drum. Now he was asked, and it's a matter
D that Mr Kirk has raised on several occasions, whether or not anybody else proffered their
expert opinion to him about the, the gun, and he said no-one else did so.

The next witness was a forensic scientist, Mr Philip Rydeard, who, you remember, came
down from Manchester. He told you that he's had 45 years' experience in firearms, 40 of
E them as a forensic scientist, and he said that a fully automatic weapon is one which will
continue to fire bullets consecutively with no other intervention by the person firing it after
he or she has squeezed the trigger. The gun will only stop, he told you, if the finger is taken
off the trigger or if it runs out of ammunition. He said that original Lewis guns were designed
F for that purpose. He told you that in the condition that he found Exhibit 1, it was not capable
of automatic fire, it didn't have a Lewis gun barrel, there was no means of allowing gases to
be tapped off, the receiver mechanism as fitted would not allow a cartridge to be fed into the
mechanism, and the magazine hub did not have a normal feed system. One of the missing
G items was a device which closes on firing, and he said a non standard firing pin had been
fitted to allow the gun to fire in what he described as the open bolt position. Normally for it
to fire automatically it would be in a closed position. So his conclusion was the firing
mechanism had been simplified to only allow one cartridge at a time, and the missing piece,
he said, was essential for high pressure cartridges such as military cartridges. Therefore, he
H says, this, Exhibit 1, as he saw it, was not capable of firing automatically, but, in his view, it
was still an effective firearm. He test fired it, he said, with a .303 British military cartridge
case, but it would be able to accept a wide range of currently available ammunition, and, he
said, as it presently is, it could kill someone if they were shot with it. It is, therefore, lethal.

A He told you that there were several component parts present from an original Lewis gun,
several component parts on Exhibit 1. He said there was a gas cylinder, a gas regulator, gas
chamber and a bleed mechanism, which, he said, his expert view, put exhibit number 1
within the category of a prohibited weapon because components also form part of a
prohibited weapon and if you put those into another Lewis gun it would function
B automatically. He told you that to deactivate a gun, one couldn't just downgrade it. It'd
have to be sent, as, as I've already said, to the two proof houses. I've already told you that's
the law. He was asked by Mr Kirk about military weapons going into private ownership,
and he said that, if appropriate, for sale or disposal, a weapon would be officially marked by
the ordnance division of the armed forces and then offered for disposal. If it was a Section
C 5 prohibited weapon, that could only be done if it was authorised by the Secretary of State
and to a firearms dealer. He was asked, as well, for his views on Exhibit 2, the dummy gun,
which, you remember, David Woodford said he found in a cupboard, and he said that's an
imitation of what is possibly a .30 calibre Browning machine gun, and you'll remember that
D Mr Martlew said that that had been mounted on the front of a Jeep rather than an aircraft.
His view, Mr Rydeard's view, was that there's no such thing as antique ammunition, that he
had in the past fired World War One ammunition. It all depended on the storage conditions.
Witnesses then from both the London and Birmingham proof houses were called. They said
E that Exhibit 1 was not marked as being deactivated by their proof house, had not been
deactivated, there was no slot in the barrel, there was no pinning and welding so as to comply
with regulations, and no certificate had been issued. Mr Perry said that it was a prohibited
weapon, in his view. Mr Mabbit said that the barrel was smooth bored, but this was not a
shotgun, he said. He tested it with a *prime* case, not a live one. He thought it would have
F been dangerous to have tested it with a live one and therefore didn't do so. Bear in mind, if
you would, members of the Jury, what I said about experts when I gave you the direction
earlier.

G Now you then heard, members of the Jury, that officers went to collect exhibit number 1
from Michael Scott. I've already reminded you about that. He said that he got it from Mr
Cooper, brought to south Wales and then sent to various places for examination and to ask
people to identify it, to the various experts, etc, etc. You must consider if there is any
possibility of a swapping or alteration of exhibit number 1 in that time. It will, of course,
H have had to have been done deliberately and falsely, because that is what Mr Kirk might
have been hinting, even though he never said explicitly, but it's been raised and therefore
that's something that you must consider.

A Now what did Mr Kirk say at various times about exhibit number 1? I've already told you about the exchange of, or reminded you about the exchange of emails at page 41, and you know on the laptop that there was the description of the gun as it was to be sold, etc. There was one other description or comment that he made about the firearm and that was, of course, on the telephone to the undercover police officer, Foxy, who rang. Now can I ask you, **B** please, to turn up page 20 in relation to that? Perhaps you're better to start at, at page 19, because that point he identifies the time and the date, if you accept what he says about that, the time being now 13:05 on 30 May, he says, in relation to the second call. And he asked, at the top of the next page:

C "I'm just interested in your Lewis. Is it still for sale?"

Referring to what he'd seen on the web. Mr Kirk said:

D "The Lewis? You mean the machine gun?"

"Yes."

E "Oh, you saw it. Where did you see the advert?"

Asked Mr Kirk.

F "On your web. It's a bit of a long story."

"Right, but",

G Mr Kirk said:

"She's no longer with me."

H "All right",

Said Foxy:

“It’s just that I’ve got, I’ve got a Vickers”,

A Which appears to be another type of automatic gun,

“Already”,

B Or possibly reference to another aircraft.

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

C Mr Kirk:

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

D Foxy says:

“Say again.”

E Mr Kirk said:

“How do you stay legal?”

F Foxy:

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

G Mr Kirk said:

“Oh, I see. No, no, this one worked.”

H And then the call petered out, as you can see. You can read that for yourselves. So that again is something that you will look at in relation to this case. Now following that, Mr Kirk was arrested, and I’ve already gone through the complaints that he’s made from the dock about that. We know that his house was searched. Items were found, not, of course, Exhibit 1 because that had been with Mr Cooper, but there was .303 ammunition found on that date,

A together with other, well, guns, humane killers and the like, and it seems that his wife, at
least, had a licence for them. But that wasn't the end of the searches, because in December
he returned, at his wife's request, I beg your pardon, police returned at his wife's request and
found some more ammunition, two .303 bullets, which Mr Kirk says were paperweights, and
which he was asked to be brought here. They haven't arrived. And, of course, he's not
B charged with possession of those two cartridges. And, of course, as you know, he was
interviewed by the police. You have a copy of that interview in front of you. I'm not going
to read it out. You can take it out with you at your leisure and look at such parts of it as you
think are important. The bulk of the questions were met by Mr Kirk making no reply or no
comment. Now can I direct you again as a matter of law, please, that in the circumstances
C you should not hold that against him. There are circumstances where it can be held against
somebody, but my direction of law is that that should not be held against him in this instance
and it, therefore, adds no weight to the Prosecution's case. It does mean, of course, that he's
provided no explanation for these matters, but it shouldn't be held against him that he made
D no comment.

Now I'm not going to send you out at this hour to consider your verdict. There are two very
brief matters of law that I want to deal with tomorrow, and I would hope to be able to send
you out early on to consider your verdict. Would it be inconvenient to you if I asked you to
E be ready for 10 o'clock? For reasons that you'll appreciate, I can't guarantee that we will
start at 10 o'clock, but I will aim to do so, and I would hope that you would be going out
certainly within the next five minutes thereafter to consider your verdict, and therefore
you've got as long as you want. No question of time at all to consider your verdicts. At this
F stage it's particularly important, please, that you don't discuss the matter with anybody, and
it's important, please, you don't discuss the matter among yourselves until you're all together
in the jury room. 10 o'clock, then. Thank you.

G (jury leaves)

(male and defendant confer)

H **His Honour Judge Thomas:** Yes, I've had a letter from Mr Kirk's son, I'm sorry, I should
remember his name, which I have read and duly noted. Thank you.

(judge talks to court clerk)

A **His Honour Judge Thomas:** Mr Twomlow, any matters of law that need correction?

Mr Twomlow: No, thank you.

B **His Honour Judge Thomas:** Any error of fact that you've --

Mr Twomlow: No --

His Honour Judge Thomas: Picked --

C **Mr Twomlow:** Thank --

His Honour Judge Thomas: Up?

D **Mr Twomlow:** You.

E **His Honour Judge Thomas:** Yes. Now tomorrow morning I will tell the Jury that they ought to appoint a foreman, a forewoman, and I will tell them that they must try to reach a verdict upon which all 11 are agreed. 10 o'clock tomorrow, then, please. Thank you.

Court Usher: Court rise.

F

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H