

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO: CC113/2013

DATES: 2014-04-08

In the matter between

THE STATE

and

OSCAR LEONARD CARL PISTORIUS

Accused

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**BEFORE: THE HONOURABLE MADAM JUSTICE MASIPA**

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ASSESSORS:

ADV J HENZEN-DU TOIT

ADV T MAZIBUKO

ON BEHALF OF THE STATE:

ADV GERRIE C NEL

ADV ANDREA JOHNSON

ON BEHALF OF THE DEFENCE:

ADV BARRY ROUX SC

ADV KENNY OLDWAGE

INTERPRETERS:

MS F HENDRICKS

**VOLUME 17 (PAGE 1399 – 1478)**



PROCEEDINGS ON 8 APRIL 2014

[09:33]

COURT: You are still under oath, Mr Pistorius.

OSCAR LEONARD CARL PISTORIUS (s.u.o.)

COURT: Yes, Mr Roux?

EXAMINATION BY MR ROUX (Continued): Thank you, My Lady.

Mr Pistorius, I am going to deal now with your relationship with Reeva. When did you meet Reeva and could you just explain to the court, the background to the relationship? --- I met Reeva on 4 November 2012. I went with a friend to a track-day, to a car event. I was a guest of his  
10 and so was Reeva. We were both invited by this mutual person and we kind of hit it off over lunch and that afternoon I went back to my friend's place and I was getting ready for a sports awards, South African Sports Awards function and I said to him that I had completely forgotten that I had RSVP [intervenens]

Who is this friend? --- Mr Justin Divaris, My Lady and I said to Justin that I had forgotten that I had RSVP'd for the evening with a partner and he, without hesitation said to me, why do you not take Reeva with and I kind of joked with him and I said you know I do not think that she would be... you know I do not think that she would be  
20 interested. I mean we had had a really nice day together, but I did not think that a woman would you know be so carefree and just come. So he said: No man, phone her, just ask her. So I phoned her and she said that she would gladly come with and we were joking that I had to be ready in an hour and a half and we went to the sports awards and after the evening we sat and spoke until two, three in the morning and I

slept... I went back to Justin's house instead of driving back to Pretoria and when I got to his house I told him that... he asked me how the evening had gone and I said to him... I said to him that I had the most amazing time and that it was it was a lot of fun. It was... Reeva was a fantastic date and I asked her... I was speaking [indistinct 09:35:57] stayed out and we spoke later about her and the following day I phoned her and asked her if she wanted to go for coffee and pretty much the first six days that we knew each other, we saw each other every day. She then went overseas to shoot a TV program. When she came back  
10 we saw each other less frequently. I think things had happened quite quickly and then we took November and December getting to know each other. In December I went down to Cape Town with some friends during my break and I asked her if she wanted to come with me and she said that she needed some time alone. So she stayed... she said she was going to stay up in Johannesburg. She wanted to spend Christmas with some friends of hers and then the friends of her cancelled their plans and went away without her. So I stayed until Christmas and I shared Christmas with her and Mr Fresco and Mr Fresco's girlfriend at the time, and then the next day I flew down to Cape Town and I was  
20 scheduled to come back on the 2<sup>nd</sup> of January on... I think it was the 1<sup>st</sup> January of 2013, Reeva phoned me and asked me if she could come down, instead of me coming up that she come down. During that time that I was in Cape Town she wanted to get away a bit so she asked if she could stay at my house in Pretoria. So she stayed at my home in Pretoria whilst I was in Cape Town. We were still getting to know each

other and comfortable with each other and then in mid-January everything started to pick up and we really... I would say that is really when our relationship really got going.

Now would you say that there was a point where it became more serious, the relationship and if so, when was that? --- I think we both had... we both had things that kept us back in our relationship and getting to know each other. We both came out of difficult relationships before. I was very keen on Reeva. I think if anything, I was maybe more into her than she was at times with me and I let her just take her  
10 space. I mean, it was not always easy. I was... I was besotted with her and at times it went... we kind of spoke and you know, the relationship built up to a point in I would say mid-January, January, mid-January that we really knew that we started caring about each other, we started talking about future plans. I was supposed to go to Brazil in March. I had booked a flight... with her to come with me. She had spoken to me about her brother and his son. She asked if we could visit them in June. We were looking at interior decorating things together for the new home that I had purchased in Johannesburg.

Mr Pistorius, I am just reminded... would it be possible to lean a bit  
20 forward. --- I am sorry.

It is just for recording purposes. Will you do that and try and speak up, please. --- I beg your pardon. Sorry.

You spoke about the interior decorations. --- There were many things that we had in common that we started speaking about more frequently and there were events that she invited me to and vice versa. We

started really seeing a future with each other.

Did you discuss that? --- Ja, we discussed me moving to Johannesburg. I know that Reeva was looking for a new place to stay. She had often spoke to me about wanting to... she asked me to help her with her contracts for her things, for her work things that I had discussed with her and we spoke about future agreements that she should not sign and should sign and I just helped her with things pertaining to her future. You know we enjoyed just talking in each other's company.

In court there was reference to Whatsapp messages and there is an  
10 EXHIBIT CC1, CC2 and CC3 as well as CC4, you will see that the file, the exhibit file should be in front of you. --- My Lady, there is no files.

It is CCC1, CCC2, CCC3 and CCC4, meaning triple-C1, triple-C2. My Lady, I understand that the file is not in front of the witness. May we ask for a very short adjournment just to sort out the file. I am told it will only take two or three minutes.

COURT: Give me one moment.

MR ROUX: I understand that it is sorted, My Lady.

COURT: Are they sorted now?

MR ROUX: Ja, they managed to find it. You have the exhibits CCC1,  
20 CCC2, CCC3 and CCC4? --- I do My Lady.

We have dealt in court with those exhibits and they all deal with Reeva and motor vehicles. What is your response? Did she have an interest in motor vehicles and if so, to what extent? --- She... we had a common interest in motor vehicles. We liked talking about them and she liked driving. She had a sporty car that she owned before and she was a car

enthusiast. It was a common interest of ours. We shared our interests in what we liked and it was a common interest of ours.

Then I want you to look at EXHIBIT ZZ1. Those are also Whatsapp messages. It is triple...no, it is double-Z1. Mr Pistorius, you will see it consists of a number of pages. Please go to... at the bottom you will see page references, to page 153 of 343. You will see the second last Whatsapp deals with:

“It is like I see rabbit things.”

Do you see that? Could you read that please? It is the date 19 January  
10 2013 and adding two hours, we know it would be 15:50. --- That is correct,  
My Lady.

Could you read that and then explain? --- This was a text message sent from Reeva to me. It says:

“It is like I see rabbit things in your house and when we go places you take pics of them everywhere for me. I am thinking who you have that connection with and the same things you play on your mind. At the end of the day this is now a [indistinct 09:46:24]”

What was that all about, Mr Pistorius? --- This was a... I had been  
20 given a carving that they make on the side of the road, of a rabbit ,from a friend and I had often bought them for friends as gifts. The guy at the intersection at our house sells these little men and things and they have got little red hearts on and I think Reeva obviously saw me taking a photo of it somewhere and she was upset by it, or asked what it was about.

And then the next one says:

"I was not a stripper or a ho."

The very next Whatsapp. What was that all about? --- This conversation was in context with her coming back from an overseas trip on the previous page. She told me something and I was more upset about her health. So we got into an argument and she said to me, I am sorry if... further up on the page, on 153, she said she is sorry if it upset me, but it was not her intention and then as we went on after the message about the rabbit things, I had not replied yet and she sent me a message. It seems like 18 seconds later, saying:

10 "I was not a stripper or a ho."

So I think maybe she was just defensive and she was thinking I was overreacting to the previous message on the previous page.

Well, let us go to the next page, page 154 of 343. It carries on there at... it is still the same day 19<sup>th</sup> of January at 15:52. Can you read that? --- It was a message from Reeva to me and it said:

"I certainly have never been a prude and I have had fun, but all innocent and without harmful repercussions."

Now go to the message just after that. --- It says... the message just after that was again Reeva [intervenes]

20 Is it a message to you from Reeva? --- Yes, again a message from Reeva to myself and it says:

"I am watching the ceremony now."

What ceremony was she referring to? --- It was a football ceremony at the Johannesburg Stadium. It was an opening ceremony, I think of the Confederations Cup, the CFA Cup, if I am not mistaken. I was

part of the opening ceremony and she was watching the ceremony.

Were you there? --- Yes, I was there.

Doing what? --- I took the flag from the field up to President Zuma in the box. I handed over the flag for the opening.

And the next message you could see she is asking the question, you can read that... to you:

“How far are you from going out.”

--- That is correct and I replied, I said:

“45 minutes.”

10           Would that, I assume, be in relation to when you are taking the flag out? --- I think so. I think so.

Ja. And then the last one on that page, the same day at 15:57. --- It was a message at 15:57 from me to Reeva saying:

“Would you like to go to my friend’s 50<sup>th</sup> tonight?”

Meaning there was now an unhappiness and was that resolved? --- It was resolved. It was not an unhappiness as far as... it was an unhappiness about me worrying about her, but the subject changed and it was resolved.

20           Now the next page is page 223 of 343. There is a long message. 27 January 2013 at 16:17. It is sent from Reeva to you, that was also part of the evidence. Could you read that out and then explain that? --- The message she sent me said:

“I am not 100% sure why I am sitting down to type you a message first, but perhaps it says a lot about what is going on here. Today was one of my best friend’s engagement and I



wanted to stay longer and I was enjoying myself, but it is over now. You have picked on me incessantly since you got back from Cape Town and I understand that you are sick, but it is nasty. Yesterday was not nice for either of us, but we managed to pull through and communicate well enough to show we care. To show our care for each other is greater than that robber that attacked us. I was not flirting with anyone today. I feel sick that you suggested that and that you made a scene at the table and made us leave early. I am  
10 terribly disappointed in how the day ended and how you left me. You are living in a double standard relationship were you can be mad about how I deal with stuff, when you are very quick to act cold and offish when you are unhappy. Every five seconds I hear how you dated another chick. You really have dated a lot of people, yet you get upset if I mention one funny story with a long time boyfriend. I do everything to make you happy and to not say anything to rock the boat with you. You do everything to throw tantrums in front of people. You have been upset... I have been upset by you for two days now. I  
20 am so upset I left Darren's party early. So upset. I cannot get that day back. I am scared of you sometimes and how you snap at me and of how you will react to me. You make me happy 90% of the time, and I think we are amazing together. But I am not sure... but I am not some other bitch you may know trying to kill your vibe. I am the girl who let go with you,

even when I was scared out of my mind to. I am the girl who fell in love with you and wanted to tell you this weekend. But I am this other girl who gets side slapped... side stepped when you are in a shit mood. When I feel you think... when I feel you think you have me, so why try any more. I get snapped at and told my accent and voices are annoying. I touch your neck to show you I care, you tell me to stop. Stop chewing gum. Do not do this, do not... do this do not do that. You do not want to hear stuff, cut me off. Your endorsements or reputation, your impression of something innocent blown out of proportion and fucked up a little of me and that...sorry, from that... from the outside I think it looks like we are a struggle and maybe that is what we are. I just want to love and be loved. Be happy and make someone so happy. Maybe we cannot do that for each other, because right now I know you are not happy and I am certainly very unhappy and sad.”

10

What was the background to that, Mr Pistorius? --- My Lady, we were at... the background...we were at an engagement party of Mr Fresco's... I just think it was a bad day in our relationship. I was... I came through from Pretoria and I had to wait for Reeve's friend. She wanted to get a lift with us and she was late and she was making us late. I had to be at... Darren had asked me to bring something for him, so I was running late and when we got there... we had an enjoyable morning. It was a mid-morning to midday event. At a point we got... I wanted to go and get food, because I was on a very strict diet and I said to Reeve I cannot eat the food that is here, and we

20

said we would leave by a certain time. Towards the end of the engagement I was... Reeva and I were walking across the venue and she started talking to a person that was unknown to me. It was a gentleman and I was standing next to Reeva and she did not introduce me to the person, and I kind of stepped forward and I made my presence known and again she did not introduce me. So I walked off and when she came up to me, ja, I was a bit upset. I felt maybe that I had been a bit neglected or that I had not... I think maybe I was just being sensitive. I maybe felt a bit insecure or jealous and she came and she sat next down to me and she started playing with my...  
10 tickling my neck and I was not kind to her like I should have been and when everybody started leaving, I asked her... I said listen I need to get going, I need to go and eat, I have got training this afternoon, and we left whilst everybody else was leaving, and I dropped... Reeva was supposed to come I think to my house that afternoon, but instead I dropped her off. She was also in a short mood with me and so I dropped her off at her place, and I did not talk to her for the rest of the afternoon until she sent me that message where she said, she is not sure why she is typing me the message first.

Now let us look at the next message. That was about 20 minutes later, the one at the bottom. That is a message from you to Reeva? --- It is  
20 a message about 25 minutes later and it says, it is from myself to Reeva, it says:

“Please let me know when I can call you.”

And then the next page, page 224 of 343, at the top. Did you get a response? --- She said:

“I am here.”

She sent me a message saying, "I am here."

And then the next message that we can see, it is the same day, 17:01, that is shortly after that response. Could you read... you sent a Whatsapp to Reeva, is that right? --- I think before she replied to say that she is here, "I am here", in the previous message, I had already started typing this message to her. If I remember I tried to phone her and she did not pick up her phone, so I started typing her a message and it reads, it says:

10 "I want to talk to you. I want to sort this out. I do not want to have anything less than amazing for you and I. I am sorry for the things I say without thinking and for taking offence to some of your actions. The fact that I am tired and sick at the moment... or tired and sick, is not an excuse. I was upset that you just left me after we got food, to go talk to a guy and I was standing..."

I wrote "title bent", I probably meant:

20 "Right behind you watching you touch his arm and ignore me and when I spoke up you introduced me... when I spoke up you introduced me which you could have done, but when I left you just kept on chatting to him, when clearly I was upset. I asked Martin to put on the Kendrick Lamar album in the car, and do not know it, granted that it was a shit song, but you could have just lent forward and whispered in my ear to change it, seeing that I had to drive to pick you... to pick up your friend. I was 30 minutes late and I know you do not like it when I drive fast, but then you should have asked Gina to

drive herself, so that we would not have to. When we left I was starving. I only [indistinct 10:00:07] had was a tiny wrap and everyone was leaving for lunch. I am sorry I wanted to go, but I was hungry and upset and although you knew it was not like you came to chat to me when I left the table. I was upset when I left you because I thought you were coming to me. I am sorry I asked you to stop tapping my neck yesterday. I know you were just trying to show me love. I had a mad headache and I should have just spoken to you softly. I am sorry for asking you not to put on an accent last night, pretty much the same and I did not have the energy.”

And the Whatsapp following that, Mr Pistorius? --- The Whatsapp following that was a Whatsapp from me and it was just three kisses, three x's.

And was there a response to you sending three 'kisses'? --- Reeva sent a reply. She sent five kisses back to me.

That was I see at 18:44. So it was about an hour later? --- That is correct, My Lady.

After the... your Whatsapp to her, is that right? --- It was about an hour [intervenes]

And then at the bottom [intervenes] --- It was about an hour and 40 minutes later.

Ja, and then at the bottom, the last Whatsapp? --- It was a message from myself to Reeva saying: "Baby".

What does that mean? --- It was the following day, so it was

probably just a message just to let her know I was thinking of her or... oh, i beg your pardon.

I see it was still on the same day. --- I beg your pardon.

It was still on the same day, just at 19:00. Right at the bottom. --- I beg your pardon, it was on the same day.

If you send 'baby', what is it that you say? --- I am not sure I sent this message.

I am sorry, I see, ja. I am told on the screen it is in fact a message sent by her to you. --- Okay [intervenes]

10 It is not reflected here. --- If it was a message, it does not show on my file, but it was a message from her to me, so it would have just been something to start a conversation or to let me know that she was thinking of me.

Was the unhappiness over? --- Yes, My Lady.

Then go to page 375, that is the next page.

COURT: You say 375?

MR ROUX: My Lady, I see it was left out. May I just hand it up? It must form part of it. It must just form part of the exhibit, My Lady, we will see that your file be placed in order there. In fact just to assist you, you will see the  
20 'kisses', the first new Whatsapp on that page at 27 January 2013, it says 16:44 which we know is 18:44, do you see that? --- I do, My Lady.

It is just to go from... it is a different page number, but it is just a printout and then it is 'baby'. Do you see that that was not sent? That was in fact from Reeva to you? --- That is correct, My Lady.

And it then followed on to the bottom of the page, where you said the

argument was over, the relationship was fine again, is that correct? --- That is correct, My Lady.

If you go then to page 301.

COURT: Where is this supposed to fit in?

MR ROUX: My Lady [intervenes]

COURT: Page 375?

MR ROUX: It must follow the page marked 224. You will see the last two messages, 224 is... oh, I am totally confused. I see there is nowhere that I see 'the argument is over'. If that is what is meant by the word 'ok' that I understand, but the way I understood it sitting here is, there is a Whatsapp saying 'the argument is over'. I do not see that.

MR NEL: No, My Lady, [intervenes]

MR ROUX: I was asking him there were 'kisses' sent and 'kisses' sent and 'baby' and I asked him was the argument over and he says, yes.

COURT: That is how I understood it.

MR ROUX: Yes. It must follow My Lady, just to respond to your question, the difference with the page numbers we received a subsequent bundle, with new page references at the bottom, that is why it would not be in sequence. But factually you would see the previous page, you will see there is a... the 'kisses' and then 'baby' and it is in fact on the next page as well. It just shows who sent what. It is a duplication. The first part is a duplication of the previous page.

COURT: I am not sure I understand that.

MR ROUX: If I may take you back My Lady, there is a [intervenes]

COURT: The [intervenes]

MR ROUX: Page 224.

COURT: Yes, I have got that.

MR ROUX: If you see the last two messages on 224, you will see the second last one is five crosses.

COURT: Yes?

MR ROUX: And then the next one 'baby'.

COURT: Yes.

MR ROUX: But it does not give who is it sent from and that 'baby', if you go to the page that I have handed up, would be the second new Whatsapp. It  
10 just the way the page was printed. It is exactly the same message.

COURT: I see.

MR ROUX: You will see the five crosses just on top of that.

COURT: I was just confused by the time. At the bottom it is 19:01, I think.

MR ROUX: No, you will see My Lady, [intervenes]

COURT: Of page 224.

MR ROUX: The five kisses on the next page is 16:44 and if you go back to the previous page, it is also 16:44.

COURT: I see. Yes.

MR ROUX: We just add every time the two hours.

20 COURT: I have got it. Thank you.

MR ROUX: What I am dealing with, Mr Pistorius, the state during the state's case referred to these extracts from the Whatsapp's to show the arguments and I think it was out of 1007, whatever number it was, and we are dealing with that. The last one is at page 301 of 343 and the time is 7 February, so about 10 days later... 11 days. It says, 22:09 which we know must be 24:09.



Do you have it? --- I do My Lady.

It starts with: "I like to believe". It is an Whatsapp from Reeva to you? --- It says:

10 "I like to believe to that I make you proud when I attend these kinds of functions with you. I present myself well and can converse with others whilst you are off busy chatting to fans and friends. I also knew people there tonight and whilst you were having one or two pics taken, I was saying goodbye to people in my industry and Fix wanted a photo with me. I was just being cordial by saying goodbye whilst you were busy. I completely understood your desperation to leave and thought I would be helping you by getting to the exit before you because I cannot rush in the heels I was wearing. I thought it would make a difference to us getting out without you being harassed anymore. I did not think you would criticise me for doing that, especially not so loudly so that others could hear. I might joke around and be all tomboyish at times, but I regard myself as a lady, but I did not feel like one tonight after the way you treated me when we left.

20 I am a person too and I appreciate that you invited me out tonight, and I realise that you get harassed but I am trying my best to make you happy and feel as though you sometimes never are, no matter the effort I put in. I cannot be attacked by outsiders for dating you and be attacked by you, the one person I deserve protection from."

What was that all about, Mr Pistorius? --- My Lady, it was another event that we attended. We were sitting in the front of a hall and there were thousands of people and I said to Reevea when we left, I asked her if we can just walk straight for the exit and not stop because as soon as I stop I have to take photos. I have got training in the morning, I need to get to bed. I still had to drop her off and go home, and as soon as we left the table, she stopped to talk to a friend of hers and being kind hearted like she was, she stopped and she did not just walk for the exit and we ended up leaving maybe 40/50 minutes later, and on the way to the car we started arguing. I  
10 would not say many people overheard us. A friend of mine was leaving at the same time with his girlfriend and they were the only people that did overhear us arguing with each other and we waited till we were in the car and I just said to her, you know it was important for me to leave early tonight. I have got an extremely hard training session the morning. That was the context of the text.

Now in cross examination in the state's case we dealt with your calls. Can you remember if you called her after that? --- That evening?

Ja. --- I did call her.

What was that all about? --- I do not like to text. If you see my  
20 phone history I do not often engage in an argument over a text with anyone. I do not believe that... sometimes things get put across incorrectly or emotions do not get portrayed in the right way, and I had spoken to her that night and apologised and we had sorted out the argument that we had, and I think Reevea liked writing things down more. She felt she is... at times also a fairly emotional person, so she would not want to always speak because I

think it would for her sometimes be easier. She had been in a difficult relationship in the past where it was not a conducive relationship to her and she told me that she often got her back up against the wall, fairly easily and so I did not want to reply in a text and I try and phone her or try and see her. So after this message I had spoken to her and the next morning everything was fine again.

Well, let us get to the next Whatsapp following the one that you have just read. Could you... that is now the next morning. 8 February at 08:27 which would be at 10:27. What does it say? It is to you from Reeva. --- It  
10 is Reeva texting me, good morning and she says:

“Morning Ozzie.”

and a smiley face.

Did you respond to that? --- I responded a couple of hours later and I said:

“Morning baba.”

And again a response to you:

“How is your day going?”

--- She sent me a text, seven seconds later, saying:

“How is your day going?”

20 Now we have dealt with the four Whatsapp's where there was an argument and unhappiness. I want you now to go to Exhibit DDD, the extracts of Whatsapp's between the two of you. The first page is page 149 of 524. I am just going to refer to some of them, there are so many... just to some of them just for you to read into the record. The second Whatsapp on this page, is a Whatsapp to you. Can you read that into the record? It is

9 January 2013, the printed time 12:27. I am reading the printed time, just to avoid some confusion. We know it is two hours later every time. --- It is a message from Reeva to myself and it says:

“You are a very special person. You deserve to be looked after.”

And the next one? --- Again it is a message to me from Reeva, it says:

“I have an actually built-in mommy-mo to look after those I care about.”

And the block there indicates a smiley face. So it would have been a smiley  
10 of some sort.

And how did you respond to that? --- I sent Reeva back a bunch of kisses.

Then the next page marked page 150 of 524. Can you read from the top to the bottom. --- The first is a message from Reeva to me and it says... it is in the afternoon, it says:

“Anyway I am going for a run.”

That is now 9 January? --- That is correct, My Lady.

That is about four o'clock? --- That is correct.

She said she was going for a run, and how did you respond to  
20 that? --- I said:

“Shit, do not go and run it is not safe or smart.”

Why is that? --- I do not think the area she stayed in was safe and she was not healthy at the time. I do not think it would have been a smart idea for her to go for a run by herself.

And then a response to that? --- I sent her a message saying that:

"I am at the track training."

And then I sent her a message saying:

"Where are you? Please let me know you are safe."

And then she sent me a message back saying:

"I am home boo. The run was okay."

Why did you want to know whether she was safe? --- Because I care about her. I obviously care about her, so why would I not.

Page 158 of 524. That is now a Whatsapp message from you to her, the printed time 20:14. Just to identify it. --- It says:

10 "I am just a little alone but I will be good. Kiss, kiss, sleep deep. Go sleep deep. Kiss, kiss, I will do angel."

Go to the next page, page 164. You received a... at 00:46 on 10 January 2013 a Whatsapp, that was a second one that you received. So it would have been about quarter to three in the morning. Could you read that? --- It says:

"This is going to be a good year."

The one following? --- That is another message from Reeva to me saying:

"I am here next to you."

20 But how is that? She said:

"I am here next to you."

--- She means she is by my side. Not physically but she is by my side. She is here next to me.

And your response? --- I said to her:

"It is just a lot of pressure. I know. Thanks baba."

What pressure were you referring to? --- Just... I think pressure in general. It was ... I was dealing with a lot of things. Both pressure I mean from the media side and both pressure from my training staff to get fit for the season. Pressure with my finances. I was purchasing a new home and it is a lot of external factors that I think contributed to that.

And then the next Whatsapp. --- The next Whatsapp is from me to Reeva and it says:

“Kiss, kiss. It means a lot.”

And following that? --- Following that, Reeva said:

10 “I will help you with the houses. New and old.”

What was that referring to? --- She will help me decorate and set up the new house. We were often looking at pictures of furniture that we wanted to buy together and then with the old house and preparing it be sold. I was... I did not have much time during the day to follow up with the building contractors. Often I would get in late at night and I did not have time to check on what had been done, or what had not been done.

The next page, page 165? --- I sent her a message saying:

“Thank you.”

And then she sent me a message back saying:

20 “I wish I could tuck you in and get you feeling better.”

Who was that message from? --- That was... the message from me is saying, “Thank you”, and then another message from me saying:

“I wish I could tuck you in and get you feeling better.”

And then a message from her following, what does that say? ---  
A message from her to me and it says:

“I am here to support you with training and everything. I will make you healthy food and everything. I completely get your diet and respect your needs to be a certain way body health wise.”

And then [intervenes] --- I think it is not always easy for someone who has not dated a sportsman to understand how strict our diets and our way of living is and I think maybe simple things like the argument that I had with her, when we were at the Fresco’s party, she really did get the way that I had to live my life to be healthy. So that was just in respect and she knew  
10 that it was also stressing me out. So she just said ja, she would support me with my training and everything.

And then the next message? The next two messages, if you can read that? --- It says:

“Thank you so much.”

That is from me to her and then there is a message from Reeva to me, saying:

“I think I am also just sick now, not because I am unhealthy but from emotional stress and I let go in Cape Town and so did my body.”

20 If we go to the next page, page 166. --- It is a message from Reeva to myself, it says:

“I will get better this week and I can be there for you more okay.”

And then I sent her a message and I said:

“I loved that you let go with me. I felt it and need that. Kiss. I am sorry you are sick. Do not stress angel.”

Now what did she stress about? --- Reeva was stressed about her finances, about... she had received a lot of hate mail on different platforms because of her dating me. I had started seeing her... I met her on 4 November and the last correspondence I had with Ms Taylor was on 27 October.

Which year? --- 2012. October 2012. Ms Taylor wrote me an e-mail in which she said some things. She confessed to sleeping with a guy she was seeing whilst I was at the Olympics and after that I never spoke to her again. So she kept on sending me messages every day, asking for me  
10 back and asking for us to fix our relationship, but I never replied to any of her e-mails or messages or phone calls and I met Reeva on 4 November and we went to the Sports Awards together and in the car just before we got out, she said to me: Do you know this is going to create, it is going to create a... people are going to talk about it, because three, four weeks ago you were in the Seychelles on TV with Sam. And I said to her, you know, that I knew it and I said to her, if she would rather not come I understand and she was... she said: No, not at all, you know we are friends, we have only met and let us have an enjoyable evening together. And it was from the next day the  
20 press phoned Ms Taylor and they asked her, and she went out... the headlines in all the papers were that I was cheating on her and that I was a player. The word they used was a *rokjagter* and I never replied to any of the journalists. I never gave my opinion. I knew what was right and what was wrong, but for Reeva it was very difficult and a lot of her friends she would speak to about the messages that people attacked her on, had compared her to Sam. At a time Reeva asked Mr Fresco to help her because she thought



that it was Ms Taylor that had been attacking her on Twitter, setting up fake accounts and attacking her and she spoke to me at times about it, and I had been fairly used to having criticism and my approach to her was just to ignore it. Not to read things, not to.... there is always a perspective that nobody knows and rather just to live, do not worry about it, just live. You obviously know what is right, it is fine. But she really struggled with that. I do not think she had dealt with that level of attention before, that came with dating me. So it was very difficult for her and that put a lot of stress on her. From the e-mails and the records we went through two, three weeks ago  
10 here in court, Reeva was also looking for a new home and when I said to her she could stay with me, it was a weight off her shoulder. We were looking to make a future together and there was still stress about our relationship. It was still new. So there was a lot of stress from her side. She was signing a new agency... management agency. She was in the process of signing that. On the evening of the 13<sup>th</sup>, I actually helped her with her contract, of February. So she had her own stress as well on top of what I had to deal with.

If you go to page 168. If you can just read the first four messages, Whatsapp messages. --- The first message is to me from Reeva, it says:

20 "Are you up and going boo."

She then sent me another message, 30 seconds later saying... 31 seconds later saying:

"Good luck with everything today, rock star."

with three kisses. I then sent her a message, when I had woken up saying:

"My angel."

with a kiss and she replied by saying:

“Boo.”

with a kiss.

What does that mean? --- What does ‘boo’ mean?

Yes. --- It is a sign of endearment used by young people sometimes. A nickname of sorts.

Can you move on to page 223 of 524. There is a message from Reeva to you on 16 January, 15:09, saying:

“Ozzi.”

10 and then you responded:

“Yes, baba.”

and then a next message, the printed time 15:13:24, if you would read that? --- Reeva said to me:

“Since Cape Town I hope that you have noticed a change in me and my feelings towards you.”

and the next message says that:

“I have let go.”

And the next one on the next page? --- It is another message to me and it says:

20 “I let you in a lot.”

Can we move on. At page 225 there is a second Whatsapp. It is a message from you saying:

“I know baba. That means a lot to me. I can see that you have. Thank you and I will open with you.”

And then there is a response by Reeva, if you can read it? Do you have

that? --- I beg your pardon My Lady?

It is page 225. --- Yes, I am there..

It starts with: "And dating you." --- It was a message to me from Reeva and she says:

"And dating you comes with sick people trying to fill my head with doubt and I am learning to trust what is real and safe."

And the last message from you to Reeva, if you can read that on 16 January. --- On the 16<sup>th</sup> it says:

10 "I know and I am not the easiest person to understand and I feel like you get me better than I sometimes know myself."

And the next page, page 226. From you to Reeva, the top one. You can read the first four. --- It says:

"You are making me so happy and I know we argue from time to time, but I think we are actually so similar."

Then there is a text from her to me, saying:

"Arguments with us are a struggle to find balance inside are new territory for us and trying to do so with dissimilar language."

And then she sent another message to say:

20 "It is okay to argue about the things we argue about. At least it is not fundamental values."

And then I sent her a message saying:

"Kiss, kiss. You are right my angel. Kiss, kiss."

Then to move on in time, page 255. It follows from the Whatsapp on 17 January where you sent her three kisses and then if you can read just

what is following. --- It is just a message to thank me for lunch and then I write back and I say:

“You are so special to me.”

Then she responds, and then I... she sends me a message to say:

“You are so special to me.”

And then I respond by saying:

“Thank you for being the most beautiful person to me. I am crazy about you and when I look at you I smile inside.”

And then [intervenes]

10           The next page, page 256. 17 January, 12:38. It is a message to you. --- It is a message from Reeva to myself and it says:

“You make me so happy too boo.”

And it followed? ---

“A lot happy.”

Then page 264 of 524. --- I sent Reeva a message in the afternoon to say:

“You look amazing my angel. I know you are not happy at the moment, but you had a stressful couple of months. By the end of February you are going to look insane.”

20           What was that all about? --- That was about a photo shoot that she had, where she was not happy with her appearance and she had been quite stressed about her diet and it was just me reassuring her that she looked lovely.

And then two down, there is a Whatsapp message to you, 17 January, can you read that? --- Reeva had a... it says:

“Can I wear my leopard dress boo?”

What was that all about? --- She had an event, it was the Sexiest Man Calender event that she wanted to attend and she had this little leopard dress that she really loved, so she was asking if she could wear it.

She followed on by saying:

“I wore it at two private functions only nothing media related.”

And then what did you say to her? --- I said:

“I hope you enjoy tonight my angel. I am thinking of you.”

With a smiley face.

10 And did you follow on, on that? The next Whatsapp? --- I said:

“Yes, I love that and you look amazing in it.”

And you followed that up and that is page 265. --- I sent her a smiley of some sort and then I said:

“I wish I was with you tonight. You make me so proud.”

With a kiss.

How did you feel that she was going without you to the function? --- There were often events that she would have to attend and I would have to attend in my line of work and I was happy that she was going. I was unhappy that I could not attend with her, but ...

20 And then it is still the same day, talking about what she planned to wear that evening. Page 266. It is black and white... but what is it, did she send you something there? --- She sent me a photo of herself with her hair made up and her make-up done and everything.

And what did she say? --- She said:

“Wish you were here too. I would be proud to be on your arm.”

Kiss, kiss, kiss.”

And how did you respond? --- I sent her some kisses back and then I sent her a message saying:

“You look amaze balls.”

Which is a slang word for ‘amazing’.

And how did she respond? --- She said:

“You are amaze balls.”

On the next page, page 267, in the middle you sent her a Whatsapp, 17 January at 22:33, saying:

10 “Missing you. Kiss.”

And you followed up? --- I followed up with a message to her, 30 seconds later saying:

“My angel are you safe?”

And then she sent me a text saying... with three smiley faces of some sort and she said:

“My signal!! Urrr.”

Now let us look subsequent to this evening, the relationship between you, page 269. It is the 18<sup>th</sup> of January 01:27 which would be 03:27. ---

She sent me a message saying:

20 “Morning angel. Just woke up to go the loo. I am sorry you are feeling down and on the night I have the worst signal and PR craziness. It turned out to be such an insane night socially for me. I sat chatting to Zureida, Pappi and Josh until the last minute. Josh said he worked with you on a Nike thing with you and sends regards. Everyone asked about you tonight

actually in all my interviews etcetera. I thought about you all night and wished you were there. I am sorry I was not available all night. It was a crazy busy evening. I did not even eat supper. Have a good day angel. Big hugs and kisses.”

And then: xxx? --- That is correct.

And then later on, you get a further Whatsapp:

“Morning boo. Kiss.”

And then you responded:

“Morning boo.”

10 And then, if you can read the next Whatsapp to her? That is the same day, 18 January, at 06:52, it would be 08:52. --- I wrote:

“Morning boo.”

And then the next message I wrote:

“I am glad you had fun last night. I missed you.”

And then she replied by saying:

“It was a good event. It dragged on a bit late and I did not eat supper and my feet fell asleep.”

Then the next page, page 275. There is a Whatsapp about liquor licences. What was that all about? --- I sent Reeva a message to say:

20 “Your mom still need a liquor licence? I am in a meeting with the ATF now.”

Reeva had spoken to me about her parents... we had spoke about her family and she said to me her mother was looking at opening a bar and that she was in the process of needing to apply for a liquor licence, and I was in Pretoria here in the city centre, and I drove past the ATF and so I sent her a

message to ask if she needed me to pick up any paper work or anything like that.

If you go on. --- It says [intervenes]

No, no, just to a next page. Page 289. In the middle, it is 19 January 2013, the printed time 17:05. --- It is a message I sent Reeva and it says:

“I do not want you driving alone at night.”

Why is that? --- In our family we do not... the girls especially are not allowed driving alone at night. They have all got... run flat tyres and  
10 smash and grab on their windows and most of them have automatic cars, so that they cannot stall if there is a smash and grab or an attempt hi-jacking and I did not want Reeva to drive alone at night. It is not safe. So...

Page 295, just to go through the days, that is now 20 January. The second new Whatsapp. --- It is a message from me to Reeva. It says:

“Thanks boo. I am missing you. Sleep deep baba.”

Is it page 295? --- That is correct, My Lady.

Ja. And how did she reply? --- She replied:

“I miss you.”

And let us go to the 21<sup>st</sup> of January, that is page 297. The second  
20 new Whatsapp. --- I just sent Reeva a message to say:

“Thinking of you my baba.”

Was that from you? --- That is correct, My Lady.

And how did she reply? --- She sent me a kiss and then she sent me a message saying:

“I am here.”



with another kiss.

Then let us go to page 316, just to get to the next day. That is the 22<sup>nd</sup> of January. You sent her kisses at about, the printed time 21:28. --- That is correct, My Lady.

And if you go to the next page in the middle, that is page 319, still dealing with 22<sup>nd</sup> of January 2013. --- That is correct.

She sent you an SMS saying:

“I like you.”

How did you respond? --- She sent me a message to say:

10 “I like you.”

And I responded eight seconds later and I said:

“I like you too.”

With a bunch of exclamation marks.

You can read on. --- And then there was just some banter between us. She was saying:

“No you.”

And the next page, 320. --- I sent her a message saying:

“So so much. No you back.”

20 And then she started laughing and then I sent her a message back indicating that I was laughing and then I sent her a message saying:

“I wish you were here tonight.”

And then she sent me a photo of herself which she had edited and at the top it said:

“I only have eyes for you.”

And then I said:

"Thank you my baba and me for you. I am falling asleep my angel."

And then the next message she says:

"Sleep deep."

If you go to page 324 to go to the next date, 23<sup>rd</sup> of January. The first new Whatsapp. --- It says, the Whatsapp says: [intervenes]

Printed time of 05:57. --- I beg your pardon. It is 05:57 printed time, it says:

"I cannot wait to see you later."

Is that from you? --- That is from me to Reeva, yes.

10 And what did she says? --- She replied and she said:

"Yay, me too."

And then I sent her back a bunch of smiley faces.

If we go to page 325 at the bottom. It was a message from Reeva to me and it said: (no audio 10:47:38 - 10:47:57]

"...and I will still look after you, okay."

And the next page, how did you respond? Page 326. --- I said:

"Ha, ha. Thank you my baba. Smiley face. You are amazing.

Kiss, kiss, kiss. That will not happen, but it means a lot to me."

20 With a smiley.

Page 328. If you can just read the first threeWhatsapps. --- There was a message from myself to Reeva saying:

"Kiss, kiss. We will do a weekend. Kiss, kiss."

And then she replied and said:

"Let us go away together some time."

And then I replied with some kisses.

The next page, page 524. You see there is a picture that was sent to you. --- I beg your pardon, My Lady. The next page?

It is 335. --- Okay, thank you.

If you go to the top. --- The top [intervenes]

Still 23 January. I am sorry, it is not from you. You can go down. The second last. --- Reeva had sent me a photo of herself. She just got her hair done and she had got some highlights and things put in and she sent me a photo and I replied and said:

10 "Baba, I am the luckiest guy ever."

And from her in response, the next page 336. --- She said:

"Ah baby."

And then she said:

"Thank you so much."

And then she said:

"You are the most amazing."

Then the next page, that is now 24 January, page 348. The first two. --- She sent me a message saying:

"Boo I miss you more than anything."

20 And I replied with seven or eight smiley faces and some kisses.

Let us go to the next day, that is page 356. --- Is that 359, My Lady?

356 of 524. 356. --- I beg your pardon. Thank you.

That is 25 January 2013. In the middle, you sent her a kiss, or 'mwah'. --- I sent her a message saying:

"Mwah."

And she replied with a message saying kisses and ...

Then at the bottom? --- Then I... she sent me a message saying:

"Thinking of you."

And then she sent me a little message saying:

"Said a little prayer for you."

With a smiley face of some sorts.

Go to page 366. It is still 25 January. --- It is a message... it starts off with a message from Reeva to me saying:

10 "I wish I was there."

And then there is a message from me to her saying:

"I wish so too."

With a sad face:

"On the sofa watching TV."

And then there is a message from me to her saying:

"What are you up to my angel?"

And then a message from me to her saying:

"I wish I was at home."

And then she replies and says:

20 "Yes, come home to me. I want to kiss you and feel your arms around my neck."

Then I said to her:

"I am soon my love."

Then I asked her what she was up to and then she replied and said:

"Me too noonie. I miss you."

Then she said:

“We had dinner.”

I replied and I said:

“Aw nice.”

With a smiley.

“Enjoy it baba. Let me know when you are done.”

Smiley face, kiss, kiss, kiss, kiss.

Let us go to page 370 to go to 26 January. 370. --- I sent Reeva a message just after midnight with some kisses and then I said:

10 “Missing my lady.”

And then she sent me a message back saying:

“Missing you.”

And then she said:

“Yea boo, one account I reported got suspended. Another three to go including the loser who told me to ‘f’ myself yesterday.”

Which was referring to the Twitter.

Yes. --- The Twitter accounts that she was receiving abuse over.

20 Then when we go to page 380 of 524. In the middle there is a kiss sent from you to her. --- That is correct, My Lady, and then there is a message from me to her saying:

“I am going to turn in. I wish you were here. Please send me a message to let me know that you are safe.”

And then she replied and said:

“Okay angel. Sweetest of dreams. I will message you when I get

home. Kiss, kiss, kiss.”

And then she sent me a message saying, on the following page, from page 381 saying:

“I am home baby cakes.”

That is now on the 28<sup>th</sup> of January? --- She sent me a text message on that [intervenes]

That is page 381? --- 381, but still on 27<sup>th</sup> of January My Lady, at the printed time of 21:46, so it is 23:46.

And it is followed by? --- It is followed by some kisses from me in  
10 the middle of the night. I probably woke up in the middle of the night and sent her kisses.

And it is followed again in the morning? --- In the morning there is a message from me to say:

“Good morning angel, I hope you slept well. I am off to gym.”

With a kiss. Whereby she replied:

“Good morning boo. I eventually did, thank you. Enjoy gym angel. Kiss, kiss, kiss.”

Page 382, it is now later in the day on 28<sup>th</sup> of January. In the middle at printed time 12:24. --- I sent Reeva a message saying:

20 “I miss my other half.”

Let us go to 29 January 2013. Page 384. In the middle. The printed time 11:25. --- It was back and forth kisses from both of us.

And it is “boobie” and “baba”. --- That is correct.

The next page, page 388. There was a message sent to you. Can you read it? At 18:55. --- It is a picture that Reeva sent me and she says:

"The truth is I miss you."

And did you respond to that? --- I said to her:

"I am missing you so so much."

If you go to page 398, that is now in the evening of 29<sup>th</sup> of January and read that. --- It just starts off saying... from Reeva to me saying:

"Nighty boo. Kiss, kiss."

And I replied and said:

"Sleep deeper."

And then she sent another message saying:

10 "Sleep deep."

And then she said:

"Lots of lovies."

With a smiley of some sorts and then I sent her back a message full of kisses and I sent her a message saying:

"Come cuddle me. I want kisses from my baba."

And that is now on the 30<sup>th</sup>, that you sent her that message and how did she respond? --- She sent me many, many, many kisses back.

Page 410 of 524. We are dealing now still with 30 January. The second message? --- It is a message from me to her, it says:

20 "Okay, my angel. Smiley face. As long as you are okay.

Would you like to come to me afterward?"

And then she replies and says:

"I would love that."

And then she [intervenes]

Can you remember anything about flowers that day? --- Reeva had

a... she had a shoot and the plan of the shoot, it was a film set. She was not happy on the film set and she walked out of it and she was upset and so I asked her if she wanted to come to my house and I sprinkled roses and some chocolates and a heart on my bed. (No audio 11:00:34 – 11:00:50)

She says in fact, if you can just read through the Whatsapp messages on page 410, it will come to:

“I am leaving the set.” --- Ja, she said:

“I am going to wrap and leave here go pack a bag and go straight through.”

10 And then I said to her, I said:

“Okay my angel. Kiss, kiss, kiss. Thinking of you.”

And then she sent me a text saying:

“Leaving set.”

About 45 minutes later.

Then go to page 411, the last Whatsapp. --- I sent her [intervenes]

That is 30 January. --- 30<sup>th</sup> of January I sent Reeva a message saying:

“I cannot wait to hold and kiss you.”

Can we go then to page 413 to go to 31 January, the 31<sup>st</sup> of  
20 January 2013. There is a picture. What was that about? --- It is a picture that Reeva sent me. It says, the caption says:

“He is the happiest be it the king or peasant who finds peace  
in his home.”

It is just a picture that she sent me probably suggesting about the new house, about just being happy, regardless of where you are, just if you have



your own place to call home.

And how did you respond to that? --- I sent her four kisses.

If you go to page 416 at the bottom, that is now the first, if you turn the page over to 417, you will see it is a Whatsapp to you on 1 February. --- Reeva sent me a message to say:

“Miss you special person.”

And on page 417, how did you respond to that? If you can just go down the page and read that. --- I responded and I said:

“I miss you too my baba. How was your workout?”

10 She then responded, replied to me and said:

“I do not treat you because I do not want to make, I do not want to make a spectacle of us and I would rather pick up the phone and call you.”

And then I sent her a message saying:

“I know that babba. I was just saying I miss it when we are not talking but Tweeting.”

And then she sent me a message:

“But it felt nice to let people know. I think you are cute and smart.”

And then I sent her a message saying:

20 “Ah ha, even if you were lying about the second part.”

The top of the next page, page 422. That is now 3 February. ---

Reeva wrote me a message saying:

“I wish I was with you.”

And I replied by saying:

“I wish so too.”

And then she sent me a message saying:

“Maybe we should have a date night tomorrow boo before Marty comes home.”

If you go then to page 424. Also to deal with 3 February at the bottom and it was crosses, kisses, kisses, kisses sent and ‘boobie’ and ja, and ‘I like you a lot’, ‘baby’ and then the page 425 still on the same date 3 February. On the top, the Whatsapp on top. --- There is a message from myself to Reeva to say:

“I like you a lot 2 freak.”

10 And then I sent her a smiley and then she sent me a message saying, just saying:

“Freak.”

Page 426. --- Just more messages going back and forth between us, saying we miss each other and kisses and then at the bottom a message asking, it is unclear as to who sent it, but it says:

“Are you sleeping baba.”

Let us go to the next day now, 4 February, that is page 436. Mr Pistorius, there are a number of messages in between, we just go to some of them, is that correct? --- That is correct, My Lady.

20 Yes. On 4 February 2013, in the middle, the printed time 12:51. ---

There is a message from Reeva to me to say:

“I can come to you when ever.”

And then there is a message from me to her saying:

“No baba, we want to chill with you. I miss you.”

And then [intervenes]

How did she respond to that? --- She responded by saying:

"I miss you too baba."

And then she sent me another message saying:

"I want to train today as well."

Then let us go to page 439 to go to 5 February. At the bottom. It is 5 February, printed time 12:58. --- It is a message from Reeva to me saying:

"Baby I love spending time with you and sleeping next to you.

10

I just do not ever want to cramp your style or not give you space if you need it. Promise me you will always let me know when you need some Oscar time."

And how did you respond on the next page, page 440? --- I said to her:

"I love having you sleep next to me too baba. You never cramp my style. I have some work I need to get through tonight and have an early start tomorrow. I promise baba and likewise. Kiss, kiss."

Let us go to the 6<sup>th</sup> of February, page 447. She sent you a message to say:

20

"Sorry, I fell asleep. I am so nauseous and [indistinct]."

Your response to that, at printed time 16:06? --- I wrote back to her and I said:

"I cannot wait to see you. Would you like me to pick you up."

And over the page, page 448. --- Reeva sent me a message to say:

"I really cannot wait to see you boo. I would love that angel."

Then we go to 11 February. That is page 468. Can you read that into the record and explain it. --- It is a message from Reeva to me saying:

"I know you have a lot of stress on your shoulders at the moment and I can see that you are coming down hard on yourself, where your weight etc is concerned."

And then she sent me another text saying:

"I just want to say thank you for supporting me any way, despite your own stressors. It means a lot to me."

10 And then she sent me another message to say:

"I just ask that you take time to breathe and give yourself room to value your blessings even though your woes seem far greater."

And then she sent me another message saying:

"I am always on your side and pro you and your career, but mostly pro us and the health of our relationship."

And the next page, page 469? Still the same day. --- She says, she then sends me a message to say that:

"We are important to me."

20 She then sends another message to say:

"Lots of hugs. Hope you have a super blessed day. I said a small prayer for both of us. Kiss, kiss."

And then I sent her a text back saying:

"Thank you so much for being strong my angel. That message means a lot to me. I am taking your advice. Kiss. I

just sent a host of e-mails and trying to take control of my admin. Miss you. Kiss.”

Then if you could move on to page 488. You can start at page 487, that is now the evening of 11 February. --- It is just messaging back and forth between us, calling each other ‘baba’ and ‘baboo’ and then Reeva sends me a message to say:

“I miss you.”

And then I send her one back to say:

“I miss you too.”

10 And then she sends me a message saying:

“Nu.”

And the next page, page 488? --- Then she sends me a message saying:

“I will miss you more.”

And then I send her a message saying:

“I miss you one more than you me always.”

And then she sends me a message saying:

“Impossible.”

20 If you go to page 495 of 524 to go to 12<sup>th</sup> February. --- Reeva sent me a message saying:

“See your woman told you you are looking good.”

And then she sent me another message about her weight and then I sent her a message back saying:

“I am missing her today. I love talking about her. She makes my heart happy.”

Then she sent me a message back saying:

“You make everything happy.”

And then she sends me another message saying:

“Will you be around if I come there this afternoon. I will go and do my errands in Pretoria.”

Let us go to page 496. The first message? --- The first message is from Reeva to me, she says:

10 “I know Warren wanted to have coffee today so we could catch up and I could get my post, etc from him. But I can see him another day.”

What was that all about? --- Warren was Reeva’s ex-boyfriend. They dated for a very long time. Reeva had a very good friendship with him. They still stayed in contact and chatted regularly and her post... a lot of her post went to his post box. They lived together so she was... wanted to go catch up with him on that day and collect her post.

And what did you say to her in response? --- I said:

“Yea, I will babba, have a dentist appointment at 12:30.

Maybe go and see him and come through when you are done.

Kiss, kiss.”

20 We then just spoke about the dentist and about the physio, I had a dentist and a physio appointment. I just said to her that the physio did not have any needles, so I will have to go back after the dentist.

My Lady, would this be an opportune time?

COURT: What is the time?

MR ROUX: It is quarter past, My Lady.

COURT: Yes, thank you. The court will adjourn.

COURT ADJOURNS [11:15] ~ ~ ~ [11:37] COURT RESUMES

OSCAR LEONARD CARL PISTORIUS: (s.u.o.)

COURT: Yes, Mr Roux.

CROSS-EXAMINATION BY MR ROUX: (Continues) Thank you, M'Lady.

Mr Pistorius, if you go...we are still dealing with EXHIBIT DDD. Would you please go to page 501 and we are now dealing with the events of 13<sup>th</sup> February 2013. Page 501 of 524. In the middle, it says 13<sup>th</sup> February, printed time 08:08. --- M'Lady, the...page 50...501 is not in the file.

10 COURT: I do not have it either. I do not think you had 501. There is 506, not 501. --- My file goes 496 to 506.

MR ROUX: There is a 501, then a 506, then a 507 and then a 521. --- I do not have 501, M'Lady.

Well, I will read it and see that the page is placed in the file. 13<sup>th</sup> February 2013 at printed time 08:08 there is a Whatsapp to you, from Reeva saying:

“Good luck with everything today, baba. Kiss kiss  
kiss. Let me know how things go.”

20 What was that about? --- Was that.. was that on 13<sup>th</sup> February, M'Lady?

13<sup>th</sup> February at 10:08. --- I had a meeting on the.. on the 13<sup>th</sup> February in Johannesburg. It was a financial advisor of mine. I was in Johannesburg fairly early in the morning to meet with him.

And your.. then she also sends you six seconds later a kiss and you responded by [intervene].

COURT: Mr Roux. [indistinct].

MR ROUX: M'Lady, may I just see, but I will make a copy. I am just reading from this now, but it should be on the screen. If I may ask them, then I will make a copy available. We will see that this page will be placed into your exhibit file. You will see on the screen now the previous message that I read.

COURT: Oh? Is this what you are talking about. Okay.

MR ROUX: And then it followed by the next one, it is a kiss. Can you see it on the screen there? --- Yes, I can M'Lady.

10 And then your response. Can you read that? --- I said:

“Thanks angel.”

Then page 506 which is in the exhibit file. The first new Whatsapp message. Can you read that? It is to you. --- First message to me says:

“Baba, hope you do not mind that I came back to the house to work a bit and to do some washing. It will help me a lot to get stuff done and relief some stress. I will go through to Johannesburg at like three. Kiss kiss kiss.”

20 It was Reeva sending me a message to tell me that she was staying at my house throughout the day and that she was just doing some washing. She had slept at my house the night before, so she.. I think maybe she had a meeting or gym that morning and then she sent me a text to say that she was...she said I came back to the house.

We go to the next page, page 507 of 524. The last Whatsapp



in... --- It is an outgoing message from Reeve to me. It says:

“It is a difficult thing to try and console you  
[indistinct]...”

I beg your pardon:

“...It is a difficult thing to try and console you on  
Baba, because it is a shitty thing and you are a nice  
guy. I guess these things happen and we can just  
hope they work out for the best. You are an  
amazing person with so many blessings and you  
are more than cared for. Your health and future  
monetary blessings far out this hurdle. I can  
promise you that.”

10

What was that all about? --- It was to do with the financial meeting I  
had that morning.

The next page 521, you responded to that. --- I sent.. I sent  
Reeva back a message to say:

“Thank you so so my angel. A kiss. You do not  
have to, my angel. Stay tonight if you like.”

Meaning she does not have to come back to Johannesburg. She can..

20 you do not have to, my angel. You do not have to come back, so she  
could stay if she liked.

If you go down the page. --- Going down the page I said:

“I am just finishing off at Ryan.”

Who was.. it was another meeting I had. And then she sent me a  
message to say:

“Thank you Baba, let me know if you would like to spend time with M or Carl. I am sure you maybe feel like some family tonight.”

Then she sent a message to another number.

No, then.. I am only referring to your messages. --- Okay.

The second last message. --- The second last message she sent to me, she said:

“Angel, I am going to go home at like six. Please stay and do whatever it is you were going to do.”

10 Mr Pistorius, may I also take you to EXHIBIT BBB. In the middle of the page, there is a Whatsapp on 23 January 2013, printed time 09:13. Could you read that? --- This is just a message from me to Reeva to say I am... that said:

“I am just at the physio, baba.”

It was just getting medical [intervene].

What was that all about? --- I had.. I have had issues with my shoulder, my right shoulder for.. for a while, and I was just receiving medical physio treatment for it. So I was first at the physio that morning.

20 And the next page, marked 477 in the middle again. Printed time 11 February 2013, 14:12. --- Reeva asked if I am at training and then I replied, and I said:

“I am not going, my shoulder is.. is stuffed.”

Is that a reference to the same shoulder? --- That is correct, M'Lady.

Mr Pistorius, now I am first going to deal with the counts 2, 3

and 4 before I revert to count 1. Count 2 is: That on or about 30 September 2012 in Kempton Park district, you unlawfully discharged a firearm through the sunroof That is the count in respect of which Mr Fresco and Ms Taylor gave evidence about. --- That is correct, M'Lady.

The evidence was that on 30 September 2012, you accompany Mr Fresco and Ms Taylor to the Vaal River. --- That [intervene].

Could you tell the court about that? --- The previous night M'Lady, I had to attend a wedding and on the morning of the 30<sup>th</sup> some  
10 friends, Mr Fresco and Sam Taylor and another friend of ours drove in  
convoy down to the Vaal River. We had lunch there. We spend some  
time out in the water and by the water's edge and then mid-afternoon  
we headed back to Johannesburg. We were travelling in Justin  
Divaris's car, work car of his. Mr Fresco was driving on the way back.  
We had to leave [intervene].

Where did you sit? --- I sat at the passenger side of the car in  
the front... front seats of the vehicle and Samantha Taylor sat behind  
Darren Fresco in the back and then we ... we left middle... in the middle  
of the afternoon, or late afternoon. I had.. I had to catch a flight later that  
20 afternoon to.. to Scotland. On the way... on the way.. on the way back  
to the house we were... on the way back to Mr Divaris's house, we were  
travelling to go drop his vehicle off. Mr Fresco and I had left our  
vehicles at Mr Divaris's house. We were about to climb onto the N1  
highway near the Vaal River and we became around a corner just  
before the onramp and a police officer standing in the road, and he

pulled Mr Divaris off.

Mr Fresco. --- Sorry, I beg your pardon. Sorry, Mr Fresco, that is correct. In Mr Divaris's car. The vehicle we were travelling in did not have a.. did not have a registration plate on the front of the vehicle. The police officer wrote a infringement for Mr Fresco. Darren Fresco took it from the police officer and he threw it into the passenger... to the foot well where I was sitting. He then climbed onto the highway and after the Grasmere plaza, just after the Grasmere plaza as you come into the South of Johannesburg, where Nasrec is, coming up to Soweto we got  
10 pulled over by a Metro police officer. They asked Mr Fresco to get out of the vehicle and to walk to the front of the car. He did so and within about a short period of time, a police car arrived from the front, that was driving along the skirts of the highway and a flying squad. I think it was a flying squad or a.. or a metro police officer. Traffic police officer arrived from behind. So there were.. there were a couple of policemen that were talking to Mr Fresco. I had my firearm, I always carried my firearm with me and I did not want to get out, I thought I need to get out to diffuse the situation or help to diffuse the situation because it was obviously... the speed Mr Fresco was travelling, the police were very  
20 agitated and I took my firearm of my person and I put it on the seat of the car and I close the door. I did not want to approach the police with the firearm on me and I went to them and I started talking with them. The one police officer commented that they had been following Mr Fresco since the Grasmere plaza where they were positioned on the side of the highway, which was several kilometres before where we got

pulled over. They started... There was discussion between the officers with the various policemen who had come to now see who this person was who was speeding in the manner in which he was and at that point the police officer called from behind me, where the car.. where the vehicle was. He was standing next to the car, with the door open and he shouted and he said: Whose firearm is in this vehicle? So I left Mr Fresco with the police officers that he was talking to, they were maybe five to 10 metres in front of the car, in the... of the apron of the highway and I went back to the vehicle and I said to the police officer, It is my  
10 firearm and I asked for it back. I said: Please can I have it back and I told him.. I said to him: You know, I left it in the car for safekeeping. I did not want to approach the police with a firearm on me. He was aggressive in his manner and he dropped the magazine out of the firearm, it fell onto the apron of the car door and then into the car and he.. the firearm that I had, the safety mechanism works, that you can cock the gun and you can drop the hammer with the safety latch and then you can put... it is a safety mechanism, then you can put the safety on again and he taken it off and he ejected the bullet that was in the.. in the chamber. He then dropped the firearm on the seats and he said to  
20 me: Do you have a licence? I said: I do have a licence to carry the firearm. He said: Why is it not.. why was it not on you? I said: It has been on my person, I just did not want to get out in this situation with the firearm on myself. He then lost his temper and he lits a cigarette and he walked away. I was trying to find the bullet that had fallen between the apron of the car and the... inside the vehicle. I could not

find it. At that point another police officer, one of the police officers [intervene].

COURT: Mr Pistorius, you would have to slow down a bit. You are rushing. --- I am sorry, M'Lady.

Yes. --- At that point one of the police officers that was speaking to Mr Fresco, came over to where I was now at the passenger side of the vehicle, on the left of the vehicle because this was now a bit of a scene. This policeman had stormed off and he lits a cigarette and the second policeman who was not involved was trying to help me find  
10 the.. the round. The bullet that have fallen into the car. He then called the policeman back, who had ejected the round and together the three of us started to try and get the bullet out. It was.. Mr Fresco I heard said he was going to get it out with his finger, but the gap was too small. The policeman had to use his radio to get the bullet out of the seats. At this point I was quite agitated. I took.. I told Darren you must sort out.. you know I was.. I thought they would arrest him for speeding. But they had given him a fine or a summons or something of a sorts. I got back in the car, I sat there and I waited for him. Several minutes later, he came back to the car and he sped off [intervene].

20 MR ROUX: Did you say anything about fingerprints on the bullet? --- No, M'Lady. I said... I asked.. well I said to the policeman to come back and help me find the bullet that he had ejected. Because the bullet have fallen into the car. It was lying around in the vehicle and we could not leave until I put the bullet back into the magazine. I was .. I was agitated and my manner... I was angry that he had handled my firearm.

After he had helped me get the round back, I think at that point he did not want to engage in a conversation anymore. He turned around and carried on smoking his cigarette and the police officer that was with us at the vehicle went back to Mr Fresco to finish his writing out his speeding fine or his infringement. I sat in the car and I just watched them talk. I do not know what happened between them. I got back in the car and several minutes later we left.

Where did you go from there? --- This was late afternoon already M'Lady, and we went...from what I can remember, I just  
10 remember arriving at Mr Divaris's house. I remember going for dinner nearby Mr Divaris's house. I think we were waiting for him to get back to Johannesburg. I am not sure at what time we went to go eat. If it was late afternoon or early evening and then I left to Scotland later that evening. I do not remember, I actually do not remember leaving for Scotland that night. My council told me that I had.. they checked the dates of where I was in the media and things last year and they asked me what dates I was in Scotland and I could not recall and it was actually that day that I had left because I started playing golf the next  
day. .

20 The evidence was albeit at different places and for different reasons that you discharged the firearm through the sunroof, the open sunroof of the car. --- That is correct, M'Lady.

What do you say about that? --- That never happened, M'Lady. Mr Fresco and Ms Taylor said that we went to do paperwork at a gunsmith or a shooting range or something and the only paperwork that

I can remember doing, was in October. I do not remember filing any paperwork in September. I do not remember going to a house on that day . I do not recall that.

Count 3. If I may read that to you. Count 3 is the Tashas incident where the charge against you is that you:

'Unlawfully discharged a firearm, a Glock without any good reason in Tashas restaurant.'

Would you tell the court what happened there? --- M'Lady, a friend of mine arrived from the UK, he came to train with me. That morning Mr  
10 Lerena sent me a text message or phone call to ask if I would help him with his diet. I agreed to meet with him at the Tashas Restaurant. We got there for lunch and Mr Divaris joined us later. He was the last person to arrive at our party at the table. Mr [intervene].

Who was there, can you just repeat? --- Mr Rooney sat to my right. There four of us. Mr Lerena sat opposite me, across the table and Mr Fresco sat adjacent to me.

You referred to Mr Divaris came late. --- I am terribly sorry.

Who was it to came late? --- Mr Fresco arrived late. Mr  
20 Divaris was never there. Sorry. We began chatting and talking over lunch and I was helping Mr Lerena with things with his diet and I had been looking at purchasing a similar model to the model firearm that Mr Fresco had. It was a lot smaller than the one that I had and at some point in the lunch, it was stupid of me and I asked... I asked if he will pass me.. if I can see his firearm. I wanted to see if it had a slider groove on the front of the.. of the firearm, for attachment for a flashlight.



I asked him to pass me his firearm and he did so, after he busy with it and I took it from him. I was sitting in the corner and I wanted to double check, or make sure that the firearm was safe, meaning that it did not have a round, it was not loaded and I... as I checked the chamber, a round came out of the breech and the next thing I knew, a round went off. The firearm discharged. I was overcome with fear that somebody may have got hurt. I looked around, the whole restaurant went dead quiet. I could not really believe what had happened. I was quite angry initially that Mr Fresco had handed me an unsafe firearm, one that had a  
10 magazine there, and one that had a round in the...in the chamber and I said to him: Now what if somebody got hurt, take your firearm back and I gave it to him under the table. I did not want to keep his firearm with me and I handed him his firearm back. At this point people had started talking again in the restaurant, I think people thought that it was an explosion in the kitchen of some sorts. I could not actually believe what had happened and Darren said... Darren then mentioned to the party that he will say that his firearm fell on the floor or that it got hooked on his pants. At that point I should have.. I do not really know what I was thinking. I should have.. I believed at that point as that we both had to  
20 bla.. were to blame, I made a mistake for asking for a firearm in a restaurant and he made a mistake of giving me a firearm which was loaded and carrying one up. I think at this point I saw relieved that people had not got hurt, but angry for him for being careless. He told me not to say anything. A couple of minutes passed and Mr Loupis came over to our table. He asked what had happened.

Just before that, did you say anything about the media? --- Not at that point. I said to.. I was.. I was... I could not.. I did not really speak much to be honest and then I sat there. I said to Darren, I said to him: Does he realise how stupid this was and I could not afford for it to get out. Meaning I could not afford for it to be...if it got out, people would be talking about it, will get misinterpreted in the worse way possible. It will look as it was, as a careless incident. I did not mean for it to happen and I said to him: Do you understand the severity of the.. of what has happened? He carried on saying to me that he would take the  
10 blame. He will say it got hooked on his pants, he say that it fell on the floor. He was coming up with excuses. Mr Loupis came to our table and asked if we knew what had happened. Darren told him the story about the firearm getting hooked on his pants. I immediately said to Mr Loupis, I am sorry it is my fault and I will pay for the damages. I did this on many occasions, til the time we left. I did not want to elaborate on it, I did not really want to talk about it, I just said to him it is my fault, I will pay for the damages. I am sorry about what happened. At that point I was just very relieved that no one got injured or worse. I asked for the bill and the bill came. I paid with my credit card. Upon paying I said to  
20 Mr Loupis would.. that I am sorry and that I pay.. before we got the bill, Ms Loupis came over with a friend of hers and she had obviously heard from her husband what had happened, because she came over and she was in a joking manner, joking with Darren. I think at this point she believed that it was Darren's fault that it had got hooked on his pants. So from Darren had told Mr Loupis that it got hooked on his pants, I

think that the story that he went and told his wife. She came over to the table. She said something to the effect of you know, you are crazy. Someone could have got hurt. But she was in a joking manner and she slapped him on the back of his head. I was watching this across the table and... somebody really could have got hurt. It was not a matter to really be joking about and I realised how foolish it was of me to have taken the firearm from him. We left the restaurant and Mr Rooney and I left in one car. I briefly spoke to Kevin Lerena, a piece of the tile had broken off and cut his leg and there was a small trickle of blood going  
10 down his leg. I asked him if he was okay and apologised for what had happened and then we left.

Count 4 is that you possessed .38 rounds of ammunition. --- I understand the charge, M'Lady. I have never owned a .38 calibre firearm. I have never purchased .38 calibre ammunition. That ammunition was my father's for a firearm that he had registered or has registered in his name and he simply had it at my house for safekeeping. It was not mine, it was not in my possession. My understanding of the law is, that if your ammunition is.. you are allowed to give your ammunition to somebody for safekeeping. It does not have  
20 to be in your safe.

Did you ever intent to use the ammunition? --- No, M'Lady. I did not have a firearm in my possession. I did not have a.. I had no way of.. the firearm I had in my possession that I licensed to my name cannot use that ammunition.

Mr Pistorius, I am taking you now to the events of the 13<sup>th</sup>

February. We know on the facts that you arrived home just after six o'clock. --- That is correct.

The Thursday. --- That is correct, M'Lady.

Would you tell the court about the events that day and also that evening? --- That day I had been.. I had woken up in my house in Pretoria. Reeve had slept over. I had to leave Pretoria early to skip the traffic. I could have been late for this meeting, there were many people involved. I got to Johannesburg, about..I guess about an hour before my meeting and I met up with a friend in Melrose Arch. We met for a  
10 short time. We had a cup of coffee and then I had to be at my meeting. I was there until about midday, about twelve o'clock. I did not have any plans for the afternoon but I was going to train because I had a shoulder injury. I thought that Reeve was going to come back to Johannesburg, the plan was that she was going to come back on the... on the 13<sup>th</sup> and I thought maybe after my meeting I would give her a call and see what.. if she was doing anything. When my meeting ended at twelve, I phoned the estate agents that was brokering] the purchase of my home. I met briefly with him, I am not sure for what reason, if it was to get house plans or photos or to sign papers. I can remember that from the  
20 message I sent Reeve, saying I was with Ryan. From there I went to see my friend Mr Divaris. I was chatting with him for a while. He was still at work. I was asking him what his plans were for the rest of the day and he suggested, or he said to me that he was meeting another mutual friend of ours for dinner and asked me, if I wanted to join him. At some point his girlfriend, Mr Divaris's girlfriend arrived. Ms Samantha

Greyvenstein. She is very close friend of Reeva's and she asked what I was up to for the rest of the day and we.. informed her about possibly having dinner. The boys having a dinner, she said she was in a mood to watch a movie in Johannesburg. She said that she would phone Reeva or text Reeva and ask her if she wanted to come through and we were just chatting informally at Mr Divaris's work. I phoned Reeva, and there were text that went back and forth between us. She said to me that she just going to finish her washing and then she would come. She was planning on coming back to Johannesburg. She asked me after my  
10 day, if I wanted to spend some time with my sister at home. I cannot remember the exact words in the messages, but I said to her that I do not mind...what her plans.. if she wants to stay, she can stay. I do mind if she wants to come back. We could do something there. When I spoke to her on the phone, she told me that .. I was aware that Sam had asked her if she wanted to watch a movie in Johannesburg. Sam told me that Reeva had said to her, that she did not want to come back. She was thinking of staying the night again at my house in Pretoria. And then I decided to... that I was too tired, that I did not want to stay in Johannesburg and go for dinner with Justin and his...and our mutual  
20 friend. That I would rather return home and in that process Reeva asked me if I would like to...if she like me to cook us dinner. She then, from the telephone correspondence she messaged a friend of hers to say that she was staying the night at my house and that she was not going to come back to Johannesburg and from other evidence she went... she left the estate and went to go get dinner. She went to go

get food for dinner and I arrived home shortly after six o'clock. I parked my car in the driveway and I just walked to the front door. When I got to front door, it was locked and the dogs were running around the house. I knocked on the door and Reeva [intervene].

COURT: You have to slow down. You are rushing too much. --- I beg you.. I am sorry, M'Lady.

Yes. --- I arrived home and Reeva was preparing dinner in the kitchen. I chatted to her for a short time. I went upstairs then I was.. I wanted to get out of the clothes I have been in for the day and I went  
10 upstairs and got changed and showered. I changed into my pyjamas and then I think around seven o'clock I went downstairs and [intervene].

MR ROUX: Before we get there, can we first deal with your iPad? Did you access to your iPad that day? That evening? --- I did, M'Lady.

When was that? --- I had access to it the entire day.

I am talking after arriving back at your house. --- From the time I arrived home, Reeva was preparing dinner. I was talking to her, and on the iPad I was surfing the net. I was looking at cars that I had wanted to get around to during the day. To have a look at and when I went upstairs as I...as I was drawing the bath, I was on my iPad. I lay on my  
20 bed and took off my suit. I then sat in the bath for a while, I cannot remember if I was on it then. And then as I got out of bed, for a short time thereafter I was on it. We went down to dinner, I stopped using it. We were sitting and chatting.

Alright. If you can just go back there. There is an EXHIBIT WW. M'Lady, I will come back to the specific exhibit, I do not want to waste

time and possibly during the lunch adjournment, we will try to locate it in the witness file. Mr Pistorius, I will come later to your surfing on the web and what you accessed and what you did not accessed, the exhibit is not available now. So let us move on from there. I will revert to that once we have located the exhibit. What time did you eat? --- I started dinner... we started dinner shortly after seven, M'Lady.

I will come back to that, but we know once we go to the website activity, we will see there was an open period from about ten past seven till eight o' clock. --- It sounds about right, M'Lady.

10           Was that the time that you were having dinner? --- That...that would be correct, M'Lady.

And after dinner? --- After dinner we sat and so the dinner... Well, so [indistinct] well we ate and we sat at the dining room table for a while and we chatted about my day and we chatted about Reeva's contract that she was in the process of signing with a new management company. She had it up on her computer, so.

Could you speak up a little bit? --- I beg you [intervene].

20           Just slow down a little bit Mr Pistorius. --- We sat at the dining room table after dinner and Reeva had her work that she was busy with during the day on the table. She asked me to go through one of her contracts. The contract that she had been working on during the day, which she was in the process of finalising and about to sign. I went through the contract and I made some changes for her on things that I did not think were applicable or things which could be binding for her in a negative way. And then usually after dinner we would have watched

TV downstairs, but I think we both had a taxing day, so we decided to go upstairs. I helped her with the plates. Whilst we were taking the plates off the..from the table, Reeve asked me if I would like anything to drink. Anything warm to drink, I cannot remember if I asked her for coffee or tea or what it was, but I said yes and I went back upstairs and she joined me a short time afterwards. A couple of minutes later.

You can go on. --- Must have been around, just before eight or eight o' clock, I came into my room and I.. I put the.. open the balcony doors. It was a very humid evening. They had been working on my  
10 house for some time and the air-conditioning was one of the things that they needed to fix. There was some fault with it. So at the time the air-conditioning was not working. I had [intervene].

COURT: Can I just stop you please? You mentioned your room. I am not sure what you meant with that. --- My bedroom, M'Lady.

Bedroom. --- Yes, M'Lady.

MR ROUX: Your bedroom is on the first floor of the house? --- Correct, M'Lady. My bedroom is on the first floor.

You said that the air-con was not working and that it was a humid evening. What then? Then you spoke about opening the doors.  
20 --- I open the doors of the balcony. From my main room there is a small balcony. I opened the sliding doors onto the balcony. I placed.. there is two fans. There is a steel tripod stand fan and there is a small plastic fan. A floor fan. I placed the tripod fan a bit further back with one of the legs on the balcony and the other two legs inside the sliding door. I placed the small fan pretty much between the legs of the larger



fan, the tripod standing fan. I then closed the doors til they more or less in line with the fans because at night, there is a light on the balcony that attracts insects and they come into my room. So I was trying to get most of the humid warm air out of the room, by having the fans there, they pulled the cool air from outside into the room. I drew the blinds and the curtains so that no bugs could come in from the outside and I had them more or less draped around the side of the standing fan.

Could you just explain the blinds and the curtain? --- The blinds are behind the curtains. They hang from the same rail in a light  
10 type of chevron material and the curtains are, I am not sure what material, but they are very heavy. They have got a blackout lining on the outside, the side of the curtains so they do not allow for any light to come in.

If you are inside your bedroom, and you close the blinds and the curtains, you switch off the lights. --- My room, when I.. when I put curtains up in my home when I moved in, in 2008 I got all the curtains and blinds done. But in my room I got blackouts done on my curtains because of the hours that I travel, I am sometimes home for a day and a half or half a day, and the hours I sleep are not always usual, so I  
20 sometimes sleep during the day. So I got the curtains with this material, this fabric. If the curtains are drawn, you cannot see anything in the room. During the day you can barely see, if they are drawn, what you can see is along the walls, you can see the...not along the walls, I beg your pardon... along the top of the rail, you can see a bit of light coming in. But it is... it is virtually pitch black, even in the day if the curtains are

drawn.

You have put the fans outside, the tripod and the smaller fan. ---  
That is correct, M'Lady. I then drew the curtains which were around the fans. I do not think.. I do not think at that time I probably just left the blinds where they were, but I drew the curtain to hang over the.. over the fans so that not.. no insects could come in. You could see a bit of light through where the top fan was, but very little in the room. At that point the bedside lamp, bedside table lamp was.. light was on. Or one of the lights in the room was on, I do not recall if it was the bedside  
10 lamp, but one of the lights in the room was on. At that point Reeva came into the room and I took my drink and I put it down on the bedside table. I walked behind Reeva where she came in the room and I closed the bedroom door and I lock the bedroom door, as I do every night and I put the cricket bat between the sunglasses cabinets and the door. If you lay the bat down in that gap, the bat is about... is about two centimetre short of being at the door. And the reason I put it there, was because the lock mechanism on the door was not very strong. The doors were made, in house of a .. of a wood that was very hard but very brittle and I had problems with some of the latches and locks before. So  
20 it was a concern of mine that just locking the door, with the heat the gaps between the doors increased and the lock barely caught the door. So I put the cricket bat down on the floor inside the bedroom, so that if you.. is something happen that a person will not be able to come into the bedroom. That the door would be blocked by the cricket bat. That is something I did every night when I stayed at home. .

Does the house have an alarm system? --- The house does have an alarm system, M'Lady. When I moved in I spend quite a bit of money putting up an alarm system. I put inside and outside beams on. The alarm system does not have any door monitors, but the outside sensors are battery operated. They are not, they do not work with wiring. So when they had painted the house in 2010, they had taken all the eyes off the outside walls and they painted the home and they were in the process of repainting now, so there were troubles with the alarm. If you take one of the outside sensors of the wall, before you activate it,  
10 it does not have a memory to remember what... what was in its scope the previous time it was activated. But I did have an alarm, I put it on every night. It activated with a remote which was on my house keys. So after I put the cricket bat at the door, I just push a button and the alarm would make a noise to indicate that it was activated.

So, you are both now in the room, having your coffee or your tea. And then? --- I came back into the room and I sat on, if you are facing the bed on the bottom right hand side of the bed, I took my prosthetic legs off. I took them off so that they could get some air. I had been dressed the entire day in a suit and I was... my legs needed to air,  
20 so I put them as close to the door as I could, next to the bed. I climbed onto the bed and Reeva jumped onto the bed, or got onto the bed as well and we sat chatting. The TV was on. I was texting my cousin in Port Elizabeth. Reeva was on her phone busy on... I think it was on social network or an application. She was showing me pictures every now and again on .. a photo application which .. of cars and of interior

decorating things that she liked. At a point I was texting my cousin back and forth and I thought maybe I should just phone him and I called him.

What is his name? --- My cousin's name is Graham Binge, M'Lady. He is my mother's sister's son and we grew up together and he was coming up for a business engagement, while we were chatting we got onto the topic of.. of cars, which was a mutual interest of ours and that was a conversation I had with him, regarding his Golf GTI which I said to him, was not a safe vehicle for him to come up to Gauteng with. Whilst him and I were on the phone, I was lying down in the bed earlier  
10 in the evening. But whilst I texted him, I lie down at the foot of the bed whilst Reeva was... whilst I was on the phone, Reeva got out of bed and she started doing stretches and yoga on the floor. Like yoga exercises on the floor, at the foot of the bed. I had the phone on speaker phone and I was chatting to my cousin. Every now and again Reeva would sit up, or you know stretch and she would give me a kiss and we chatted for, I think roughly a half an hour. As I was saying good night, or the conversation was coming to an end, Reeva got up and she walked to the bathroom. When I finished the phone call she called me to come brush my teeth. So I walked to the.. I walked to the bathroom  
20 without my prosthetic legs on and I brushed my teeth. Whilst I was busy brushing my teeth she went back to the bedroom. When I came back to the room, she was lying in the middle of the bed and I walked to the closest side of the bed and if you look at the bed, on the left, earlier on in the evening when I got home I had.. when I got upstairs I had taken my firearm and I placed it next to the... under the bed next to the

pedestal. So that kind of.. the bed has got .. the bed base is a... is a furniture base and it has got four legs and the bedside table touches the floor along its entirety on its base, so I put it around the corner under the bed. So when I came back to bed I climbed onto the left hand side of the bed. It was not usual for me to sleep on the left, because... because of my shoulder injury I could not lie on my right shoulder, so for a couple of weeks I have been sleeping on and off on the left hand side of the bed. It was not long after that I started falling asleep and getting tired. It was still extremely warm inside the room and Reeva was still sitting up in bed. She was lying with her back against the headboard and I was lying with my head on her stomach, watching something on TV. I do not remember what it was and she would show me photos every now and again and [indistinct] and she would say 'baba, what do you think of this' or 'do you like this car' and she showed me a picture of a car she really liked and we had a short conversation about it and I was getting increasingly tired. I said to her, do you want me to close the doors or would you close them when you come.. when you fall asleep. Will you bring in the fans and close the curtains, and lock the door when you fall asleep and she said... you know, she said to me that she would.

10

20 Then I fell asleep.

If we can first stop there Mr Pistorius. It was not Valentine's day, the Thursday. It was the next day Valentine's day. --- That is correct, M'Lady.

Was there any Valentines gift for you for the next day? --- I have bought Reeva a bracelet from a designer that she liked earlier in

the year. And I had not made plans for the 14<sup>th</sup>.

Would you speak a bit. --- I beg your pardon. I had not made any plans on the 14<sup>th</sup>. I had a dentist appointment on the 14<sup>th</sup> in the morning. Reeva was not going to stay at my house, so our plans were that I meet her in Johannesburg at this jewellery store that I got her the bracelet from and the bracelet had a couple of trinkets or charms on it, there were two bracelets I bought her and so, I said to her we both kind of made a thing about not making a big thing out of Valentine's day. We were just going to have dinner. I think for us that was a nice evening.

10 Just being alone and being at home, making dinner.

Did she buy you something? Did Reeva buy you something? ---  
[no audible reply]

For Valentine's day. --- I got home on the evening, early evening on the 13<sup>th</sup> and there was a wrapped present on the kitchen counter with a card that said: 'Ozzie' and when I walked in the kitchen, I made as if I was going to open it. It had red and white and pink wrapping paper and Reeva told me: You are only allowed to open it the next day. So I did not open it and on the 8<sup>th</sup> August last year, on Reeva's birthday I opened her Valentines gift to me and it was a photo  
20 frame that she got made that has four photos of her and I and the card that she wrote.

Mr Pistorius, returning now to you in bed now. You are falling asleep. You are now without your prosthetics. Your prosthetic legs, your prostheses. --- That is correct, M'Lady.

Did you wear any clothes? --- I had a pair men's training shorts

on. Basketball shorts on and I had a grey vest. When I took of my prosthetic legs to climb into bed, I had taken my vest off and place them on my prosthetic legs. So I was just wearing a pair of shorts.

M'Lady, I would ask for a very short adjournment. It is just for a process to take place. To show to the court what the position is without his prosthetic legs.

COURT: Yes. How short?

MR ROUX: Five minutes, M'Lady. It is just to get proper clothing on.

COURT: Five minutes.

10 MR ROUX: Five minutes.

COURT: Court will adjourn.

COURT ADJOURNS [12:36] ~ ~ ~ [12:43] COURT RESUMES

MR ROUX: M'Lady, my apologies for the more informal dress code, it is not because of disrespect but it is to demonstrate what is coming.

COURT: Yes thank you. Please proceed.

MR ROUX: Mr Pistorius, if I may ask you, but do not give evidence from the door because of the recordings, but if you would mind to go to the door and stand next to the door to get some idea about your length with your prostheses on. Would you now take your prostheses off and  
20 stand next to the door. M'Lady, we have for court purposes, in Doctor Nolte's report, the exact lengths and so on. It was measured.

COURT: Yes.

MR ROUX: This will be relevant for the second part of his evidence as well. Also for the second part of his evidence carry on, but after the adjournment ask that he may remain in the present clothing because of

the demonstrations.

COURT: Yes.

MR ROUX: Mr Pistorius, we stopped at the point where you said that you fell asleep. Can you take it then from there? What time was it more or less when you fell asleep? --- It was about.. it was about nine... just after nine pm, M'Lady.

COURT: Beg your pardon? --- Between nine and ten pm.

Can I just ask you to raise your voice a bit. --- It was between nine and ten pm M'Lady.

10 Yes.

MR ROUX: Can you go from there. Did you wake up again? Later on. --- I woke up, M'Lady in the early hours of the 14<sup>th</sup> February. It was extremely warm in my room. I sat up in bed. I noticed that the fans were still running and that the door was still open. Although the lights had been switched off, Reeva was still awake or she was obviously not sleeping, she rolled over to me and she said: Can you not sleep my baba? And I said: No, I cannot and I got out on my side of the bed. I walked around the bed, the foot of the bed. I was holding onto the foot of the bed with my left hand. I got to the fans, where the fans were. I  
20 took the small fan, the floor fan, I placed it pretty much just inside the room and I took the bigger tripod fan and I took it by the part just underneath the fan and I placed it in the bedroom. The fans were still running. they were still running at the time and I then proceeded to close the sliding doors and lock them. I then drew the curtains.

And the blinds? --- I do not remember. I just remember



closing... I just grabbed and closed. It was fairly dark at the time and I probably closed both of them, but I remember closing... closing the curtains. I came into the room, at this point the only bit of light that was in the room was a little LED light on the amplifier where the TV cabinet was. It was a little blue LED light and I could see a pair of jeans that were on the floor, of Reeve's jeans. I picked the jeans up and was going to cover, just place them over the amplifier, over the light. It was at this point that I heard a window open in the bathroom. It sounded like the window sliding open and then I could hear the window hit the frame  
10 as if it had slipped to a point where it cannot slide anymore.

Is it a wooden frame window? --- It is wood, all the frames in my house and doors are wooden frames, M'Lady.

That is the window referred to in the evidence of the photographer? --- That is correct, M'Lady.

What did you think at the time Mr Pistorius? --- M'Lady, that is the moment that everything changed. I thought that there was a burglar gaining entry into my home. I was... I was on the side of the room where you first have to cross the passage which leads to the...which leads to the bathroom. I think initially I just froze. I did not really know  
20 what to do. I had heard this noise, I interpreted it as being somebody who was climbing into the bathroom. There is no door between the bathroom and my room. It is all one. There is a passageway but there is no door. There is a toilet door, but there is no barrier between me and the bathroom. It is one... one room. I immediately thought that somebody, if they were at the window to where the passage, entrance

of the passage was, could be four, three four metres, they could be there at any moment and the first... the first thing that ran through my mind was that I needed to arm myself, that I needed to protect Reeva and I and that I needed to get my gun. I then... I was looking down the passage. I was scared that the person was going to come out, or people were going to come out at that point. I rushed as quick as I could. I could not see anything in the room, so I ran with my hand out in front of me, at times touching the floor and then when I got to my bed I made my way along the side of my bed. I grabbed my firearm from  
10 underneath the bed and it had a canvas holster on it. I immediately took it out the holster. At that point I wanted just to put myself between... get back to where the passage was, so that I could put myself between the person that had gained access to my house and Reeva. When I got just before the passage wall, I remember slowing down because I was scared that at that point, this person, during the time that I had got from... that I had left the... to where I got my firearm, could have possibly already been in the passage, in the closet passage. So I slowed down and I had my firearm extended in front of me  
...[intervened]

20 If I may ...[intervened] --- Just as I... just as I left my bed, I whispered for Reeva to get down and phone the police. I... as I entered where the passa... passage is, where the closet is to the... where I entered the passage where the closet is to the bathroom, it was at that point that I was just overcome with fear and I started screaming and shouting for the burglar or the intruders to get out of my house. I

shouted for Reeve to get down on the floor. I shouted for her to phone the police. I screamed at the people, the persons to get out. I was... I slowly made my way down the passage, constantly aware that this threat, these people or persons could come at me at any time. I did not have my legs on and just before I got to the wall of the... like where the tiles start in the bathroom, I stopped shouting, because I was worried that if I shout, the person would know exactly where I was. If I put my head around the corner, then I could get shot. Just before I got to the... just before I got to the passage of the bathroom, I heard a door slam  
10 which could only been the toilet door. I could not see into the bathroom at this point, but I could hear the door slam and for me it confirmed that there was a person or people inside the toilet or inside the bathroom at that time.

Mr Pistorius, if I may stop here. I just want to... You spoke about the passage. Photo 173. Mr Pistorius, can you look at photo 173? Is that the passage that you referred to? --- Yes it is, M'Lady.

And if I may ask you to look at photo 111, to identify the bathroom window. 111. Mr Pistorius, is that the bathroom window that you referred to ? --- That is correct, M'Lady.

20 M'Lady, I see it is one minute to one o'clock. Would this be an opportune time.

COURT: We will take the lunch adjournment. The court will adjourn.

COURT ADJOURNS [13:00] ~ ~ ~ [14:02] COURT RESUMES

OSCAR LEONARD CARL PISTORIUS: (s.u.o.)

COURT: Yes, Mr Roux?

EXAMINATION BY MR ROUX (Continued): Thank you, M'Lady. Mr Pistorius, during the adjournment you asked whether you could rather put your suit back on? --- That is correct, M'Lady.

Now you were explaining to the court that you were going down the passage, if you can proceed from there? --- I got to the entrance of the bathroom, at the end of the passage, where I stopped screaming. At this point I was certain that the intruder or intruders were there in my, in my ...[intervenes]

COURT: I will ask you again to raise up your voice, please. --- I am  
10 sorry, M'Lady. At that point that I was entering the bathroom, I was not shouting or screaming, I was... at that point I thought that the intruder or intruders were going to come out or were around the corner or were in the bathroom at that time.

MR ROUX: Can you have a look at photo 83? Is that the entrance to the bathroom that you referred to, Mr Pistorius? --- That is correct, M'Lady. I approached this point of the entrance to the bathroom. I was walking with my left hand against the cabinet, against the closet, as far away from the entrance of the bathroom as I possibly could be. When I got the point at the bottom right hand side of the photo, I peered, I had  
20 my right, my pistol in my right hand and I peered into the bathroom. I then made my way pretty much to where the carpet and the tile meet on the left hand side, where the arrow is. The surface changed and where I can walk more comfortably on the carpet, I was not able to walk as... have as much mobility on the tile surfaces. I kept my left hand behind me and my shoulder against the wall and I had my pistol raised to my

eye, to the corner of the entrance of the bathroom, over this point here.

If you could just show the court perhaps, maybe if I can just ask the assistance... can you demonstrate again, Mr Pistorius and keep your finger there? If they can maybe just bring an arrow there or a little ring? Have you seen where they were indicating? Is that the correct place? --- That is correct, M'Lady. There was no light in the bathroom. I could see, as I slowly peered into the bathroom, I could see that the window was opened indeed. I was pretty much on my... back against the wall with my hand up against the wall to just balance. I was leaning  
10 with my back, slowly scuffling along the left hand side wall. I was not sure if there were people, or intruders were in the toilet or if they were on a ladder that they would have used to gain access to the first floor, or if they were around the corner at that point. I still had my firearm pointed in front of me and I peered around the corner to look where the shower was, which was around in the bathroom, in line with... in line with the toilet.

Can I show you photo 180? Is that the shower that you referred to? --- The top right hand side of the... of the photo, is the shower. I peered around this corner, which is in the bottom right hand side of the  
20 frame. At that point I saw that there was no one in the bathroom. The door was closed of the toilet and the window was open. Once I saw that there was not anybody around the corner wanting to attack me, I retreated a little bit, maybe a step or two back, still with my hand against the wall. I still had my back and my shoulder to help me balance. At this point I started screaming again for Reevea to phone the police.

I was not sure where to point the firearm. I had it pointed at the toilet but my eyes were going between the window and the toilet. I stood there for some time, I am not sure how long. I was not sure if someone was going to come out of the toilet to attack me. I was not sure if someone was going to come up the ladder and point a firearm in the house and start shooting, so I just stayed where I was and kept on screaming ...[crying]... and then I heard a noise from inside the toilet what I perceived to be somebody coming out of the toilet. Before I knew it, I had fired four shots at the door. ...[crying]... My ears were ringing. I could not hear anything, so I shouted, I kept on shouting for Reeva to phone the police. I was still scared to retreat because I was not sure if there was somebody on the ladder. I was not sure if there was somebody in the toilet. ..[Pause]... I do not know. I do not know how long a stood there for. I shouted for Reeva. At some point I decided to walk back to the room because I could not hear anything, my ears were ringing, I could not hear if there was a response or not. I did not have a phone on me. I walked... I walked with my hand out on the left hand cupboards with my pistol still raised. I kept on shouting for Reeva. I did not hear anything. At this point it had not occurred to me yet that it could be Reeva in the bathroom. I still thought that there would be intruders that were possibly in the toilet or on the ladder outside the house. I retreated back to a point where I got to the corner of the bed, with my hand out on the bed and I tried to lift myself up. I was talking to Reeva. There was nobody, no one responded to me. At that point I lifted myself up onto the bed and I placed my hand back to the right

hand side of the bed and I looked, I felt if Reeva was there and I could not feel anything and at that point the first thing I thought was maybe that she had got down onto the floor like I told her to, maybe she was just scared.

So I said... I cannot remember what I said, I was trying to talk out to her and I kept my firearm the whole time I moved along the bed backwards, I kept my firearm at the passage, there was not much light coming out but I did not want to even keep my... take my eyes off the... off the... where the closet was. I then... I think it was at that point, 10 M'Lady, that the... that it first dawned upon me that it could be Reeva that was in the... in the bathroom or in the toilet. I jumped out off the other side of the bed and I ran my hand along the curtains to see that she was not hiding behind the curtain. I could not see much in the room but I could see where the passage was and I... I... I felt around and made my way back up the passage, I still had my firearm in front of me. At this point I was mixed with emotions. I did not know if... I did not want to believe that it could be Reeva inside the toilet. I was still scared that maybe somebody was coming in to attack me, or us. I made my way back to... inside the, inside the bathroom and I walked up to the, up 20 to the bathroom door. I tried to grab the handle and rip open the door, I pushed the door open and it was locked. I then took... for the first time I turned around, with my back facing the bathroom I ran back to the room. I opened the curtains. I shouted from the balcony. I opened the doors and I shouted from the balcony for help. I screamed: 'Help! Help! Help!' I screamed for somebody to help me and then ...[Pause]... I... I

put my prosthetic... I put my prosthetic legs on. I ran as fast as I could back to the bathroom. I ran into the door. It did not move at all. I leant back and I tried to kick the door and nothing happened. I was... I was... just panicked at this point, I did not really know what to make or what to do. I ran back to the bedroom where the cricket bat was between the cabinet and the door.

Were you screaming at that stage? --- I was screaming and shouting the whole time and crying out. I was... I do not think I can... I do not think I have ever screamed like that or cried like that or screamed  
10 or... I was crying out for the Lord to help me. I was crying out for Reeva. I was screaming. ...[Pause]... I... I did not know what to do. I ran back to... I ran straight back to the bathroom door and I placed my fire... I do not remember but I must have placed my firearm on the carpet in the bathroom.

Do you know if the light was on or off at that stage in the bathroom? --- The light was on at that stage, M'Lady. I do not remember switching it on. I remember it being on when I kicked the door. I ran straight up to the door and I started hitting *[no audio 14:16:49]* times. The first time *[no audio 14:16:56]* I remember hitting, I hit the  
20 frame of the door *[no audio 14:17:04]* my hands *[no audio 14:17:05]* there was a small piece open and at that point all I wanted to do was just look inside to see if it was Reeva. I then... I then hit the door. I think I hit the door three times and there was a big plank, I grabbed it with my hands and I threw it out into the bathroom. I leant over the middle partition. I tried to open the door from the inside but there was no key in



the door and I leant over the middle partition of the door and I saw the key was on the floor. At that point all I wanted to do was just climb into the toilet over the middle part of the door. Whilst I leant over the partition to get in, I saw the key, so I took it and I unlocked the door and I flung the door open and I threw it open and I sat over Reeva and I cried and I do not know, I do not know how long... I do not know how long I was there for [accused crying]. She was not breathing !

COURT: We need to have an adjournment. The court will adjourn. ---

*[Accused heard to be crying aloud / sobbing profusely from 14:18:49 to end of*

10 *audio 14:20:00]*

COURT ADJOURNS [14:20]

[14:30] COURT RESUMES

COURT: Yes, Mr Roux.

MR ROUX: M'Lady, I saw the accused outside. His shirt is soaking wet. His emotional state is so that I cannot responsibly ask the court to... to carry on today.

COURT: So what do you want?

MR ROUX: If we may, if we may stand down until tomorrow morning.

COURT: Yes, Mr Nel?

20 MR NEL As the court pleases. We will be ready tomorrow morning, M'Lady.

COURT: Thank you. We will stand this matter down until tomorrow at 09:30 in the morning. Court will adjourn.

MATTER POSTPONED TO 9 APRIL 2014

COURT ADJOURNS

[14:32]

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