

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: CC113-2013

DATE: 2014-04-10

In the matter between

THE STATE

and

OSCAR LEONARD CARL PISTORIUS

Accused

BEFORE: THE HONOURABLE MS JUSTICE MASIPA

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 19

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PROCEEDINGS RESUME ON 2014-04-10

[09:34]

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

COURT: Mr Nel.

CROSS-EXAMINATION BY MR NEL (Continued): As the court pleases, M'Lady. Mr Pistorius, if we deal with the scene of the evening of 13 to 14 February, you were only two people in the house. Am I correct? --- That is correct, M'Lady.

The one person was killed by you. So, you are the only remaining person that can tell us what happened in that house. --- That is correct, M'Lady.

And if we... in an attempt to evaluate your relationship, we relied on what you say, because the other person in this relationship was killed by you. Am I right? --- That is correct, M'Lady.

But we at least have Whatsapp that you wrote. --- That is correct, M'Lady.

Now, I have had a look at your relationship in a bit more detail in January/February. How would you explain your... describe your relationship in January/February of 2013? --- I describe my relationship with Reeva as...*[Indistinct audio 09:36:06 – 09:36:28]*...between our relationship was in the beginning of January and couple of weeks later towards the end of January, the beginning of February.

I also picked that up. End of January beginning of February that is where there were arguments and those arguments is all about you, what is important to you. Do you want to comment on that? --- I think our ...

COURT: What is the answer? --- Sorry, I think our relationship got stronger, M'Lady. I... I read the messages, the Whatsapp messages. We did have arguments. They were not arguments that turned into fights or anything like that, be we did have arguments, M'Lady.

MR NEL: But you will agree with me apart from 'I miss you boo-boo, ba-ba, you never wrote a long message telling her how you felt about her.

COURT: Did you say never?

MR NEL: I said so, M'Lady. Except the response, there is a response to
10 the ...[intervenes]

COURT: Did you... sorry, in which months? Which months are you looking at?

MR NEL: January/February, M'Lady. --- M'Lady, I was not very... I was on my phone for a lot of other reasons during the day that I would rather pick up the phone. If you look at my call logs how many calls I made to Reeva, they far outweigh the amounts of calls she made to me. So, I did not write... Mr Nel is right. I did not write any long messages to Reeva. I would prefer to discuss things with her when I saw her or... over the phone.

20 You know, Mr Pistorius, we did a search on all the Whatsapp's. The phrase 'I love you' appear twice in Reeva's Whatsapp's. Both times she wrote that to her mother, never to you and you never to her. Am I right? --- That is correct, M'Lady. I never got the opportunity to tell Reeva that I loved her.

Yes. Now, I put it to you again and I will go through that that for

me there is a recurring theme in your arguments in January and February about things that are important to you and how you react. Will you at least agree that that was what the arguments were about? Will you? --- I am just thinking about the arguments, M'Lady that... there were things that were important to me. Some of the arguments that we have been read into the... into the record were ways in which I reacted to situations that we were both in. So, they were... I can take responsibility for the arguments being my fault, shortcomings on my behalf.

10 Then I have also gone through your evidence because we had now have it available and I say that your life is just about you, what is important to Oscar. Oscar should not get into trouble. This should not get into the media. You were very concerned about what is good for Oscar. --- I was very concerned for both of our futures, M'Lady.

Let us just... Mr Pistorius, you started your evidence off in this court with an apology. Am I right? --- That is correct, M'Lady.

Now, that was more than a year after the event. --- That is correct, M'Lady.

20 What did you apologise for? --- I apologised, if I can remember, for the sorrow that I have... for the sorrow that I have caused the Steenkamp family and their friends. I remember apologising for the emptiness which they feel.

Did you feel better after the apology? --- I do not think I could feel better, M'Lady, but I am... I have not had the opportunity to apologise to them. So, it is something I have wanted to do for a very

long time and I think it is... it was the right thing to do.

You see, Mr Pistorius, if that... if you were wanting to do it, why would you create a spectacle in court in the public domain, in the public eye apologise and not in private? Why would you do that? --- M'Lady, I have not had the opportunity to meet the Steenkamps. I do not think they have been ready. I also have been struggling to... I do not know what words I thought about saying to them. I do not... I do not think half the words I wanted to say to them came out the way that I... if I could have... remembered an eloquent speech and apologise to them I would
10 have done so, but I have not had the opportunity to...

Again, Mr Pistorius, you never thought about them. You never thought how they would feel, sitting in the public gallery of a court whilst you make an apology. Did you think how they would experience that or did it only matter about Pistorius, Oscar Pistorius? --- I did think about them, M'Lady.

Did you think how they would feel if you do it whilst they are sitting in public in the glare of everybody, Mr Pistorius? --- I did, M'Lady.

And what did you think about that? --- I thought that it must be
20 very difficult for them and to... M'Lady, to look at somebody who has taken their daughter's life and to hear that person apologise.

So why did you go on? Why did you put them through this? Why were you not humble enough to do it in private? Arrange something, talk to somebody about it and do it in private? You were not humble enough to do that. --- That is not true, M'Lady.

Why did you not do it? --- M'Lady, my counsel has been in contact with the Steenkamps' legal representatives and they were not ready to meet with me, M'Lady, which I understand. So, that is why it was not done.

At court, did you try? You know that other people spoke to Ms Steenkamp. Did you try and do it? --- I did not think it would be appropriate, M'Lady in front of everyone that is here at...

And then you do it when the whole world is on you, every... every person listening to this court, it was appropriate to do it then. How
10 can that be? --- I am not sure if it was appropriate, M'Lady, but that was what I thought was best. So, that is what I did.

You see, Mr Pistorius, you never... you could not face them, because facing them in private would mean that you have to take responsibility and you do not want to. --- M'Lady, I would love to have the opportunity one day to meet Reeva's parents. I never got that opportunity before. I do not think that they would ever want to meet me. I do not... I completely understand where they are coming from. It is not that I have not thought about them.

What did you apologise for? You apologise for a tragedy. --- I
20 apologise for their sorrow, for their emptiness. I apologise for taking their daughter's life.

Where is that? I do not see it. You see if you said 'I apologise for killing Reeva', I do not see that. You say... It is a record, M'Lady, page 1358 from lines 18. It starts with:

"I would like to apologise and say there is a lot of

moments and there has not been a moment since... since this tragedy happened that I have not thought about your family. I wake up every morning and you are the first people I think of. I think of you, the first people I pray for. I cannot imagine the pain and sorrow and the emptiness that I have caused you and your family. I was simply trying to protect Reeva. I can promise that when she went to bed that night she felt loved."

10 There is no... the word 'I am sorry I killed her' is not there. You are sorry that you have to think of them. You are sorry for their pain and sorrow, but you are not sorry that you killed their daughter. It is not in there. --- No, I am terribly sorry that I took the life of their daughter, M'Lady.

Now you say that. Now Mr Pistorius, let us... you have been through these Whatsapp messages with your counsel, but I want to take you through them now. M'Lady, that is ZZ and page... it is the red one there, Mr Pistorius, that one. Could you open that at... in the bottom right corner at 223 of 343? You see it, page 223? It is the Whatsapp message. You have been through it in your evidence-in-chief. It is the
20 message of the 27th of January. I am not going to ask you to read the whole message again. But before I go there, I unfortunately have one more question about the apology. Did you write down your apology on a piece of paper? --- No, I did not, M'Lady.

Did you not take a piece of paper into the box and wanted to read it? --- No, M'Lady.

Okay. Now, Mr Pistorius, I will read it and I will just ask you questions here and there.

“I am not 100% sure why I am sitting down to type a message to you, but perhaps it says a lot about what is going on here.”

What was going on there? --- M'Lady, this was... she is talking about what is going here, about what is going on in our relationship that if she had to send me a message first. It might... what she is implying is that maybe she has to send me a message first. Maybe that says a lot about
10 our relationship.

Ja, or that it is all about you.

“Today was one of my best friend’s engagement and I wanted to stay longer. I was enjoying myself, but it is over now. You have picked on me incessantly.”

So, that is not what happened the previous day.

“You have picked on me incessantly.”

What is that about? --- I cannot remember, M'Lady.

I know you would not and you know, Mr Pistorius, we do not have her here. This is her voice. It is the only voice we have. Picked on
20 her incessantly must mean what it says: over days in your relationship you picked on her or what does it mean? --- I do not think it is... I understand the context and it says that, M'Lady, but I had a very close relationship with Reeva. There will be people that will come and testify that I... I did not pick on her in any way. I understand what she writes here, but I was good to Reeva.

Okay. What I hear and I will give you an opportunity to explain. 'There will people that will come here to say that I never picked on her.' Is that what you are saying? --- I said there will people who will come here who will say that we had a good relationship, M'Lady and ...[intervenes]

But that is not what you said. That is why I tested you. What you said is: 'There will people that would be coming here to say that I never picked on her', because nobody can tell that. That would be between you two. --- I never picked on her, M'Lady.

10 So she lied? --- I do not think she lied, M'Lady.

She must have. If you never picked on her and she put it there, Reeva lied. --- M'Lady, when Reeva sent me this message her feelings were hurt. She said other things in this message. Here she said: 'Sometimes I get scared of you.' She said: 'You picked... you have picked on me incessantly.' She has mentioned here where I got short with her. When... in this message she was obviously upset and she was upset that I had not taken... I had not contacted her first. So, I understand that is what she said.

But I hear what you are saying, Mr Pistorius. I can also read this.
20 What we have to tell each other now is if she... if she would say here:

"You have picked on me incessantly since you got
back from Cape Town",

that is untrue. Am I right? --- I do not feel like I picked on her incessantly, M'Lady. I feel like maybe we were having a rough time in our relationship, but ...[intervenes]

Mr Pistorius, with the utmost respect, I never asked you what you feel like. I said that must be untrue. Am I right, Mr Pistorius? Answer that question. That is the only question I want you to answer. --- M'Lady, Mr Nel is right.

And ...[intervenes]

COURT: I did not hear that. --- He is right, M'Lady. I did not pick on her incessantly.

MR NEL: That was untrue, okay. --- That is correct, M'Lady.

Okay.

10 "And I understand that you are sick, but it is nasty."

With the 'nasty' you say... do you agree with me she is referring to the picking on her? --- I agree, M'Lady.

So, that also is untrue, because that now refers to the picking. So, we have got two things where she has lied.

"Yesterday was not nice for either of us, but we managed to pull through and communicate well enough to show our care for each other is greater than the drama that attacked us."

20 Now what would that drama be? --- I do not recall, M'Lady. I think the night before we were at... if I can go back I can maybe put it in context, but I... I am not sure what the night before... what we were doing the night before.

"I was not flirting with anyone today."

You must have said that she was flirting with someone. --- I did, M'Lady.

Okay, you said she was... so, you... what did you tell her? What did you say to her? --- Well, we had an argument at the place before we left, before she wrote this message to me. I have said to her that I felt that she was flirting with the gentleman she was talking to and made me upset. I guess a part of me was a little bit jealous or insecure and so I said to her that I felt that she was flirting with... with him and it did hurt my feelings. So this is the premises of this message that she sent me. We were driving and I dropped her off. There were other people in the car. So, we could not really speak and I thought that that afternoon I
10 would rather just let it cool off and I would talk to her later in the day and then she sent me this message first. So, she was just saying 'I was not flirting with anyone today'. I did think that she was, but I understood after this in the messages that we would sent that she explained who the person was and after that I was... we moved on.

Where... after that we now know that you accused her of flirting with somebody.

"I feel sick that you suggested that and that you made a scene at the table and made us leave early."

20 So, you made a public scene. What was that about? --- M'Lady, we left this engagement party whilst most of the people were leaving. I did not know Reeve wanted to stay later. She knew that I had training that afternoon and that I had to go for lunch. She wanted to spend more time. This was Mr Fresco's engagement party. She says in the beginning of the message here she says:

“Today was one of my best friend’s engagement.”

He was one of my closest friends as well, M’Lady. It was both of our friends. When she sent this message to me I understand that there are many points here where... where her back is up against the wall and she takes offence to what I said. I am not saying that she is lying in everything that she said here. I was... I did think that she was flirting with someone. We can go through the whole message and we can ...[intervenes]

We are going to. --- I can explain or I can try and explain.

10 No, no. No, no, Mr... do not explain. Please let us... let us rather today ask questions and get answers. Is that okay? --- Yes, M’Lady.

Okay, because I already got one answer. You said:

“I had to go to training. She knew I had to go to lunch.”

So, it is all about ‘I’. It is all about Mr Pistorius. She knew. Why did she not run? Is that what you meant? That is what she is trying to say and you... you agree. ‘I had to go to training. I had to go to lunch.’ It is about you. --- M’Lady, that... I had things that I needed to do that day. I do not understand what Mr Nel means when he says that why did not she
20 have to go run. I had plans that day. It was a Saturday if I remember correctly. I have got training on a Saturday, usually in the morning. I postponed it to the afternoon and I had plans that I needed to attend.

Thank you. I now have three eyes. ‘I had training. I had to go to lunch. I had plans’. What was the scene about? What scene did... or let us say that is untrue again. We will mark all the untruths, no problem.

--- No, that was true. There was... if you read further down the message she says that she was tickling my neck or my hair and I was agitated and that was what she interpreted in 'making a scene'.

Okay. So, you brushed her off in public? --- That is correct, M'Lady.

Okay. Then we go on.

"I am terribly disappointed in how the day ended and how you left me."

That is important. You just dropped her off and left. You did not spend
10 time there and try and resolve this. You dropped her off and you left. ---
That is correct, M'Lady.

Was it not important enough for you to do, to sort it out? ---
M'Lady, we did sort it out. It was not that it was such a big issue that it was not going to be resolved. It was not that this was the end of our relationship. I dropped her off, because she had her friend with her. It was not the time for us to talk. I had plans later in the day. I do not know if she had plans, but I wish I did stay and sort things out with her then.

Again, 'I' here. 'I had plans. It was not important. It was not a big issue', but that 'big issue' must have only been for you, because clearly
20 it was a big issue for her. Am I right? Because she sat down and wrote this Whatsapp. It was a big issue for her. --- It was a big issue for her, M'Lady, but if you look to the next message, it says:

"Please let me know when I can call you."

I did want to resolve it. It was not that I just let her write this message and did not want to communicate with her.

No, but Mr Pistorius, please, we have been through this yesterday. Listen to the questions and we answer these questions. We are busy with this. We will get to all those things. Now, let us just carry on. I will just use whatever you said as an answer.

“We are living a double standard relationship.

Where you could be mad or can be mad about how

I deal with stuff, where you are very quick to act

cold and offish when you are unhappy.”

That was not the first instance that she spoke about this double
10 standard. It is has been a double standard throughout your relationship
if I read it. --- I think this is the first time she mentioned ‘double
standard’ M’Lady, but it implies that she feels that that is sometimes how
our relationship was.

Was it like that or is she wrong? --- I think we were very
different people, M’Lady. I was maybe a bit more sensitive towards
some things and she did not speak to me when something was hurting
her and that made her feel like there were double standards in the
relationship.

So, at least she was correct there? --- She was correct there,
20 M’Lady.

“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-
term boyfriend.”

She is correct there? --- That is correct, M’Lady.

Oh.

“I do everything to make you happy and to not say
anything to rock the boat with you”,

saying that it is all about you. --- I think she is talking about herself
there, M'Lady. She says: ‘I do everything to make you happy’, talking
about herself what she does for me.

Ja, but it is for you. --- That is correct, M'Lady.

But then she is saying... that is what she is doing. She is doing
everything to make you happy, like Oscar happy and then she said:

10 “You do everything to throw tantrums in front of
people.”

Now tell me about that tantrum. --- M'Lady, I do not... I had never
thrown a tantrum in front of other people. I have maybe brushed Reeva
off at that function, maybe at another time when we were at sports
awards, her and I we had a disagreement where I explained where we
left. I think she was feeling at the time when she wrote this message,
she was feeling upset and she exaggerated on some of the things that
she said. So...

20 Again, we cannot ask her, but we can say to the court that
according to you she... she is lying. You have never thrown a tantrum in
front of people. Is it correct? --- I would not say she is lying, M'Lady. I
just said there was an exaggeration.

Exaggeration by her because you have never thrown a tantrum.

“I have been upset by you for two days now.”

--- M'Lady, I never said I have never thrown a tantrum, but I am

saying... you do... in the context of this message she said: 'You do everything to throw tantrums in front of people.' That had not happen. So, all I am saying is that that was an exaggeration. I did not say that I have never thrown a tantrum before.

You see that so? You did. Everybody taking notes in this court would tell you that that is what you said. When I put it to you, you said: 'I have never thrown a tantrum in front of people before.' That is what you said. --- Then I correct myself. I am sorry, M'Lady. That is not what I meant.

10 Okay. You know I could go... I could be ruthless and say that you lied and now you are fixing up a lie, but please Mister, I do not want to be like that.

COURT: And you cannot.

MR NEL: Listen to the questions.

COURT: You cannot in any event.

MR NEL: Yes, but listen to the questions and answer them. Do not answer whatever you want to, because you said: 'I have never thrown a tantrum in front of people.' That is what you said. I am testing your version. That must have been a lie then. Do you see what I am getting
20 at? --- Was Mr Nel asking me a question, M'Lady?

Yes. --- I ...[intervenes]

Why did you say you never throw tantrums in front of people?
--- I said if I had said that I do not remember saying it and I would like to correct myself. I had not thrown a tantrum in front of people with Reeva, but I understood that he said that I had never thrown a tantrum

in my life and for that I wanted to correct it.

“I have been upset with you for two days now. I am so upset I left Darren’s party early. So upset, cannot get that day back. I am scared of you sometimes.”

Why would she be scared of you? --- I think she is scared of the feelings that she has for me and the way that I brushed her off.

Just say that again. She is scared of what? --- I think she is scared of the feelings that we had... that she had for me, M'Lady. She says: ‘I am scared of you sometimes and how you snap at me and of
10 how you will react to me’. She is obviously scared of... of the way that I react. She thinks she does at times.

Ja. So, she is not scared about feelings. She is scared about how you react to what she does. That is what she is scared about. Why, why would she be scared? --- Because ...[intervenes]

What would you do? --- It would hurt her feelings about the way I would react, M'Lady.

Shout at her, scream at her? --- No, I never shouted or screamed at her. I think it is the way in which the situation... she said: ‘I am scared of you sometimes and how you snap at me.’

20 But you screamed at Samantha Taylor before. --- I do not ever remember screaming at Samantha Taylor, M'Lady. I asked or I screamed at one of her friends one day who was at my house who were in the Cape and I never screamed at Miss Taylor.

But you have heard her evidence. She said you screamed at her on various occasions. --- I understand that, M'Lady.

And she was never asked about that. Why not? --- I do not understand Mr Nel's question. I am sorry, M'Lady.

Mr Roux never said that she is lying, it never happened. --- M'Lady, there were many things in Miss Taylor's evidence that were lies that I do not think Mr Roux could keep up with what he was... with what was getting said there. So, I do not know if he... I cannot remember if he did or if he did not deal with...

He did... he did not. Why did you not correct it? --- M'Lady, I was sitting behind Mr Nel, behind Mr Roux and Mr Oldwage. When he
10 was doing the cross-examination of Miss Taylor I do not have direct communication with him. I do not know why he did not bring it up, M'Lady.

Unfortunately I will stand still about five minutes on this. You... you were very active during the state's case sending notes to your lawyers and... and so forth. Am I correct? When you heard something you would write a note and pass it forward. That happened on various occasions. Am I right? --- **[Indistinct audio 10:06:49 – 10:06:51]**

So, whenever there was a difficulty and you wanted something on the record, you would write a note and pass it on to your lawyer? ---
20 **[Indistinct audio 10:06:58 – 10:07:10]**... and I was not sure if they remembered, then I wrote a forward, It went to Mr Webber and Mr Webber then decided to send it forward or not. At times I think he did not want to distract Mr Oldwage or Mr Roux and many of the notes he did not send forward.

Did you send a note about Samantha Taylor lying about all the

shouting and screaming at her? --- I do not recall, M'Lady.

But why would you not have? It was about screaming. She said that. Why would you not... why would she not be cross-examined on that? It is significant what she said. Can you... do you know why it was not...? --- I cannot explain. I do not know if I did write a note up, M'Lady. I do not if... I do not know if the question was put to her or if it was not put to her.

I put it to you it was not put to her and it is because it was true, otherwise Mr Roux would have cross-examined her up and down on the
10 screams. --- M'Lady, I never screamed at Miss Taylor. I have read her statement. There is very little truth in it and I did not... I do not remember if I wrote... I do not remember if I wrote a letter or a message up to Mr Webber and if I did I do not know if he passed it forward.

But again, this is not your mistake. You told... you told whoever wanted to know that you never screamed at her. You told your legal team. It is their fault that it was not put. --- I do not remember, M'Lady.

You see, it was such significant evidence about your character when she said you screamed at her. She heard you screaming on lots of occasions at her and at her friends. Why was that not corrected? ---
20 M'Lady, I... if I screamed at her I would have said so. I screamed at her friend at... her friend was drunk and disorderly at a get-together that I had and I asked her to leave. I... she... I did scream at her. If I had screamed at Miss Taylor I would say so, but I have never screamed at Miss Taylor or shouted at her.

Let us just carry on. I have made the point.

“I am scared of you sometimes and how you snap at me and 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 some other bitch you may now trying to kill your vibe... 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.”

10 That is... that is a very significant issue. Is it not? --- It is, M'Lady.

And you never followed that up in your Whatsapp. --- I followed it up, M'Lady, if you look at the very next message. It says: 'Please let me know when I can call you.'

But then she did not want to talk to you. Am I right? --- I do not remember, M'Lady.

Because you replied, just turn the page. We will get there. I just want to tell you: You replied and in your reply this significant issue: 'I wanted to tell you that I love you', was not met with the response 'I love you, Reeve' and anything like that. --- M'Lady, I would never want to
20 tell anybody over a text message for the first time that I love them. The next message I wrote says:

“I want to talk to you and I want to sort this out”.

That is how it starts.

You see, I understand what you are saying, but what is significant, Mr Pistorius ...[intervenes]

COURT: The whispering again.

MR NEL: Am I whispering? I apologise.

COURT: Yes.

MR NEL: I understand what you say, but it is significant. She writes it:

“I am the... I am the girl who fell in love with you
and wanted to tell you this weekend.”

Whatever you did in the past about rather talk to her or write a message to her was not this. The one significant event in your relationship, she wanted to tell you that she loved you. --- It was very significant.

10 Why did you not deal with that? You did not care. --- It is not true, M'Lady.

You see Mr Pistorius, you, if you cared would have dealt with it. I will get to this message. There are three lines in this message about... 'perhaps I am wrong, I am wrong, I am wrong', but then it is about how wrong she was and that is why you never replied, because it is all about Mr Pistorius. That was what your relationship was about. --- It is not true, M'Lady.

20 I have... the last question the last time. If I now ask you if you dealt with this, you will tell me you did because I cannot test it, but did you deal with this, the fact that she wanted to tell you that she love you? --- I was... I was extremely upset that if that was what she wrote when she... when I read that message I was extremely upset that for the first time she had mentioned love to me when she said that she wanted to tell me that that weekend. I was upset then at that point of reading the message. It obviously hurt me that... I thought that she is... this is the

first time that she has mentioned love to me and this was the weekend in which she wanted to tell me and if you read the next message it says 'I want to sort things out. I want to make things work.' I wanted her... I wanted us to be in a loving relationship. I wanted her to be able to tell me she love me.

We will get there. We will get there, Mr Pistorius. We will get there.

"But I am also the girl that gets side stepped when you are in a shit mood."

10 I am sure you will agree that if you were in a bad mood you would do that. --- I am not sure what she means by 'side step', M'Lady. If I am in a bad mood it is usually after training. I am exhausted. I have not eaten properly for weeks at a time and I usually go to sleep. So, if that is what she means by side step, by getting ignored...**[Indistinct audio 10:13:50 – 10:14:01]**.

Good.

"When I feel you think you have me. So why try anymore?"

20 That is significant. It indicates you tried before. 'Now you have me. Now you are not trying anymore.' That is what she is telling you. --- Sorry, M'Lady, I have lost my place here.

No problem. You see, it is just... we dealt with the 'I am the girl who fell in love with you and wanted to tell you the weekend.' Then there is another sentence about your shit mood. Then:

"When I feel you think you have me. So why try

anymore?"

Now what I am... my inference is: You are not trying anymore. You tried before. Now you have and now you are not trying anymore and that is the state of your relationship on 26 January. --- I think that is what she meant, M'Lady. She said there... if you take the sentence out, that is what she said. It says:

"When I feel you think you have me. So why try
anymore?"

But... but she was wrong. --- Maybe that is how she felt at the time,
10 M'Lady.

You made her feel like that? --- That is... she would have felt that way because of the way I made her feel, M'Lady.

As far... let us just... this is significant. So, at least in Reeva's mind on the 27th of January that is how she felt about your relationship which was not good. --- Not on the... **[Indistinct audio 10:15:50 – 10:15:55]**

We will get to sorting out. --- **[Indistinct audio 10:15:56 – 10:16:02]**

Okay. No, we will deal with sorting out.

"I get snapped at and told my accents and voices
are annoying."

20 That is terrible. Did you tell her that her accent and her voices were annoying? --- I did, M'Lady.

Why? What was that about? --- If I remember correctly, M'Lady, she was putting on an accent the day before for a role of some sort that she was preparing for and the day before we had a meal together and we were having a serious conversation about something and it was

about my... or the house that I was buying and she was talking in the accent the whole time and it annoyed me and I asked her not to do it and it was not right of me to have asked her not to and at the time she... when she wrote here 'I get snapped at and told my accents and voices are annoying', she obviously took offence to it.

But I understand, but what is significant for me is: 'I, Oscar was talking about my house and she was putting up these voices and it is important for me that she listens to me.' Is that not what happened? She is doing voices and accents, but your house is important to you. What is
10 she doing? Is that what I can infer from this? --- That is correct, M'Lady.

I see. It is again about 'me, Oscar'.

"I touch your neck to show you I care. You tell me to stop."

Did that happened? --- I explained that just now, M'Lady. That was after I had thought Reeva was flirting with the person. I went and I sat at the table and Reeva came up to me. We were sitting at the table and she started stroking my neck and I pulled my neck away so that... that is what that sentence is referring to.

20 "Stop chewing gum."

So, you were strong enough in that relationship to tell Reeva: 'Reeva, stop your voices, stop your accents, stop chewing gum'. Were you...?
--- It was not on that day that I told her to stop chewing gum and I did not ...[intervenes]

Why did you ...[intervenes] --- I did not ever tell her to stop

chewing gum, M'Lady. We were at a function and I had been reprimanded by my management in the past for chewing gum on camera and I said to Reeva she was chewing gum as we came into an event. This was not pertaining to that day and I said to her... I said in a nice way, I said: 'Angel, do not chew gum. It does not look good on camera' and this is where she brought it into context: 'Stop chewing gum'. So, it is not that I snapped at her in... on this day and said to her 'stop chewing gum'.

Mr Pistorius, when we started I said all we have is her voice in
10 terms of what she wrote. So, you can say anything and we would not... we cannot ask her, but we can work on your answers. So, again, she was walking with 'me, Oscar'. She was chewing gum. That was not good, not good for you, your image. --- That is not what I said, M'Lady.

What did you say? --- *[Indistinct audio 10:19:52 – 10:20:12]*

"Do not do this, do that. You do not want to hear stuff, cut me off. Your endorsements..."

and this is important, what I am saying, she is saying:

"Your endorsements, your reputation, your
impression of something innocent blown out of
20 proportion and fucked up a special day of it."

Everything that was important to you, you. Everything that is important to you messed up her day. You agree with it? What is important to her did not care, did not matter. --- That is how she interpreted it, M'Lady.

And she was right in interpreting it like that? --- Ja, she was... she was upset and that is how she interpreted it, M'Lady. She is right.

Was she right... ja, okay. You said she was right? --- Yes, she was, M'Lady.

“I am sorry if you truly felt I was hitting on my friend Sam's husband and I am sorry that you think that little of me. From the outside I think it looks like we are a struggle. Maybe that is what we are. I just want to love and beloved, be happy and make someone so happy. Maybe we cannot do that to each other, because right now you are not happy and I am certainly very unhappy and sad.”

On that day when she wrote that, that was the status of your relationship. --- That is correct, M'Lady. Where she says there 'from the outside I think it looks like we are a struggle, but maybe that is what we are'. At that time she was doubting our relationship. So, that is what she said.

I just... before I move on, in what you did by criticising her accent, by brushing her off when she touched your neck, tell her to stop. Where you told her to stop chewing gum, those were experienced by her at least as humiliating, that you were humiliating her. Am I right, especially in public? --- I am not sure how she interpreted it M'Lady. If it was humiliating or if it upset her, but it did definitely make her not... it definitely made her unhappy. I do not know in which way... I do not think by me telling her to stop chewing gum it would have humiliated her. I was trying to help her, but she obviously took offence to it. So...

And where she touched your neck in public and you brushed her

off in front of people, would that be a humiliating experience for her? ---

I think that would have, M'Lady.

Okay. But now let us see... you now wanted to talk to her. You said:

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

--- That is correct, M'Lady.

But you then replied in a Whatsapp. --- That is correct, M'Lady.

Now this is a very interesting Whatsapp.

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, and I. I am sorry for the things I say without thinking and for taking offence to some of your actions.”

We dealt with that.

20

“The fact that I am tired and sick is not an excuse. I was upset that you just left me after we got... after we got food to go talk to a guy and was standing tight behind you watching you touch his arm and ignore me. When I spoke up you introduced me which you could have done, but when I left you, you just kept on chatting to him when clearly I was upset.”

You wanted her to leave with you, to go with you, not talk to him. --- I did not mind her talking to him, M'Lady, but I did not feel like I was part of the conversation. I did not know who the person was and before...

before I was introduced or I introduced myself to him the conversation did not include me and Reeva and I had been speaking from when we got food we were walking back to the table to sit with the rest of the people that were in our... at our table and...**[Indistinct audio 10:24:51 – 10:25:06]**

But again, you were upset because you were excluded from this conversation. You wanted to be a part of it. --- **[Indistinct audio 10:25:14 – 10:25:19]**

10 “I asked Martin to put on the ‘Kendrick Lamar’ album in the car and do not know it, granted that it was a shut song, but you could have just lent forward and whispered in my ear.”

Again, ‘Reeva, you are wrong. Why did you not introduce me?’ So, she was at fault. Remember, you are replying to her. You are saying: ‘You at fault, Reeva. You never introduced me to the man’. Am I right? --- **[Indistinct audio 10:25:50 – 10:26:11]**

No, no. No, no. No, let us just deal with... before I get there, in this whole incident with the man that she was talking to. I read this Whatsapp from you saying:

20 “I was upset that you left me, Reeva. You are wrong. I am upset, but I was upset because of what you did. You left me after we got food...”

[intervenes]

COURT: Just one minute. I am sure where you are now.

MR NEL: I apologise, M'Lady, the third line, it is page 224, M'Lady.

COURT: Yes, we have got the page.

MR NEL: Ja, it is the third line:

“I was upset that you just left me after we got food”,

M'Lady.

COURT: Yes, I see that now.

MR NEL: You see, the first two lines you say:

“I am sorry. I made... I am tired. It is not an excuse.”

But then you say:

10

“I was upset that you left me after we got food to go
talk to a guy who was standing tight behind you,
watching you touch his arm and ignore me and
when I spoke up you introduced me which you
could have done, but when I left you just kept...”

20

I read it, but please tell me. I read it you are blaming her for the fact that you are upset. She did wrong. She never introduced you. She should have dealt with the situation differently. She was wrong. --- I am not saying she was wrong, M'Lady, but what this says here is that I was upset. I think that she could have introduced me. By the fact that she did not introduce me made me upset. That is what this whole argument was about.

I agree, but she was wrong in not introducing you. You see, you are replying to her and immediately you are blaming her for what happened. --- M'Lady ...[intervenes]

You blame her. She should have introduced you. --- M'Lady, if somebody is with me and I am talking to somebody I know, then I feel

like it is my responsibility to do an introduction. That is common courtesy and I did feel that the way she was talking to this person she obviously knew him very well and I did not know how she knew him and my feelings were hurt. So, I felt that she could have just introduced me to him.

You see, again, I am going... I am just going to repeat the question. You are blaming her. That is all I am saying. You are blaming her for what happened. She should have introduced you. She was wrong. --- That is correct, M'Lady. That is what I am saying.

10 So you are blaming her? That is all I want to know. --- That is what I am saying, M'Lady.

Yes, okay. Then:

"I asked Martin to put on the 'Kendrick Lamar' album in the car and do not know it, granted it was a shut song."

But, now we are blaming her again.

"You could have just lent forward and whispered in my ear to change it."

20 See, so you are blaming her, said: 'Why did you not do that?' You are replying to her unhappiness, but you are blaming her. --- I said here granted it was not a good song of choice, M'Lady. I said that to her, but I... the way I was just describing it here it was such a small incident that granted that it was not a nice song. I was not listening to the words of it. I do not know the album and it was upsetting her, because that was one of the things she was speaking to about in the car that was upset... the

song upset her, the words of the song. I do not remember what they were, but that is what... that was this thing, it was an album that my friend Martin had brought. I asked him to put it on. I liked some of the songs on the album. I do not know the album. I said here granted the song that she got upset to, it was not... I said here granted it was not a nice song. I take responsibility for that, that I said if it was such... I did not even pick it up that it was such a small thing that she could have just lent forward and whispered in my ear to change it.

Ja, again, why did she not do it? You blame her. You said: 'Why
10 did you not whisper in my ear? Why did you not give me attention, whisper in my ear?' You are blaming her for that incident in the car as well saying: 'You were wrong. You could have fixed it'. --- I did not say that, M'Lady. I said 'you could have', meaning it could have been an option to ...[intervenes]

Okay. What would the other options be? She tried the other options saying 'I do not like the song'. What other options could there have been? It is interesting. You wanted her to lean over, 'give me all the attention. I am Oscar and whisper in my ear'. --- M'Lady, I never...
20 it never says here that she... that she said she did not like the song. It was only later in the day that she... when I dropped her off she mentioned the song. She could have lent forward and asked Martin to change it.

No, you see, if... Mr Pistorius, if you said in your... because what is important, you are replying to her heartfelt Whatsapp. Am I right? That is what you are doing. --- That is correct, M'Lady.

Okay. Now, it would have been different if you said 'why did you not ask for it to be changed?' You said 'you could have just lent forward and whispered in my ear'. That is what you wanted her to do. You blame her for not having done that. --- M'Lady, in the way that Mr Nel reads it that is exactly how I intended it in a soft manner, 'but you could have just whispered in my ear to change it.' That is... that is all I meant by it. It was not that I was attacking her and telling her she should have taken control of it.

"I had to drive to pick up your friend."

10 That is her friend and that is the reason why you were late. You had to pick up her friend. --- That is correct, M'Lady.

You are blaming her for it, because it is her friend.

[Cell phone in gallery speaking]

I was 30 minutes late.

COURT: Hold on, just take a seat, please. Just take a seat.

MR NEL: Oh, take a seat?

COURT: Can you take a seat? What is going on? What was that noise?

MR ROUX: M'Lady, it was the attorney's cell phone that he tried to work something. I do not know and it went off. It did not switch off. I apologise
20 for that.

COURT: Yes, but the attorney is there. He can stand up and apologise for himself.

ATTORNEY: I am sorry, M'Lady. I just wanted to check the time that and [indistinct].

COURT: Okay, will accept it. Mr Nel.

MR NEL: M'Lady?

COURT: Yes, please.

MR NEL: Let us then... so, we were there where it was her friend. You had to drive to pick up her friend. Were you upset with that? --- I was not upset by it, M'Lady. It did when she was talking about the context of her previous message she said that she wanted to spend the day with Darren and spend a bit more time there, but just as much we were supposed to be there at a certain time, but we were late because of her friend. So, I mentioned that in respect to her saying we had to leave
10 early. We did not leave early. There were many cars leaving that drove past us whilst we were leaving. But why I said that was to show that we arrived there late as well. It was not just my fault that we had to leave early. In the same light I understood that that I had to... I was there late as well. It was not that... we just had to leave because of my accord early, we arrived late there, because we had to pick one of her friends up who has a car, who does not stay far away, but we had to wait for her whilst... for some reason and that was time that we could have been spending at the event with the people that she wanted to spend the day with.

20 Again, you are replying to her heartfelt Whatsapp in the best possible way saying 'I am not at fault. It is somebody else's fault. It is Gina's fault, the fact that we have to pick up your friend. It is not'... let us do it the best we can for you. 'It is not all my fault'. Is that what you are trying to say? Again, am I right? --- I said '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, what I am saying is that on both sides there were plans that did not go according to plan in the day. I understand she wanted to stay later. I could not stay later. I understand she would have wanted to be there earlier, but we could not get there earlier. So, that would be correct what Mr Nel is putting to me.

Yes, and what is very significant.

"If you do not like it, if you do not like it, you should have asked Gina to drive."

[Cell phone ringing in gallery]

10 --- It does not say that, M'Lady. It says: 'Then you should have asked Gina to drive herself'.

To drive... ja, again, what I am getting at and I am... it will be my argument. So I want to tell you now. The first three lines of this response is: 'I am sorry, I am sorry, I am sorry', but from there on it is you blaming her. --- That is ...[intervenes]

And definitely not blaming yourself. --- That is incorrect, M'Lady. At the end, the very last sentences it says:

20 "I know you were just trying to show me love. I had a headache and I must have... and I should have spoken to you softly. I am sorry for asking you to not put on an accent last night."

Okay, no, there you are right. I... the first three lines and the last three lines, but in between you are blaming her. --- M'Lady, I think any argument that one has is a result of two people disagreeing. So there would be points that I took responsibility for here and there would be

points that I was offended by and we were trying to come to a resolution which we did in the very next message.

You see, the issue is: It is all about you. That is what she said and you exhibited it in your response. That it shows in your response that she was right. It is all about you. --- M'Lady, my response, I said, we were trying to sort things out. I did not say I was trying to sort things out.

Okay, that is your response. It is fine. Let us just carry on. Then you say:

10 “When we left I was starving. The only good I had 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, it was not like you came to chat to me when I left the table.”

Again:

“I am sorry but...”

you are also to blame.

“I was upset when I left you...”

I have got through mine.

20 “When I said because I thought you were coming to me. I am sorry I asked you to stop tapping my neck yesterday.”

So, I am putting to you that that is what we have here. You first apologise, then blame her and then you have apologised again. So, you... that was what your relationship was about. --- M'Lady, in the

middle of the message where Mr Nel has just read:

“I am sorry I wanted to go, but I was hungry and upset...”

That message would read exactly the same if you said ‘I am sorry I wanted to go. I was hungry and upset.’ I was not trying to shed the blame onto somebody. I was trying to shed light onto the situation. So, I did apologise in the middle of the message as well. I understand that towards the end of the message... in the beginning I apologised. I understand the times in the message. I needed to explain why I had felt a certain way. This relationship is only between myself and Reeva. So,
10 at certain times I did not feel like I was in the wrong and at certain times I felt that she was in the wrong and vice versa. In her message she felt that I was in the wrong and at other times she felt that she was not in the wrong. That is what an argument is about. So, there is a back and forth between any message where there is an argument.

You see, there is an interesting aspect and that is that... which I forgot. M'Lady, I have to go back. I did not know that. I got a note. I... I do not know Kendrick Lamar, but what song are we talking about? --- As I said, M'Lady, I do not remember the album. I do not remember ...[intervenes]

20 Is it not ‘bitch do not kill my vibe’? Is that not the song? --- I have no idea, M'Lady. I do not ...[intervenes]

Because that fits into her... her Whatsapp where she said ‘I am not some bitch that want to kill your vibe’, because that did not make sense when I read it here and that was the song you were playing. --- I am not even sure if that is a song of Kendrick Lamar, M'Lady. I do not

remember the album. I do not remember that song. So, it could be. **[Indistinct audio 10:39:12 – 10:39:32]** ...the title of that song, if those words are spoken in the song, then I am sure she took offence to it.

And rightly so. After what happened at that party, you put on a song 'Bitch, do not kill my vibe'. Anybody would have taken offence to that. --- I am sure they would have, M'Lady, but I did not put that song on. I asked Martin...**[Indistinct audio 10:39:51 – 10:39:54]**

And you never listened to it and we cannot ask her really what happened. --- **[Indistinct audio 10:39:59 – 10:40:05]**

10 Mr Pistorius, let us deal with the Whatsapp at page 301 of 343. Do you have it? --- I do, M'Lady.

"I like to believe that I make you proud when I attend these kinds of functions with you. I present myself well and can converse with others while you are off busy chatting to fans and friends. I also knew people here tonight and whilst you were having one or two pics taken, I was saying goodbye to people in my industry and Ficks wanted a photo with me. I was just being cordial by saying goodbye
20 whilst you were busy."

If I make an inference, she is saying you never gave attention to what she was doing and her interest at that party. --- That is what I testified My Lady, at that point I was taking photos and she was speaking to friends.

And you blamed her for it. She was wrong. ...[Pause]... Am I

right? She was wrong, she should not have done that. --- I did not blame her anywhere for that My Lady.

Sitting where you are sitting, she was wrong. Is that not so? Your evidence yesterday was, or the day before, you wanted to leave and she then started talking and you had to stay about 45 minutes later. You blamed her. --- Yes. That is correct, My Lady.

That was what the fight was about. --- That is correct, My Lady.

10

"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 on the heels I was wearing. I thought it would make a difference in 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."

20

Are you... If I read your evidence, you are saying that that is untrue. You did not do that where others could hear. --- That is incorrect, My Lady. If you read my evidence, I said that somebody did hear us, it was a friend of mine in the parking lot on the way to the car that heard us.

And that is the only person. --- Well, him and his partner, My Lady.

Who were they? --- I do not remember, My Lady. They were a friend of mine that swam, Mr Lynden Ferns, My Lady. And ...[intervened]

But... Ja, okay? --- I forget his ...[intervened]

No, no that is fine. --- ... his partner's name.

But that is now the second time in two weeks that you criticised her in front of others, or brushed her. You brushed her off in front of others and here you criticised her in front of others. Second time in two weeks. --- My Lady this was in the parking lot, it did happen in front of somebody else, but it was a person busy taking off or getting into their vehicle. I did not mean... I actually walked out, she says here:

“I completely understand your desperation to leave.”

10 And what she was doing was, she thought she was helping getting to the exit. I did not know she had walked to the exit so I stayed inside the venue and looked for her for some time and that was why the argument actually arose, it was not about the fact, I understand that leaving she would caught up or I might get caught up, but it was the fact that I did not know where she was, so when I had finished and trying to get out of there I did not know that she had gone to the exit. So when I finally found her at the exit, I went to go get signal, I saw here there and that is why the argument arise. So from the time of the exit to the car, was probably a couple of hundred metres. We were having an argument and
20 it was not intended to be... it was not a loud argument, it says here:

“Especially not so loudly so that others could hear.”

It was not loud but it was loud enough that Mr Ferns heard it when we were leaving in the car and I said to her: Can we just wait until we get to the car to finish this.

You see, I hear what you are saying. But it upset her so much

that she said to you:

"I am a person too."

--- That is correct, My Lady.

So it upset her so that she had to say: I am a person too, why do you not treat me like a person? Is that what she is saying. --- That is what she is saying, My Lady.

At least we know that she felt that you treated her very badly. --- My Lady, Reeva was a person who always stood up for herself and if she believed I treated her badly, I think that she... I know for a fact she would not have been with me. I did not treat her badly. This was an argument that we had that lasted one message, the next message you can read, and it is: Morning Ozzie, with a smiley face. When we did argue it was not at all what we wanted and I understand that she felt like treat her in the way that she should have been treated, not even like a person she should not have been treated anything less than a lady. And that was my fault, if I had got into an argument with her.

[Indistinct] she would always apologise, she would always send a smiley face. In a four months relationship, when the relationship got stronger in January and February, we have that. Treat her badly, apologise, smiley face. It is not a relationship over years, sir. It has been four months. Two months serious. That is what I am getting at. -- - My Lady, there were times that I felt that she was not treating me in the way that I would have wanted to be treated, like the introduction at that party, there were times that she took offence. So there were time, I think when you get to know somebody there are things that you do that

the other person will not be happy with and this is one of those things that you do not even need explaining for. I should not have spoken to her in a way that did not make her feel like a lady or did not make her feel like a person. It was my fault and ...

Talking about faults and taking responsibility, let us deal with the Tashas incident. Can you please explain to me why you pleaded not guilty?

COURT: What is the question?

MR NEL: It is the Tashas incident, the discharge of the firearm in the
10 Tashas, I will get the charge just now. Why did you plead not guilty to that? --- I did not... I did not discharge the firearm My Lady, that is why I did not plead... that is why I pleaded not guilty.

And is it still... and sitting where you sitting now, you did not discharge that remember? --- That is correct, My Lady.

But it cannot be. You had the firearm when the shot went off. --- That is correct, My Lady.

So is that not discharging? --- I physically did not discharge the firearm My Lady, the firearm went off when it was in my possession but I did not have my finger ... and I do not remember having my finger on the
20 trigger.

No, you see there are two things. My Lady, may I first say it is charge 3, count 3.

COURT: Yes.

MR NEL: My Lady, I did not have my finger, I cannot remember having my finger on the trigger. Are you telling this court... Tell us what? Did you

have your finger on the trigger? Yes, or no? --- No, My Lady.

I see. I see. So, we have you in possession of the gun. A shot went off, but you did not discharge the gun. --- That is correct, My Lady.

Who discharged it? --- The firearm discharged My Lady, there was a... I tried to make sure that the firearm was safe and as a round came out of the breech, I realised that Mr Fresco had passed me a firearm with one, what I called one-up, with a round in the chamber and at that point of me turning to ask him why he had done that, the firearm went off My Lady.

10 Okay. Good. We will go through all that. So, I must then accept that it is your version that the gun went off by itself? He gave you a gun and it went off by itself? --- I do not recall how the firearm went off My Lady, I know that my finger was not on the trigger and I know that when I checked to see if the firearm was safe, that it went off. That is ...

 Now Mr Pistorius, you see and I want to tell you where I am going. You just refuse to take responsibility for anything. If you accept what I am saying now, I am going to deal with the Tashas incident. You are... Okay. Let us deal with it differently. One thing we have to say, is that Mr Fresco was unbelievably negligent in that restaurant. --- I think we
20 were both negligent My Lady, I should not have taken a firearm under the table, it was the incorrect thing to do and Mr Fresco was negligent in giving it to me, My Lady.

 But the ...[intervened] --- With the magazine in and a round-up.

 Ja, without even... without the gun firing, without the shot being fired, that would have been negligent in dealing with that gun. --- It was a

stupid thing to do, My Lady. It was negligent.

It was negligent. Okay. Now, you asked for the gun? --- That is correct, My Lady.

That, whatever happened is that that gun was discharged in a restaurant full of patrons. There were lots of people there. --- That is correct, My Lady.

There were even children next to... at the table next to yours. --- That is correct, My Lady.

We also know that you had the gun when the shot went off. ---

10 That is correct, My Lady.

What happened to the ejected bullet? --- I think Mr Loupis phoned either Darren Fresco or Mr Lerena, and told them that he had the projectile and that it was... he found it in the restaurant and I am not sure what happened, I ...[intervened]

You are wrong. It never happened. Is that what you think happened? How... Why would you say that happened? Who told you that? --- I do not understand Mr Nel's question.

Who told you that Loupis phoned? --- It was either Mr Fresco or Mr Lerena, My Lady. They ...[intervened]

20 Why would they phone Fresco... why would they phone Lerena? --- Because they are friends, My Lady. Mr Loupis is friends with Mr Lerena and Mr Loupis and Ms Loupis are friends with Darren Fresco.

So, you are now saying that Loupis phoned them later, he found the ejected cartridge and he gave it back to them? --- I do not know if he phoned them later My Lady, but he found the... I did not say he found the

cartridge, I said he found the projectile and he gave the projectile to one of them My Lady.

What happened to the cartridge, I am asking? One was ejected.

What happened to that cartridge? --- I have no idea My Lady.

You had it. --- I do not remember that at all, My Lady.

Mr Pistorius, you know, you... I am going to go through the scene, you are a man with an unbelievable eye for detail and you can remember fine detail, why can you not remember what happened to the projectile that... ag, the cartridge that was ejected? --- Are we speaking
10 about the round that was ejected when I made the firearm safe?

Yes. Yes. --- That fell onto the seat, My Lady.

And then? --- I am not sure, I must have given it back to Mr Fresco at some point, I do not recall My Lady.

No why...why, when I just asked you said I cannot remember, I cannot remember and then you remember all of a sudden? Why? --- My Lady, Mr Nel was referring to a cartridge not a bullet. A cartridge is usually what a bullet is called after the projectile has been discharged.

Okay. I will take it. --- So he said cartridge so I thought the cartridge from the round that went off. That is what I understood.

20 Okay. --- From his question.

You are right. I am wrong. So the bullet then, you do not know what happened to it? --- No, the bullet fell onto the chair.

And you took it. --- I gave it to Mr Fresco later.

When? --- I am not sure, My Lady. I do not remember but I remember as it fell out onto the chair, I saw it and I turned to Mr Fresco,

asking him why he had given me a firearm with a round up and before I...or in the process of saying that the round... another round went off. When I gave him his firearm back under the table, I took the... I must have taken the bullet. I would not have just left it there and I would have given it back to him. That is what I can... I do not have a remember... I do not remember giving it to him, but that is what I can think must have happened.

You know, why did you want to see this particular firearm? --- I was, as I said in my evidence in chief, My Lady, I was looking at
10 purchasing the same type of firearm.

That was now after all the firearm you bought from Mr Rens? ---
That is correct, My Lady.

So you wanted more? --- Yes My Lady. I had applied for a collector's licence. I think you can have up to more than 30 firearms in a collector's... to have an obtain a collection, you have to... you cannot just buy one firearm, you have to buy two of a same sort or more. So, the firearm that I had bought that I had always had with me, was a very heavy firearm and the firearm that Mr Fresco had, was made out of a different material that was lot lighter. It was not nearly as... it had a carrying
20 capacity which was a lot less. It did not take as many bullets, and it was a lot smaller, so it was a lot easier to carry. So that ...[intervened]

Why did you want to see it? --- I wanted to see it so that... if there was a slide. Some of the model that that firearm manufacturer makes some of the firearms with a slide on the front which you can attach a flashlight to. I had a flashlight for when I was overseas, I was at a shop

and they sold a flashlight for this firearm that I knew was a lot cheaper overseas so I bought the flashlight and I wanted to see if Mr Fresco... the models are all in number sequence, and I wanted to see if that firearm had a slide for this attachment. As I wanted to phone Mr Rens and place an order for the model of sorts from that manufacturer that made this firearm from a lighter material.

But it is clear that you know a lot about firearms and a lot about that particular Glock. --- I do not know much about that particular Glock My Lady, I have never owned a Glock. I know a fair deal of firearms, I
10 grew up in a family where both my parents carried firearms.

Now you have heard Mr Fresco and Captain Mangena testifying about the safety mechanism on the Glock. --- I have, My Lady.

And Captain Mangena's evidence was that it is impossible for that gun to discharge without somebody's finger on the trigger. --- I understand that, My Lady. I have ...[intervened]

And ... Ja? --- I understand that My Lady, that is what I have heard.

And Mr Roux never questioned him about what he said. --- I do not remember if Mr Roux did or did not, but if Mr Nel puts that to me, then I
20 accept that My Lady.

Then will you not accept that your finger was on the trigger, because that gun cannot discharge if your finger was not on the trigger. --- I cannot My Lady.

Say again? --- I said, I cannot My Lady.

Why not? You had the gun, it discharged. Captain Mangena

said it is impossible to discharge, why do you not want to say it? ---
Because my finger was not on the trigger My Lady.

Why was that not put to Captain Mangena, who is an expert, to
say: Captain Mangena said, it is impossible for that gun to fire without
pulling the trigger. The trigger safety as well as the trigger. Why was he
not cross-examined about that? --- I am not sure, My Lady.

You see, I get an idea that... Wait, let us... Before I get ideas.
The... You... It has always been your version that your finger was not on
the trigger? --- That is correct, My Lady.

10 You told Mr Roux that. --- That is correct, My Lady.

He made a mistake by not cross-examining Captain Mangena
bout that. --- I do not know if he made a mistake or not, My Lady. I do not
know what he wanted to ask Mr Mangena. I am sure that he has covered
everything that he has wanted to ask. I am not sure on what questions Mr
Roux or Mr Oldwage asks, they do not read their questions out to me and
...[intervened]

You see ...[intervened] --- I am not sure if he did or did not.

Let us take it slowly. If Mr Roux did not put to Captain Mangena
that it is possible for that gun to be fired without pulling the trigger, he
20 made a mistake. Because your finger was never on the trigger. --- I do
not know if that is a mistake or not, My Lady.

It must be. --- He did not put it to me, My Lady. I do not
...[intervened]

But why would he not, if that is your version? --- I do not know
My Lady. Mr Roux, I am not sure why he did not put it to me, My Lady.

You see, we are getting to this quite a lot if we carry on, that you will blame anybody but yourself. --- I do not agree, My Lady.

Now you blame counsel, Mr Roux. I know him, will not make these mistakes. --- I did not blame Mr Roux, My Lady. I ...[intervened]

You did. --- I said I am not sure what questions he has asked. I do not even remember him speaking... or many of the questions he put to Mr Mangena, so ...[intervened]

It is not that easy and I will belabour this point. You see, he is not the only person in court, you have a whole team. Yesterday you told
10 us about the team, there is a team in court. Everybody is listening to questions that Mr Roux asks. Am I right? --- That is correct, My Lady.

So everybody made a mistake. --- That is not what I said My Lady.

It must be, because he was never challenged. Somebody made a mistake. --- If Mr Roux did not put that question to Mr Mangena, My Lady, then I am sure he has got a good reason for not doing so, My Lady.

No sir, there cannot be a good reason. It good reason is, it was never your version. You never gave it to your legal team that my finger was not on the trigger. --- That is incorrect My Lady.

20 Now explain? You see, Mr Pistorius, you are blaming everybody. You will not take responsibility. That gun cannot fire if you do not pull the trigger. Who pulled that trigger? --- I do not... I did not pull the trigger My Lady.

Who did? --- I do not know My Lady, I did not pull the trigger.

Let us look at it. You had it in your hand. Am I right? --- That is

correct, My Lady.

You ejected the one bullet. --- That is correct, My Lady.

Nobody else touched that gun. --- That is correct, My Lady.

But a shot went off. --- That is correct, My Lady.

If that firearm is incapable of firing a shot without somebody pulling the trigger, who pulled the trigger? --- I am not sure My Lady, what I am saying is that I did not have my finger on the trigger.

No. No, you cannot say that I am not sure. Let us think who could have done that. Was it the person sitting next to you? --- I do not
10 think it would have been possible for anybody sitting at the table to have, or I do not think that it would have been a possibility that someone would have reached under the table and pulled the trigger whilst the firearm was in my possession, My Lady.

You see, Mr Pistorius, this is amazing. Really amazing. You agree with Captain Mangena, that gun cannot fire if somebody does not pull the trigger. --- I do not know how that firearm works, My Lady.

Okay. --- I cannot ...[intervened]

Now nobody challenged Mr Mangena, so we would have to accept it and the court will accept his evidence. If the court accepts his
20 evidence, you know for a fact, you are not unsure, you know for a fact that your finger was not on that trigger? --- That is correct, My Lady.

We know for a fact that a shot was discharged. --- That is correct, My Lady.

That is amazing. It cannot happen. --- What I am saying My Lady, is the firearm went off whilst it was in my possession, I take

responsibility for the firearm going off when it was in my possession. But I cannot say my finger was on the trigger when it was not on the trigger, My Lady.

No, you see... No. That is not that easy Mr Pistorius. It cannot be that easy. It cannot be. Something must have happened with that gun. And you fired a shot. You had your finger on that trigger. --- As I said My Lady, I did not have my finger on the trigger of that firearm.

But you cannot explain how the shot was discharged. --- I cannot, My Lady.

10 But in your evidence you said... What did you say to Mr Loupis?
--- When Mr Loupis came to the table, Mr Fresco apologised, he said that the firearm had caught on his pants. I said to Mr Loupis that it was my fault, I said I am sorry and I will pay for any damages, that is what I said to Mr Loupis. When I paid the bill once we got up to leave, I paid and I said to him again: Mr Loupis, I am sorry for what happened, it is my fault. I take the blame for it, I will pay for the damages and I completely took the blame for it.

Well ...[intervened] --- But what ...[intervened]

20 Nobody can remember that. Nobody at that table remembers that you took the blame and neither can Mr Loupis. You know that? --- That is what happened My Lady, I apologised and I paid the bill and I said to Mr Loupis that I will pay for any damages.

This is such an amazing incident. You never touched the trigger, the gun went off. You took the blame, you took responsibility but nobody can remember. So everything is against you. How can that be? ---

I understand if everything is against me, My Lady. I can just tell him what happened. I apologised, Mr Fresco carried on going on about how the gun caught on his pants. All I said to Mr Loupis was: It it was my fault, I am very sorry. May I pay? Please may I pay for the damages and I apologised. When I left I said it again. So if ...[intervened]

Why was it your fault? --- If I remember when Mr Lerena testified... I cannot... I do not have a recollection Madam, of what testified to, but I know what I said and I said that I was sorry for what had happened, that it was my fault. I did not elaborate on why it was my fault
10 and I offered to pay for the damages in the restaurant.

Now, so after this event, it must have bothered you that that gun went off by... on its own. --- Yes, it did bother me My Lady.

And you discussed it with hundreds of people. --- It did not bother me that the gun went off by its own, it bothered me in its entirety that the gun went off in a restaurant and that the gun was in my possession when it went off. I did not discuss it with anyone.

But you see... ...[intervened] --- I discussed it with Reeva in a text and I must have chatted to her about it later that nit, or later that day.

Did you talk to anybody else about this? About that incident?
20 --- I do not recall talking to anybody else.

Did you discuss it with Mr Rens? --- I do not recall discussing it with Mr Rens, My Lady.

If you discussed it with Mr Rens, you would have remembered?
--- I do not... I do not know if I discussed it with Mr Rens.

If you discussed it with him, you would have remembered. He is

the gun... he owns a gun shop. --- If I had discussed it with Mr Rens and I remembered, that I would say that I remember discussing it with Mr Rens, but I cannot say I remember or would not remember. I do not remember discussing it with Mr Rens.

Did you discuss it with any other gun enthusiast, that you can remember? --- Not to my recollection, My Lady.

Did it bother you that that gun went off by its... on its own? --- It bothered me that the firearm went off in my possession My Lady.

No, it ...[intervened] --- I do not think I ever thought of it as the
10 gun going off without me pulling the trigger.

You must have. --- But it bothered me that I was stupid to take a firearm from someone who I thought would have made the firearm safe and in the process of double checking that the firearm was safe, it bothered me that the firearm went off, that somebody could have got hurt. That is what bothered me, My Lady.

Everything is bothering you, except the gun. Except the miracle that the gun off without somebody touching the trigger. That never bothered you. You are a gun enthusiast, you wanted to buy a Glock. Did it bother you that that gun went off on its own? --- Yes, it did, My Lady.

Now... Now, now you say. First you said you did not. So it
20 bothered you that that gun went off on its own. --- My Lady the whole situation bothered me. I cannot say one thing bothered me in particular, the incident bothered me. Of course it bothered me that the firearm was discharged when it was in my possession. I do not have much else to add to that. I cannot say that... I can say it went off in my possession, I can say

I was responsible for the firearm when the round went off.

You see, the... I am not going to move away so easily from this. I know you want to say: I am responsible, please move away, please move away, but there is something deeper here and that is I do not understand and neither would the court in my argument, that if you are presented with a set of facts that point at you having discharged that firearm, you are not willing to accept that. That is troubling. --- My Lady, I can understand the fact, so I agree with the facts that the firearm, if it was put to the court, cannot discharge without a finger being on the trigger. I can understand
10 that and I accept that. I understand that the firearm was in my possession when the round was discharged. What I cannot say is that my finger was on the trigger.

Okay, let us help you. Can you perhaps... can you say: Perhaps my finger was on the trigger? --- No, I cannot My Lady.

Yes. You see. --- My finger was not on the trigger.

That is... that is what is bothering me. You would not even concede that perhaps it was on the trigger? --- I cannot concede that because it was not a perhaps, I know that my finger was not on the trigger, My Lady.

20 Now did you... why are... Why were you upset with Fresco? What particularly? In him handing over the gun to you? --- No, in handing me a firearm that had a magazine in it and that had a round in the chamber, My Lady.

Yes. So there are two things. It had a round in the chamber and it had a magazine in it. --- That is correct, My Lady.

When you received the gun, you wanted to check if the gun was safe. --- I wanted to have a look at the firearm My Lady, but I did not want to check, when I took the firearm I did not want to take it to make sure it was safe. I wanted to take it so I could look at it.

Yes, but when you ...[intervened] --- But before I did that I made sure that it was safe.

No, that is fine, that I agree with that. When you received it, you wanted to make sure that it was safe. You cocked it. --- That is correct, My Lady.

10 A round came out. --- I did not cock the gun but I made the... I made the... I was in my... I was ...[intervened]

Yes, please me? --- I was making the firearm safe in... or checking that there was not a round in the chamber. I did not know that there was a magazine in the firearm. So when I released a round out of the chamber, what I thought was making the firearm safe, must have put another round into the chamber.

No, but you see, if you... How? How... You did not cock the firearm? --- My Lady, in the process of making the firearm safe, you have to take the slide back to check if ...[intervened]

20 Yes. --- ...if the bullet comes out. So my intention was not to cock the firearm, but if there was a magazine in the firearm, like there was, then it would have cocked the firearm by putting another one in automatically.

Yes. --- But if I knew there was magazine in, My Lady, I would not have made the firearm safe, because it would have just carried on until

the magazine was empty. I would have rather just taken the magazine out.

Yes. Now, in any safety procedures the first thing you would check for is if there is a magazine in it. --- That is correct, My Lady.

You did not. --- I did not.

Yes. But we agree on one thing. If you wanted to make it safe, the first step would have been to check for the magazine. --- That is correct, My Lady.

Then check the slide, if there is a round in the slide. --- That is correct, My Lady.

10 You did it the other way around, you first checked if there was a round in the slide and there was. --- That is correct, My Lady.

Now, the next thing you would do is to check if there is a magazine in it. --- I would have usually checked, I have never passed somebody a firearm with a magazine or a round in the firearm, My Lady. I have trained to make a firearm safe and put it down on a ... pass it to somebody or put it down on a surface. I did not do that that day, I took the firearm and I did not think that there would even be a round in the chamber. I should have checked that, if there was a magazine in that firearm, I did not do that. It is my mistake. It is ...[No audio 11:13:09] ...

20 when I checked that the chamber was safe, a round came out. I did not think for one moment, I would not have done that if I thought there was a magazine in the gun. It would not have made sense. And at that moment a round went... a round was discharged.

You see, you now gave a version again. A full version, in fact. Do you know what I asked you? --- Mr Nel asked me if I then checked if

the magazine... if I took the magazine out.

Yes. And what is the... what is the answer to that? Because you have not. Did you then check? First you checked there was a round in the chamber. --- I did reply to Mr Nel's question, My Lady.

You did not. --- I said ...[intervened]

Did you? --- I said I did not check that. I said usually ...[intervened]

But why not? --- I said usually I would have.

Why not? --- As I said My Lady, it was stupid of me, I did not. I
10 did not think Mr Fresco would give me a firearm with a magazine and a round in it.

But now you have established that there was a round in. Now you know Mr Fresco is stupid. He gave me a gun with a round in. So why not do the next thing and check the magazine? --- I should have done that, My Lady.

You did not. --- No, I did not My Lady.

You just pulled the trigger. --- I did not pull the trigger, I did not have time to think My Lady, at that point when the bullet came out the firearm went off.

20 You see, we will gets lots of that today as well. I did not have time to think. We had that yesterday as well. So that is one of your defences. I did not have time to think. I am a gun enthusiast, I did not have time to think. Why not? --- My Lady, being a gun enthusiast has nothing to do with the time. I, at that point, checked that the firearm was safe and at that point... within a second, the firearm went off. It was not

that I had time to turn the firearm over and eject the magazine. If the time is that, then the time is that, I cannot change it.

We will get to the rest of this, just after tea. My Lady, if that is perhaps an opportune moment to take the tea break?

COURT: We take our tea adjournment.

COURT ADJOURNS [11:15] ~ ~ ~ [11:34] **COURT RESUMES**

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

COURT: Yes, Mr Nel.

CROSS-EXAMINATION BY MR NEL: (Continued) Mr Pistorius, if a
10 firearm has a magazine in it, a pistol, every time you move the slide
back and released it, it will load itself. It the magazine has got rounds
in. --- That is correct, M'Lady.

So even if you did that five times in the restaurant, it would have loaded itself all five times. --- That is correct, M'Lady.

Therefore it is important to first check if the magazine is out. ---
That is correct, M'Lady.

And.. which we now know, you did not do. --- That is correct,
M'Lady.

Then when.. I would have expected you to say: The gun went
20 off by its own...on his own. What happened? Did you say that to Mr
Fresco? --- I said to Mr Fresco... I asked him what he was doing for
handing me a firearm, first check that there were...This is what I said to
Mr Fresco, I asked Mr Fresco, what he was doing handing me a firearm
that was not safe and I said: Take it back and I gave it to him.

My question: Did you tell him this gun just went off? --- No, I

did not at any point think about that. I was thinking about the safety of the people around me.

Did you tell Reeva that the gun just went off? --- I told Reeva that the firearm went off in my possession. I do not remember if I told her that or not.

Because you sent her a Whatsapp. --- That is correct, M'Lady.

And 'angel, please do not say anything to anyone'. That was important to you. --- That is correct.

That nobody should know. That is important. --- That is
10 correct, M'Lady.

Why is that important? --- As I explained M'Lady, I did not want her to say anything to anyone, because I understood that it could be taken out of.. I did not want to be in the media for having a firearm in my possession when it went off in a restaurant. So I could understand how it would be turned and interpreted in certain ways. So I did not want anybody to say anything about it. I did not want to talk about it.

I did not want to take responsibility for it. I do not want it in the media. Please, do not tell anybody that I did it. That is what you did not want. Am I right? --- That is not what I said, M'Lady. I said 'angel,
20 please do not say a thing to anyone.' What I was saying there, is please do not say anything to anyone. If it gets out in the media, it will get turned or it will be [indistinct 11:37:54] on a way that was not what happened. It was a mistake on my behalf... *[Indistinct audio 11:38:01 – 11:38:05]*

Carry on. You just took it that the media will misinterpret the fact

and print lies. --- That is correct, M'Lady.

You just thought the media will print lies. --- That is correct.

What did you think they will do? --- I did not think about what they would do. I knew that they.. if they... if people found out about it, they would think that I was somebody who pulled the.. who fired a round in a restaurant, which was far from what had happened and I know I would not have given a comment to. An article like that, so I knew that it would get misinterpreted.

And you did not even want the truth to be in the media? --- I
10 did not want to be associated. I think it is a terrible thing that happened. I do not... I did not want it to be anywhere in the media. I think if I.. my life, I am not a musician or a actor. The more famous I am the more mo... it does not mean I make more money. My [indistinct 11:39:05] is my job. That is why I am in the media, but at times my personal life comes into the media and this is definitely something I would not want in the media, for any reason.

You did not want the truth to be in the media? I want to hide the truth. --- M'Lady, even the truth in the media, people would interpret..
20 people read things and they interpret things. Even if the truth is printed, they write.. they interpret things differently. So I did not want this to be anywhere near the media. That is why I said, please do not say anything to anyone.

But then let us answer the question. You did not even want the truth to be in the media? --- That is correct, that is what I said, M'Lady.

Darren told everyone it was his fault. Was it his fault? --- It

was both of our faults, M'Lady. It was my fault for the firearm going off in my possession and it was his fault for handing me a firearm which was not safe. But I was referring to here was this: Darren told everyone it was his fault. That is what I wrote there.

"I cannot afford for that to come out, the guys promised not to say a thing."

That is important to you. Please let this not come out. --- That is correct, M'Lady.

You see you... that is a good example of you not taking
10 responsibility for what you did. Do you not think one should take responsibility if you are negligent with a firearm? --- M'Lady, I think I did take responsibility by asking Mr Loupis if I may pay for the damage of his restaurant. Taking responsibility does not mean that I want the whole world to know what happened that day. That is not taking responsibility.

Taking responsibility is not to care if the truth comes out. That is taking responsibility. Not hiding the truth, that is not taking responsibility. --- I do not think responsibility has anything to do with your life being interpreted to millions of people around the world,
20 M'Lady. The truth is the truth.

You see... I am putting it to you, you lie. You fired that gun! There is not any other way that bullet could have been discharged without you pulling the trigger. You are lying. --- I respect Mr Nel's comment M'Lady, but I did not pull the trigger on that firearm.

You.. how do you carry your pistol? --- I carry my pistol in a

holster usually, M'Lady. I have got two holsters, depending on what clothing I wear.

And as far as the round are concerned? --- I carry my firearm with a full magazine, M'Lady.

Not one up? --- I have a mechanism on my firearm, M'Lady where you can put a round in the chamber and you can drop the hammer, so it is not cocked in a sense of.. when you.. trigger on my gun has a... it has got a double pull, so if you cock a gun to pull the trigger is very easy. The weight of the trigger is fairly light. If you do not cock it,
10 the first pull and the pulls thereafter are very heavy. It is very hard to pull the gun. So my firearm has got a double safety mechanism, where you can... you can cock the gun, you can drop the hammer and then you can put the gun on safety. So I usually do carry one up.

After all that, you carry one up. --- Correct, M'Lady.

Okay. So..and Mr Fresco, you and him went to the shooting range often. --- We did not go often. We were...I went on several and he shot as well and on then a couple of occasions we went together, M'Lady.

And... so as a man carrying a gun one up, did you expect him to
20 also to carry his gun one up? --- I would not carry that firearm one up, M'Lady. It does not have a safety mechanism, apart from the trigger safety which is just a... to my understanding a small piece on the trigger.

Yes. --- So I would not... I would not think it would be safe to carry that firearm one up.

You see, people would disagree with you, but we are not going there. At least now you have admitted that the safety mechanism is on the trigger. You have to pull the trigger mechanism, then the trigger for that gun to fire. You know that. --- That is what Mr Nel put to me just before tea, M'Lady. That is what I understand.

I have already indicated that you are not telling the truth. I unfortunately Mr Pistorius, have to go back to the Whatsapp's because I have picked something up. That I want to talk to you about. I want to ask you about and that is the..page 223 of 343. --- M'Lady, I am sorry.

10 Which exhibit is this?

ZZ. --- I beg your pardon, M'Lady. Would you... Mr Nel please just refer to which page you [intervene].

Ja 22.. gladly. 223 of 343. So it is 223. You have it? --- Yes, I do, M'Lady.

I do not want to rehearse everything, but remember you said you were late. You had to go training, it was Saturday, you had to go to lunch and you had plans. Am I right? --- I remember saying we were late for Mr Fresco's engagement, M'Lady. That is correct.

20 But you had to leave, because it was Saturday. You had to go training, you had to go to lunch, you had plans. --- That is correct, M'Lady.

Okay. You will be very surprised to hear that it was a Sunday. - -- I am not surprised. As I said, I think I can remember. I thought it was a Saturday, M'Lady. But I [intervene].

[Indistinct 11:45:57] Then we have to take that one away. Let

us just erase that it was a Saturday. Let us erase that and now think, what did you have to do on a Sunday. Because you said I had to go training. --- [no audible reply]

Let us erase that one and start again. Did not go training. --- I did go training, M'Lady.

On a Sunday? You said it is a Saturday. --- I said I thought it was a Saturday, but I remember on that day I had training, M'Lady and I had to go to get lunch.

Okay. So.. was that the exception to the rule for Sunday? ---

10 No, I train every day of the week, M'Lady.

You said it was a Saturday. --- I said [intervene].

On a Saturday I train and I will go through the record because it is important. --- That is [intervene].

On a Saturday I train. --- M'Lady, I said on a Saturday I train. I also train on a Sunday, I train every day of the week. What I also said, I think if I could remember it was a Saturday. That is what I said. I did not say it was a Saturday. I said I think it was a Saturday. That is what the record will show and if you tell me it was a Sunday, it does not change anything. I would have still trained. I had training on that day
20 that is why I had to leave.

And you still had the same plans. You had plans and you had to go to lunch. --- Mr Rooney was here from the UK to train with me. He is also an Olympic athlete. We had training, we were in the middle of a training camp. So we were training everyday and I still had to go eat. My diet is extremely important, it is a part of my running and I still...

nothing changed. If it was a Saturday or a Sunday.

You see, I know that you would brush it off, but it came from you. You said: You remembered it, you said you thought it was a Saturday. You had to go train on a Saturday. I know you would brush it off. But it is not that easy. --- I thought it was a Saturday. If you tell me it was a Sunday, then I accept that it was a Sunday morning.

Let us go one step further. Now you were late because of what? Because of picking up Gina? --- That is correct, M'Lady.

Is that the only reason? --- As far as I can remember that was
10 the reason why we were late. That is what was mentioned here in this message, M'Lady.

If there was a burst pipe that you had to discussed with a friend, would you now remember that? --- No, M'Lady.

If.. if I am able to show you Whatsapp's to say that there was a burst pipe. You were also late. You and Reeva were late. Gina should go get the presents so long. --- I do not remember that, M'Lady. I remember the reason for us being late, was... if I...if there was a burst pipe I would have taken that into account. But the reason for us being late.. till the time that we planned on being there, was not because of if
20 there was a burst pipe. It was because... and this is where the message says, it was because we had to wait to pick up Gina. It was not because there was a burst pipe.

You see.. the.. so the song, was it played on your way to..to the function or on your way back from the function? --- In the context this was written, M'Lady I..and I remember it being as we left. So Reeva

and I had an argument at the function. When we got in the car to leave, I asked Mr Rooney to put on this album and the song must have upset her. That is in the context. I.. I presume it was when we were leaving.

Now I am not going to rehearse everything. I will not. There is just one other aspect. Now.. have you snapped at Reeva in the past? -
-- That arguments in the past M'Lady, I do not know. I guess I have got upset with her in the past, at something that may be she said or... I do not.. I never lost my temper or shouted at her or.. if I snapped, meaning in the context that she says here, where she says: 'I get snapped at
10 and told my accents and voices are annoying'. I think if there were other times that I had snapped at her, she would have brought it up with me, but I do not remember. I do not remember, there could have been other times that I had snapped at her.

And was she scared of the way you acted then? --- No, M'Lady. Reeva was never scared of me, M'Lady. She...[intervene].

[Indistinct 11:50:39] Whatsapp would say, but let us carry on with something else. The .38 ammunition in your safe. Count 4 of the indictment , M'Lady. You admit that the ammunition was found in your safe. --- [indistinct 11:51:11]

20 And that you control the safe? --- There is two safes in my..that were in my house, M'Lady. The one safe is downstairs, only I had control to that safe and the safe upstairs, was a combination code which several people had access to, M'Lady.

Are you telling the court that you kept ammunition in a safe where the several people had access to it? --- That is correct, M'Lady.

Did you keep your own ammunition there as well? --- No M'Lady, I kept my ammunition in my.. I had an extra magazine in my bedside table and I kept my cleaning kit for my firearm in the safe downstairs. At the time when I had the .38 ammunition, my father had asked if he can put it away for safekeeping and it was placed in that safe.

Who placed it there? --- My father did, M'Lady.

Were you there? --- No, I was not there, M'Lady.

You know that your father refused to make statement in this
10 case? --- I do not, M'Lady.

Have you seen a statement by your father, acknowledging that it is his .38 ammunition? --- I have not, M'Lady.

Do you know that there was attempt to get a .. to get a statement from your father, to admit that it was his .38 ammunition? --- I do not, M'Lady. My father and I have not had communication between the two of us, for many years.

Now why would you allow him to put his .38 ammunition in your safe if you have not spoken to him for many years? --- There has not been communication. I have spoken to him, but there has not been a
20 relationship. He would sometimes come up to Pretoria or Johannesburg. My understanding was that he [indistinct] firearm holder that... **[Indistinct audio 11:52:54 – 11:53:13]** ...place for safekeeping, it does not have to be their safe, so he asked me if he could keep the ammunition in my safe. I said that he is more than welcome to and I let him do so.

Okay. So he asked you and you gave him permission? ---

That is correct, M'Lady.

Now, in your competency test you dealt with possession of ammunition. --- That is correct, M'Lady.

And you said there that, either if you are in possession of a license or you are a dealer, but you never said that you could keep ammunition on behalf of somebody. --- I may not have said that there M'Lady, but that is my understanding of the law.

No but.. I mean you.. you were.. you wrote that competency. Did
10 you check that understanding of the law with Mr Roux? --- I most definitely did, M'Lady.

And what did he say? --- He confirmed my thoughts about it.

He said that you are right? You can keep.. in terms of the New Arms Act, are you telling me that Mr Roux said: In terms of the New Arms and Ammunition Act, that you could keep ammunition without being in possession of a licence, of somebody else in your safe? --- He did not say that to me, M'Lady.

That is what I am asking you, what did you answer then? --- I answered that it is not what he said, M'Lady.

20 Okay. What did he say? --- I spoke to him about the ammunition and he told me.. I said to him: My understanding is that, if I go to a hotel for the night, I can put my firearm in that safe and go down to the gym. That is my understanding and he said: That is correct, according to the law, as long as your firearm and ammunition can be kept in a place for safekeeping. It does not say your safe, it says a

safe. He told me it says a safe or a strong room. That was the interpretation that I got from him.

You see, I do not know. That was not the question I asked you. I asked you: Are you telling me that Mr Roux told you, you were allowed you keep your father's ammunition in your safe if you are not... if you are not a licence holder of a .38. Did he say that? --- He did not say that.

Good. Now, I asked you when we started. You understanding of the law, did you discuss it with your legal team. And you said yes. Who
10 then, if it was not Mr Roux, who did you discuss it with? --- It was Mr Roux. I discussed it with him, M'Lady.

Now are you telling me, that he said on that charge that you are allowed to keep that ammunition of your father in your safe? Please think carefully. --- I.. I do not follow the question, M'Lady.

The question is: Did he tell you that you are allowed to keep your father's ammunition in your safe? --- Yes, he to.. I said [intervene].

No it cannot be. --- I said.. I said to him: That was my understanding and he confirmed it, M'Lady.

20 No, it cannot be. Mr Roux would not do that. You see, we have now.. it is the third occasion that you blame your legal team, but you do not want to take responsibility. Mr Roux would not have said to you, that it is in order for you to keep your father's ammunition in your safe. He would not have done that. I put it to you. --- M'Lady, we discussed it. It was not.. my understanding is still that it is not illegal to do so, so I

do not know.

No, no. Forget your understanding Mr Pistorius, you are not answering the question. I am asking you what Mr Roux said to you. Not your understanding, please. Do you have that? --- Ja, I do, M'Lady.

Okay. Now, let us start again. Did Mr Roux tell you, that it is in order for you to keep your father's ammunition in your safe? And you know, this question, unfortunately have a yes or a no answer. --- He did not say those words, so no Madam. He did not say that.

10 He would have said no, because it is illegal. --- He did not say that to me, M'Lady.

If I say it to you, what will you say? --- I would say it is not my understanding of the law, M'Lady.

You see, if it was somebody with one gun, I would say let us test your understanding of the law. You are a gun enthusiast. You come from a family with lots of guns. Am I right? --- That is correct.

50 or more, I read somewhere. --- That is... well, I do not know the number, M'Lady.

20 Oh? Now if you are a gun enthusiast, then you would know the law and we are lucky, we have your competency. Did you discuss it with Mr Rens? --- No, I did not discuss it with Mr Rens, M'Lady.

I do not understand why you plead not guilty. I do not. You just do not want to take responsibility. --- [No audible reply]

Why do you plea not guilty? --- It is my understanding of the law, is that you can.. you can place your ammunition in a safe for

safekeeping, it does not have to be your safe. That is my understanding [intervene].

You see. --- And when I shared my view with...what my understanding was, when we discussed this charge with Mr Roux, that is what he confirmed with me, M'Lady. So that is [intervene].

Let us just check that. When.. so do you know when your father put it there? --- I do not remember, M'Lady. I am in and out of the country. Makes very few [indistinct 11:58:28], I do not remember when he put it there. I know that it had been there for some time because it
10 was at the bottom of the safe. I had placed other things on top of it. It was not for my purpose, it was not for... I do not own a firearm that can discharge that type of ammunition.

You did that. You did when you were arrested. You bought a firearm that could fire that ammunition. You just did not have a licence for it. --- At the time when I was arrested last year, yes I did have a ... there was a pending application for that type of firearm that shoot that type of ammunition. But I did not have... a licence or a firearm in my possession for that ammunition.

So let us start there. You were not allowed to legally have that
20 ammunition in your possession. --- It was not in my possession.

No, no. Listen to the question. The question is, you were not allowed to have it in your possession. Am I right? --- I.. my understanding is, that is am allowed to have... I do not think that is right, M'Lady. I.. my understanding is, that if somebody wants to place ammunition in a safe.. in a place for safekeeping, they are entitled to do

so.

You see. Were you in possession of it? --- It was in my house but..but the safe possessed items that belonged to me and belonged to my father and one or two items of jewellery that belonged to at different times to my sister. So there were things in my safe that.. even if it was in my possession, it was not.. it was not for my.. it was not for my use. It was not..my understanding of the law is that, if there... I understand the charge. But I.. my understanding of the law is, that if I had ammunition I can place it in an safe for safekeeping. It does not
10 have to be my safe.

You see. If you... you are confusing two issues. If you are in possession of ammunition, you can put it in an safe. Were you in charge of the safe. In a hotel, you are in charge of the safe, you put it in the safe, but you are in charge of the safe. You can put your ammunition there. That is what you understand? Am I right? --- I think that is what I understand [intervene].

But now you are keeping or you are possessing, because you said you possessed. You possessing your father's ammunition, do not have a licensed firearm. --- [indistinct 12:00:49] possess, I said the
20 ammunition was never for my purpose.

It does not matter. --- It was kept in a safe where many people had access to the safe.

But let us take it further, because you know I forgot something and you just reminded me. You kept a magazine in your bedside drawer. --- That is correct, M'Lady.

Is that your understanding of the law, that if you leave your house you are allowed to have a magazine in the bedside drawer? --- No, it is not, M'Lady.

Why did you do it? --- For my safety, M'Lady.

Let us just.. let us just then get to the facts. You kept your..an extra magazine, in your bedside table at all times when you were there or not. --- That is correct, M'Lady.

And you had safes in your house that you could put that ammunition in. --- That is correct, M'Lady.

10 Now at least you would agree with me, that that is illegal and that it is negligent. --- M'Lady, I do not know if this is related to the charge that I am being charged with.

Answer the question. --- It [intervene].

Answer the question, please. --- Could Mr Nel please repeat his question, M'Lady.

You should listen to questions Mr Pistorius, but I will. You agree with me that it is illegal to keep ammunition in your bedside drawer if you are not at home? --- M'Lady, when I was not at home I put the ammunition in the safe. I was at home when I got arrested.

20 Oh I see. You see, the record will speak for itself. Are you telling me that you took that ammunition and put it in the safe every night? --- Yes, M'Lady.

And took it out [intervene] --- I did not say I put it in the safe every night. I said when I was not at home, it was in the safe.

Okay. Now.. so.. I just want to understand it. Because this.. you

see Mr Pistorius, I have to warn you. It has implications so that you are not surprised. You tell me that if you are not at home, you will take that magazine and put it in the safe? --- At times, M'Lady. I was.. I kept that extra magazine in... At times I carry that extra magazine with me. At times I put it in my bedside table. If I went away, I locked it in my safe.

Okay. That we have. We have the following, and please help me: If it is not in my possession, on my person, I would lock it in the safe if I am not at home. Am I right? --- That is correct, M'Lady.

10 Okay. I would not leave it in my bedside table. --- I am sure there was a couple of occasions that I forgot to lock it away, M'Lady. there would have been.. I cannot say and I cannot stand here and lie. There would have been occasions, but this is not related to the charge of the .38 ammunition in the safe.

I am dealing with your negligence as a firearm owner. That is what I am dealing with. So on the day of the incident, you had in your possession the whole day? --- I do not remember if I had a magazine in my possession. I think I would have left it at home on that day, M'Lady.

20 In the safe? --- No, in the bedside table where it was found, M'Lady.

Why? You would not do that. You said to the court, I either have it in my possession. --- That is not what I said to the court, M'Lady. I said at times I may have forgotten to put it in the safe.

So, unlucky for you this was one of that occasions. --- That is

correct, M'Lady. Not unlucky, it was just.. it was one of those occasions and it was unfortunate. I understand that it is against the law. I kept it there, sometimes I forgot.

But if I tell you it is against the law to keep your father's ammunition, you will not agree with that? --- If you tell me that, then I will understand that.

And then.. if it is against the law, you plea guilty. --- That is not what I said, M'Lady.

I asked you, if it is against the law, would you plea guilty? If you
10 know that. --- I would have to sit with my council and discuss [intervene].

No. You will not have an opportunity again. I am asking you. You said if I tell you it is illegal, you would accept it. Now I am saying, if I tell you it is illegal, to have your father's ammunition and you had, will you at least in this occasion tell the court that you are guilty? --- M'Lady, I think that both Mr Nel and I know that it is not that simple. Possession of ammunition, the law differs. Regards to being guilty and not guilty on the.. basis of why the ammunition was kept. So I cannot say that I. I understand why he say that.

20 Why? --- But the p.. the ammunition was not for my purpose, it was in my safe. It was not placed there by me. So I understand what he is putting to me but I cannot say that I change my plea.

I see. You see, it is the second time today. First we have a miraculous discharge of a gun, you would not accept. Here when I tell you it is illegal, you would not accept. But at least we know, sometimes

you are negligent as far as your other magazine is concerned. --- That is correct, M'Lady.

Okay. So when in the bail application Mr Roux put that the ammunition belonged to your father. Did you try and make contact with your father to confirm that? --- No, M'Lady.

Do you know if anybody else did? --- No, M'Lady.

Why not? Why would you not know if anybody did? --- M'Lady, until after my bail I was in a prison cell and for weeks afterwards I slept. I did not see anyone. I stayed in my room. I did not converse with
10 anyone. I did not socialise, I was not.. I did not speak. So, I do not know what happened, or I would not know if somebody did or did not on that grounds or on any other grounds. I spoke very limited to the people around me. On occasions that I had to speak to my lawyer, I would speak to him. On other occasions somebody would come and visit me, but I did not have much communication. I actually did not even have phone. The state have my phones, M'Lady. So I did not have numbers and I did not converse with many people.

Are you done? --- I am, M'Lady.

Okay. Now, has anybody, your brother, sister, uncle, anybody
20 tell you that your father did not sign a statement to confirm that it was his ammunition? --- No, M'Lady. The understanding I had about the ammunition, was that the police gave the ammunition to my brother and to Advocate Oldwage when they came to open the safe at the house. They told them that they could take the ammunition along with other items. They did not take any register of the items. When they left the

house, Mr Oldwage saw.. asked one of the policemen at the door of my house, do you not want to take an inventory of stuff we taking out, he said: No he does not, it does not bother him and they left and later that day, they were called to return the ammunition which is what they did. In the same state as what they had taken it from the state. That is all I know about the interaction between the ammunition and whether Mr Oldwage or my family or .. and my uncles, that is all I know about.

M'Lady, may I just be granted a minute to page through a file? Can you just look at JJ in front of you. M'Lady, I am referring to
10 EXHIBIT JJ. You have that? --- I do, M'Lady.

Unfortunately I do not think it is paginated but.. if you turn to a heading. 'Competency level exam knowledge of Firearms Control Act, Oscar Pistorius'. 14. On the top right hand corner, there is a 14. A103.14. Do you have that? --- I do, M'Lady.

Then if we just keep on paging to that 17 in the top right hand corner. You have that? --- I do, M'Lady.

That, there is a question 17. No person may possess any ammunition unless he or she: And you say:

20 "Has a dealers licence. Has a licence for a firearm
of that calibre. Has a permit for ammunition."

You had none of those. --- M'Lady, it asks you to list three here, I am sure that there are many others. But it asks you to list three, this is ...[intervened]

What are the others? --- I do not know what the others are. These are the ones, that was.. in my recollection, it was a open book

test, so ...[intervened]

Are those three... none of those three you had. --- No, none of the three I have but ...[intervened]

And the most important one is the second one.

“Has a licence for a firearm of that calibre.”

Do you agree with me, as far as that is concerned? --- That is correct, I do not have a licence for the firearm for that calibre, M'Lady. Nor did I had a purpose for that ammunition.

Now, we have dealt with that. Let us carry on with... We will
10 carry on with the Vaal, the trip to the Vaal and the discharging of
firearm, count 3. Now, you were going to a function at the Vaal with Mr
Fresco and Samantha Taylor. Am I correct? --- Amongst others,
M'Lady. That is correct.

And what was the occasion? --- I do not remember there being
any specific occasion, M'Lady. We were going out on a.. going for a get
together with some friends.

And you left at what time about? --- I have no idea, M'Lady.

And when you got to the Vaal, what...what was happening
there? --- I do not remember much about the day, M'Lady. But I
20 remember we were met by.. we drove down and we were met by other
friends there. There was a group of about 10 people, about more or
less 10 people. I do not remember if we ate something or if we just
went out on the water. I remember we were on the water and we wake
boarded a bit and then at a point in the afternoon, we had to return.

Now whilst you did all that, on the water and so forth. Where

was your gun? --- My firearm was on me, M'Lady.

Say again? --- My firearm was on my, M'Lady.

You took the firearm on the water? Onto the water? --- I said we wake boarded, M'Lady. I have ne.. I cannot wake board.

But so when you took a boat onto.. at least there was a boat on the water? --- That is correct, M'Lady.

So at the function you to..on the boat, you took your gun with you? --- That is correct, M'Lady.

Why? --- Why..why did I take my firearm?

10 Ja, why did you take your gun to a party? --- We..it was not a party, it was a get together, M'Lady and my firearm was on me.

Oh I.. I rephrase, and ask the question. Why would you take a firearm to a get together? --- I carried my firearm wherever I was. The only alternative choice would be to leave it in the car. At a point when I was on the boat, I put it in my towel and I did not want to leave it at the house where there was nobody there, so I took it with me.

And you kept it on your person during the day? Except for the one.. for the brief... now when.. when you put in a towel. Let me follow up on that, was it on the boat or at home? --- Yes, it was on.. it was on
20 the boat. So I jumped into the water and I put my firearm on the towel. In the towel and I jumped into the water and that was...

You do not think that is negligent? A loaded firearm, one up. On a towel in the boat whilst you swim.. whilst you are swimming. --- I usually carried my firearm one up, M'Lady. I do not remember if it was one up that day and I left my firearm on the towel. Who were close

people.. friends on the boat, it was in the middle of the water and I got into the water.

I am asking you just a question. Does not matter who was on the boat. Are you telling this court it was not negligent of you to leave your gun in the boat, in a towel whilst you swam? --- I did not see it as being negligent.

Why? Why would you leave your gun unattended? Is that not negligent? --- I did not.. there was no one there that I thought would.. no one there that would handle my firearm or.. my firearm.. I was next to
10 the boat in the water. I did not see it as being negligent, M'Lady.

You see, again Mr Pistorius, it is the most.. it is the strangest day today. You just do not take responsibility for anything. You just do not do anything wrong. You know, any gun owner would say it is wrong. Why can you not do that? Why can you not say it is wrong to do that? You are incapable of using those words, as far as yourself are concerned. --- I understand M'Lady, and if it is seen as negligent, then I understand that and then I was wrong, M'Lady.

Okay. Good. So this.. in this instance you would at least agree that it was negligent. --- Yes, M'Lady.

20 Right. I see. Good. Now the.. your friends.. I take it that in taking a swim you had shorts on and/or a costume or something like that? --- I probably had shorts on, M'Lady.

Shorts. Ja. So in carrying your gun having shorts on, your gun must have been visible? --- I have got a holster with a clip so you can clip the holster on any pair of trousers or pants or shorts.

So you did? --- I do not remember, M'Lady. I cannot recall being on the boat with my firearm. I cannot recall that day and all the small details we are talking about. It is more than two years ago.

No, you see I want to know and I want you to remember. You at a.. almost said party, at a get together and you are on a boat, where is your gun? --- I do not remember, M'Lady.

No you must remember. It is in a holster, it is clipped to my shorts. Where else could it have been? --- I do not know, M'Lady.

No, no, no, no. It is not that I do not know. That is not an
10 answer. That is not an answer. You had shorts on, you had a shirt on.
Am I right? --- I do not know M'Lady, if I had a shirt on.

Okay. Let us.. let us test both. I had shorts on without a shirt. Where would your firearm had been? --- I do not know if I had a shirt on, shorts on without a shirt, so I cannot make up a story and say where my firearm would have been.

No Mister, let us take both. If you did not have a shirt on, where would your firearm had been? --- It would have been concealed in my holster on my person, M'Lady.

Where would you person be, on your shorts? --- I do not
20 understand that question.

Where would you put it? Would you put it.. clip it onto your shorts, it is an easy question. --- That I understand, M'Lady. It would have been on my person. It would have been clipped on my shorts.

So everybody would see, Mr Oscar Pistorius is on a boat, at a get together armed, gun on the side. Why? --- That is not what I said,

M'Lady. I said my firearm.. the holster that I have, you can conceal your firearm. That is not what I said.

You cannot conceal the firearm in shorts without a shirt so that nobody can see it. --- I am not saying I was wearing a shirt M'Lady, I do not remember.

You have to. I am testing you. I was not there. I am testing you. It is your version, you told the court I took my gun to a get together on a boat. I am asking you, what did you do. You have to answer. --- I had my firearm with me. From what I remember, I put in a towel when
10 I got into the water. I was in the water for a couple of minutes, that is what I remember. I do [intervene].

Before you.. before you were in the water, where was the gun?
--- It was on my person, M'Lady.

Where? --- It would have been on.. in my holster on my shorts.

Visible? --- You can [intervene].

There is no ways people can miss your gun in a holster at your side. --- M'Lady, I have a holster where it covers the firearm and you can put it in.. around the lip of your pants. It would have been..if I had a shirt on, it would not have been visible. I am not saying.. I cannot.. I
20 cannot actually comment on this, because I do not remember. I do not.. I do not remember that on the water with my firearm. I remember at a time it was in a towel, that is all I can remember. I cannot say if had a shirt, did not have a shirt or if it was visible or if it was not visible.

Now at least, the one thing you can remember is, at the get together Mr Oscar Pistorius was armed at all times. --- I am usually

armed. I keep my firearm on me, M'Lady.

The day in Tashas, did you have your gun with you? --- Yes, I did, M'Lady.

So the day in Tashas when you.. when the gun went off miraculously, you had your own gun with you? --- That is correct, M'Lady.

I see. You carry your gun everywhere? --- That is co. almost, most of the time wherever I go, M'Lady.

Why? --- For my safety, M'Lady.

10 Now.. then you left the get together. --- That is correct, M'Lady.

You sitting on the passenger side, where is your gun? --- It was on my hip in the holster, M'Lady.

And the Metro cops then stop you. --- They stopped us on two occasions, M'Lady.

On the occasion that you got out, what did you do with your gun? --- I left it on the car seat M'Lady, and I closed the door.

And that was the correct thing to do? --- At the time I did not want to get out the vehicle and approach a group of policemen which were clearly agitated with a firearm on me. It was not the correct thing
20 to do, I should not have taken my firearm off my person and I should not have left it in the car, M'Lady.

You should not have taken it off and you should not have left it in the car. Do you agree with that? --- I agree with that, M'Lady.

Okay. Good. Now the... when the policemen found your firearm. How did you realise he had your gun? What happened? ---

As I said M'Lady, he shouted out, he shouted something to the effect of: Whose firearm this is. I turned around immediately and I walked to him and said: It is mine and I said.. he asked me if I am a licensed firearm holder and I said yes, M'Lady.

Now let us just now.. I know it is always easy to be wise after the event. But that policeman was in his rights just to confiscate that gun that was left there unattended. Because the owner left it on the car seat. Am I right? --- If that is his right, I do not know what the rights are, M'Lady, then yes, he would be entitled to do so.

10 What do you think a policeman's duty is to do with a gun that is left unattended? --- I think to investigate. To find out whose firearm it is, M'Lady.

And if he finds that the person left it there unattended, what should he do? --- **[Indistinct audio 12:22:59]**

What do you think? --- I am not sure, M'Lady.

What do you think? --- **[Indistinct audio 12:23:04]**

And then? Investigate it. He is within his rights to deal with your firearm. --- That is correct, M'Lady.

20 But what happened then? --- He ejected the round from the chamber, he dropped the magazine against.. just let the magazine fall from the firearm and he threw the firearm onto the front seat of the vehicle.

Which means? The gun, the firearm was one-up. --- That is correct, M'Lady.

So, you carried that gun on the boat and at the function, one-up?

--- I think that would be correct in saying so, M'Lady.

Or did you... did you change it, en route from.. from ...[intervened] --- I think that would be correct what Mr Nel has put to me, M'Lady. I do not remember, so if that is what the policeman did, then that makes sense that it would have been one up. I do not think I would have changed the position of the firearm on that day. So it must have been [intervene].

You cannot. You say I cannot remember, what can you not remember? --- I cannot remember if the firearm was one up on the
10 boat. If you are telling me later in the day that... if I say to you that the police officer ejected a round from the chamber, then it must have been one up. I am not disputing that fact.

I am not saying that. You are saying that. --- Okay.

I have not said the policeman did it, you said it. Am I right? --- M'Lady, Mr Nel I think put to me that... if I am mistaken, I am mistaken, that my firearm was one up so It must have been one up when I was at the water.

You said he dropped the magazine. The policeman, did he? --- Earlier on I did say that, M'Lady.

20 And he then pulled the slide back and a round fell out. --- That is correct, M'Lady.

That is your version. --- That is correct, M'Lady.

Now the only inference one draw, is that that was one up. --- That is correct.

Otherwise that would not have happened. --- That is what I

said, M'Lady.

And the only... If you have not changed it from the Vaal to there, you had it one-up on the boat. --- That is correct, M'Lady.

Now for the policeman to be able to do that in the way you carried your gun, you would have had to disengaged the safety? --- That is correct, M'Lady.

Because you had in on safety in terms of what you are telling the court. --- That is correct, M'Lady.

So when that happened, what did you do? --- He was busy
10 handling my firearm. I said to him.. I asked him will he please pass it to me, at which point he threw it on the chair. He made a comment about asking.. he said to something to the effect 'do you know what I can do with this firearm'. At that point I ignored him and I started putting the magazine back in the firearm. I started trying to look for the round that I had seen fallen under the chair. At this point he had already started walking away and he had lit a cigarette. I could not find the.. I could not find the round. At this point another police officer came over, who was talking to Mr Fresco and he started helping us look for the round and he called his fellow officer back, to come and help look for the round.

20 There was.. I do not have your words, but you said... at least there was some unpleasant [indistinct] between you and that first policeman. --- That is correct, M'Lady. I said I was agitated.

Agitated and why? --- I was agitated that he dropped the magazine just on the chair. That he threw the gun down, that a bullet had gone under the seat. I think if he dealt with the situation in a more

professional manner, I would have been far more understanding. But I now had to climb down on the side of the highway and look for a round that had fallen under the seat and [intervene].

And you should not do that. --- And with the comment that he made to me about me.. about him knowing what I can.. what he could do with this firearm, it was clear to me that he was aggressive.

Why? Because he could have confiscate that. He could have investigate it. What did you think he said? --- He said something to the effect of: Do you know what I can do with this firearm?.

10 What did you think he is saying? --- He was saying it to me in a violent manner. So I do not [intervene].

You thought he was... that he wanted to shoot you. --- That is not what I am saying, what I am...[intervene].

What? What then? What? What do you think? It is one of two things. He said: You know what I can do with the gun. What did you think he is saying? --- I do not know, M'Lady.

Ja. --- I did not have.. I did not take an interpretation. All I knew is what he said. I cannot challenge a policeman. I would ...[intervene].

20 He said in a violent.. Sorry. --- Mr Nel is right. He did say it in a violent manner.

So what did you think, him saying it in a violent manner. What did you think he was saying? --- I did not interpret it. I.. it made me agitated and I ignored him and I started looking for the round under the seat.

Why were you agitated if he said: Do you know what I can do

with this gun. --- It was [intervened].

He is a policeman. --- It was the fact that he disassembled the gun in the car and he dropped the magazine. It could have damaged the vehicle. That.. the situation made me agitated. I did not think it was dealt with in correct manner. If he had confiscated my firearm, I would have understood that if he had done it in a professional manner and a courteous way. If he had investigated it. If he had asked me to see my licence I would have understood, I would have complied. But he did not do that, M'Lady. He [intervened].

10 And that is why you were upset? --- Yes, that is why I was upset.

Okay. I want to get to something else. I just going to run through this quickly. We will get back. So you then left that particular spot. They have now dealt with Mr Fresco and I take it you were still agitated with the policeman? --- I sat in the car, before we left I put... the police officer *[Indistinct audio 12:28:46 – 12:28:49]* the bullet back [indistinct] back in the magazine and I [indistinct] and I placed the firearm back on myself. I sat in the car and waited for him to finish with Mr Fresco. They spoke to him for several minutes and by the time we
20 left, [indistinct] left.

Now do you know Mr Bear? --- I do know Mr Bear, M'Lady.

He is the man that assisted you with becoming a collector? --- That is correct, M'Lady.

Now did you not go to his place that day? --- I do not know, M'Lady. I do not remember going to his house on that day.

If he has a photograph of you on that day with his daughter, did you take photographs with his daughter? --- I have.. I do not know Mr Bear well, but on an occasion that I have... on one of the occasions that I have met with him, I took a photo with his daughter and his wife, M'Lady. I think it was his wife, M'Lady and if there was a photo, then that.. then I [intervene].

Then it is possible that you were there? --- Yes, M'Lady.

Okay. So at least we know that it is possible that you were there and if we can get such a photograph, that would help your... refresh
10 your memory. --- Yes, M'Lady. In my chief I said, I remember going there in October, I did not remember anything about September or that day. The things that stood out for me on that day, were getting pulled over by the police on the two occasions.

Okay. Then you cannot remember having gone to Mr Bear. Has Samantha ever been to his house? --- I am not sure My Lady,
[Indistinct audio 12:30:17 – 12:30:20]

You are not sure that you have been to his house where you took photographs with his daughter and wife? --- [Indistinct] residential place **[Indistinct audio from 12:30:27 – 12:30:21]** address was given to me,
20 I am not sure if that is the same [indistinct] I do not know if this... I do not think it is the **[Indistinct audio from 12:30:31 – 12:30:35]** any interaction, I do not think that she would have met him before.

Now, was there any other occasions that you, Samantha Taylor and Darren Fresco went to a residential place in the area of Modderfontein? --- No, M'Lady I do not think so.

At no occasion did... were you together at some... at Mr Bear's?
--- No, M'Lady. I do not remember being at Mr Bear with anyone and I remember Ms Taylor's evidence, she said that we went to a place near the Vaal River. I do not remember even now where the place was where I met Mr Bear.

So you are willing to criticise her for not knowing, but you do not know? --- I am just saying that I ha.. the question was put to me if Ms.. if Sam Taylor had known Mr Bear and if it was possible that we all been to his house. I do not know if I even been to his house.

10 Do you know where the residential place is where you met Mr Bear? --- I do not recall where it is, M'Lady.

But you.. but there was an occasion where you met Mr Bear at a residential place. Am I right? --- Yes, that is correct.

But you cannot tell the court where it is? --- That is true, M'Lady. I do not [intervene].

You have got no idea. --- No, M'Lady. I do not know the area, I would have put in my SATNAP, in my navigation and I would have just driven there. I do not remember [Intervene].

20 So if Sam was there we cannot criticise her for not remembering because she was not even driving.

COURT: Who is Sam?

MR NEL: Samantha Taylor. I apologise, M'Lady.

COURT: Ms Taylor. Yes.

MR NEL: I apologise, Samantha Taylor. Can we criticise her for not knowing? --- I do not believe Ms Taylor was ever with me M'Lady, I

[intervene].

No, that is not the question. --- No, you cannot criticise her.
She.. she.. [intervene].

But you did. --- You have to just look at the context if she comes up here and says that she went to a place in the Vaal River, you would have to criticise it in the sense that I do not believe that she was there. So whether she knew where it was or she did not know where it was, it is of no relevance if she was not there.

Ja, but that is not the question. The question is, let us say she
10 was at Mr Bears place once with you. You cannot criticise her for not knowing where it was. That is all I am asking you. --- If that was the case, no I could not, M'Lady.

Yes. Now, how would she know that you met Mr on whichever day... met Mr Bear at a residential place? Or met somebody at a residential place about guns? --- I have no idea.

Because she said it was... You met somebody to sign gun papers. That is what she thought. --- I know Ms.. Ms Taylor was with me on another occasion when I signed papers pertaining to a firearm when I was with Mr Rens and I know she was with me there and I
20 discussed things, we were in a relationship and I told her where I was on many occasions. So I do not know if, I do not know, M'Lady.

No you do, because you are giving.. giving me opportunity to ask. So are you saying that she is making it up? --- Yes, M'Lady. She made [intervene].

She is lying? --- She lied in her statement and she lied when

she was up here, M'Lady.

About being with you at somebody's house that day? --- That is what I am saying. I cannot remember anybody being with me. I do not remember having a meeting *[Indistinct audio 12:34:06]* to sign papers in a residential area. I cannot recall which residential area it was. I think it was in October... two years, a year and a half ago.

You see that is significant. So if there is an indication that you were at Mr Bear's on the 30th, you cannot deny that. On the 30th of September. You cannot deny, because you cannot remember. --- That
10 is correct, M'Lady.

Ja. Now she says she went with you on that day to a residential place to sign gun papers, she is just making it up. --- I do not know if she made that up, M'Lady. But I do not remember Ms Taylor accompany me to meet with Mr Bear. I.. if she.. if that is what she says, then I cannot say she is lying on that fact. What I can say is, that I do not remember anyone accompany me to see Mr Bear.

Then.. but she.. she is not the only one making it up. It must be also be Mr Fresco making it up. --- I [indistinct] say she made it up, M'Lady. I said I do not remember that.

20 Okay. Good. So the two of them can. Mr Fresco and Sam Taylor can remember at least going to a residential place with you to sign gun papers. --- M'Lady, if you look at the evidence of Ms Taylor and Mr Fresco, that is what they both say. But they do not agree upon the charge, they do not agree upon how it happened, where it happened or why it happened. So if they say that they were there with me on that

day, when this happened, I cannot definitely say that they were not with me. I cannot say that I was there in September. If there is evidence that shows that, then I.. then I can say that if that is what it was, then I was there. But I do not remember... it is not a event that I remember. I do not remember signing papers, I do not remember whose house it was, I remember that I had to meet Mr Bear, that is all I can remember.

But.. you see, I have now left you because I would like to use it in argument. You arguing the case as if you as council. I cannot remember.. have you seen their statements? You must not argue Mister.

10 --- I have seen Ms Taylor's statement, M'Lady and I have seen Mr Fresco's statement.

And you have heard them testified. --- That is correct, M'Lady.

They both said they went with you on that day to a residential place where you sign gun papers. --- That is correct, M'Lady.

You do not know.. you cannot remember. So if two of them can, they must be correct. --- I do not remember, M'Lady.

That is not the question. --- That is what they said, I cannot remember that.

Now let us argue. If there are two.. if there are three people, two
20 know they were there and one does not. We will pick the two, is it not? For a version. --- I do not want to argue with Mr Nel, M'Lady.

I am so glad. So remember that answer. I will use it in future. Right, I am putting it to you Mister, you are not willing to concede anything. Oscar Pistorius will not take responsibility or concede anything. That is what you are doing to your own evidence. --- Is that

a question, M'Lady.

Yes, it is a question. Are you? --- No M'Lady, I...I have conceded on several occasions. I cannot agree with the statement that is put to me if I do not have a recollection of that event.

Then both of them indicate that you fired through the sunroof. That is definitely a lie? --- That is a lie, M'Lady.

Both of them, independently will tell that lie? --- They both took the stand, they both had different stories as to why it happened, as to where it happened, as to how it happened, as to the reaction. That
10 story was fabricated, M'Lady. It never happened. It was not the truth.

But it is a bad fabrication because they never spoke to each other it seems. Because they got different reasons why it happened, where it happened. It was a terrible fabrication between the two of them. --- M'Lady, they have been in contact. Although they said they have not spoken to each other, they have been in contact with each other. They have been seen out at the same events. So I do not know what the connection would be between Ms Taylor and Mr Fresco. They met... they met between me and for all I know they kept communication open before then.

20 Now again, we have to blame your legal team. When they said they have not had communication, Mr Roux had slipped. He never had challenged them on that. --- M'Lady, I...I do not remember if Mr Roux challenged them [intervene].

He did not. He did not, take it from me. He will jump up if I say something wrong. --- I am just saying what I have heard, M'Lady.

Maybe I did not say that to Mr Roux. But what I have heard is that they have had communication with each other, so. That is all I can [intervene].

You see, you are the person that volunteered the fact that they had com... they said they did not have communication, but they have. You.. let me rephrase. You are the one that said in evidence they said they did not communication. Am I right? You said that? --- That is correct, M'Lady.

10 But you know that they had communication. --- I beg your pardon?

But you know that they had communication. --- I am not saying I knew. I said that I heard that they have communication.

But you do not kn.. oh so you heard from people. --- That is correct, M'Lady.

And it was not even put to them that Mr Pistorius heard that you had communication. That was not that important. --- I heard post them giving evidence that they had had communication, M'Lady.

Okay. Who told you? --- I do not recall, M'Lady.

20 [Laughing] No. I apologise M'Lady, for laughing. I will not do it again. But I was surprised by the answer. I apologise, I really do.

COURT: I hope it will not happen again.

MR NEL: Sorry, M'Lady?

COURT: I hope it does not happen again.

MR NEL: Ja, no. It will not. I apologise.

COURT: And I also want to say something to people out there. You

possibly think this is entertainment. It is not. So please restrain yourselves.

MR NEL: Is that the gallery, M'Lady?

COURT: The gallery.

MR NEL: Ja.

COURT: Yes. Thank you.

MR NEL: So you tell me that somebody, since they gave evidence, gave you this information and you cannot tell the court who that person was? --- I do not recall, M'Lady. I speak to many people in the
10 afternoon, after... after.. I beg your pardon.

Because it is not true, Mr Pistorius. That is the only reason why you cannot remember. Because it is not true. You would remember who gave you that information. --- Sorry, M'Lady. Was that a question?

Yes. That is because it is untrue. --- That is incorrect, M'Lady.

If somebody would say I had my gun in that car between my legs, that person would be lying? If somebody would say, Mr Pistorius had his gun in the car between his legs, that person would be lying. --- That is correct, M'Lady. Mr Fresco did testify to that and it was not the truth, M'Lady.

20 And nobody challenged him. --- I cannot remember if anybody challenged it or not, M'Lady. I did not discuss.. Mr.. when I discussed this charge with my council, I did not discuss things that did not happen. So I could not have said to them that I can foresee what Mr Fresco is going to say [*indistinct 12:42:17*] told him he might say that I had my gun between my legs [*Indistinct audio 12:42:22 – 12:42:35*]

Now whilst we busy with this, I see we have got 15 minutes before lunch and I want to deal with something. The.. and please I do not want you to get confused. So I am going to the scene of the.. early morning of the 14th of February in the bathroom you are firing shots. How many shots did you fire? --- I fired *[indistinct audio 12:41:01]* shots My Lady.

In what sequence? How did you... Was it two double taps or? --- In was just in quick succession, M'Lady.

In quick succession. You know that for a fact? --- That is
10 correct, M'Lady.

Because you can remember it? --- That is correct, M'Lady.

It is not reconstruction? --- No, M'Lady.

And it was definitely not two double taps? --- That is correct,
M'Lady.

Why would Mr Roux think and put to Mangena, Captain Mangena that you fired two double taps? --- I am not sure, M'Lady. But that is what he put to Mr Mangena and in the first break I corrected him and said to him that it was not a double tap.

But before we go to you correcting him, why would he say that?
20 --- I am not sure, M'Lady.

No.. it is impossible. Mr Roux will not say something, forget the correction. Mr Roux will not put something to a witness that is not your version. Why would he say two double taps? --- M'Lady, the only explanation I could think off, is that when we spoke about training in firearm training, you fire... you learn to fire two shots, which is in a

double tap. It is called a double tap. And I think that maybe Mr Roux put that to Mr Mangena. I cannot say why he did it, but I corrected him

[indistinct 12:44:42]

You see, he went further. He said to Mr Mangena that it is your version that you fired two double taps. It was not that, 'Is it possible?' He put it as a version. --- I understand that, M'Lady.

COURT: Mr Nel, he has answered. He cannot say. All he knows is that he corrected Mr Roux.

MR NEL: May I ask a follow-up question then. The only reason why he
10 would do that, is if you told him. He would not do it any other way. --- That is incorrect, M'Lady. I did not say that. I did not tell Mister... I have not tell Mr Roux that I had fired a double tap at any point.

Now, but you know that it was in quick succession? --- Yes, it was in quick succession.

How do you know that? --- Because that is what I remember, M'Lady,

How do you remember that? --- I do not really understand how I am going to explain how I remember something, M'Lady.

Do you remember firing four shots? --- Yes, I remember firing
20 shots. I was later told that there were four shots. I do not remember how many shots I fired. I fired my firearm and later I was told there were four shots.

Yes. --- I remember.. the way I fired them, was in quick succession. I do not remember, I did not count the shots. I fired, I was terrified. I fired my firearm and then I stopped. Later on I found out that

it was four shots.

Remember I asked you if you can... So you can... You do not know how many, but you can remember quick succession? --- That is correct, M'Lady.

How can you remember quick succession? --- I do not understand that question, M'Lady.

So you remember pulling the trigger in quick succession? --- Yes, that is correct, M'Lady.

Because your evidence, it is a bit different. You said, and I am
10 just trying to get that. M'Lady, I am just trying to get a specific point to...
You know what your evidence was? At page 1475.

"Before I knew it, I had fired four shots at the door.

My ears were ringing."

--- That is correct, M'Lady.

So, can you... Is that a reconstruction? --- It is taking the facts into account. There were four shots fired. I do not, as I said, remember firing specifically four shots. I remember them being fired in quick succession. But I said there, was I fired four shots. I did fire them. When describing the manner, I fired them in quick succession. Do I
20 remember firing four shots? No, I do not.

At the door? --- Correct. At the door, M'Lady.

Do you remember firing at the door? --- Yes, I remember firing at the door.

Why did you.. yesterday when we ended, you said you do not. You cannot remember. --- That is incorrect, M'Lady. Yesterday

[intervene].

You did! --- That is incorrect, M'Lady. Yesterday, when put to me if I fired at the door, if I remember firing at the door, I said yes, I do. I remember firing at the door. I was not... at the time that I fired, the pistol was pointed at the door. When I heard the noise I fired the pistol. I remember firing at the door. I never said that I do not remember firing at the door.

Okay. Let me just get it. We luckily have the record and I will go through it during lunch. Where you are sitting now and is it your
10 evidence: I remember firing four shots at the door? --- That is correct, M'Lady.

Because you remember aiming at the door. --- I remember pulling the trigger and the rounds going into the door, M'Lady.

Okay I.. unfortunately I have to test you on it. I remember pulling the trigger and rounds going into the door. --- That is correct, M'Lady.

How do you remember the rounds going into the door? ---

[Indistinct 12:48:59]

But, did you hear them go through into the door, did you see
20 them going through the door? --- [Indistinct] firearm was pointed
[Indistinct audio 12:49:06 - 12:49:13]... that is where I fired.

So the.. Now we can go back to where we stopped yesterday. You fired.. did you fire deliberately? --- No, M'Lady I did not fire deliberately.

You still with accidentally? --- I am still with the fact that I fired

the gun out of fear. That at the time I interpreted it as somebody coming out of the bathroom, M'Lady. I am trying to argue, I am saying that at the.. I did not mean to pull the trigger. So then in that sense, it was an accident.

Okay. I just want us not to again get this confused. I never meant to pull the trigger. --- That is correct, M'Lady.

So you never wanted to shoot at intruders coming out of the bathroom? --- I did not have time to think about it, M'Lady. Whether I did or did not want to. I would not wanted to take or shoot at someone.

10 No, answer the question. You never deliberately pulled the trigger? So, you never wanted to shoot at robbers, intruders coming out of the toilet. --- That is correct, M'Lady.

So whatever happened in that bathroom, noises, what happened the whole day.. that whole night, never caused you to pull the trigger. It went off accidentally. --- That is the opposite of what I am saying, M'Lady.

No, it is not. No, it is not. --- What I said was that the noise coming from the bathroom, made me pull the trigger. From the toilet, so that is not what Mr Nel is putting to me, M'Lady.

20 But you cannot remember pulling the trigger. Can you? --- I can remember pulling trigger, M'Lady.

But you did not aim at anything? --- The firearm was aimed at the door at that time, M'Lady.

Did you want to shoot the people coming out of the door or not? --- I did not have time to think if I wanted to or did not wanted to,

M'Lady. I heard a noise coming from inside the toilet and discharge the firearm.

Now let.. so.. you never wanted to shoot the rob...the intruders coming out of the toilet. --- That is correct, M'Lady.

But we know there were not intruders in there. --- That is correct, M'Lady.

We know that Reeva was in there. --- That is correct, M'Lady.

So there was no reason for you to shoot, objectively seen. After the fact, as we stand here today, you had no reason to shoot. --- That is correct, M'Lady.

If you waited a second to see the door would opened, you would not have fired. --- It is a possibility, M'Lady.

No it is not a possi.. she was in there. We know it now. She was in there. if you waited, you would not have fired. Am I right? --- I am not sure about a second, Reeva would come out or she would spoken to me or.. then I would not have fired.

As we.. but.. let us go.. we know for a fact that there were no intruders in your house that night. --- That is correct, M'Lady.

We know for a fact there was no ladder against the wall. --- That is correct, M'Lady.

We know for a fact it was Reeva in there. --- That is correct, M'Lady.

In the toilet. We know for a fact that she was not a threat. --- That is correct, M'Lady.

We know for a fact you had no reason to shoot. --- That is

correct [intervene].

Objectively seen. --- That is correct, M'Lady.

Now it is not your version that you aimed at the door because you saw the robbers were coming out and you have to protect yourself?

--- It is my version M'Lady, that is what I have said in my chief. Was that I thought the robbers were either in the toilet, or intruders were in the toilet or that they were on the ladder. My firearm, I said was pointed at the toilet. My eyes were going between the window and the toilet door.

10 Why did you fire? --- Because I heard a noise coming from inside the toilet. That I interpreted at that split moment as somebody coming out to attack me, M'Lady.

We... luckily this is all on record. So...and when you head that.. you just started shooting? --- That is [intervened].

Or accidentally your fingers pulled the trigger. --- I started shooting at that point, M'Lady.

At the intruders? --- At the door, M'Lady.

But in your mind, at the intruders. --- It is what I perceived as a intruder coming out to attack me, M'Lady.

20 So it was not accidentally? --- M'Lady, I am getting confused with this accidentally and not accidentally. When I try to explain myself I am told to say it is an accident or not. I told .. I have said time and time again, what I perceived and what I thought. I do not understand.. if it is now put to me.. it was put to me yesterday that it was by accident and now it is put to me that it was not by accident. I do not understand,

M'Lady. I am saying that I did not intent to shoot. My firearm was pointed at the door because that is where I believed that somebody was.. when I heard a noise, I did not have time to think and I fired my.. I fired my weapon. It was an accident.

M'Lady, would this be an opportune moment. It is, I think five to one. If we take the adjournment. The tea adjournment.. ag tea.. lunch adjournment now, M'Lady.

COURT: We will be back at two o' clock. The court will adjourn.

COURT ADJOURNS [12:55] ~ ~ ~ [14:02] **COURT RESUMES**

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

CROSS EXAMINATION BY MR NEL (Continued): As the court pleases, My Lady. Mr Pistorius, I know that you have read statements, you have listened to evidence and that based on that, you have given evidence and given the court a version. You have taken into account evidence that you have read and been informed about, am I right? --- That is correct, My Lady.

20 Now I am going to the scene now. But I want you to tell the court what you can remember. Not what is reconstructed. Do you understand what I am saying? --- I do understand, My Lady. It is hard for me to... memories are reconstruction and isolated memories are reconstructions. So what I can remember up to the point from where I went to sleep to where I shot... about the pistol I remember. The thing I did not remember was the four shots. I did not remember the number of shots. It will be very hard for me now, after reading statements upon statements over the last year and a half and listening to the evidence in

court, to think back to what memory was my own and what memory was... obviously a memory like the four shots is something I do not remember, but it is the fact that four shots were fired. I can go through my whole version and I can tell you what I remember. We can do that again. But that was my memory of what happened that night.

Now we will ask you questions, I will ask you questions. If you just reply and tell the court what you can remember. Try and think of the reconstruction and what really happened. --- I will do so.

So let us just get to what you can remember. --- Alright,
10 My Lady, I can do so.

Now let us start with... you arrived just after six on the afternoon of the 13th? --- That is correct, My Lady.

And what happened then? --- I then went into the house. I chatted with Reeva. I then went upstairs. I came downstairs. We had dinner.

Okay, let us just stop there. So you had dinner and that was at what time? --- Just shortly after seven o'clock, My Lady.

Now that was the last time that you ate? --- That is correct, My Lady.

20 It is also the last time, as far as you know, that Reeva ate? --- That is correct, My Lady.

She prepared food? --- That is correct, My Lady.

Can you remember what you had for dinner? --- It was a chicken... she had made chicken strips and cut them and she had made a stir fry, like a chicken stir fry with some vegetables.

And neither you nor she, had anything else to eat that night? ---

That is correct, My Lady.

Now that is roughly seven hours before she was killed? --- It is roughly eight hours before, My Lady. Seven to three am would be eight hours.

That is fine. And is it possible that she got up later and went down to eat something without you knowing it? --- I do not think so, My Lady.

Then upstairs in the room you were busy with your I-pad surfing
10 the net, the internet? --- That is correct, My Lady.

I want to go quickly over it. I am sure we will come back, but I just want to get to a specific point and you later made a call to someone. --- I was surfing on my I-pad My Lady and more or less at the same time, I was busy texting my cousin, Mr Binge and later in the evening whilst I was still on the bed I made a phone call to Mr Binge. That is correct, My Lady.

And whilst you were on the phone with him, what was the deceased doing? --- [indistinct] – technical problem with microphones
14:08:02 – 14:08:19

20 [indistinct] you are on the phone with your cousin and the deceased is doing her Yoga exercises, what happened then? --- As the conversation with my cousin was coming to an end, Reeva got up and she walked to the bathroom. When I put down the phone, she called me to come brush my teeth. I went to brush my teeth. She was... when I got to the bathroom she was finishing brushing her teeth

and she returned back to the bedroom, My Lady.

You brushed your teeth and also returned to the bedroom? ---

That is correct, My Lady.

She was on the bed? --- That is correct, My Lady.

Doing what? --- She was just lying on the bed, My Lady. The TV was on and she had her phone with her.

And what did you do? --- I climbed into bed, My Lady.

Now on which side of the bed? --- As I said before My Lady, I walked to the bed and I climbed into it from where the bathroom was.

10 So if you look at the bed it would on the left hand side.

But we also know that that is not where you usually slept, on that side of the bed? --- That is correct, My Lady.

And why did you sleep on that side of the bed? --- As I said earlier in my chief, My Lady, I had a shoulder injury so I could not place weight on my right shoulder.

Now have you been sleeping on the left hand side of the bed since you were injured on your shoulder? --- Yes, on and off. Some days when I have training it hurts. Some nights Reeva does not sleep over at my house, or did not sleep over at my place and then I would
20 sleep in the middle of the bed, but on... during that period if I could not sleep... if Reeva was not sleeping at my house I may have slept on the right hand side, but faced the curtains. But I would not climb into bed and face away from her. So I climbed into bed on the left and I had been sleeping on the left during that time.

And you put the fans in the position where they were, when you

went to sleep? --- Not when I went to sleep, My Lady.

Before you... but I am talking the position when you went to sleep where they were, you put them there? --- That is correct, My Lady.

And that was? --- That was as I said with one foot on the balcony of the tripod fan, and two feet in the bedroom and the smaller fan in between those... in between the legs of the larger fan, My Lady.

And your prosthesis? --- I left my prosthesis left to the bed, My Lady.

10 Where next to the bed? --- If you look at the bed, on the right hand side... one on top of the other where the doors were, so that they could ventilate, My Lady.

If you say one on top of the other, were they lying flat or standing upright? --- They were lying flat, My Lady. One on top of the other.

Yes, what happened then? --- After I took my prosthetic legs off My Lady, I got on to the bed [indistinct – technical problem with microphone 14:11:59 – 14:12:08]

20 And when you got back from having brushed your teeth, what happened then? --- After I got on to the bed, as I said I was... Reeva was watching TV and I was lying next to her and I was half looking at the pictures on her phone with her. We were looking at pictures of homes. I was on my I-pad finishing things up... finishing some things up or looking at some things and then the TV was playing so we were just kind of chatting and I do not... we were just spending the night in bed

just chatting, My Lady.

But nobody was on the I-pad then? --- I have said, I have just said I was on the I-pad then.

Whilst you were there with her? --- Yes, that is correct.

So you were on your I-pad even after you phoned your cousin?
--- I remember that, My Lady.

Okay. So what then? --- And then I retired and I said to Reeva... I said to her I was falling asleep. She was showing me pictures on her phone and I asked her... I said to her... I asked her if she
10 was tired and she said no, she was not tired and so I lay on her stomach and I just said to her, when you fall asleep will you bring the fans in and close the doors and she said, yes and then I just lay on her stomach and I had my arm around her legs.

And you feel asleep? --- That is correct, My Lady.

She was never on your I-pad that evening, using your I-pad? ---
I remember the picture of the cars that came up during one of the witnesses that the state was leading My Lady. That night we were talking about if we could each have five of our favourite cars in the world, which cars we would have and we were Googling and showing
20 each other pictures of those vehicles and saying what colours we would like them in and things like that. So we were both busy on the I-pad. When I got home it was me that was on the I-pad and when we got into bed, we were looking at things on her phone and on my I-pad together.

But after she has done her exercises and after you have brushed your teeth, she was lying there, nobody was on the I-pad? ---

My Lady, it is the third time now that I have said, I was on my I-pad after I got into bed.

After you brushed your teeth? --- Yes, that is correct, My Lady.

Was she then also looking with you? --- Yes, My Lady.

And she was also on her phone? --- That is correct, My Lady.

You know where the I-pad was found? --- Next to the bed, My Lady.

On what side? --- On Reeva's side of... or on the right hand side of the bed, where Reeva was sleeping.

10 Why would that be? --- It is where she placed, or where she would have placed it, I guess, My Lady. I feel asleep.

So you fell asleep with the I-pad and she must have put it there? --- That is correct, My Lady.

Okay. Now tell us when you woke up, what happened? Do you know what woke you up? --- I do not know what woke me up, My Lady. I think it was just very humid and hot.

It was not a noise that woke you up? --- I do not remember, My Lady. I just remember it was humid and hot and I was awake and I sat up in bed.

20 You never said that you woke up in cold sweat because you have heard a noise somewhere? --- No, I did not ever say that, My Lady.

Okay, to no one? --- I have never said that, My Lady.

Okay. Now what happened then when you woke up? --- I sat up in bed. I put my head down, my hands on my head and I rubbed my

face and Reeva asked me if I could not sleep and I said I cannot and I climbed out of bed. I was feeling on the side of the bed... I walked around. I brought the fan in, the small fan and then I brought the bigger fan in. I closed the doors. I locked the doors and I drew the curtains.

Okay. Let us just... so you spoke to her? She was wide awake? --- I do not know if she was wide awake, My Lady.

She called you 'babba'? --- That is correct, My Lady.

She spoke to you first? --- That is correct, My Lady.

And said words to the effect that, if you could not sleep, and you
10 said no, you could not? --- Her exact words were, "can't you sleep
babba."

"Can't you sleep babba?" --- That is correct.

You can still remember that? --- Yes, My Lady.

Okay. And you replied? --- I said no, I cannot.

And there was no other conversation? --- No, My Lady.

You never discussed the fact that she did not bring in the fans? --- No, My Lady.

The lights were... what was the position of the lights? --- We were sleeping, My Lady, the lights were off.

20 Except the light on the balcony? --- The outside balcony light was on.

So you could see inside the room at that stage because the balcony light was still on? --- The curtains, as I explained, were drawn closed, but they were draped around the fans. There was a little bit of light illuminating from the outside into the carpet but the room was by no

means light. You could make out the silhouettes of the bed and of some of the objects on the floor. It was at that point that I saw the jeans on the floor and there was enough light that I could bring... pick up the fan and place it on the floor. When I drew the curtains it was pitch black.

But you could see Reeva? --- I did not look at the bed, My Lady. I walked, as I said, with my hand out and I walked to the balcony.

When you woke up, could you see Reeva? --- I remember her
10 talking to me. I did not look down. I had my hand... my head in my hands, My Lady, and she asked me if I cannot sleep, and I said to her that I could not and I got out of my bed.

And when you woke up you were on the left hand side of the bed? --- If you are looking at the bed on the left hand side, that is correct, My Lady.

And she on the right? --- That is correct, My Lady.

You then got up and walked around the bed? --- That is what I said, My Lady.

You took the... firstly you moved the smaller fan and then the
20 larger fan? --- That is correct, My Lady.

And then you closed the door and locked it? --- That is correct, My Lady.

And closed the windows? --- I did not close any windows, My Lady.

Closed the curtains? --- I closed the curtains, My Lady.

Was it difficult for you to do, or was it easy to close the curtains? Nothing bothered you? --- No, nothing bothered me. I leaned up and I was holding on the curtains, they are very heavy and I drew them closed. I used them to balance and I pulled them close.

It was not difficult to close the sliding door as well? --- No, it was not difficult.

Because nothing was in your way? --- No, there was nothing in the way, My Lady.

And was it not difficult to close the curtains, because nothing
10 was in the way? --- That is correct, My Lady.

Okay. And Reeva did not say a word after that? --- No, she did not, My Lady.

And you did not see her get up? --- No, I did not see her get up, My Lady.

Why not? --- My back was facing the room, My Lady. I was busy bringing in the fans and closing the door. So I did not... my back was facing the room.

You see... you are bending down, taking the small fan, putting the small fan in, bringing the larger fan in. She is there... she is a
20 maximum two metres from you and you are telling the court you did not see her get up? --- My Lady, I am five foot something without my legs on. I did not have to bend down. I literally leaned out and picked up the fan.

That is even more [intervenes] --- I placed the fan down. I took the fan... the position I was facing was the door and where I was

placing the fans which is in the opposite direction of where Reeva was. I do not know how she got up out of bed. I was in close proximity to her, but I did not see her get out of bed. Whether she walked off the foot of the bed, or if she got out, I did not see that. So I cannot say that I [intervenes]

But at least you will agree with me that if I say it is strange that you did not see her get up, you will agree? --- It was [intervenes]

She was with you. --- It was pitch black and it was behind me, My Lady, so it is not strange at all.

10 So she got up only after you closed the curtains, because before you closed the curtains it was not pitch black? --- I do not know when she got up, My Lady.

Ja, but when... before you closed the curtains it was not pitch black? If she got up then, you would have seen her? --- I would not have seen her My Lady, because it was behind me. I was not facing the bed. I was facing the opposite direction.

And you did not hear her get up? --- No, I had the fans blowing in my face. The floor fan... I did not have my legs on, it was at the same height as my head. I simply picked up the fan and I placed it.

20 And ... okay let us... I just have to go through it. So you got up, you walked around the bed, put the two fans in, closed the door, locked it and closed the curtains? --- That is correct, My Lady.

In that time, she must have got up? It could be no other time? --- That is correct, My Lady.

Because if she got up after that, you would have seen her? ---

It was pitch black My Lady, I do not know when she got up. I cannot say I would have seen her or I would not have seen her. The only light that I could have seen was a small LED-light from the amplifier. It was the only light in that entire bedroom. I do not know when she got up.

Let us just... now at least you are facing the bed? --- I am not facing the bed. I am facing the opposite direction. The TV is in the exact opposite direction of the bed, My Lady.

Are you facing the passage? --- I am not facing the passage. I am facing the TV cabinet where the amplifier is, My Lady.

10 So you face the door, then you face the TV cabinet? --- That is correct, My Lady.

And in your peripheral vision you did not see any movement? --- I could hardly see anything. Not even... let alone in my peripheral vision, My Lady. I could barely see anything in the bedroom.

Okay. By then you knew where the denim was? --- That is correct, My Lady.

Because you saw it earlier? --- That is correct, My Lady.

Are you sure? I am asking you details, you are giving the court details. --- Yes, I am very sure, My Lady.

20 Because your evidence in chief was different. Do you want to think about it? --- No, My Lady.

You saw the denim when you walked to the door in the light of the balcony? --- I saw the denim when I walked around the bed, when I was about to bring in the fans. When I was walking... when I turned from where I placed the fans and drawn the curtains. I picked up the

jeans. They were there. I could see them from the illumination of the light from the amplifier, they were on the floor. I leaned down... I was walking to pick them up and place them over the light of the amplifier.

Now if you look at photograph 55, if you did that, you were facing the passage. I will put it on the screen for you, or rather look in the file. It is E55. It is the other one. Mr Pistorius, it is that one. Are you there? 55? --- I am My Lady.

Now the denim there, if you picked that up or got to it, at least you were facing the passage, or not? --- I do not believe you would be
10 facing the passage. The passage is... if you look at this photo, the passage is this direction and the denim is here and the amplifier is in that direction.

Okay, so you walked over the duvet there to get to the denim? --- I would not have walked over the duvet, because the duvet was not on the floor, My Lady.

Was the duvet not on the floor? --- No, My Lady, the duvet was not on the floor.

How did it get on to the floor? --- I am not sure, My Lady.

No, but did you put it on to the floor? --- As I said, My Lady,
20 the duvet was not on the floor.

Did you at any time put it on to the floor? --- No, I did not, My Lady.

So somebody must have done that, it is not you? --- That is correct, My Lady.

It is not Reevea? --- My Lady, the duvet was not on the floor.

It is not you, it is not Reeva? So the policemen that all gave evidence that when they walked in there, the duvet was on the floor, were lying? --- My Lady, we discussed this yesterday where I said... we spoke about Mr Hilton Botha's first statement where he said: '*Die beddegoed was op die een kant van die bed.*' Meaning the bedding was on the one side of the bed. I do not understand how the bedding could be on the floor, when I remember the bedding being on the bed and where he remembers seeing the bedding on the bed, so [intervenenes]

10 He did not. --- So what [intervenenes]

You see that is Afrikaans. That is also *aan die een kant van die bed*. It is just on the carpet, but it is on *die een kant van die bed*. --- No, that is not true, My Lady. We can get an interpreter [intervenenes]

My Lady, if counsel would want to make an objection they should get up and not make remarks, because Mr Oldwage is making a remark whilst I am doing cross-examination. If he wants to object, he should get up. My Lady, it is bothering me.

COURT: Yes, Mr Oldwage?

MR OLDWAGE: My Lady, we may very well make an objection in a
20 moment. I need to just look at the documentation. I conferred with Mr Roux over an aspect that we are not in agreement with. If Mr Nel is upset about that, he will hear an objection in due course, My Lady.

COURT: Yes, but it is not proper that you should be whispering whilst he is on the floor.

MR OLDWAGE: Indeed. I apologise. Indeed.

COURT: Yes.

MR NEL: As the court pleases. Now Mr Pistorius, Colonel van Rensburg was first on the scene. He said he walked into that room. It is long before Botha... not long, it is before Botha was there. He found the duvet in the position it was at, that you can see it on the photograph.

MR ROUX: My Lady, maybe just in all fairness, what he said is it was exactly as in the photo. But when we asked in cross examination whether he could remember, he had difficulties to put objects. It is true that in his examination in chief, he said it was as per the photo. But
10 when I asked him cross examination if he could confirm that, he could not.

MR NEL: My Lady, I do not agree. I say it was Van Rensburg's evidence [intervenes]

COURT: Where is the record? The record will [intervenes]

MR NEL: My Lady, but I am not making the objection. If counsel wants to make the objection, they should read the record and come with a proper objection, My Lady.

COURT: Yes.

MR NEL: My respectful submission is that... may I proceed.

20 COURT: Yes, Mr Roux?

MR ROUX: My Lady, he is making a statement. I am not making the statements and he must make sure that the statements are correct. I will, in the meantime, find the place in the cross examination, but he is making the statement.

COURT: And what do we do in the meantime?

MR ROUX: Maybe move on to a next question and come back to this My Lady. I will find it.

MR NEL: As the court pleases. Now Mr Pistorius, let us make easier, the photographer took that photograph and said that is where he found that duvet, that is Mr van Staden. Okay, if it was put there by somebody, it must have been before Van Staden gave evidence, do you agree with that? --- If that is what Mr van Staden says, then I agree with that My Lady.

So your evidence must be that a policeman put the duvet there? --- My Lady, I do not know who put the duvet there, but the duvet was not there. If Mr van Staden says that, then that is his evidence. If any other policemen said that they did not put the duvet on the floor, I would find it very hard to believe. I would not know who had moved it, but the duvet was not on the floor.

You see I put it to you it was, it is just difficult to fit into your version. Now it was... yesterday I asked you if there is anything wrong with that photograph and you said, no.

COURT: Did you specifically refer to this photograph?

MR NEL: 56, My Lady. --- I do not remember speaking about this photo yesterday, My Lady.

The photograph where one can see the fan and the right hand side of the bed. --- I remember having many things that I said about that photo 56, the following photo, My Lady.

Ja. --- One of them was that there were many photos taken and there were many inconsistencies, but the one thing I do remember

is that... **[Indistinct 14:31:06]** ...reflection of those items. The only way that I knew that they had been moved was because there was variations in the photos **[Indistinct 14:31:16]**...

But I showed you that photograph and you said there is nothing wrong with that photograph and anyone can see this duvet. --- I do not remember saying there is nothing wrong with the photograph.

But let us go back. Tell me where you remember the duvet last. --- On the bed, My Lady.

Where? --- On the bed, My Lady.

10 No, where on the bed? --- I do not remember where on the bed. It was on the bed, My Lady.

You have to. Was Reeva under the duvet? --- Yes, Reeva was under the duvet. I was not.

So you saw that? Come again? --- I said Reeva was not... Reeva was under the duvet, My Lady. I did not have the duvet. Reeva had the duvet over the bottom part of her legs and I did not have the duvet on me at all.

20 That is interesting. So let us see. I did not see Reeva but I can now tell the court that the duvet was covering the bottom part of her legs. How do you know that? --- Because I moved the duvet over, My Lady. The duvet was next to me, when I moved the duvet over.

But then you know. So why did you say on the bed? So you moved the duvet, when you woke up, you had to move the duvet over? --- I had to get out of bed. So I [intervenes]

Were you under the duvet? --- No, I was not under the duvet,

My Lady.

So how did you... or why did you have to move it? --- Because I was busy getting out of bed. I needed my legs to rotate my body to get out of bed and my... I would have pushed the duvet aside.

You got off the bed, on what side? --- My Lady, I got out of the bed on the left hand side of the bed.

So you will now tell the court that as a fact, as a fact, when you got up Reeva was under the duvet, the bottom part of her legs, or her legs were under the duvet, am I right? --- I could see the duvet going
10 up, that is all I could make was a silhouette. I could see the duvet going up and I presumed it was her legs that were under it. So from what I can remember, that is what I remembered, My Lady.

No, you see Mr Pistorius, you are adapting. Because when I asked you first, you said I did not see and you know what you did, you said my hands were on my face. My face was in my hands, that is what you said. Now you say I can remember seeing a silhouette. It is two different things. You are adapting your version. --- I am not My Lady.

You are. --- I remember saying that. I obviously [indistinct
14:33:48] when I got out of bed, I was not holding my face till after I got
20 out of bed. I rubbed my face and then I turned to get out of the bed. When I moved the duvet I saw that the duvet went up... **[Indistinct audio 14:33:59 – 13:34:06]**

I am going to ask you that. I have to go back. When you woke up, did you see Reeva? --- **[Indistinct 14:34:14]**

On which side of the bed was she? --- **[Indistinct 14:34:19]** right

hand side of the bed, My Lady.

What did you see of Reeva? --- I saw the duvet go up over her legs, My Lady.

So one thing we have now. Let us have that. When you got up, we have Reeva on the bed legs under the duvet? --- As far as I can remember, My Lady. That is what I remember.

Just follow me. I now walk and you walk down the left hand side of the bed, around the front of the bed, she did not pass you there? --- No. I do not know where she passed me My Lady.

10 But she did not pass you there, because you would have seen it? --- That is correct... I can deduct that much.

Yes. --- That is correct.

Yes, so if whilst you are walking... and she got off the bed, then you would have seen it? Am I right? --- I am sorry, My Lady, I am [intervenes]

If she, whilst you are walking from the left hand side of the bed, right around the front of the bed towards the door, she got up then, you would have seen it? --- I do not know if I would have seen it, but I would have... I am sure I would have noticed her getting out of bed at
20 that time. I did not notice it. I do not know when she got out of bed, My Lady.

No, I know that is what you want to say, but I say, it is impossible for you not to [intervenes] --- If I got out of [intervenes]

Know. --- It is impossible for me not to know. If I got out of bed and by the time I was at the foot of the bed, if she had rolled over and

climbed out on my side of the bed, then it is possible that she could have climbed out at that point. I do not know when she climbed out of the bed.

Let us exclude something else. She did not get out of the bed on the right hand side of the bed? --- I do not know where she got out, or how she got out of the bed.

No, it is... *[Indistinct 14:35:56]* ...if she got out, and I will go through all these questions, if she got out on the right hand side of the bed, you would have seen her? --- I probably would have sensed that
10 she was there, My Lady.

Yes. --- I agree with that.

Oh, so let us cut that out. As far as your... for the court to believe your version, we must exclude the fact that she got up off the bed on the right hand side of the bed? --- That sounds correct, My Lady.

Also for the court to accept your version, we have to remove the duvet from that position where it is at the moment, on photograph 55?
--- That is correct, My Lady.

Because as far as you are concerned, the duvet was on the
20 bed? --- That is correct, My Lady.

Good. Can I just ask you this question. So you saw the duvet on the bed when you got up and you saw... at the same time you saw that her legs were covered by the duvet, am I right? --- That is correct, My Lady.

Did you see the duvet on your bed again? --- Yes, I did,

My Lady when I put my prosthetic legs on, after the incident, after I had yelled at the balcony, when I sat on the bed I moved the duvet, just before I placed my prosthetic legs on.

You moved it on to the bed? --- It was already on the bed, My Lady.

Ja, but further on to the bed? --- It was on the bed and I might have moved it into the middle of... more of the... some position I moved it, My Lady. I moved it into the position of the bed.

I see. Now let us just carry on, we will get back. So what else
10 would you say... if you now look at that photograph in terms of things that should not be where they are at the moment, what else is wrong there? --- The fan could not have possibly been there, My Lady, because it is in the way of the door's opening.

Indeed. Indeed. --- I would have run out on to the balcony My Lady and where I shouted for help that fan would have been in the way. So it was [intervenes]

It never happened. --- So it must have been moved, My Lady.

It never happened, because now you see it. That fan in the position where it is there, would have blocked you... would have made it
20 difficult for you to close that door. --- **[Indistinct 14:39:05]** I would not have that time to move all the way along and open the **[Indistinct 14:39:08]** that much.

Yes. --- If I was in a hurry, I would have **[Indistinct 14:39:15]**

I agree. --- **[Indistinct 14:39:18]** ran out on to the balcony. I would not have drawn the curtain all the way, far to the left hand side.

You see because Mr Pistorius, your version is a lie. You never closed the curtains Mr Pistorius, in the first instance. That is why you have to come up with things because now we have to look for a policeman that did the following: that moved the duvet to the carpet, that moved the fan back, that moved the curtain more open. Those three things, am I right? --- That is correct, My Lady.

What else? Let us deal with that. --- Well, on other photos my watches were stolen in my room. Some of my watches went missing.

Indeed. Let us go to 56 like we did yesterday. So somebody did
10 those three things, because those three things, the fan, the duvet and the curtains, could not have been in the position that we see them on this photograph? --- That is correct, My Lady.

And that was never put to either Van Rensburg and or Van Staden, that they did it? --- I do not remember, My Lady, if it was or if it was not.

And I mean... in them doing it they are in fact interfering with your defence? They make your defence difficult, am I right? --- My Lady, I do not agree with that comment, My Lady. Mr van Staden, or Officer van Staden, if you look at his photos with the documents of
20 his pattern, he says that he was around the time... the whole time in the bathroom. When we saw the photos of the people in the bathroom when he was not there, we saw objects moved from the time when he left the bathroom to when he went to take photos outside to when he got back.

Interesting. You are arguing again. Interesting you are arguing

again. Why are you arguing? The questions are now difficult, now you are arguing the case. Why do you not just focus on the questions? ---
My Lady, Mr Nel [intervenes]

Now you see, let us just look... a policeman must have been clever enough to move that fan, just back and into the door to make your version impossible? --- I would not say it would have anything to do with intelligence, My Lady. At that point none of the police officers investigating my home or my case, had any insight as to what had happened. There were many things that were moved here. The fan
10 was one of them.

It was never moved. You see Mr Pistorius, it was never moved. That door was open when you and the deceased got in an argument. That door was open. The fan was just there. The duvet was there. The curtains in the exact same position. Nobody moved anything.

MR ROUX: My Lady, I am just... sorry. The argument part I did not understand. It was put that when they were having an argument. I cannot remember evidence to that effect. So if it is put there must just be detail about that argument.

COURT: Yes. Please.

20 MR NEL: I will get there. I will bold my case to say that when you got up, you had an argument, that is why she ran away screaming.

MR ROUX: My Lady, maybe he must say that it is an assumption, because there is no evidence of such an argument.

MR NEL: My Lady, circumstantial evidence is evidence. I said circumstantial evidence. We have evidence of witnesses saying they

heard a woman scream. I say she screamed when she ran away. It is not an assumption. It is evidence. It is circumstantial evidence. We cannot lead eye witness evidence because the one witness who we would want to call, is dead. My Lady, circumstantial evidence, is evidence, Mr Roux knows that. That is what I am saying, that is my case.

MR ROUX: I know that... the screaming part I understand, but he was referring to the argument, My Lady, that was the objection. Which evidence does he rely on to make a submission or put, that there was
10 an argument. But that is the difficulty, not the screaming. That we understand.

COURT: Are you objecting to the way it is put?

MR ROUX: Yes, that he puts to him... because if you are the prosecution and you make a statement to an accused, it cannot be one coming from nowhere. It must have a basis and to put to him that there was an argument, I challenged the state to say, now when was this argument and where is the evidence of that argument. If he tells me that they assume there was an argument, that is something else. But if he tells me, if he puts to the witness there was an argument, then I
20 challenge that because in the state, there is no argument in the state's case.

MR NEL: My Lady, as the circumstantial evidence, as the only reasonable inference from circumstantial evidence, there was an argument.

COURT: Well, if you put it that way, then it is fine.

MR NEL: Well, My Lady, that is my... I am putting to him what is my case. Now counsel would know how I get to my case by... I cannot every time do it, but I will. If the court tells me to [intervenes]

COURT: No, it is proper that you should do it.

MR NEL: My inference is, as the only reasonable inference, that the deceased ran screaming from there, that is why we heard screams and that door was never closed. --- It is not true, My Lady.

But let us just before we walk off from this photograph, just go back to 55 and do the following: on your version the fan could not have
10 been in that position that we see it there? --- I said so, My Lady.

The curtain could not be in that position that we see it there? ---
And the duvet, My Lady.

And the duvet, apart from that, what else could not have been there? --- That is all I can see at this time.

What else should be there? --- Nothing comes to mind at this time, My Lady.

I am going to help you. I do not want to catch you out or something, I am going to help you. What about the smaller fan? That should be on the photograph. --- That is correct, My Lady.

20 Okay, so you forgot about that one? Why did you forget about that one, because that is significant? --- That is correct, My Lady.

So we have got a fourth thing. A policeman must have first moved the fan before he put the duvet on that particular position? --- That is correct, My Lady.

Okay. Is this one the conspiracy, or was it that they would do all

this to you? What do you think? --- I am not sure I follow the question, My Lady.

Why would the police do all this? --- I am not sure, My Lady.

But one thing we can exclude and... forgive me, I will go through this plenty of times, one thing we can exclude is they did not do it because they knew your version and wanted to change the scene not to fit your version, that is one thing we can exclude? --- My Lady, I do not know what you can exclude and what you can include. But the fact is, is that things were moved and things were placed. We can go through
10 this file and look at all the photos where things were at different places. So to say they did that with all the other objects in the room and which we can find in these photos, but that they did not do them with other objects because they do not suit the state's version. What I am saying is that the fan was moved, the duvet was moved and in other photos we can look at all the other objects that were moved and misplaced and then evidence was taken, photos were taken as if that is how they were found.

No, no. --- So I do not know why they would have done it. I was not there and I am not a policeman and I was not on this team.

20 But it is not to negate your version, because they never knew your version on that morning when they took the photographs? --- That is correct, My Lady.

Okay, good. So... what else would be wrong with this particular photograph? --- My Lady, I do not know what time this photo was taken. There are many other photos [intervenes]

05:58 and counsel would stop me if I am lying by putting wrong facts to you. That photograph was taken at 05:58. --- Ja, well the light was on when this photo was taken, My Lady. The light was not on at that time.

The light in the bed? --- In the bedroom, My Lady.

Was it not on at all? Did you never switch on that light? --- I do not remember switching the light on, My Lady.

Now you see, if you do not remember, can you categorically say it was off? --- No, I cannot categorically say it was off.

10 You did. --- My Lady, I said the light is on in this photo. It was not on. I do not remember it being on. I can only say what I remember.

You never switched that light on? --- I do not [intervenes]

Can you remember switching it on? --- No, I cannot remember.

Why would you not do it? --- After I had pulled the curtains open maybe there was enough light. Maybe I was in a panic of thinking of everything else, I did not think about the light switch, My Lady.

You had to put on your prosthesis, you had to find your prosthesis, put them on, did you not switch the light on? --- My Lady, at the time that I put my prosthesis on, I ran straight back from the
20 bedroom. I did not run to the light switch. There would have been enough ambient light after I had opened the doors and run out on to the balcony to scream for help. From opening the doors and sitting... where my prosthetic legs were, this is very important, was exactly where the foot of this fan is against the bed. So the fan could not have possibly been there. If I put my prosthetic legs on there, there would have been

enough light. I did not think about switching on a light at the time. My only thought was to get Reeva, to get help for Reeva.

An interesting observation. Let us just go to photograph 56. So the fan could not have been there when you brought it in, because your prostheses was against the foot end of the bed there? Am I right? ---

It could not have been there, because that is not where I placed it, but it also could not have been there because if I had opened the door to go out on to the balcony, it would have been in the way, My Lady.

So where was the fan? Let us... you tell me, you tell the court
10 and I think it would be easier on photograph 55, if you tell the court where you put the fan. --- The tripod fan was facing the bed, not facing the passage. As it was warm I placed it facing us on the bed. So it was... it was in a fixed position. It was not in a swivelling position, and the fan was further to ... if you look at this photo, pretty much where the duvet is, facing the bed, the smaller fan was to the right of it, also facing the bed, My Lady.

Okay, let us just get... are you telling me that it is... the larger fan was where the duvet is now? Can you point on the screen because
20 **[Indistinct 14:51:18]** able to identify that position. Just hold it there. Just hold it there. There? --- That is correct, My Lady.

Oh, okay. So you put the fan all the way there, am I right? You brought it in and put it there? --- My Lady, what this photo... what this photo shows is the left door being open and the curtain of the right door, being in line with where the right door would have been closed. I opened both doors. They slide independently. They lock together.

When I went out on to the balcony I pulled both doors open. When the balcony, when the fan was on the balcony it was between the two doors. It was not that I had opened one door and then put the fan in. The doors were opened and **[Indistinct 14:52:03]**. So the fan was... where the curtains are drawn all the way closed now, the fan was in that place, when I brought it in. When I brought it in, I placed it **[Indistinct 14:52:13]** a case of picking up the small fan, placing it on the floor, just enough space so that I could move the bigger fan in and place it on the floor as well. I then turned back and closed the doors. The whole time my
10 back... where I was... where I placed the fan my back was facing the bed.

I just want us to My Lady, the point that was indicated with a circle, I have marked it on my exhibit. It is where there is a fold, it looks like a little mountain in the duvet. That is the best I can describe it. So that we have it for the record purposes, My Lady.

COURT: Yes. Mr Roux, would you agree with that? Would you agree with that description?

MR ROUX: I can also see it. It is a fold in a duvet then.

COURT: Yes.

20 MR NEL: It is a fold in a duvet. Good. So the bigger fan would have been there and it would have faced the bed? --- That is correct, My Lady.

Okay. You see the most amazing thing is, yesterday when we showed you these photographs, you did not say that. Why not? ---

[Indistinct 14:53:51]

No, you must be sure. You cannot tell this court you are not sure. Tell me why not? --- I do not remember seeing photo 55 yesterday, My Lady.

Let us look at 56. --- We are talking about photo 55 now My Lady, and I do not remember seeing [intervenes]

Go to 56. Why did you not say that fan is totally wrong, it should not have been there? --- I am not sure it came up in question My Lady.

No, no. Remember I asked you if there is anything wrong with
10 that photograph? But there is one other aspect. I put it to you now, if you moved that fan to the fold in the duvet, the plug will not stay in. --- My Lady, if you look at photo 56 the extension cord is not... has not been stretched. If anything it goes behind the big cabinet. If you look at photo 55, the cord of the fan is not stretched either. It could very easily be placed where I said it was placed.

One thing... let us just agree on one thing, if the multi-plug, the white multi-plug that one can see on 56, if it remained in that position where it is now, have a look at the photograph, I do not want you to say that you did not look. If the multi-plug remained in the position where it
20 is now, you cannot move that fan to the position that you said you put it in. --- I would not, I do not know how long the cord is for the fan, My Lady.

Look at it. Look at it. --- If I look at photo 55, the cord would easily without the plug being moved, the fan would easily be able to be placed there.

No. It is not true. Look at it, Mr Pistorius. I put it to you it is not so. Because you have to pull it, you have to... remember the multi-plug has to stay where it is at the photograph. The multi-plug is not supposed to move, that is my question. If it does not move, can you move the fan to that fold? --- I do not know, My Lady.

You cannot. Show the court... we can see, the court can see the photograph, everybody can see the photograph, can see the length of that cable. It cannot go to there. --- My Lady, that is not what I see.

Ja, well, the court will make up... the court will make a finding,
10 but I put it to you that if that multi-plug does not move, that fan cannot move all the way to that point and face the bed. --- My Lady, that is on assumption that the multi-plug did not move. If you look at the photo [intervenes]

Yes. --- There is lots of space for the multi-plug to move. Even if the multi-plug did not move My Lady, in this photo that is being displayed here, photo 55, the cord is more than long enough to... for the fan to move. We are not talking about five metres. We are talking about the fan moving just under a metre. The cord in the photo shows that there is room for the fan to be moved. The fan is not at its... it is
20 not at its point that it is being reeled out or pulled straight.

You are trying, Mr Pistorius. It is not working. Your version is... I say it with ... let me rather look at a word... your version is so improbable that nobody would ever think it is reasonably possibly true. It is so improbable. Nobody... you would not convince people that that what you said now about the multi-plug not moving and the fan moving,

is reasonably possibly true. It is impossible. Do you want to respond to that? --- Sorry, My Lady, I thought that was a statement, not a question.

So do you want to ... if you want to say something about that, say something. Otherwise, shall we move on? --- Yes, I think we should move on My Lady.

Okay. Now if the fan was there where you said it was, where would the small fan have been? --- As I said My Lady, the small fan was to the right of the [intervenes]

10 Please point out on the photograph. Even further to... is that where the circle is now? So that is to the left of the position indicated in the fold of the duvet, where the smaller fan was? Am I right? --- More or less that area, My Lady.

Now one thing we know, if the multi-plug did not move, the small fan could not have been plugged in there, when it moved to that particular position? --- I cannot say for certain if the multi-plug moved or not, My Lady.

No, no. I say for certain. I say take it as a given. If the multi-plug did not move, that is what I am saying, answer that question. --- I
20 do not know how long the cord is of the small fan, My Lady.

Let us look. --- If there is a measurement of the small fan and there is a measurement of the carpet, then I can agree completely. But I do not know how long the cord is.

And you are not willing to have a look? --- I would love to have a look at a photo, My Lady.

Okay, let us have a look. Look at photograph 61. --- That cord looks very long to me, My Lady.

But there is another problem with that cord, that I only saw now. Just zoom into the bottom of this. [*Indistinct 14:59:13*] Look at that. The speaker is on the cord. --- That is incorrect. That is misleading the court. My Lady, the cord runs in front of the speaker.

It runs in front? Let me just see. If you are right, that is fine. I just want to have a look. Can we zoom in? --- I can see it on the piece of paper, My Lady, in front of me.

10 Let me see. So you say that... I will have a look over night and we will come back. You say that this fan was also on the place where the duvet was? --- That is correct.

So let us just say and My Lady, I see it is three. I will just sum up. Let us just sum up what we have established. A policeman moved the two fans, put the duvet on the floor, opened the curtains wider than it should be, before the photographs were taken? --- That is correct, My Lady.

My Lady, should this be an opportune moment to take the adjournment till tomorrow?

20 COURT: We will resume tomorrow at 09:30 in the morning. The court adjourns.

MATTER POSTPONED TO 11 APRIL 2014

COURT ADJOURNS

[15:00]
