

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: CC113-2013

DATE: 2014-04-11

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:

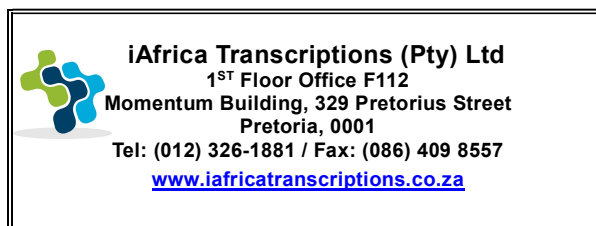
ADV BARRY ROUX SC
ADV KENNY OLDWAGE

INTERPRETERS:

MS F HENDRICKS

VOLUME 20

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PROCEEDINGS ON 11 APRIL 2014

[09:39]

COURT: You are still under oath, Mr Pistorius. --- Thank you, M'Lady.

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

COURT: Yes, Mr Nel?

CROSS-EXAMINATION BY MR NEL (Continued): May it please the

court, My Lady. Mr Pistorius, M'Lady, I received a request and that is why I have my cell phone in my hand, from Ms Steenkamp, that after the adjournment yesterday, she informed me, through her advocate, that Mr Pistorius did in fact request a meeting with the Steenkamp family prior
10 to the trial but they were not ready for such a meeting and I am putting that on record.

COURT: Thank you very much. So it is confirmation of what Mr Pistorius said yesterday ...[intervenens]

MR NEL: Of what Mr Pistorius said yesterday and Ms Steenkamp felt that it was important that you put it on record. I did not know about that before yesterday.

COURT: Thank you for letting us know.

MR NEL: As the court pleases. You have also heard that, I am sure, Mr Pistorius. --- I have, M'Lady.

20 Now, Mr Pistorius, because I went back there, there is just one other aspect that I have to deal with and in your evidence-in-chief, you indicated how important your religion is to you and how important the fact that you are a Christian is to you and you confirmed that. Am I correct? --- That is correct, M'Lady.

You also said that you have always wanted a partner that was a

Christian. Is that correct? --- That is correct, M'Lady.

M'Lady, it is at page 1396 of the record. Now was Reeva then your first Christian partner? --- No, she was not, M'Lady.

Not.

COURT: I did not hear that. --- I beg your pardon, she was not, M'Lady.

You will have to speak a little bit louder. --- I beg your pardon.

MR NEL: The questions that I am going to ask you now has got nothing to do with your faith, it has to do with your relationship. So
10 although it deals with religion, I am not challenging your faith. Do you understand that? --- I understand, M'Lady.

Good, because you see, Mr Pistorius, I find the way that you gave your evidence interesting. You said that Reeva was a very strong Christian, you appreciated that. --- Yes, she was, M'Lady, she prayed with me, she prayed for me, she tried to be a better person, she liked to listen to Christian music.

You have now cut my cross-examination in half. 'She prayed for me' is about me. Your evidence was the same. --- M'Lady
...[intervenes]

20 She would pray for me at night. We would pray about everything. Pray about my training. Pray about all the small things I had in my life. That is true, that was... because she prayed for you, that was important. --- That is true, M'Lady.

Now, I am going to deal with the, your exposure to crime and how you have been a victim of crime. Now just deal with yourself.

Have you ever reported a crime at the police station? --- The only crime that I reported at a police station, M'Lady, or had a case against were, I had a case against the South African Police Service for wrongful arrest in 2009. It was not to report a crime that there was a docket that had been opened.

Ja, no, no, but the question is different. Did you ever go into a police station and complain about anything? --- No, I did not, M'Lady.

Now I will go through all your exposure. Why did you not do that if you have been exposed to crime before? --- M'Lady, the... if we can
10 go through the list of the crimes that I have been exposed to, the house break-ins, when I got back to South Africa, as I said, the house break-in was a week or, a week or more earlier. There was a TV missing. I did not think that anything could be done about it. I did not have insurance at the time. There was no reason for me to open up or to go to a police station and report the crime. When I was shot at on the highway, I did not want to go to the police station. I did not think they would be able to do anything about it.

When I as assaulted at, in December 2012, I did not want to go to the police station because the person that was, who was on the
20 phone with me before the assault, I had heard that he had connections at the police station, so I was fearful to go to the police station. So a friend of mine, Mr Justin Divaris organised a meeting at the Hawks and we went straight to them.

Good, now we have it. You have been a victim of a burglary, where they stole items from your house, you never reported that to the

police. --- That is correct, M'Lady.

You had a dog kicked in your yard, you never reported that to the police. --- The police came out on that occasion, M'Lady, but it was never, there was never a report or a docket opened. It was just seen as, there was no burglary or break-in.

Now that was, that happened whilst you stayed somewhere else, not at Silverwoods. Am I correct? --- That is correct, M'Lady.

Now then you moved into Silverwoods. When was that again? -- It was in May 2008 about, M'Lady.

10 Now in Silverwoods, whilst you were there, you were never a victim of crime at your house. --- That is correct, M'Lady.

There were no burglaries or anything at your specific house. --- That is correct, M'Lady. [Indistinct] stealing my watches [indistinct].

Now what also happened at Silverwoods is that, I do not know exactly when, but I know that it was early in 2012 that they increased the security at Silverwoods. Is that correct? --- On several occasions they increased the security, M'Lady. I am not sure at which periods. I was often away for months and I heard from other residents that they had upped security measures and then those measures did not work
20 and then they tried to reinforce new measures and those measures were breached and then they employed new security companies and there were problems with those security companies. So at different times, there were different increasing measures that were taken. I am not sure what the measures were.

And you, you felt it was safe enough to leave your cars outside

and not in the garage ...[intervenes] --- That is ... That is correct, M'Lady.

So you never thought that there will, that somebody will break into your car? --- I never thought that somebody would break into my car, M'Lady.

You thought that it was safe enough not to immediately fix a broken window downstairs? --- M'Lady, as I said, I had bought the glass for the broken window and it was in the process of getting repaired, so I was in the process of fixing it. It was...

10 But it had been broken for a while before then? --- That is correct. There is a latch at the top where the hole of window was and there is a latch at the bottom, which one would not be able to reach, but it was important for me that I got the door, the window fixed and I had gone through the process of doing so.

There are no burglar proofing in front of that particular window that was broken? --- There is no burglar proofing on any of the windows, M'Lady.

Now you say they have been busy working at your house. For how long before the incident would you say they have been working there? --- I guess about a week, M'Lady.

20 And you were not concerned about the ladders that the builders would leave I your yard every night? --- I was concerned, M'Lady. I asked the building contractor if he would mind putting the ladders in the garage at night. I do not remember checking it every night, but I checked at one occasion that they were in the garage at night.

But this, this night you did not check? --- No, that night I did not check, M'Lady.

So let us just say that... Why did you not check? Was that not important? --- It was important to me, M'Lady. It was, I was... I do not know why I did not check it.

But you were kept up to date about the security measures at Silverwoods, meaning the guards would be patrolling, how many guards there would be and that there will be control at the gates? --- M'Lady, that is contrary to what I said earlier that I was not up to date. I knew
10 that there were improvements made from other neighbours, but I was not up to date as to what security measures had been increased.

Interesting because if somebody is so concerned, like you, I would have expected that person to find out exactly what they are doing. Why did you not do that if you are so concerned? --- As I said, M'Lady, I spoke to various neighbours in the Estate, who informed me that various things had been done. I cannot remember now as to what was done and when it was done. I was aware that improvements were constantly being rectified. The Estate obviously had to build up a fund or a treasury to, for these things, so at times, when I spoke to Mr
20 Stander, he would tell me that, I think he was on the Home Owner's Association, he would tell me about certain things that had happened whilst I was away, certain incidents. On the odd occasion, I would get an incident report when I drove in at the gate, which I would read, but I was not aware of specifically which improvements had been made and how many guards were patrolling and that sort of thing.

But we can, but we... or rather tell us, did you at any time ask people to do specific things? Did you indicate to them how concerned you were about security at the Home Owner's Association? - -- I have never been to a Home Owner's Association meeting, M'Lady. I am often overseas. I do not know when the meetings are held. I would not be at home for more than half of the year and even if I was in South Africa, I was seldom at my house, so I did not follow the Home Owner's Association meetings, but I was kept in contact with some of the members that... or Mr Stander would relay the messages if I had
10 asked him about them.

Then, would you please just explain your alarm system because I tried to read it again and I do not understand your alarm system? --- My alarm system comprises of internal sensors. It comprises of external sensors and it works through a monitoring box, like a normal alarm system with a battery pack, backup battery pack if there is a power failure and then it has got a remove, M'Lady, so there is one button that you can arm and one button that you can disarm and then one button if you are staying in at the house and you only want the outside sensors to be activated so that you can still walk around the
20 house. So if you have got guests staying over or staying downstairs, that you can activate the alarm outside and that you would still be able to walk inside.

So what did you activate that night? --- I activated the alarm of the house, the inside and the outside of the house, M'Lady.

So before that particular night, you were satisfied that there is

enough alarm systems and sensors outside so that if somebody would come onto your premises, you would pick it up? --- That is not what I said, M'Lady. I said in my chief that they were building at the house. It is possible for them to take an alarm beacon the outside wall, a sensor off the wall. They are not... they are not bolted onto the wall, you can take them off. When they painted the house, the previous time when they were doing maintenance work, they took some of the beacons off. The beacon does not have memory of what it saw the last time it was activated, so if you took that beacon and you placed it somewhere else
10 on the house, or if you left it off and the alarm was activated, it would just, it would monitor what it saw and it would register any disturbance. So I was not confident that there was... I did not know what work they had done at that time on my house, but I knew that at the point of them painting, that there was a possibility that they would take the beacons off the wall.

Okay, there is quite a few things we have to just look at here. Firstly, this happened in 2010, when they painted your house the previous time? --- I do not remember, M'Lady.

Now tell me what you remember when, when did this happen? -
20 -- I remember that they painted my house. It may have been 2010, M'Lady. They paint that the developer used was not of very high quality, so the paint was running and it formed cracks on the house. I had to get the waterproofing redone and the house repainted and it would probably have been about 2009 or 2010.

So can we now agree that it is in all probability in 2010? --- You

can believe that in all probability, it was probably 2009/20010. It may even have been 2011, M'Lady.

No, you see, that is not good enough because you gave evidence and when you gave evidence, you were con-... you knew when it was because it is important that we get an idea when that was. --- I think about the time I moved into my house. If it was within a year of moving into my house, it would have been covered by the building contractor. There was a year warranty on the snag list, so it makes sense that if, if it was within a year, so until May 2009, I would have got
10 the builder to redo the work that was done on the house. So it must have been after that period that I got it done because it was done independently, it was not done by the building contractor and so it could have been any period. I do not remember what date it was. I could have been 2009, it could have been 2010.

What I hear today though is, you said there was a possibility that they could have taken off some of these sensors? Was that now when they painted the house? --- That is correct, M'Lady.

Now if you say it is a possibility, did you check up on that? --- I said I did not check up on it, M'Lady.

20 You do not know if they took some of it off or they did, you do not know? --- I do not know, M'Lady.

Okay, now if you knew that they took off some of the sensors, you would have checked up on it because you are security conscious? -- I did not... I did not know if they had taken some off or some on, M'Lady, I did not check. I knew that they were in the build... in the

process of painting the house and that there was a possibility that they may have taken some of the, or one or some or more of the sensors off the walls.

You see, I do not think it is so significant but unfortunately I have to show you that you have changed your evidence to what you have said in chief today about the alarm. Why? --- I do not remember me changing my evidence, M'Lady. If Mr Nel may show me then...?

Ja, I will, gladly. M'Lady, I am referring to page 1464.

COURT: Page 14?

10 MR NEL: 1464 of the record, M'Lady.

COURT: Thank you.

MR NEL: I will start reading from line 5:

“They are not, they do not work with wiring, so when they had painted the house in 2010, they had taken all the eyes off the outside doors and they painted the home.”

--- That is correct, M'Lady.

No, but that is not what you said today, and that is my question. Why would you change it today? --- I said that when they painted the
20 house in 2010, that they took all the lights off. If you look at the paint colour behind the lights, they are inconsistent with what the house colour was, so they did take them off the wall, M'Lady.

No, but you see, that is not the question, Mr Pistorius. The question is: today you said you do not know if they did. --- We are talking about two different incidents, M'Lady. Mr Nel is talking about in

2009/2010. What my evidence was, in 2010, I said in 2010 that they took them all off.

No. --- What he is referring to now, what I was saying, I do not know if they did, was in February 2010. I do not know if they did in February 2012. They are two different incidents that he is trying to refer to ...[intervenues]

No, can I... With the utmost respect, Mr Pistorius, this is now the biggest indication of you tailoring evidence. You cannot have made that mistake. It is impossible to do. --- May Mr Nel please read the
10 context in which I said that?

I am reading nothing. I am asking you, why did you make the mistake, sir? --- I did not make a mistake, M'Lady.

You cannot explain a mistake in a way that you are doing. You are tailoring your evidence. You could not have made that mistake. --- M'Lady, my understanding is that they are two different incidents. That when I spoke about the 2010 incident, the 2010 renovation, they took the lights or the beams or the beacons off the walls. In 2012, I was unsure if they had taken them off, if they were in the process of taking them off. I do not know which part of the house were being painted at
20 the time. So they are two different incidents, M'Lady.

You see, Mr Pistorius, I am going to take you up on this answer, but I am coming back because you are getting deeper into trouble. So are you telling me that in February 2012, you did not even know if they have taken it off then? --- That is what I said, M'Lady. I said ...[intervenues]

But why did you not check? --- M'Lady, I came home late in the day. I would not be, walk around the house and go and check what they have painted and what they have not done. The building contractor or somebody who was busy with the process...

And the previous ...[intervenes] --- I do not know how it would have helped me if I checked if the alarm beacons were on the wall or off the wall. I would not have had an option, there would be nothing that I could do. I presumed that they may have been taken off the wall.

You see, Mr Pistorius, that is the problem with tailoring evidence.
10 You have to keep explaining because, really, there is no way, Mr Pistorius, that you could have misinterpreted my questions. You are now in trouble and now you have just given an explanation that is nonsensical. Why are you doing that? ...[intervenes] --- I have not... I have not tailored any evidence, M'Lady. If you look at the record, they are two separate incidents.

You gave no evidence in your evidence-in-chief about tampering or working on your alarm in February 2013, not a single word. --- I did not tamper with my alarm, M'Lady.

You see, Mr Pistorius, you are not listening to the questions and
20 that is the problem. Listen to the question. You gave no evidence about anybody working on your alarm in February 2013. --- If I did not, then I did not, M'Lady, that is correct.

No, that is not that easy. Why did you not, why would you now confuse it today? It is not that easy. --- I am not sure, M'Lady.

No, you must be sure Mr Pistorius, you are giving the evidence.

--- If Mister, if Mr Roux did not put a question to me, M'Lady, I am sure that he had a reason for it. I do not know what the reason would... I do not, I do not know why I did not talk about the alarm system, M'Lady.

So we are the Roux list for mistakes. --- I have full trust in Mr Roux, M'Lady. I do not doubt why, if there was a reason, why he would not ask me about it. I am sure that reason is with him, M'Lady ...[intervenes]

No, it is because... --- I am not blaming it on anyone. I am saying simply that if it did not come out, I do not know why it did not
10 come out.

You see, Mr Pistorius, and it is the second time I put it, and I am putting it to you because that is really what I believe in, Mr Roux will not make those kind of mistakes ...[intervenes] --- I am not saying...

You are tailoring your evidence, as you are standing there, because you were confronted with a contradiction. --- I did not say Mr Roux made a mistake, M'Lady.

But now let us... okay, I am going to just put it to you and then move on. So, what your evidence is, in 2010, they took off all the sensors off the wall? --- To my knowledge, that is correct, M'Lady.

20 Okay, now being security conscious, you checked your alarm after that? --- What was Mister... I beg your pardon, M'Lady, I did not hear the full question.

Did you check your alarm after that, after that work was done on your house in 2010? --- Yes, my alarm was working after... somebody came out to check that the alarm system was working, M'Lady.

So in 2010, after they have finalised whatever they did, paint your house, you had somebody come out and you were convinced that your alarm was one hundred percent? --- That is correct, M'Lady.

And in 2013, you did not know, at least, of any malfunction of your alarm? --- I was not aware of any malfunction of my alarm, M'Lady. Sometimes the battery and the remote would go flat and I would have to use the keypads. Sometimes the alarm would go off in the middle of the evening, but I was not aware of any malfunction.

But one thing we have to then work in somewhere in your
10 version is, your deactivation of the alarm that night. --- Is that a, is that a question, M'Lady?

Ja, it is... where, when did you do that? When did you deactivate the alarm? --- I deactivated my alarm just before I left my room to go and open the front door, M'Lady.

Okay, that... okay, I am going to put it in there. You did not say that in your evidence, do you know that? You did not give that evidence, do you know that? --- If Mr Nel puts it to me, then I respect that I did not say that.

So we must, we must now put in that you, you phoned the... Mr
20 Stander, and it is not, I am not going to that portion of your evidence, I am just doing it in broad strokes. You made phone calls to Mr Stander, you made phone calls to 911 and then you had to go down and, for you to open the door. --- That is correct, M'Lady.

In that process, you still remembered to deactivate your alarm. -
-- I do not remember deactivating my alarm, M'Lady. I remember

grabbing the keys for the front door, which were on the speaker. Every, every night when I come into my room, I close the door, I activate the alarm. Every morning, before I leave my room, I deactivate the alarm. It is a habit, as is doing any other thing. The only reason I can say that I deactivated the alarm at that point was because the alarm never went off. It would have gone off when I ran down the stairs. It did not go off, so I can... I do not have an independent recollection of putting the alarm off.

That is not what you just answered because you know when I
10 just asked this question, and the record will bail me out, when I just asked you a question, you said: 'I deactivated my alarm in my room'. --- That is correct, M'Lady.

Now, now you do not know. --- I must have ...[intervenes]

It cannot make sense, it is two different things. You are tailoring as we go. --- It makes complete sense, M'Lady.

Does it? --- Because if I left my room and the alarm was still activated, it would have gone off, so I must have deactivated my alarm.

You see, there you are right. Must have is perhaps more convincing than what you said. You said: 'Before I left my room to go
20 downstairs to open the door, I deactivated my alarm'. You did not say: 'Must have'. You said as a fact, and I am testing that, why --- That is correct, M'Lady, I made a mistake. I must have said: 'Must...' I should have said: 'Must have'. I could not put it as a fact because I do not have an independent recollection of me ...[intervenes]

Why would you make a mistake like that because you just want

to answer Nel's questions and you just want a way out or why would you make such a mistake? --- No, I do want to answer Mr Nel's questions, M'Lady. It is not that I want a way out. It is that it makes sense to me that I must have deactivated the alarm. If I said that I did deactivate the alarm, that is what makes sense to me.

Now you see, the problem here is, Mr Pistorius, you spontaneously gave the answer and that spontaneous answer cannot be interpreted in the way that you want the court to interpret it now. It is impossible. 'Must have' never, was never said. Why are you changing
10 your evidence? --- It was a mistaken on my behalf, M'Lady.

We get lots of mistakes this morning, Mr Pistorius. --- I am tired, M'Lady. I am sorry if I got the wrong word, I meant I must have turned my alarm off. It makes sense to me that I switched it off. Nobody else could have switched it off. It did not go off when I ran through the house. It did not go off at a later stage and it only make sense to me that I switched it off.

You see, your answer now puts me in a predicament. Are you too tired to continue because I do not want a response again today that I am tired and therefore I made a mistake? So I want you to please tell
20 the court, if you are tired and you want time, we will discuss it with your legal team. --- M'Lady, it is not that I want time. It is that I am tired. I am going to be tired... I do not need time. I am tired, it is not going to change. I understand the predicament that Mr Nel was in. [Indistinct 10:09:36] I have made a mistake, I [indistinct 10:09:39] of the mistake. I said I must have switched off... I cannot be sure that I said I can... I

did switch off. I do not have an independent recollection of switching it off. So I must have switched it off. It did not go off later and at that point, if I did not switch it off, then it would have gone off.

You see, with respect, Mr Pistorius, and I am just saying that I am not convinced about your answer now. I think that you are trying to cover up for lies and I am not convinced. So ...[intervenes]

COURT: Just, just, before you proceed. Mr Pistorius, it is important that you should be all here when you are in that witness box. Do you understand that? --- I do, M'Lady.

10 So if you are tired and you are busy making all these mistakes it is because you are tired, you must say so. --- M'Lady ...[intervenes]

Do not come and say it is not going to change [indistinct
10:10:47. --- I must say, M'Lady, I am tired, M'Lady, but I have made a mistake because of the way I have answered the question. I said I did where I must have. I do not have an independent recollection. Mr Nel is right, M'Lady, I do not, I am not arguing a point with him.

But that is not the question. The question is: are you too tired to proceed? --- No, M'Lady.

Because you can be at a disadvantage when you are in that box.

20 --- I understand, M'Lady.,

You understand that? --- Yes, M'Lady.

Yes, it cannot be fair to you, but it is not fair to this court either. -
-- I understand, M'Lady.

Are you making these mistakes because you are too tired? --- I made the mistake, M'Lady, not because I am tired. I made the mistake

because I do not have a... Mr Nel put to me that I... he asked me and I said that I switched the alarm off before I left my room.

Yes, but then can we accept that you are not, you have not made these mistakes because you are tired? Can we accept that? --- I can accept that, M'Lady.

No, can we accept that? --- Yes, M'Lady.

Okay. Yes, Mr Nel.

MR NEL: As the court pleases. You might now think I am unfair, Mr Roux, *ag*, Mr Pistorius, but why did you then make a mistake? If it is not
10 because you are tired, why is it? --- M'Lady, I would have switched the alarm off. If the alarm did not go off, it is a habit that I switch the alarm off before I leave my room. If I had grabbed those keys when I ran downstairs to open the front door, the remote is on those keys, I would have switched the remote off. I do not have an independent recollection of switching of the alarm, but I would have switched the alarm off, M'Lady.

Mr Pistorius, as I said, I am at a bit of a disadvantage, but I will take it from here. The only reason why you are now changing your evidence is, you are covering up, you are tailoring your evidence. There
20 is no other reason for it. --- I am not ...[intervenues]

Or give me a reason, if you have another reason. --- M'Lady, it is fact that if I had left my room and the alarm was activated, that it would have gone off if I had not switched it off, if I had not deactivated it. So it is not tailoring of evidence, it is the fact.

Then we also have to factor something else in your version and

that is, you must have been concerned that intruders got into your house without the alarm going off. --- M'Lady, I did not have time to think about the alarm at that point. I did not think about the alarm, I just knew that there was somebody in the house.

But let us put it differently. Were the alarm on, people would not be able to enter your house without the alarm going off, yes? --- That is correct, M'Lady. If they were not painting at my house and all the beacons were on the wall, they would not be able to, but at that point I did not even think about the alarm, M'Lady.

10 You see, this is an integrated system, am I right, the alarm system? --- I am not sure, were they integrated or not ...[intervenes]

An integrated system is, it works off one control panel. If one of the beams did not work, it would be indicated, am I right? --- That is correct, M'Lady.

Okay, so it would indicate on the alarm system if one of the beams were faulty. --- If one of the beams were faulty, it would indicate that, M'Lady.

And there was no such indication that night when you switched it on? --- No, there was not, M'Lady, but a beacon can be taken off the
20 wall and it does not mean that it is faulty.

But let us just, and I do not know your system, so I am asking a question, if there is an open zone or something not working, it will not activate. You will have to fix the problem before the alarm would activate, am I right? A door open or a beam not working. --- If there was an open zone, I do not have connectors on any of the doors or

windows, so there could not be, there is no function on my alarm for an open zone, M'Lady.

I see. --- So if the window open, the alarm would not go off. There is no, there is no, there is no alarm for open zones.

I am not going to task you on this because I do not know your alarm system, but I just want to get back to an answer and then we move on. If that was, your alarm was properly functioning, nobody would be able to access your house without the alarm going off before they get there. --- Before the beacons were on the walls outside,
10 M'Lady, then I think that is correct.

Now that brings another question and that is, if you were concerned with the ladders, did you not ask the contractor about work on your alarm system, what they did with that? --- I do not remember having a conversation with the builder about the alarm system, M'Lady. He had several things that he had to do and the alarm was functioning, so I did not have... if he had to take them off to paint the house, then I presumed he would take them off and put them back.

Now the... if you would leave your room through that door, would you activate the alarm? --- I do not understand the question, M'Lady. If
20 I ...[intervenes]

If you go out of your room, you are inside your room, the alarm is on, I walk out the door, would I activate the alarm? --- No, you would ...[intervenes]

COURT: Which door are you talking...?

MR NEL: The bedroom door, the bedroom door. If you walk out the

bedroom door, the alarm is activated ...[intervenes] --- I do not know...
The alarm would be activated. You would have to deactivate it, not
activate it, M'Lord

Ja, but if it is activated, and you, and I walk out your door, what
will happen? --- Nothing will happen, M'Lady.

Would the alarm not go off? --- No, M'Lady.

Where must I be before the alarm goes off? --- The first beacon
upstairs is where the top flight of the stairs is, M'Lady.

So if I get there, the alarm would go off? --- Yes, that is correct,
10 M'Lady. The panel for the alarm, the keypad is, has access... the three
bedrooms at the top have access to the keypad. There is no beacon in
that upstairs lounge room, so if you leave the room, that is still a zone,
there is an upstairs TV room there. At night, if I had visitors or if I had a
housemate, he could watch TV there, or if I had friends and their kids
were coming over, they could watch TV up there. There was... the
beacon, there was no beacon in that room, so the three bedrooms led
onto that lounge. If you come out of my room, the alarm would not go
off. There is no, there is no sensor there. As soon as you pass the
keeper upstairs, there was, that is where the, that is where the inside
20 beacon is, above the cupboard, that is where it would pick up
movement.

Now the open balcony door, whilst you were lying in the bed
watching TV, that did not bother you? --- I was awake, M'Lady, it did
not bother me.

So whilst you are awake, it would not bother you, and it did not?

--- No, it did not bother me, M'Lady.

Alright, now when we deal with the scene, we will go back there, I just want to move onto the incident on the highway. Now just tell us again what happened? --- M'Lady, I was coming back late one evening from an interview. A car came up behind me and I moved over. It was just after John Vorster, the undercarriage. It was a black Mercedes, it came past and then it slowed down and then a couple of seconds later I saw a muzzle flash from the back of the, from the back of the vehicle, M'Lady, and I slammed on brakes. I was in the, I was driving in the fast
10 lane and I moved over, I moved into the middle, or one of the lanes to the left. I am not sure if it a three or four lane and then when the, when I saw the muzzle flash, I swerved and it was, I was luckily about 150 metres from the Botha turnoff and I took the Botha turnoff and I went under the highway and then returned back and then I took John Vorster and I parked at a place where there were a lot of people.

This, was this a week day? --- I am not sure, M'Lady.

What time was this? --- It was late in the evening, it was about 10:30, 11:00 at night.

Were there other cars on the highway? --- I do not remember
20 any other cars on the highway, M'Lady.

And you did nothing. I mean, there was no road-rage incident before then? --- I do not understand the question.

Were you and this black Mercedes, were you involved in any altercation before this incident? --- I was never in a black Mercedes, M'Lady.

What did you say, a black what? --- I said there was a black Mercedes. I did not say I was in a black Mercedes.

Oh, no, no, but who fired at you, the black Mercedes? --- That is correct, M'Lady.

Yes, were you and that, you and that black Mercedes in an altercation? --- No, M'Lady.

So you are driving on the highway... You have used that highway before, am I right? --- That is correct, M'Lady.

It is a busy stretch of road that. --- It is the busiest stretch of
10 road on the southern hemisphere, M'Lady. It is my understanding.

Yes, so in all probability, there would have been other vehicles on the road? --- There possibly would have been, M'Lady.

Possibly is one thing, but let... probably there would have been other vehicles. --- There were definitely other vehicles on that stretch of road, M'Lady.

Yes, and without any reason, this black Mercedes drove in front of you. --- That is correct, M'Lady.

Reduced speed, is that what you did? --- M'Lady, I was driving on the fast lane, the car came up behind me. It was going a lot faster
20 than I was. I changed lanes. It overtook me and it slowed down. I do not remember any other cars because I was, I think the weight of the situation, I do not remember some of the other things. I do not remember there being other cars on the highway, but yes, in all probability there were other vehicles, maybe a kilometre or two or a couple of hundred metres within our vicinity, but that is what I

remember.

And you saw a muzzle flash. --- That is correct, M'Lady.

There was... it was not a camera flash. --- No, I did not... I could hear, as I said, I could hear a banging noise and I saw a red, a reddish whitish explosion, M'Lady, like...

Now you say: 'As I said, I could hear a banging noise and I could see...' You have never said that. --- I did, M'Lady. In my chief I did say that I heard a noise ...[intervenenes]

I will check, I will check, it might be, I will check. You said you
10 heard a 'bang' coming from that vehicle? --- That is what I said,
M'Lady.

Ja, so you heard a 'bang' and a muzzle flash. --- I did not hear
the muzzle flash [indistinct 10:23:34].

But you saw the muzzle flash. --- That is correct.

You are not that tired. You are keeping up with where I make
mistakes. --- [Indistinct 10:23:40].

Ja, I just want to put that on record. Why... you say it was not a
camera flash. Why are you saying that? --- M'Lady, I have answered
this question.

20 Answer it again, please, Mr Pistorius. --- M'Lady, it was a...
because I knew it was not a camera flash because I could hear a bang.
I associated it with a firearm. I could see that the muzzle colour was, it
looked like red and white, M'Lady.

Now before I go on, I just have to get it clear for myself. This
was out of the blue, nothing happened that would give that, whoever

that was, reason to fire at you. --- I have no idea why the, why this would have happened, M'Lady.

Were you alone in your car? --- That is correct, M'Lady. I was coming back from an interview, a late night interview.

You had a cell phone with you. --- That is correct, M'Lady.

I am sure you phone, immediately phoned someone. --- I did not immediately phone somebody. My first thought was to get away as far as I could. I said in my chief that I turned, I took the highway exit, I sped up extremely quickly. I took the undercarriage, I climbed back on
10 the highway in the opposite direction. I took the next turnoff. I was not sure if the person was going to turn around, so I was constantly checking my mirrors. I did not have time to make a phone call. When I got to the Rhapsody, I made a phone call, M'Lady.

And when was this? --- It was in 2008, 2009, M'Lady.

2008, 2009. And then you went to Rhapsody. --- That is correct, M'Lady. I went to, the first, as you take the John Vorster turnoff and you go over the highway, the first shopping centre on your left. There is a couple of restaurants [indistinct 10:25:59] Rhapsody, so it was quite busy with people there and I thought I would be safe to be
20 around other people, so I parked my car in the parking bay and I phoned somebody to come and pick me up to take me home.

You went into Rhapsody. --- No, I did not go into Rhapsody, I wait ...[intervenes]

You waited in the parking area. --- That is correct, M'Lady.

Who did you phone? --- I do not remember, M'Lady.

No, you must remember. You cannot, you cannot tell this court that in this, on this incident, traumatic incident, you cannot, you cannot remember who picked you up. --- M'Lady, this was five, four, five, six years ago, M'Lady. I do not remember who I phoned.

No, you see, it is so improbable that you would not remember who you phoned and it is so improbable that in consultation, you would not have been asked the same question, for your counsel to find out who you phoned. --- I do not... I do not know who I phoned, M'Lady. My counsel did ask me and I told them I do not know.

10 It is because it never happened. You do not want anybody to check up. --- That is not ...[intervenes]

That is the only reason why you would forget who picked you up that night that somebody almost shot you. --- That is not true, M'Lady.

It is the one night that somebody almost shot you, am I right? ---
- That is correct, M'Lady.

And you can remember Rhapsody... you remember exactly where you turned left, where you turned right and how you got to Rhapsody, exactly. --- That is correct, M'Lady.

20 But you do not remember who you phoned. That does not make sense. --- That is correct, M'Lady.

No, it does not make sense. You do not want anybody to be able to check up on this. --- That is not true, M'Lady. If I could remember who I phoned, I would gladly give you their name because that would collaborate my story, M'Lady. I do not remember.

Now on your version, you left your car there. --- That is correct,

M'Lady.

How did you get your car back? --- I do not remember, M'Lady. Somebody must have picked me up the next morning or dropped me off.

Now one thing we have, I am sure you will agree with, that if somebody shoots at you on the highway, that is a very serious incident. --- I agree, M'Lady.

One could die. --- That is correct, M'Lady.

And you, well, I have already asked the question, so I would
10 have to ask a different question. Why did you not report it to the police?
--- M'Lady, I do not see what the police could have possibly done about it.

Why do you say that? Police, police investigate cases. They, they can find things out, but you did not trust them. --- That is correct, M'Lady. I did not have the trust in them to find out what... I do not think they would have given it the attention.

That is not the first word about trust in the police that I have read in your family, but we will get to what I have read in your family because I just want to work on this, and I will make it easier for you. You father
20 had similar views. Do you know that? --- I do not know that, M'Lady.

Have you never read it anywhere? --- Not that I can recall, M'Lady. I do not know.

Did nobody tell you what your father said in the media at all? --- Not regarding the police, M'Lady. I cannot remember.

About possessing guns? --- No, M'Lady, I do not read papers. I

try not to follow the media. I do not know what my father said. I do not have contact with him.

Okay, I am going to rephrase the question, please think. You have no idea what your father said in the media about ownership of guns in South Africa. --- I have no idea what my father said, M'Lady. I understand that Mr Nel has read things out of media extracts. I grew up in a family where we did phone the police and not once did our things get sorted out or did they catch anyone. I can understand if that was my father's opinion, but I have not read anything.

10 But you, Mr Pistorius, in 2008, 2008, 2009, did not trust the police. --- It is not that I did not trust them ...[intervenues]

You said so. --- I did not trust the police to be able to do anything about the situation, M'Lady.

Is that also why you never reported your burglary, because you never trusted the police? --- Yes, it is possibly, that is possibly true, M'Lady. Although I had called the police out, I think that is what I did say. I had called the police out, but there was not a docket that was opened when there was an attempt burglary when I... What I said was, when it came to my burglaries, that it happened a week and a half
20 earlier when I was overseas. I did not see what the police could possibly do. What I said was, I also did not have insurance at the time, so there was no need for me to open a police report. There were many factors. I would not just contribute it to one factor.

And... but one of the factors is, you thought, you did not trust the police to do anything about your house burglary. --- That is not what I

said, M'Lady.

But is that a factor? --- No, what I said... I did not say I did not have trust in them to do anything about it. I said I did not trust that they would be able to do anything about it. That there was, that anything would happen, whether they... I do not know if would investigate it or not, but I did not see how they could possibly find out who had burgled my house a week and a half earlier.

So you do not know who you, who picked you up from Rhapsody? You... pardon me, you do not know who picked you up from
10 Rhapsody? --- As I said, M'Lady, I do not remember.

And a similar incident did not happen after that, where somebody fired at you. --- No, I did not have somebody fire at me. I said in my chief that there were people that had followed me, but there were not people that had fired at me again.

Now let us then deal with the 2012 incident where you said you got assaulted. Remember that incident? --- Yes, I clearly remember that incident.

But before we go there, something gave rise to that particular incident, am I right? --- That is correct, M'Lady.

20 You approached a Mr Van den Burgh at a public get-together at Daytona, am I right? --- That is correct, M'Lady.

And ...[intervenes] --- It was a public get-together of the Daytona Group, but it was a, it was a racetrack meeting.

Now in public, you approached Mr Quinton Van den Burgh and you had an argument with him about Samantha Taylor. --- I did not

have an argument about him, M'Lady,.

What did you do? --- Mr Van den Burgh had taken Samantha Taylor overseas whilst I was at the Olympics on a pretence that it was for a work function. He is in his late thirties and Samantha is 19, 20 years old. It later came out when her and I were reconciling our relationship, when I got back from London. There are e-mails to show that she said that he was manipulative and disgusting and a whole bunch of things and that is what she conveyed to me in person. I did not expect to see Mr Van den Burgh at the Kyalami Racetrack. When I
10 arrived, I saw him and I immediately went to a different side of the outside area where we were. He stared at me the whole morning, M'Lady. He made eye contact with me and he just could not keep his eyes off me. I said to a friend of mine, there were many of my friends there at the time, I said to them, I actually feel like leaving, I do not feel like any confrontation with this person.

And as I was leaving, Mr Van den Burgh turned around and looked at me, so I approached him and I said to him: 'Mr Van den Burgh, you obviously know who I am, I just want you to know that I have very little respect for what you did.' I did not threaten him in any
20 manner. I told him exactly what I thought about him. I did not swear at him. There were many, many people that were around and he did not have any reply to me. I turned around and I left after that.

That is your version, but let us just test it because I do not know who will give evidence. Mr Divaris was there. --- That is correct.

Who else was there? --- Mr Barwell was there, M'Lady, another

friend of mine ...[intervenes]

Barwell, yes. --- Mr Lerena who was here, he gave evidence
...[intervenes]

Lerena was there. --- He was right there, he was standing...

Ja. Now ...[intervenes] --- Mr Fresco was there, I believe
...[intervenes]

Fresco was there, ja. Now if anybody would say that you
approached him, you were aggressive, they would be lying. --- That is
correct, M'Lady.

10 So you... but you approached him. --- That is correct, M'Lady.

And you indicated that you are unhappy with what he did. ---
That is correct, M'Lady.

And if he would say you were aggressive, he is lying. ---
M'Lady, Mr Van den Burgh sent me a legal letter about two weeks later,
asking me, asking my management for my address. It was clear that he
wanted to pick a fight. He sent an e-mail from a lawyer on an official
letterhead. The letterhead had the names of many [indistinct 10:36:54]
on it, but the lawyer was [indistinct 10:36:56]. I seeked legal advice. I
was told not to even waste my time [indistinct 10:37:07] with Mr Van den
20 Burgh. Although, when I got home that day from Kyalami, I had a
function to attend at Sun City. Ms Taylor was waiting for me at my
house. She had been at my house throughout the morning that day.
She was coming, going to go with me to Sun City.

When I got home, she was extremely upset that I had confronted
Mr Van den Burgh. An argument pursued and I asked her why she was

defending him. She said to me that somebody had phoned her and told her that I had got into, approached him and told him, basically told him off. I asked her, you know, after all the things that she told me about this person, why she was defending him. She immediately became, said that she was not defending him. I told her that I did not have time to argue about this. It has been very hard for me to forgive her for what had happened, if she would like to defend him... Our bags were already packed to Sun City. I actually gave her the keys to my Jeep.

I said to her: you are more than welcome to just take your bag, I
10 have got a business function I need to attend, this relationship is not working, I cannot deal with the drama of this man and you, please let us just leave it and I put her bag in my car, I gave her the key and said to her that I would organise that somebody pick up the vehicle at a later stage. She then pleaded with me. She said she was sorry. I said to her I understand if she is sorry, but that she can please not defend this person who has got in between her and I.

We got into my car, we drove to Sun City, which is very important because by the time we got to Sun City, I was met in the foyer by Mr Bachelor. He came over and he approached Samantha Taylor
20 and I and he must have known that I was there for a function. I am not sure if Samantha had told Quinton and he had told Bachelor, but it all came together later on when Mr Bachelor was the person who was involved in this intimidation and the repercussion of it, with the assault where we landed up at the Hawks.

Okay, now you have given us now this long discussion. You

see, that is the issue with leading good character evidence of yourself because.... Are you telling me that you never shouted at Samantha Taylor when you got home? --- We got into an argument, M'Lady, I ...[intervenes]

You shouted at her. --- I did not shout at her, M'Lady. I was very civil with her. I had had enough of the relationship. I packed her bag in my car. I offered her to take my vehicle.

I hear what you are saying, Mr Pistorius, but we will, we will deal with this a bit further but let me just deal with one thing. You are the
10 person that approached Mr Van den Burgh in a public area and confronted him because he took Samantha Taylor overseas. --- That is correct, M'Lady.

Good, you confirm. So, and that is the incident that gave rise to the incident where you got assaulted. --- That is correct, M'Lady.

Now there again, you approached the person with the phone. --- That is correct, M'Lady.

Nobody... at the time you were at this get-together, in fact, you were in the bathroom when you overheard a conversation. --- That is correct, M'Lady.

20 You then approached that person to talk on the phone. --- As I said, that is correct, M'Lady.

And you then spoke to Mr Mark Bachelor. --- That is correct, M'Lady.

And you threatened him that you will break his legs. --- That is incorrect, I never ...[intervenes]

But you know, you have heard that he said that. --- I have heard that he said that, M'Lady.

So he is lying. --- He is lying, M'Lady, I... [intervenes]

Are you telling us the truth? --- That is correct, M'Lady.

You never said that. --- I never said any threats or anything to Mr Bachelor. I would not be so careless, M'Lady. He is revered as a person that has been many assault charges. I would never attempt to threaten somebody ... [intervenes]

You see... --- The only person I approached the person who
10 was on the phone, was to defuse the situation. After more than 10 minutes trying to reason with him, I came to the conclusion that this man was not of the mind to talk about something. He told me that Mr Van den Burgh was a good friend of his and that if I want to... in a very explicit tone, he told me to wind my neck in. These are all the words I used when we were at the Hawks. We told, we discussed the story. We... the story was defused there. I called the meeting at the Hawks.

I know you want... let us deal with your evidence. Now, the fact is that you never reported, and I am talking to a police station, you never reported this to a police station. --- That is correct, M'Lady.

20 Mr Divaris arranged a meeting with a very senior member at the Hawks. --- That is correct, M'Lady.

So you all went to the Hawks. --- That is correct, M'Lady.

Where... it was you, Mr Divaris, who else? --- It was myself, Mr Divaris, Mr Bachelor and Mr Bachelor brought a lawyer with him, M'Lady, who was representing him and Quinton Van den Burgh.

And after that, there was no court cases. --- No, there were no court cases, M'Lady.

Now you were assaulted that night. --- No, I was not assaulted that night, M'Lady.

You were not assaulted? --- No, M'Lady.

Not when you visited the Hawks, but when, after you spoke on the phone. --- That was not the same day, M'Lady.

Was it not the same day? No, let us just deal with it. At the time when you spoke to Mr Bachelor on the phone ...[intervenes] --- That is
10 correct, M'Lady.

Were you assaulted that day? --- That is correct, M'Lady.

Did you lay a charge with the police? --- The next day we got the meeting set up with the Hawks, M'Lady.

The next day, after your assault. --- That is correct, M'Lady.

Are you sure? Did you not go to... Oh, no, that was after the meeting. So you never laid a charge for assault with the police. You just spoke to the police and resolved the issue. --- I never spoke to the police, M'Lady.

You spoke to the Hawks and resolved it. --- That is correct,
20 M'Lady.

You never laid a charge of assault with the police. --- That is correct, M'Lady.

And you know who assaulted you. --- I do not, M'Lady.

I see. Now, Mr Pistorius... --- M'Lady, in this context I think it is important to state that it has come back to me on many occasions that

Mr Van den Burgh paid Mr Bachelor a sum of money. He confessed it to Mr Divaris. He got caught up with what he thought were his friends and his people and got extorted for even more money and I believe that that was the reason for them trying to involve me in whatever idea they had.

Mr Pistorius, for a man like you, at that get-together, would it not have been easier just to leave? --- M'Lady, I think it is important to say that I had my firearm with me at that point when I was assaulted, I did not use it and I did leave. I went straight from there to the Morningside Clinic where I got stitches in my head.

10 Mr Pistorius, before, before talking on the phone, before taking people on, would it not have been better for you to leave? Why did you get involved in an altercation? --- I heard the conversation being told outside. I heard the person talking to Mr Bachelor outside and I thought that it would be best to talk about the situation to Mr Bachelor. I did not know [indistinct 10:44:55]. I thought that maybe it would be a person that I [indistinct 10:44:57].

But you are making the assumption. --- I knew who he was, M'Lady.

20 You met him at Sun City, did you not? --- I had [indistinct 0:45:03] at Sun City. He greeted Samantha Taylor. I [indistinct 10:45:05].

I have not ask you the question why you look for trouble by going, by approaching that person [indistinct 10:45:15]? You looked for trouble, you did not try and defuse some. --- M'Lady, if I was looking for trouble, I would not even contemplate speaking to the person.

That is ...[intervenes] --- I was, I was trying to defuse the situation, as I have said.

No, Mr Pistorius, that is not true. Your version of events is not true, but we will see if we can get something and deal with it a bit later perhaps. --- M'Lady, the... Mr Lerena and Mr Fresco have given evidence. The state has known about this ...[intervenes]

Can Roux call them and...? We could not lead it because this is character evidence, but would you be happy to get their versions of the events? --- I will be more than happy to.

10 Oh, about the events on the day at Daytona? --- Correct.

Okay, good, but you have Mr Divaris... he could perhaps tell us? --- I am not sure if they will be calling Mr Divaris, M'Lady. I have not consulted with my counsel.

But it is a possibility that he might give evidence and there we will get the version? --- [Indistinct 10:46:15] possible.

Or we can get Mr Lerena or somebody just to explain to the court really what happened there. --- That is correct, M'Lady.

Okay, that is good, we can look into that. Mr Pistorius, let us now go back to the scene and the early morning of 13 February. Do you have the...? Do you have the photo album with you? Mister... Mr Pistorius, we... you have given, you have given evidence up to the stage where you brought the two fan in, in cross-examination. --- That is correct, M'Lady.

Now after you brought the two fans in, what happened then? --- I placed the two fans on the floor and I closed the doors and I closed the

curtains, M'Lady.

Yes, and then? --- I then went to the amplifier to cover the light with the jeans and it was at that point that I heard the noise coming from the bathroom, M'Lady.

Now let us just deal with that. You... why did you want to cover the light? --- Because it was distracting, M'Lady.

Why would that be? Why? --- I was trying to sleep. If there was a light on it would distract me, M'Lady.

So that was sharp enough light to bother you when you are
10 sleeping. --- It must have been, M'Lady.

Now if that is sharp enough to bother you, it must illuminate at least an area. --- I think if you look at it, it is a blue LCD light, M'Lady, so it is very, it is a small light, but it is bright. If you had contact, if you are looking at it, it would be very distracting.

But it would illuminate the area, otherwise it would not bother you. --- M'Lady, it would not illuminate the area at all.

It did. Are you sure? --- If Mr Nel says it did, M'Lady, then I cannot agree with that because ...[intervenes]

You never said it illuminated the area? --- No, I never said it
20 illuminated the area.

So it was just a blue light and that would not help you to see anything. --- You could see the silhouette of the jeans, as I said, on the floor.

Yes, you see, so you said one could see something in the blue light. So you could at least see the jeans. --- The silhouette of the

jeans, M'Lady. The jeans were about a meter away from the amp.

Whose were those? --- They were Reeve's, M'Lady.

Now this particular blue light, was it the first time that it bothered you? --- It might have bothered me before. I have covered it before with other things.

And you never took steps to change it, not cover it permanently or anything like that? --- If I had, M'Lady, it would not have bothered me on that evening.

Did you think of doing that before? --- No, M'Lady.

10 Why did it bother you that evening because that is not the reason why you woke up? --- I am sorry, M'Lady, I did not hear Mr Nel's question.

That is not the reason why you woke up, the blue light, am I right? --- I do not know what the reason was why I woke up, M'Lady. It was warm and I could not sleep.

Now when did the blue light bother you? --- As I closed the curtains and I turned and I placed, after I closed the curtains, I turned back to the fans and I saw the blue light was on. That is when it bothered me and I thought that I should cover it.

20 So it bothered you then. --- When the room was pitch black, M'Lady.

And did you cover it? --- I do not remember, M'Lady.

No, that is not that ...[intervenes]

COURT: What was the question?

MR NEL: Did he cover it, M'Lady.

COURT: Oh, okay. --- I do not remember if I covered it at that point I heard the noise, M'Lady. I do not remember if I covered, if it was at that point that I...

Now okay, well, let us go slowly. You wanted to cover it. --- That is correct, M'Lady.

You wanted to cover it and you can tell us you wanted to cover it with the jeans. --- That is correct, M'Lady. I had already picked up the pair of jeans and I was in the process of placing them on the amp.

Now let us just go to a photograph. M'Lady, may I refer to E68?
10 Pardon, could we first go to E61? Where is that blue light? --- If you look at the, if you look at the amplifier, M'Lady, it is on the, there are two big... the one is a volume swivel and the other one, I think, is a function swivel. If you look to the top left corner, the name of amp, it says: 'Pioneer' and then just below the amp there is a button there, the LCD is in the middle of that button, M'Lady.

Is it there, where the arrow is now? --- That is correct, M'Lady.

There where the circle is. So in the middle of that button, there is a small blue LED light that you wanted to cover? --- That is correct, M'Lady.

20 How did you want to cover it? --- By draping the jean over the, over the light, M'Lady, or over the button.

Could we just to go to 55, please? You have yesterday indicated that there where the fold is in this duvet, that is where you placed the larger of the two fans. --- That is where one of the feet of the larger of the two fans was, M'Lady, that is correct.

Okay, now that is perhaps important, so which, which one would that be? Where would the other two be, more to the right of this photograph or more to the left? --- M'Lady, this photo is two dimensional and it is not taken from above, so the duvet is, I do not know how many centimetres off the ground. It is in the vicinity, as I said yesterday, about, that is about where I remember. I agree with Mr Nel, that is about where the fan was, but I did not say for certain that is where it was.

But what we also know is that to the left of that fan is where you
10 put the other fan. --- That is incorrect, M'Lady.

Where was that then? --- To the right of that fan.

To the right of that. So you put the smaller fan between this fan and the curtain? --- That is incorrect, M'Lady.

Where did you put it then? --- To the right of the big fan, M'Lady, as I said yesterday.

Ja, but if... where, please indicate on the screen? Is that to the right of the fan? If you look at the photo, is that not to the left of the fan? --- M'Lady, as I described, I brought the small fan in first and I brought the big fan in second. So I did not place the small fan to the
20 right, it was already there. I brought the left fan in and I placed it to the left of the smaller fan.

Okay, perhaps I am confused, but let us rather work on where you pointed out. --- I can explain ...[intervenues]

You pointed out where the fold is and you pointed out that... let us not use left or right, more towards the bathroom side of your room,

that is where you put the smaller fan. --- That is correct, M'Lady.

Now right behind the smaller fan must have been the denim. Where did you pick the jeans up? --- More or less where they are now, M'Lady. As I said, they were about a meter away from the amplifier.

Now you then heard what? --- I then heard the window sliding open, M'Lady.

Heard the window sliding open. You never heard the deceased get up. --- I did not, M'Lady.

You never heard anything on the bed creak or anything on the
10 bed. --- I did not, M'Lady.

On your evidence, the fans were on. --- That is correct, M'Lady.

You are very close to the fans. --- That is correct, M'Lady.

And you still could hear a window slide open. --- The noise that the window makes when it slides open, M'Lady, would be a lot louder than anybody getting out of bed.

From ...[intervenes] --- I heard the window slide and I heard, as I said, I heard the window slide and I heard it hit the frame when it was finished sliding. That is what I said.

Ja, no, slide and slam, but you heard slide, that is important. ---
20 That is correct, M'Lady.

When you... there was just no mistake that that is exactly what you heard? --- That is correct, M'Lady.

And from day, from this incident, up until now, that is what you heard, it is a window sliding open and slamming. --- That is correct, M'Lady.

What happened then? --- I was frozen for a moment, a couple of seconds and then I rushed to grab my firearm, which was next to the pedestal, underneath, next to the pedestal, M'Lady.

Yes. --- I then got my firearm and as I turned around to face, to turn my body to face the passage, I told Reevea to get down, to phone the police.

How did you tell her? --- I whispered it to her, M'Lady. I said it in a soft tone.

Now did you look at her when you said that? --- No, M'Lady, I...
10 from the time that I left the amplifier to the time I got my firearm, I tried not to keep, get my eyes of the passage.

I see. Now when you heard the noise, you never discussed the noise with her. --- I did not discuss the noise with her, M'Lady.

You never said: 'Reevea, did you hear that?' --- I did not say that
M'Lady,

I asked: did you say that? --- I did not, M'Lady.

Why not? She is awake. --- I was not confused about what I had heard, M'Lady.

But you should not be confused, but did you not check with her:
20 'Reevea, did you hear the...' I never said: 'What I heard'. She is awake. Did you not say: 'Reevea, did you hear that?'? --- I... there was no doubt in my mind that I had heard what I had heard, M'Lady. I did not need confirmation. I did not ask her.

We never asked if you asked for confirmation. I asked: 'Did you not say to her: 'Reevea, did you hear that?''? --- No, M'Lady, if I...

[intervenenes]

I am putting it to you and I will argue and I will show you that that is a reasonable thing to do, to say: 'Reeva...', she is awake: 'Reeva, did you hear that?'. --- I did not do that, M'Lady.

In the past, if you heard her voice, you woke up... Sorry? Ag, noise, in the past, when you heard a noise, you discussed that with Samantha Taylor? --- On an occasion, one occasion where that did happen, where Ms Taylor had slept at my home, I had heard a noise downstairs, but I had woken up when I heard that noise. As the noise
10 was happening, I heard it, and I leant over to her and I asked her if she had heard the noise. What it was, was, my dog had come in the house and he was running around and knocking over the dining room chairs downstairs. So at that occasion, yes, I did lean over. I was unsure about what I had heard. On the morning of the 14th, I was sure of what I had heard. I did not want to converse more than what I had to and I said to Reeva: 'Get down and phone the police'.

But, but one thing we know is, you never waited for a response.
--- That is correct, M'Lady.

You never checked up if she is okay and if she is panicking. ---
20 I never did, M'Lady.

You never said: 'Reeva, listen...' and make contact with her and tell her what to do. That you did not do. --- I did tell her what to do, M'Lady.

You whispered at her, but you never looked at her and said: 'Reeva, go down'. --- I did not whisper at her, M'Lady. I said it in a soft

manner. I said: get down and phone the police. I was sure that there was somebody in my house. I ...[intervenes]

You never whispered. What is the, what is the difference between soft manner and whisper? --- Soft manner is talking softly and a whisper would be a whisper, M'Lady.

So, but you did not whisper. --- No, M'Lady, I did not whisper.,

You are not mistaken. You are not mistaken because you can remember lots of detail. You are not mistaken that you perhaps whispered to her. --- No, M'Lady, I spoke to her in a soft manner.

10 And you ever waited for a response. --- I did not wait for a response and I did not hear a response, M'Lady.

And that did not bother you. --- My whole being was fixated on this person that I thought was in the bathroom, M'Lady. I had already grabbed my firearm. When I told Reeva to get down and call the police, I was already facing away from the bed. I was already making my way to the passage.

You see, we will go on from there, but the one thing that you are one hundred percent happy with is that that duvet that one can see in photograph 55, was not there. --- That is correct, M'Lady.

20 But the denim was. --- The denim was, as I said, in that vicinity in about that area.

Now let us take it one step further, if that photograph that we see there, photograph 55, if that is the way it was that morning, your version cannot be true. --- That is correct, M'Lady.

Okay. So for that to happen, the police must have moved the

fan and put the duvet on the floor. --- We discussed this in great length with the curtains and the fan and the duvet and the other fan yesterday, M'Lady, that is true.

You see, there is one big problem, Mr Pistorius. That denim is lying on the duvet. --- I do not see that as a problem, M'Lady ...[intervenes]

I am going to show you... --- I do not dispute that, M'Lady, but I do not see how that is a problem. If everything was moved in the room, then there is no reason why the denim could not have been moved.

10 The duvet, I do not see how that is a problem.

No, we will get there, but first things first. Let us go to photograph 68. Can you see it lying on, the top part of, the top part of the denim is lying onto a portion of the duvet? --- Yes, I can, M'Lady.

So you say that is not a problem. --- I am saying it does not fit with my version of what happened, M'Lady,.

And you said it is not a problem. --- Well I am saying that if everything else was moved, if many other things were moved in the room, which we have already discussed like ...[intervenes]

20 What we have to then take into account is that the police picked the denim up, put the duvet down and threw the denim down on the duvet. --- As they did with many other things, M'Lady.

You see, Mr Pistorius, why would the police do that? Why would they handle the denim and put it onto the duvet? Why? --- M'Lady, I cannot answer that question ...[intervenes]

Because they never did. --- We have gone through the photos

where the cricket bat had moved slightly. We have gone onto things where the firearm had been picked up and replaced. Where we saw things... I do not know why the police did that. I cannot explain that. I was not there.

So what we... I am just, I am keeping a list. So a policeman must have... Let us start, opened the curtains wider, moved the fan, switch the light on, put the duvet on the floor and ensure that the denim is on top of the duvet because that is important. If the police put it next to it, that would not have been that important, am I correct? --- That is
10 correct, M'Lady.

So, and now we are a year later and nobody knew that you did something with the jeans, why would the police do that? --- As I said, I do not know, M'Lady.

But on your, on your version, you had it in your hands and you dropped it. --- That is correct, M'Lady.

And if that is the way it was on the day, you are lying about the duvet.

MR ROUX: M'Lady, I am so sorry to intervene, but we know all about photo perception. It is put as a fact. Of course if you just look at it
20 quickly, but you do not know to what extent is distance, and the duvet, the denim is up and I have seen many photo deceptions, I am not sure by looking at this, and it was pointed out to me that that is *in fact* because it is a photo taken from one side. I will show you many photo deceptions where you think, in the police's own photos, that it was on top and it was not. I do not believe on this photo you can make the

point that it is on top. It may be just before it and as the photo is taken, it blocks that. I cannot see anything that say that is top, but for a first sight when you look at it, but when you start to look properly, you do not know that.

MR NEL: M'Lady, we have dealt with that with the bat, a one millimetre move and different angles, that is true, but what I see on that photograph and what the accused agreed to, is that that denim is on that, on that duvet. If Mr Roux wants to deal with this in re-examination, he can, but, M'Lady, it is not an inadmissible question or an unfair
10 question.

COURT: Mr Roux.

MR ROUX: M'Lady, we cannot see it is on top. I mean, to say to an accused it is on top and he will say: yes. That means nothing, but is it in fact and I do not see that. Let the state blow it up, let them, let us get a proper photo. I will show a hundred photos where they had put a denim in front of it and it will seem to be on top, but it is not. I cannot see that is on top and I think it is unfair.

COURT: You say that a blow-up would make it ...[intervenes]

MR ROUX: As for a long, a long side and it is blown up more, maybe
20 we can see, but we know photo deception, we have heard evidence about it, about cameras and so on. All I say is, it is unfair to make a point to the accused to say: it is on top, when we do not know it is on top. There is no evidence that it was on top. But for a photo, one would have expected that evidence.

COURT: Yes, Mr Nel.

MR NEL: M'Lady, I just, my argument is still, it is not an inadmissible question. I asked the accused if he can see it. If later Mr Roux wants to take it up on re-examination, that is possible, but at the moment I, with the utmost respect, the court will allow me to carry on?

COURT: Would you... I am very doubtful, now that you are speaking about angles. Can you not blow it up?

MR NEL: Yes.

COURT: Yes.

MR NEL: I will do that.

10 COURT: Yes.

MR NEL: Let her, can we please zoom in ...[intervenes]

COURT: Before we proceed, please, Mr Nel?

MR NEL: Yes, M'Lady.

COURT: Mind your language?

MR NEL: What did I say, M'Lady?

COURT: You do not call a witness a liar, not while he is in the witness box.

MR NEL: Oh, as the court pleases.

20 MR ROUX: In fact, I may say, and I will assist Mr Nel, maybe it is an appropriate time, I see it is not long before quarter passed, because this is a serious issue, we have blown one up and I would like to show him that there may be a very different view about that. I see, M'Lady, it is ten passed, it is five minutes before the adjournment and rather to have this argument, I just have that concern that we carry on with line of cross-examination, which may turn out to be very unfair.

COURT: Yes, Mr Nel.

MR NEL: I agree with that.

COURT: We will take our adjournment now. Court will adjourn.

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

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

CROSS-EXAMINATION BY MR NEL (Continued): May it please the court.

Mr Pistorius, let us just see if we can get the photographs on the screen. I am going to show you two photographs Mr Pistorius. My Lady, it may take a minute.

10 MR ROUX: My Lady, may we. I undertook to come back to you on the question and I would want now too, that Mr Nel must maybe look at image 185 and I will say when you look at that from the other side then you think, because of the perception that the duvet is on top of the denim, but also that is not important. We have a witness in Van Rensburg at page 830 and he tells us what he saw. Of the official record and that is not on top but next to. That should resolve that we are not dependent on camera and deception.

MR NEL: As the court pleases, My Lady. No, I am not dealing with Colonel Van Rensburg, I am dealing with photographs My Lady and I will
20 support permission to carry on with the photographs. That looks next to, if you do not... if you do not look clearly at it, the photographs will in fact show what it is. Mr Roux cannot, with the utmost respect, the court will not stop me from pursuing this matter further. I will blow this up and I will show it.

COURT: You are going to blow it up?

MR NEL: Yes, My Lady.

COURT: Yes. And you are going to look at another angle, if there is?

MR NEL: I have got another angle.

COURT: Yes.

MR NEL: And I am going to blow it up.

COURT: Yes.

MR NEL: As the court pleases, My Lady. The photograph we are looking at now, is 183. Now My Lady, if we could just zoom into 183. What is important My Lady, before I go to another angle, is that there is a label on
10 the denim, the one that is showing there, that is not part of the debate. That is part of the denim. What one should look at there My Lady, is that there is a little corner and that you can see the corner enter from the top left side and that it exits at the bottom, in context My Lady, one will... one has to think then that there is a corner of the duvet under the denim. But what is important is to look at the label. Because if you look at it from a different side, that label comes into play. The label, that is the same colour as the duvet, but it is not. So do you see that Mr Pistorius ...[intervened]

MR ROUX: No, My Lady. With respect, it is... we have to say, a problem, then in all fairness he must show you photo 185.

20 MR NEL: We are going ...[intervened]

MR ROUX: Taken from the other side.

COURT: It is going to be shown. That is what Mr Nel says.

MR NEL: That is where I am going, My Lady.

COURT: Yes.

MR NEL: So Mr Pistorius, do you see that? What do you see on the

photograph? --- I see what Mr Nel explained, My Lady.

Now let us... My Lady, may we then go to 185. Maybe, just before. Before we go away, can we just go there again. My Lady, what I would also want to bring the court's attention to, is where the... it is just the corner, we are not talking about the duvet, the bigger duvet. We are talking about the denim as lying on the corner sticking out. Now from a different angle, one will have to take this into account. That little corner of the duvet is where the denim is lying. Can we go to the different photograph, please. Now it is a different angle My Lady, it one zooms in... just zoom in more.

10 COURT: Is this 185?

MR NEL: Yes. And then point to that. That is the label My Lady. The rough edges, if we go back to 183, the rough edges should be visible as one can see. That is not part of the duvet. That is the label on the denim. The piece of the corner My Lady, on the left hand side, I will ask them to show it. There. That is the piece of the corner we are talking about My Lady. Now the portion of the duvet one can see here, makes it difficult to see the corner, but the corner is visible where the hand is now. Can we just go to 185. 183. If we now go to 183 My Lady, the thicker part of the duvet is what one sees from a different angle, we are standing behind the duvet, we are looking into
20 this direction. So the thicker part of the duvet is more visible on 185 and there one can see the label My Lady, with the rough edges and the corner. My Lady, it is my respectful submission and I will argue that, that it is clear from the photograph that that denim is on the duvet and on that basis, I would like to proceed with my cross-examination.

COURT: Yes, Mr Roux?

MR ROUX: I do not see it that way. I think what would be proper is to put it in the following fashion, to say on my interpretation of the photograph, that is what I am putting. Then I have no difficulty and let him answer, but that is not my interpretation and we have the evidence as well. Or he must say that the evidence was wrong.

COURT: Well, if the evidence is there then there is a solution. At the end of the case you argue about the evidence which is inconsistent perhaps with what Mr Nel saw.

MR ROUX: Absolutely, My Lady.

10 COURT: Yes.

MR ROUX: My only difficulty is to put it as a fact to say the one is on top of the other, because from the other side, if you look at various points it appeared to be at the bottom and all I say is he can cross-examine, I am not stopping him.

COURT: Yes.

MR ROUX: But he must say my interpretation of the photo is that it is so and what do you say about it and he can go on then. But not as a fact.

COURT: Yes. Yes, Mr Nel? From the photographs it looks as if the denim is on top.

20 MR NEL: Yes, My Lady.

COURT: Yes.

MR NEL: As the court pleases.

COURT: I think you can go as far as that.

MR NEL: Thank you.

COURT: Yes.

MR NEL: Now shall I proceed, My Lady?

COURT: Yes, yes you may.

MR NEL: Mr Pistorius, you have now heard all the argument and you have heard what the court said now. If you have a look at the photograph, it looks as if the denim is on the duvet. --- From this angle it does look that way My Lady.

Now with that... That creates a difficulty for your version. Am I correct? --- That is incorrect, My Lady.

Why? Why are you saying that? --- My Lady, I would like to believe
10 that the colonel's evidence was true and if he says that the jeans were next to the duvet, then it means it must have been moved after he saw it My Lady. So it does not create a difficulty, it supports my evidence.

Now the colonel's evidence, do you remember that or did you pick it up from Mr Roux's argument? --- I picked it up from Mr Roux's argument My Lady.

Good. And let us ...[intervened] --- If that is what he said, then I am sure that is what he said.

Let us forget about Mr Roux's argument for now and when I started the question, I said the following: The court said it looks like it is on top of
20 the duvet. If that is so, that is what I said, it is a difficulty for your version. Am I right? --- My Lady, I said from this angle it looks like it is on top of the duvet.

You are not answering the question. I know you have heard, listened to lots of argument, but you are not answering. I am not asking you if it looks like it. I say, it will create a problem for your version. Am I right? ---

My Lady, in order for this to create a problem for my version, I would have to know that it is on top of the duvet. From this angle it does look like it is on top of the duvet, so that would... not considering any of the other facts, that would create a difficulty in my version, but I cannot say that it does My Lady.

But if we say that it is on... You agree then, if it is on top it is difficult for your version, because if you dropped it there your version does not make sense out of it. --- If it was on top My Lady, and Mister... Colonel Van Rensburg's evidence is not admissible then yes, that does make sense My Lady.

10 If you look, up until today, what did you think where was it then? I did not think, I knew that the denim was left there but I also knew that when these photos were taken, many things had been moved around My Lady. I have never looked at these photos as a source of reference. My bail was given two days after the incident, before I knew any of these facts. When I looked at these photos, all I saw was inconsistencies in all of them, so I did not consider where things were here.

Yesterday when we showed you photograph 55, did you think the denim was next to the duvet? Lying next to it? --- I did not think about that at the time, My Lady. It did not cross my mind.

20 If you look at photograph 55, what does it look like to you? --- There it looks like they are next to each other, My Lady.

Thank you. Yes. And that is also what Colonel Van Rensburg saw.
--- This is ...[intervened]

Because it is not on the bigger part of the duvet, it is on a little corner of that duvet. --- Mister van... Colonel Van Rensburg My Lady, was not the

photographer. He moved around this room, so he saw that from many different angles, not just from this angle, My Lady.

Now staying in this room. You are paging through the album, Sir? You are allowed to page through the album. Were you paging through the album? --- Yes, I was My Lady.

Is there something you wanted to point out? --- No, My Lady.

Now let us stay just here. There is another photograph. Just the next photograph, 56. You can see your iPad on this photograph. Am I right? --- That is correct, My Lady.

10 And I will ask the photograph just to point out, is that your iPad? --- That is correct, My Lady.

And that is the iPad that you used that night. --- That is correct, My Lady.

Just next to the fan there is a cover. Is that the iPad cover? --- Yes, that is an iPad cover My Lady.

Is that the cover for the iPad that you used? --- Yes, My Lady. That is the iPad cover, it was taken with the iPad.

And if we just zoom in there please, on that iPad cover. So that is the iPad cover that used. --- That is correct, My Lady.

20 Good. Now Mr Pistorius, on this photograph. Just zoom out please. If you pulled the fan to the position where you said you did, the multi-plug would have at least moved in your direction. Or do you not agree with that? --- I am not sure My Lady. I am not sure it would have had to. I do not know the lengths of these cords My Lady.

Now the grey item one can see there? --- That is my vest, My Lady.

That was on top of my prosthetic legs, when I took it off earlier in the evening, I placed it there. When I put my prosthetic legs on I had thrown it, I presume that is more or less where it landed.

It landed on the cables that one can see. Just zoom in there. --- I am not sure if it did My Lady, but that would make sense if it did, but that is what it dictates. That is what is shown in the picture, My Lady.

Good. So why did you put your vest on your prosthetic legs? --- It is out of habit, My Lady. I usually put my clothing that I take off, onto my prosthetic legs, I do it at the track, I usually cover my prosthetic legs.

10 Because... but let us... so you get... On that particular photograph there, where was your prosthetic legs? --- They were between this and this point here, My Lady.

Okay. Lying flat, both together. --- That is correct.

Alright. --- Correct, My Lady.

So even in your bedroom you would put your vest on your prosthetic legs. --- Yes, out of habit I took... when I took, if I had to get up in the night and my legs were there then I knew where my clothing was, at the same place.

20 Now if we just go back to photograph 55. And you remember the position of the fans as you have indicated them. --- That is correct, My Lady.

Did that bother you? Was that in your way, when you ran to the balcony? --- I do not remember. I do not remember... I do not remember if it was in my way My Lady, I can imagine that it would have been. I do not have a... I remember just running and opening the doors. I do not remember

the fans at that point.

You see, I think you are right. If you indicated the position of the fans correctly, those would have been in your way in getting to the balcony. --- It possibly may have My Lady. I am not sure. I do not remember that part of the evening.

You also cannot remember running into the bigger of the fans and falling over or anything like that? That the bigger fan fell over? --- Mr Nel is correct My Lady, I do not remember knocking... I do not remember anything about the fans at that point in the night.

10 But they were also in your way when you put on your pros... to walk to where your prostheses were. --- My Lady, they were not... they would have been if the fan was there, but the fan was not there, so I cannot ... I do not remember the fan. I remember putting on my prosthetic legs in haste and running back as quickly as I could to the bathroom. I do not remember if the fan was where it was now, it would have probably been in the way. I am pretty sure it would have been in the way or I would have at least kicked it somewhere. But where the fan was, I do not think it would have been in the way My Lady.

20 Is the opposite not true, Mr Pistorius? Where it is now it is out of the way to get to your prostheses. --- That is incorrect My Lady. The court saw me put on my prosthetic legs, I need to extend my legs out in front of me. It would have been very difficult for me to have put my legs on here. That gap between the bed and the door is about a metre. I definitely would have kicked the fan if it was... or bumped the fan if it was in the position which it is displayed in this picture.

But if it was where you said it was, to get there would have been... they would have been in your way. --- I am not sure, I do not remember My Lady.

Just on what you pointed out today, if they were where the duvet is now, to get to your prostheses, they would have been in your way. --- I do not think so My Lady, I ...[intervened]

The cable would have been in your way, if it was the ...[intervened] --
- Yes, definitely.

...the same cable. --- Ja. I cannot remember, but I am sure the
10 cable would have been in my way when I ran to the balcony, whether I
kicked it or pushed it, I do not have any memory of that. But it was put to me
is if I ... the fan was there, what was put to me is that it would not have
bothered me putting on my prosthetic legs. Where it most definitely would
have.

But now we moved on. If the fans were where you said they were, in
getting to the balcony, the cable could have been in your way. --- That is
correct, My Lady. It is a possibility that when I ran out to the balcony that I
could have kicked the cable or the fan or pushed it away. I do not remember
any of that My Lady.

20 Ja. It is because it never happened. That is why you cannot
remember it. --- My Lady I was ...[intervened]

That is not what happened. --- In the beginning of my evidence, I
said that I remember everything from when I woke up to the time that I
discharged my firearm, my memory after that is not very clear. There are
things that I do not remember. This is one of them. So I am not looking for

an excuse.

Well...[intervened] --- If I do not remember it, I do not remember it,
My Lady.

Mr Pistorius, are you okay? You are not emotional? --- No, I am fine
My Lady. If I kicked the fan it would have been in my favour to say I kicked
the fan, to explain where the small fan landed up. But I cannot say that
because I do not remember it.

But are you ...[intervened] --- So there are things that are in my
favour if I say them, but I do not remember.

10 Are you getting emotional? --- Yes, I am very emotional My Lady.

Why? --- Because it is a difficult time for me to remember.

But why would this question make you emotional. Because this was
the night I lost the person that I cared about. I do not know how people do
not understand that. ...[Accused person is crying]...

...[Pause]... My Lady, I keeping quiet because the witness is clearly
in distress.

COURT: Yes. Just please give him a moment, please. Maybe we just
adjourn and stand outside.

MR NEL: As the court pleases.

20 COURT: The court will adjourn.

COURT ADJOURNS [11:53] ~ ~ ~ [12:012 **COURT RESUMES**

COURT: Mr Pistorius, are you ready? --- Yes, I am My Lady.

You think you are fine, you may proceed. --- Yes, thank you My
Lady.

OSCAR LEONARD PISTORIUS: (d.s.s.)

MR NEL: May it please the court. My Lady, may I have one minute just to confer with somebody.

COURT: Yes.

CROSS-EXAMINATION BY MR NEL (Continued): Mr Pistorius let us just carry on and take you up on your last answer and that is that you have a memory, a good memory of what happened until the time that you fired the shots. --- That is correct, My Lady.

Thereafter your memory is not that good. --- That is correct, My Lady.

10 When you got your gun, you had to at least bend down and get it from under the bed. --- My Lady, I was on my stumps, so I was making my way to the bed as quick as I could so I was using my hands and my legs. The gun was next to the pedestal, so I had to bend down, but I was already in a low position when I got my firearm and I was looking backward towards the passage.

 Now you are looking back at the passage and you now... When you got your gun, what did you do? --- I turned around and I said to Reeva to get down and phone the police and I made my way as quickly as I could to where the wall of the bedroom is, just before the closet, the entrance of the
20 closet.

 And your intention was to? --- My attention was towards the closet, My Lady.

 Your attention. But what was your intention when you made your way there? --- My intention was to put myself between the harm, to put myself in between Reeva and where I thought the people were My Lady,

which was in the bathroom.

You see, on your version Mr Pistorius, if you cared about Reeva, you would have made sure that she hears you, that she is there, but you did not. I was sure that she was there, My Lady, because I had spoken to her shortly before I was... before when I got out of bed. Just before I got out of bed, she spoke to me, so that time I thought she was in the bed.

That is why you changed your 115. --- I do not know what a 115 is My Lady.

Your, that is why in... in your plea explanation you said you spoke to
10 her, but not in your bail application. Am I right? --- That is correct, My Lady.

So why did you not say that in your bail application? --- I am not sure My Lady, I cannot explain.

In your, when you prepared for court, you wanted the court to understand that you knew she was on the bed. That is why you invented a discussion with her. --- I did not invent a discussion with her My Lady. Now, during your bail application, you did not think there would be a need to invent a discussion. Is that not so? --- I did not invent any discussion, whether it was at my bail or whether it was now My Lady. I have never invented anything.

20 You see, Mr Pistorius the nature of the discussion before you got up, is such that at least you thought that she was awake. --- I thought that she was awake and I thought that she was next to me, My Lady.

Now ...[intervened] --- Or I knew she was next to me. I mean, I ...[intervened]

What I do not understand is why you would not make sure that

Reeva is fine before you storm off? --- I am not sure My Lady, I was in a panic and my thought was to get between the perceived danger and Reeva as quick as I could.

It is because it is not the truth Mr Pistorius. That is why it is difficult to explain why you did not see if she was fine. Is that not so? --- That is incorrect, My Lady.

You see, in this matter we had two couples give evidence. The Stipps gave evidence. The first thing that happened between them, is they spoke to each other: Did you hear that? What was that? The same with
10 Johnsons, Johnston and Burger. When something happened they conversed. But you did not. --- I did not My Lady.

Why? --- I was not next to Reeva at the time like the Johnsons and the Stipps were and I did not believe that I needed to confirm what I heard.

You were. You were right next to her. You were right next to her in a situation of danger, but you did not take the time to talk to her. My Lady, I was not right next to her when I heard the window open. I was on the other side of the bedroom.

Okay. Let us do this. When you got your gun, you were right next to her, if she was on the bed. --- I would have been... if I would have been
20 next to her then, My Lady, at that point I was overcome by fear, I was wondering if the person was coming down the passage.

You see ...[intervened] --- I had to keep my eyes on the passage and I had to arm myself. I did not have time to think about anything else. I spoke to Reeva and I said to her get down, call the police.

I say Mr Pistorius, a reasonable person would have looked where

Reeva was. Look if she was safe and if she panicked. But you did not. You just grabbed a gun. On your own version, not on my version, on your own version you did not find out if she was okay or scared or anything. Am I right? --- My Lady, there were a couple of questions that were put to me there and I ...[intervened]

Okay. Let us start first. You never found... you never established if she was scared. --- I never established if she was scared My Lady.

You never established if she heard you. --- That is correct, My Lady.

If she heard the danger. --- That is correct, My Lady.

10 You wanted to arm yourself. --- That is correct, My Lady.

That is the first thought that went through your mind. --- There were many, many, many, many thoughts that were going through my mind at that time My Lady. I knew I had to... I did not have any way of defending myself without my prosthetic legs on. So I ran for my firearm.

That is not true. I mean, if you spoke to Reeva the two of you could have taken lots of other steps. Am I right? --- There was no time, My Lady.

You see, that is what you are saying. You are saying there was no time. You heard something in the bathroom. You and Reeva are in the bedroom. --- That is correct, My Lady.

20 There is a passage leading between the bedroom and the bathroom. --- That is correct, My Lady.

You could have done lots of other things. --- I do not agree, My Lady.

You could have... Let us agree that arming yourself, you and her could have gone to the balcony. --- On the balcony there would not have

been any way of escaping if we had got cornered, My Lady. We would not be able to move anywhere.

But it is a possibility. --- It is a possibility, My Lady.

You could have both hid behind the bed. --- That is a possibility My Lady.

You both could have been on her side of the bed, with your view on the passage. --- My Lady, I did not want harm to come to Reeva. So I wanted to put myself, as I said ,between the harm and Reeva. If I had stuck next to Reeva, it would have put her in harm My Lady. So I did not think
10 of... I told her to get down and call the police. I could have done a host of things. But at that time, that was the decision that I made.

You see, I am... Mister, you know that it is my view that your version is not correct and it is improbable that you would act in that way, but let us take it one step further. When you armed yourself, you rushed towards the area of the passage. --- I rushed towards to where the passage and the bedroom meet, My Lady. Just before you enter the passage.

And then you entered the passage. --- That is correct, My Lady.

Ready to shoot. --- That is incorrect My Lady.

What then? Were you not ready to shoot? --- I was never ready to
20 shoot My Lady, at any point was I ready to shoot. I was trying to get to see what was happening in my home.

But why would you go if you are not... Why would you arm yourself, rush towards the danger, but you are not ready to shoot? That is not true. Not on your version, even. --- My Lady, I did not have time to think. I was dealt with a situation in which I had to protect Reeva and I had to protect

myself.

It is not that easy. You cannot tell the court: I did not think. You armed yourself and I am sure you released the safety switch... the safety mechanism on your gun? --- That is correct, My Lady. .

So, okay. So you did that. You got your gun, released the safety mechanism. Why? --- So that if I needed to use my firearm, I could protect myself.

And that is why you stormed. You wanted to shoot. --- We are talking about two separate times in the evening. I did not storm to the
10 bathroom. My Lady, I ran to get to where the passage begun and then I walked extremely slowly and cautionary until I got to just before the corner where the bathroom passage is. So I was ...[intervened]

Ready to shoot? If you saw something you would have just pulled the trigger. Or am I wrong. --- I am not sure My Lady.

No, but what was your intention? I am walking down the passage and I want to protect Reeva. You would have fired a shot. --- My intention was to protect Reeva and to protect myself, that was my intention.

And if you saw somebody? --- I am not sure what, My Lady.

What were you ready to do? --- I do not think I was ready for
20 anything My Lady.

You were. You were, you armed yourself, you are ready to shoot. --- As I said before, My Lady, I did not want to take anybody's life. I screamed for the intruders to get out of my home.

You see, again Mr Pistorius you want to say I did not... I was not ready to take somebody's life, I wanted... You are arguing. Just think of the

questions. Walking down the passage you had your gun, the safety was disengaged, you were ready to shoot. --- That is correct My Lady. The fire ...[intervened]

Yes. That is why you wanted to shoot. If you saw somebody, you wanted to shoot. --- There is a massive difference between being ready to deal with a confrontation in that manner, in that situation with the limited time My Lady, and wanting to shoot someone. There is a massive difference between those two.

The difference is, but you were ready to shoot. If somebody moved,
10 you would have fired. --- That is not the difference My Lady, that is the point that I said yes to. The point was that I do not agree that I wanted to shoot someone.

If you saw somebody in that passage, what then? --- I would have had to defend myself, My Lady. As I said I do not have... I cannot engage in a physical altercation with... if I do not have ...[intervened]

Walking down that passage...[intervened] --- ... have my prosthetic legs on.

Walking down that passage, gun in hand, if you saw somebody you would have fired. --- I am not sure My Lady. --- That was ...[intervened]

20 You just said so. --- That was not the situation that I was dealt with.

When... but, remember you can... you remember so much detail, you know when you walked slow, you know when you walked a bit faster and you know when you walked really fast. Now I am asking you to tell the court, when you walked down that passage, the gun was pointing towards the bathroom. --- That is correct, My Lady.

Any movement, you would have fired. --- My Lady, I remember facts and I remember things about the truth. I cannot say what I would have done in a hypothetical environment.

Now then you started screaming. --- No, I had started screaming before that point, My Lady.

Oh? Tell me that? At what point? You see, this is interesting. You remember the detail so well, that you correct me. And I just want you to remember. Now when did you start screaming? --- I started shouting and screaming My Lady, as I entered the passageway.

10 Oh? So, and what did you shout and scream? --- I screamed for the persons to get out of my house. I screamed for Reeva to phone the police. I repeated it several times.

But there was no response from Reeva? --- No, there was no response from Reeva, My Lady.

So at that time you just... your intention is to go towards the danger. --- That is correct, My Lady.

You are vulnerable, but you go towards the danger. --- That is correct, My Lady.

20 That is... Why would you do that? --- Because if I had stayed where I was, My Lady, Reeva and I would be in danger.

No. Nobody would have been in danger, because there was no intruder. That is the fact of this matter. --- I did not know that at the time, My Lady.

I know that is what your are trying to say, but the fact of this matter is, if you stayed in that room, Reeva would have been alive. Those are the

facts. I am testing you on a version that is not true. --- That is not the test My Lady. That is a hypothetical version that if I had stayed in my room, nobody would have been... no life would have been lost that night I understand that. I agree with that. But that is not a test.

You see, my problem is the following. You said you were vulnerable. You felt vulnerable. Am I right? --- That is correct, My Lady.

But you approached the danger. That does not.. the two does not make sense. --- What I am saying ...[intervened]

10 You cannot be vulnerable and approach the danger. --- My Lady, if I had stayed where I was, anything could have happened. We hear every day about how people are caught in their house, who are Mace sprayed, who are shot at. If I had stayed in my room and somebody came down and they tried to shoot at me, somebody could have shot Reevea, if they came in my room and they sprayed Mace in my room, something could have happened. I wanted to put as much distance as I could between Reevea and what I had perceived to be the danger.

No, Reevea is the one person that you did not even talk to. So you cannot bring her into this. You did not even talk to her. Well there ...[intervened] --- That is not correct My Lady ...[intervened]

20 There was no a conversation, you did not... but let me rephrase. I am sorry. You did not even make sure that she was there and that she heard you before you left. --- I did not make sure. I was sure at that time that she was, so I did not make sure My Lady. That is correct.

Now what I do not understand, Mr Pistorius, is even on your... and I am just testing your version, because as far as I am concerned it is not true.

If you remained in the bedroom, you had a clear view of the passage. ---
That is correct, My Lady. I, at a... If I had stood in a certain place in my room
I would have had. If I had hid behind the bed, I would not have had a clear
view of the passage.

Ja, but there is, right around the corner you could peep down the
passage with a clear view of the passage. --- That is correct, My Lady.

Yes. So that would put you in a position where somebody coming
out of the bathroom, had to walk at least five metres to get to you. --- That is
correct, My Lady.

10 And you would be able to see them? --- That is correct, My Lady.

But you rushed towards the danger. --- I did not rush towards the
danger My Lady. That is incorrect.

You walked towards the danger. --- That is correct, My Lady.

Why would you do that? --- I am not sure My Lady, at that point as I
said, I was trying to get myself and Reeva as far away from the danger as
possible.

You know, when you just said I am not sure ...[intervened] --- My
Lady it is easy to look back ...[intervened]

20 Wait, wait. When you just said: I am not sure, that indicates the
improbability of your version, because nobody would be sure why you did
that. It does not make sense. --- I do not agree, My Lady.

And you agree by saying I am not sure. I am not sure why I did it.
--- I am not sure why My Lady. I did not have any time. That was my
instinct what told me to do that. I am not sure why.

No, you see your... I find your instinct strange. I find your instinct

strange for the following two reasons. 1) Instinct would have made sure Reeva is safe. That was never your instinct to make sure she is safe. Am I right? --- My Lady, I think everybody's instinct is different. That is why it is instinct, My Lady.

So your instinct was not to make sure that she is safe? --- I had thought that she was safe and in the process of what I did, I was thinking that I was making it safer for her.

Because we will go through this. You gave the court unbelievable detail about thought processes in your evidence in chief. Where you walked slowly, where you walked faster and where you shouted and I am testing your processes because you put yourself out there. --- That is correct, My Lady.

Why did you approach the danger? --- Because I wanted to put myself between the harm, the perceived danger, the threat, the people that I thought were in my home. I did not want that to bring upon Reeva. If I was in my room, there are a number of things that could have happened.

And you and Reeva could have gone out the main bedroom door. --- We could have My Lady.

Why did you not do that? --- I am not sure My Lady.

That, that is the one thing in this case, Mr Pistorius, that you cannot explain. Not on your version. Why did you not leave through your bedroom door? --- My Lady, I have very, very limited mobility on my stumps on a hard surface like tiles.

So then, is that the reason why you did not leave through the main bedroom door? --- No My Lady.

Then give us a reason? --- I had ...[intervened]

You went pass that bedroom door. You two could have left through that main bedroom door to safety. --- My Lady, it is very easy to now look back and talk about all the possibilities, but they... that is not what happened. In the time that I had that evening ...[intervened]

No, it is easy to think of a version why you killed Reeva and to come up with an innocent reason, that is also easy. --- I did not have ...[intervened]

But the facts are that the door, the bedroom door was the closest escape there was. --- My Lady, I have not come up with a version. This is
10 the same version I had in my bail.

It was ...[intervened] --- The state's case has changed many times. My Lady, my version stayed the same. I did not come up with a version. I did not even know the facts. I was only handed the docket last year in August with all the facts. Yet my version has not changed.

Mister ...[intervened] --- Yes, granted I could have got onto the balcony, I could have left the room, but that is not what happened.

Mr Pistorius, you have to come up with a version to put Reeva in the bathroom, to explain why you went to the bathroom. Your whole version is the... to explain why you got to the bathroom innocently. That is why the one
20 major issue of the bedroom door, you cannot explain. --- I cannot
...[intervened]

Explain that. --- I cannot explain it.

You have to tell the court why you did not take Reeva out that bedroom window to safety. --- I do not know ...[intervened]

Ag, bedroom door. I apologise. --- I do not know why I did not do

that My Lady.

You see, you did right... You did the opposite. You approached the danger. That does not make sense. It is not true. --- My Lady, if you had listened to Ms Taylor's evidence where she said that when there was an intruder, I went downstairs and I looked, that is my personality, My Lady. That is how I am. So instead of cowering and running away, at that moment I wanted to put myself between the danger, the perceived danger and Reeve

[Indistinct audio from 12:24:18 to 12:24:43]

So you wanted to confront them. That is me, Oscar, I want to go
10 confront them. --- That is correct, My Lady.

Stand up for myself. --- That is correct, My Lady.

If I see them I will shoot them. --- That is not what I said My Lady.

But is that not the inference? I wanted to go confront these robbers.
--- That is correct, My Lady.

And you did, by firing. --- That is correct, My Lady.

I see. So let us carry it further. You walked down the passage. Your intention is to go confront the intruders. --- My intention was not to confront them. If I remember Madam, what I said was that I was shouting for them to get out of my house. I did not want a confrontation. I was ...[intervened]

20 If that is true... Okay. No, please. Please, I will give you the opportunity. --- But I was aware My Lady, it made me more terrified that maybe these people were not there to leave, if I was shouting at them. That is why when I got to the entrance of the bathroom, as I said I stopped shouting because I was not sure if they had left the house or not.

But you see, let us just take it slowly. You knew your bathroom very

well. You know what it looked like, how big the toilet is in the bathroom, where the shower is. You knew it well. Am I right? --- Of course, My Lady. It is my house.

You knew that the only way into your house from the bathroom, is down that passage. From the bathroom. --- If one had not obtained means through the window, then that is correct My Lady.

Ja. No, no. If you are in the bathroom, to get from the bathroom to the house, the only way to do that is to walk down that passage. --- The bathroom is in the house My Lady.

10 To the bedroom. Yes. --- I do not understand the question, I am sorry My Lady.

Okay. Let me try again. For an intruder that gained entry into your bathroom, if you take that as a fact, to get into your bedroom he must walk down the passage. --- That is correct, My Lady.

Now that is the passage that you could control from your bedroom. --- That is correct, My Lady.

But you did not. --- I did not My Lady, I have said that before.

Now when you shouted and screamed, you said you shouted for them to leave and for Reeva to phone the police. --- That is correct, My
20 Lady.

You got no response from Reeva. --- That is correct My Lady.

Now do you think... you think it was loud? The screams? --- Yes, they were shouts and screams, they were very loud My Lady. I was shouting and I was screaming, and they were very loud. I was shouting at the people to get out.

Shouting at Reeva. --- And I was shouting at Reeva. I shouted at her in the beginning to get down and phone the police and as I progressed up the passage I was shouting for the people to get out, I was shouting get out.

And she never responded. --- My Lady, this is the fourth time I said that she never responded.

And I will ask it more Mister, because we are building on a version. She never responded. --- No, My Lady. She never responded.

Now then you got to the entrance to the bathroom. --- That is correct,
10 My Lady.

And you kept quiet. --- That is correct, My Lady.

The reason being? --- I did not want to give my position away. I was scared that the person was around the corner. I knelt... I kneeled down, I was holding the cupboard. I had my firearm in front of me and I was worried that the person was waiting there to ambush me, My Lady. I was... I wanted to peer around the corner.

Okay. So, this was not split seconds. Now we are thinking, now you are thinking and you are kneeling down and your gun is facing towards the bathroom. --- Everything about that event was split decision My Lady. Every
20 moment there was a difference in something that could have happened. When I was in the passage it was that the person would have been in a further proximity, that they could have stuck their hand around the wall and fired at me. When I got to the entrance of the passage, it was a different situation, somebody could have attacked me with a firearm or they could have just ran up to me and choked me My Lady.

That is why it does not make sense that you approached them. You are right. Thinking of your version that is true, but you approached them. --- That is correct, My Lady.

That is not true Mr Pistorius. Nobody would do that. Not **[Indistinct audio from 12:29:19 to 12:29:41]** what happened then? --- My Lady that is the point that we are at now, My Lady, where I looked around the corner to see that there was no one in the bathroom or that there was no one around the corner. I then proceeded, I kept my distance as far away from the wall as possible so I did not follow an arc and trim wall, I walked all the way down
10 the closet to the last cupboard, so that I could see the angle as much as I could, with the wall that goes from the closet into the bathroom. When I could not see anybody there, I slowly moved forward along the carpet until the point where the tiles begin to the entrance of the bathroom.

Yes? And then? --- At that point I did pretty much the same as what I had done when I reached the corner for the... from the closet into the passage of the bathroom. Again I was not sure if there was somebody against the basins that was going to be there. As I went forward I saw the window was open. I was not sure if the persons were standing on the ladder, if they just slid open the door and if there was somebody inside the toilet at
20 that point. I had heard the door slam earlier so I was not sure where the people or persons were.

No, no. Wait, wait. You are going too quickly now. We are going way too quickly now. I just want to get the sequence. In that passage you screamed and shouted. --- That is correct, My Lady.

Then close to the entrance on where the tiles start, that is where you

kept quiet. --- Are we talking about what I am doing now, My Lady?

Ja, what you are doing. --- Yes, and then I kept quiet there, My Lady.

And when did you hear a door shut? --- That was when I was in the passage, My Lady, just before I entered the bathroom.

So whilst in the passage, you heard a door slam? --- That is correct, My Lady.

And the only door that could be was the toilet door? --- That is correct, My Lady.

10 So, and what did you think? --- I thought that there was either somebody who is getting... going into the toilet or that somebody had kicked the door because the door opens up to near where the window, one of the windows, I did not at the point know which window it was that was open, would have been opened. So I knew that the door was in that way. So because I was screaming: 'Get out of my house!' I was hoping that the person was fleeing the house and in that process had kicked the door closed. So there was, I was not sure at that point whether there was someone in the toilet or if there was someone, but I was hundred percent sure that there was someone in the bathroom that had accessed the window
20 and had climbed into my house.

Well, we have had long arguments of hundred percent sure. That was what you thought because it never happened. There was nobody that accessed that window on that night. --- That is correct, My Lady.

Yes. Now when you then entered the bathroom you say you saw that the door... the window was open? --- That is correct, My Lady.

So there was enough light for you to see the window? --- There was not enough light. There were lights outside the window. There were street lights and house lights.

Ja, ja, no, no. But why do you say there was not enough light and then you say there were? --- My Lady, there were lights outside. There was ambient lights outside that was shining in so the bathroom was not as dark as the bedroom. The bedroom, there is no lights. In the bathroom there is limited light.

Okay, now you saw that the window was open? --- Yes.

10 What happened then? --- I then stood at that point and I peered into the bathroom, My Lady to see that there was not anybody around the corner. Again I was... had a very low position with my hand against the wall for balance. I peered around the corner to where the basins are and I did not see anyone there, My Lady. So I walked back a step or two ...[intervenes].

But before you go on. One thing we know is, at that stage, you looked at the bathroom and you were clear in your mind that there was no-one in the bathroom. --- In the bathroom, yes, My Lady. That is true.

So that you established. There is no-one in the bathroom and you saw that the toilet door was closed? --- That is correct, My Lady.

20 You could see that. --- Yes, I could see the door was closed, My Lady.

Now that door is usually open? Or not? --- I beg your pardon?

The toilet door, is that usually open or not? --- Yes, it is usually open, My Lady.

Was it strange that it was closed or did that not make a difference?

--- It was not strange at all, My Lady, I had heard it slam closed. So it was not strange at all.

No, you either heard somebody kicked it or slam it closed. But the fact that it was closed, was that in itself strange? --- I never, ever said I heard somebody kick the door, My Lady. I said I heard the door slam closed.

You know, you said so. You said it is one or two things. Either it was slammed closed or somebody kicked the door. --- In them fleeing the house that is correct. I am sorry, My Lady.

You see. Why are you making these mistakes because the fact that
10 you are making them, is significant. Why are you making these mistakes?
--- Mr Nel's question to me, My Lady: Was it strange that the door was open
or closed? For me it was not strange that it was closed ...[intervenes].

No. --- Because I heard it slamming. Whether it was closed or pulled slammed, it was slammed closed, My Lady.

Mr Pistorius, you said: 'I never, ever said that somebody kicked the door.' --- And I have apologised, My Lady.

You see, you just cannot just make... give contradictory versions and then apologise. There is a reason for. What is the reason why you are doing it? --- I made a mistake, My Lady.

20 No, it cannot be a mistake. It must be: 'I am thinking of something that never happened and I have to keep up.' That is it. Your version never happened and you have to keep up with an untruth. That is why you are making these mistakes. Is that not so? --- I made a mistake, My Lady.

No. Why would you make a mistake about somebody kicking the door? I want to know why? --- I am not sure, My Lady.

No, you have to be sure. You made it. --- If I was sure, My Lady I would not have made the mistake in the first place ...[intervenes].

No, you ..[intervenes]. --- So I apologise and I do not know why I said that. I, in that time when I was in the passage, the question that was posed to me was different to what the situation was when I said... it was posed to me that the door was slammed... the door was... was it strange for me that the door was closed? And I had heard the door slam ...[intervenes].

And you see ...[intervenes]. --- I had forgotten about that point and I have apologised for it, My Lady. I cannot explain why I have forgot.

10 Okay. I am going to do it one more time and then I am moving on. It is not the mistake. It is you saying: 'I never, ever said somebody kicked the door.' That is, for me that is what it is about. Not the fact that you made a mistake, that you were so convinced that you never said it. --- I understand, My Lady, I ...[intervenes].

As convinced as you are about the rest of your evidence, that is my problem. --- My Lady, I have been pointed out, I have said that I am sorry. I understand that I made a mistake.

I am putting it to you that your mistakes are as convincing as your evidence in the way you deliver it. And that is a problem. Do you want to
20 comment on it? --- No, My Lady.

Okay. So, now the door was closed. You know how big that toilet is inside. --- I know ...[intervenes].

How small it is? --- I know the size of the toilet more or less, My Lady.

Well, we reconstructed it. That is on scale. That is exactly how big

that toilet was behind you. --- That is correct. If it is on scale, then it is correct. It does not mean that I know how big my toilet is or how big this toilet is, My Lady. I know about the size that it is, but I do not know the measurements of the toilet.

But you know that if somebody is in there, they have got limited space to move. You agree. --- That is correct, My Lady.

For them to get out, if they want to get out the toilet any which way, what would they be able to do? --- They would be able to climb out the window or they be able to come out the door. If they had a ladder, My Lady.

10 If there is a ladder at the window, they could go down the ladder if they get through the window? --- That is correct, My Lady.

Or come through the door? --- That is correct, My Lady.

Now I have to test you on this. You want to tell the court that you reasonably thought an intruder came through your window and walked into your toilet and closed the door? Why would an intruder do that? Is that what you thought? --- Sorry, My Lady, will Mr Nel please rephrase his question or just ...[intervenes]?

20 Are you trying, are you saying that it is reasonable for any person to think that an intruder would come through the window, into the toilet and close the door? --- Is Mr Nel asking me what would be reasonable, what an intruder would deem reasonable when breaking into a house, My Lady?

Going, if there is an intruder, do you think he would go into the toilet and close the door? --- I am not sure what an intruder would do, My Lady if he was caught off guard. I do not know ...[intervenes].

But now you [intervenes]. --- I cannot be expected to answer that

question.

Standing, now you are standing there, you, Mr Oscar Pistorius standing there, thinking: he came through that window, he went into that toilet. That is what you thought. --- That is correct. It was a possibility, My Lord.

No, it cannot, it is so far-fetched that it would happen, Mr Pistorius. It is improbable that you would even think that an intruder would run into my toilet and lock the door and close the door. --- I did not think or mention locking of any door, My Lady. But what I had heard was the door slam, so it
10 had to be, if I was in a position where I had have to consider what have happened with the noises I had heard, I had to consider that there was someone in the toilet or that there was somebody on the ladder.

Wait. We will get, I just want to write 'consider'. Let us just use that word. You know what you considered? You considered where you had to walk slowly, where you had to be quiet. You had to consider to walk slowly down the passage, keeping your attention to the danger. --- That is correct, My Lady.

You had to consider when to be quiet. --- My Lady, I do not know if that was consideration or it was just instinct out of what told me it would be
20 stupid to make a noise at a certain time.

But considering as far as [intervenes]? --- Considering has a time component to it, My Lady which I did not have the luxury of.

I know you want to say that. We are testing it. You have said that. Time, time, time is something that you have said and we are testing it. --- That is correct [intervenes].

Listen [intervenes]. --- My Lady.

Just listen to my questions. You considered that it is now time to be quiet. It is something that you considered and followed and did. Am I right? --- Consideration as I said, My Lady takes time to reason. When I was standing at the bathroom, looking at the door and at the window, I was shouting at that point. There was time for me to consider. I was thinking: Is the person on the ladder? Is the person in the bathroom? There was a thought that happened.

We would get ...[intervenes]. --- When I was ...[intervenes].

10 We will get there. We are still with what you had to consider and reason to be quiet. I know you want to give your version and we will get there. You considered and you reasoned that it is now time to be quiet. --- I never said that, My Lady.

But I ask you why, what is that then? We are testing how you, your thought patterns. Because you want to say... Now we are testing your thought patterns. So just follow me. --- I do not follow Mr Nel, My Lady what he ...[intervenes].

I will try ...[intervenes]. --- Is asking me.

20 I will try. You thought that it is better to be quiet when you got to the tile area of the bathroom? --- That is correct, My Lady.

And you thought it is better to be quiet. Why? --- Because I did not want to give my position away, My Lady.

Yes. Then you thought: 'I must be careful when I go into the bathroom.' Am I right? --- The whole time I was thinking that I need to be careful, My Lady. My life was in danger. So the entire time I thought I need

to be careful.

And you thought: 'I must now make sure there is nobody in the bathroom.' And you did. There was nobody there. --- I do not think that thought crossed my mind that I must make sure there is no-one in the bathroom. I do not ...[intervenes].

Or make sure there is someone that I can shoot him. --- Remember ...[intervenes] .

But something you had to do when you got to the bathroom. --- I do not think that is a fair comment, My Lady I ...[intervenes].

10 What then? --- I never said I went there to shoot someone.

Now if you did not go there to shoot someone, what did you want to do there? --- I wanted to make the person that was in my house flee, My Lady [intervenes].

Now ...[intervenes]. --- Get away from the danger and ...[intervenes].

Okay. --- Causing danger to myself and to Reeva, My Lady.

Okay. Let us just work on that. Your intention was to make the person flee. --- That is correct, My Lady.

Nothing else? --- That is correct, My Lady.

20 Okay. And when you got into the bathroom there was nobody there?
--- That is correct, My Lady.

And what happened then? --- Then I stood at the point where I have moved back to after I had looked in the basin I had stood back so that just the bathroom door was in line with the wall and I could see the window and I

had my firearm still in front of me. Again I screamed for Reeve to phone the police or the security and then I shouted and I kept on shouting.

Just a moment. Of your whole version, Mr Pistorius this is the most improbable. Reeve at that stage is three metres away from you in a toilet. --- I did not know that, My Lady. I thought that she was in the bedroom.

No, no. In fact, I am talking about the fact. At that stage when you shouted and screamed at Reeve to phone the police, she is three metres away from you in a toilet. --- That is correct, My Lady.

And she never uttered a word. --- That is correct, My Lady.

10 It is not probable. She would be scared. She would shout out and talk to you. You are in the same room. --- My Lady, I agree with Mr Nel. She would have been terrified, My Lady but I do not think that would have let her to scream out. I think that she would have kept quiet for that reason ...[intervenes].

Or answered ...[intervenes]. --- I was shouting and I was approaching the toilet and she was in the, I was approaching the bathroom and she was in the toilet. Then I presume that she would think that the danger is coming closer to her. So why will she shout out?

20 Because you are in the room, sir! Mr Pistorius, you are now in the room, you are shouting. She is three metres away from you behind that particular door. There is no way that you will convince the court that she stood there, saying nothing. Why? Why would she not say a thing? --- [Indistinct] My Lady.

No it is not true. The only reason is that it is not true, Mr Pistorius. She would have responded. --- Is that a question, My Lady?

Yes. She would have responded. --- That is not true, My Lady.

You see and we will take it through. I see there is fifteen minutes left. In fact, she is standing on your version and the state's version, she is standing behind the door, facing the bathroom. Facing you that is shouting. --- That is correct, My Lady.

Now if she was scared she would have, not had been there. She would have hid somewhere in the toilet. --- I cannot say what she would have done. I do not think anybody can say what she would have ...[intervenes].

10 I can ...[intervenes]. --- Or would not have done, My Lady.

Mr Pistorius. I think the State can. She was talking to you. She was standing right in front of the toilet door, talking to you when you shot her. --- That is not true.

That is the only reasonable explanation for her standing upright. That is the only reasonable explanation why you shot her in the hip, where you did. --- It is not true, My Lady.

She was not scared of anything, except you. She was not scared of an intruder. She was scared of you. --- It is not true, My Lady.

20 Mr Pistorius, on the probabilities, I am looking at the door, you do not have to. If bullet hole A hit her in the right hand side hip, in her right hip. She is standing, facing you. --- I did not dispute that, My Lady.

Now if she was scared, if your version is true, she would not have been in front of that door, facing you. --- I, as I said, My Lady. I do not think anybody could say where she would have stood if she was, if she was thinking that I was. In her mind it must have been that I was retreating to the

bathroom. In her mind I must have been retreating, screaming for her: 'Reeva! Phone the police!' ...[intervenes].

Why would she think ...[intervenes]? --- Screaming for the people to get out. If she was in the toilet then she would have been quiet. I do not see why she would have screamed out.

If she thought you were retreating, that gives her more reason to talk, to say: 'You are coming to me? Come.' --- I cannot agree. I cannot agree.

'Come Oz, I will phone the police. What is wrong, Oz?' Never! --- My Lady, Reeva had been involved in a similar incident before in her life
10 where she locked herself away, from my understanding that she was not able to speak to people for a day or so afterwards, My Lady. So I do not think that is the case.

You see, Mr Pistorius, that she is awake, she is in the toilet, you are shouting, you are screaming, you are three metres from her, she would have responded. She would not have been quiet, Mr Pistorius. --- She did not respond, My Lady.

Did she scream at all whilst you shot her four times? --- No, My Lady.

Are you sure? Are you sure, Mr Pistorius that Reeva did not scream
20 after the first shot? --- [No audible answer]

Are you, Mr Pistorius? --- ...[Pause]... [No audible answer]

My Lady, I am giving the witness time to console himself. He is distressed. I will wait a bit. --- My Lady, at no point did Reeva shout out or scream. I wish she let me know she was there. She did not do that.

You see, just listen to my question. After you fired the first shot, did she scream? --- No, My Lady.

Are you sure? --- Yes, My Lady.

Would you have heard her? --- I do not think I would have heard ...[intervenes].

Exactly. --- There was a gunshot that went off, My Lady. My ears were ringing.

That is why I am asking you the question. How can you exclude the fact that you was screaming if you could not hear? --- If I could not hear,
10 then I could not hear it, My Lady.

No! You said, Mr Pistorius she never screamed. You could not hear. You are just saying that. --- That is what I am saying, My Lady.

No, that is not what you are saying. You are saying she did not scream and that is why I tested you on it. --- My Lady, the sound of the gunshot in the bathroom, you would not have heard anyone scream. The decibels of a gunshot, I do not believe you would have heard anyone scream. When I had finished firing the gun shots, I was screaming. I could not hear my own voice.

You see, that is why I am asking. That is why I am asking you the
20 questions. People heard a woman scream during the shots. Is that possible? --- No, that is not possible, My Lady.

Why? --- Because a woman did not scream at any point, My Lady.

No, you cannot say that. --- That is my version, My Lady.

No, you cannot. That is your version. But it is not something that you can with conviction say to the court ...[intervenes]. --- I do ...[intervenes]

That nobody screamed during the shots. Can you? --- Yes I can, My Lady.

No, you cannot. How can you? You just said you cannot. --- I said ...[intervened]

How can you say that nobody screamed during the shots? --- I cannot say no-one screamed during the shots. I can say no-one screamed.
10 There were no woman screaming. There was not a woman screaming while ...[intervenes].

How can you ...[intervenes]? --- Or shouting.

How can you say that? How can you say that? --- Because I was there, Mr Nel I did not hear any one.

No, are you not making a mistake again? The mistake is: You forgot about your ears ringing. --- I am not talking about the shooting, My Lady. I am talking about the entire evening.

No. I am talking about the shooting. You cannot get away with that every time that you do not know what I am talking about. Sometimes you
20 have to take responsibility. I said during the shooting, Mr Pistorius .--- My Lady ...[intervenes].

You cannot have understood me wrongly. --- I agreed with Mr Nel when he made that point, My Lady and then he went on to talk about people heard screaming.

During the shots, Mr Pistorius. You cannot get away with this time

and time again, by pretending that you could not follow. --- I did not pretend I could not follow. I agreed with Mr Nel, My Lady.

Now let us... It is on record and I will argue it. Can you say that Reeve did not scream after the first shot? --- I did not hear her scream after the first shot, My Lady.

But you cannot she did not ...[intervenes] --- My ears were ringing.

And you know what? It was put in your bail application that nobody but you, screamed on that night. --- That is correct, My Lady.

MR LE ROUX: My Lady, I think in all fairness, Mr Nel must just put when he
10 is talking about, because there is a great difference between the defence and
the state of when the screaming would have been... or when the shots would
have been fired. Because what I put was far removed in relation to where
the state is saying the shots were and I do not want to go explicit in the
evidence because I do not want put something in the mouth of anyone but
maybe Mr Nel must just that clear because we are not talking about the
same time, My Lady. I am just concerned that ...[intervenes]

COURT: You are also referring to the bail application?

MR LE ROUX: Yes. Absolutely, My Lady.

COURT: Yes.

20 MR LE ROUX: Absolutely, ja. So we are talking about different times and
that is [indistinct] issue. Just to be made clear.

COURT: Yes.

MR NEL: No, My Lady it cannot be. I referred to the bail application.

COURT: Yes.

MR NEL: In the bail application, My Lady it is one of those embarrassing

things when you need the bail application, it is not here. But ...[intervenes].

COURT: Well, it might be a good idea to quote it from the record [intervenes].

MR NEL: Yes, no I will ...[intervenes].

COURT: So that we know exactly what you are talking about.

MR NEL: I will let people look at it. The way I remember it, is that there was no woman screaming that night. That is what was put in the bail application. I have marked it on my mine, My Lady. I will carry on with something although... I will carry on with this and when we get back and when I have
10 the record, I will do that.

COURT: Yes.

MR NEL: Mr Pistorius, now you see, I have heard your evidence of how it affected you and how you felt. You will agree with me that for Reevea being in that small cubicle when four shots were fired through the door, must have been horrific. --- I agree, My Lady.

What happened to her that night, was unthinkable. I have never heard you even say anything about how she must have reacted in that toilet. Thinking of it. Because that is the crux of this case. Have you? --- Yes, I have thought of it many, many times, My Lady in my own answering of the
20 question I explained what Reevea must have thought when I was walking back. There are many time that I am haunted by what she probably thought in the last moments that she lived. There are many, many times.

Now let us deal with, you are standing in the bathroom, you are now shouting and screaming at Reevea. What happened then? --- Are we talking about after the shooting?

No, before the shooting. --- At that point, My Lady I was standing in the bathroom with my firearm pointed at the door. My eyes were going between the open window and the door and I heard a noise from inside the toilet.

What noise? --- It sounded like wood, My Lady, like wood moving.

Wood moving? --- That is correct, My Lady.

Is that all you heard? Wood moving? --- I thought I heard the door opening, My Lady.

No. You see, there we go. There we go. Not once did you say: I
10 heard the door opening. It is the first word today that you would say: 'I
heard the door open.' You perceived lots of things, but it is not in the record
that you heard the door opening. Why now, today? --- I did not say I heard
the door opening, My Lady ...[intervenes].

What did you hear? --- I said I thought I heard the door opening.
That is perception.

You never... You thought you heard the door open? Did you also
think you heard wood moving? --- Yes, that is correct. I thought I heard the
noise of wood moving. That door frame, My Lady does not fit the door
properly. When you open it, it makes a knocking noise. That is what I
20 thought I had heard.

But let us... So, when you stood there and you had your eyes on the
door? --- I do not ...[intervenes].

And the window? --- That is correct, My Lady.

But you pointed the gun at the door? --- Yes, the firearm was
pointed towards the door, My Lady.

Yes. And what happened then? --- I discharged the firearm, My Lady.

But you first heard something. What did you hear? --- I heard the noise, a noise from inside the bathroom, My Lady which I thought or perceived as someone coming out to attack me.

You heard a noise and you thought somebody is coming out to attack me. Nothing else? --- Nothing else, My Lady.

But thinking back, that could have been anything. Why would you think that somebody is coming out to attack you? --- That is what I thought
10 at the time.

But why? Mr Pistorius ...[intervened] --- Because I do not have the luxury to think back, My Lady.

No, you do. You are standing there. You are facing the door. Why would you think somebody is attacking you? --- Because I heard a noise coming from the inside

You see. The hearing of a noise and the perception that you are attacked, is two different things. Why did you think somebody wanted to attack you? --- Because I heard a noise coming from inside the toilet, My Lady. I, it perceived that, I thought that that was the sound of the door
20 opening.

No, you see, the two does not make sense. The fact you hear a noise and the fact that you think the door is opening, those two is not the same thing. It is not the same thing and your perception is impossible, Mr Pistorius. You never perceived somebody to coming out. Am I right? --- Incorrect, My Lady.

In fact you knew that Reeva was behind the door and you shot at her. That is the only thing that makes sense. You shot at her. Knowing that she is behind the door. --- It is not true, My Lady.

My Lady, it is one. May I request that we adjourn until Monday morning, My Lady?

COURT: Mr Roux?

MR ROUX: I have no objection. Thank you My Lady.

COURT: Se shall resume on Monday, at 09:30.

MR NEL: As the court pleases.

10 **MATTER POSTPONED TO 14 APRIL 2014**

COURT ADJOURNS
