

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO: CC113/2013

DATES: 2014-04-15

In the matter between

THE STATE

and

OSCAR LEONARD CARL PISTORIUS

Accused

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**BEFORE: THE HONOURABLE MADAM JUSTICE MASIPA**

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ASSESSORS:

ADV J HENZEN-DU TOIT

ADV T MAZIBUKO

ON BEHALF OF THE STATE:

ADV GERRIE C NEL

ADV ANDREA JOHNSON

ON BEHALF OF THE DEFENCE:

ADV BARRY ROUX SC

ADV KENNY OLDWAGE

INTERPRETERS:

MS F HENDRICKS

**VOLUME 22 (PAGE 1905 - 1986)**



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[09:31]

MR NEL: May it please the court, M'Lady, before the witness is sworn in, may I be granted an opportunity to bring an application?

COURT: Yes.

MR NEL: M'Lady, this is an application for a postponement in this matter. Not today, but later in the week, M'Lady. M'Lady, we have now run with this matter way over the time that we set aside for this matter. We have had a discussion before we started, M'Lady, with the Judge President, to make ourselves available for the completion of this matter.  
10 We have done so, M'Lady, but there comes a time and that is now it, where the diaries just get to clogged up, M'Lady, and that there is certain preferential matters that need our attention and need our attention in the next week or so.

M'Lady, if I just may mention that my colleague has a matter that she has to deal with, where there are accused people in a part-heard matter, in custody, having been in custody for a few years, and that matter should get preferential treatment. M'Lady, we all understand and I am bringing this application, although I am bringing it, I am bringing it with the support of the defence, I think. M'Lady, we all understand, all of  
20 us, that matters should start and run and get finalised in the quickest possible time. We have all tried our best and, M'Lady, if I may say so, I think we have used court time to the maximum in the time that we have been involved with this matter.

M'Lady, cannot say it is only that, M'Lady, it is also perhaps an issue of personal arrangements being made by myself and my

colleagues, M'Lady, with the long weekends coming up. That is also an issue, M'Lady, that we have to mention, that it is not only the fact that we have matters, but that is a fact, that we have matters to deal with, but there is also certain personal things that we have arranged, that has been arranged long before this trial started, M'Lady, and that we would like to deal with.

So having said all that, M'Lady, we kindly request that later in the week, we will today, M'Lady, finalise the cross-examination of the accused and that whenever there is an opportune moment, later in the  
10 week, that we postpone the matter and that we return on the 5 May, M'Lady, that is my application, on the 5 May, to run with this matter until finalisation.

COURT: What day of the week is the 5 May?

MR NEL: It is a Monday, M'Lady.

COURT: Is it a Monday?

MR NEL: It is the week that there will be elections in that week, on the 7<sup>th</sup>, M'Lady.

COURT: Yes. So, it will be two weeks, two weeks, postponement for two weeks?

20 MR NEL: Indeed, M'Lady. It sounds like two weeks, but if one really goes through the diary and one identifies the working days in the week, M'Lady, it is no more than seven, I have not counted this morning, but I remember having counted it, although it is a two week postponement, M'Lady, on court days that we may miss, is maximum seven days, M'Lady.

COURT: Yes, thank you.

MR NEL: That is my application.

COURT: Thank you. Yes, Mr Roux.

MR ROUX: M'Lady, at the inception of the trial we were informed about prior engagements requiring or necessitating preferential treatment and we then arranged our affairs accordingly, at the time accepting, maybe incorrectly so without your blessing, that that would be the situation, so we have full understanding and support for the application. We question that may be put was about the expected or the anticipated  
10 duration of the defence's case, M'Lady, that ...[intervenes]

COURT: That was going to be my question. .

MR ROUX: I anticipated that, M'Lady. If I can put something, do something to stop Mr Nel in cross-examination not to be that long, of course it will be... that is on a lighter note, it would be more accurate, but just on an analysis what we think we believe that the time would suffice between the 1<sup>st</sup> and 16<sup>th</sup>.

COURT: You are talking May?

MR ROUX: May, M'Lady, should of course you grant the application. On what we worked out, we also from our side, we have witnesses  
20 ready, on standby to use up for the rest of this week, all the available court time.

COURT: When you say: '15<sup>th</sup> and 16<sup>th</sup>, you are talking of evidence being wrapped up?

MR ROUX: Yes, M'Lady, that is what we believe. I cannot control the cross-examination, I can only anticipate how long it should take per

witness and on that analysis, we believe that will be the case. Of course, not argument stage, but we believe that that would necessitate its own postponement to do written heads of argument and so forth.

COURT: Yes, thank you.

MR ROUX: Thank you, M'Lady.

COURT: Thank you very much. Mr Nel, anything else?

MR NEL: As the court pleases, M'Lady?

COURT: Anything else?

MR NEL: No, no, I have nothing to add, M'Lady.

10 COURT: Thank you. I want to think about this. Tomorrow morning I will be able to give you my answer.

MR ROUX: As the court pleases.

MR NEL: As the court pleases, M'Lady.

COURT: Thank you.

MR NEL: We are ready to proceed.

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

You are still under oath. --- Thank you, M'Lady.

Thank you. Yes, Mr Nel.

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

20 CROSS-EXAMINATION BY MR NEL (Continued): As the court pleases, M'Lady. Mr Pistorius, the two things that I just want to go back to before we proceed from where we ended yesterday and that is, on your version, Mr Pistorius, the deceased must have opened the bathroom window. --- That is correct, M'Lady.

Now on your version, would she have done that before or after

she has been to the toilet? --- Before, M'Lady.

Now, so she, on your version, she opened it, the door, before she went to the toilet. --- No, M'Lady.

Ag, no, after... let me say it again, I perhaps mis-... When did she open the window? --- She opened the window before she went to the toile, M'Lady.

That is it. And, and I am not going to go step by step, just in summary, you heard the noise, you armed yourself, you walked and when you, and in the passage you screamed. That is just a summary. -

10 -- That is correct, M'Lady.

So, Mr Pistorius, on your version, she must have had time to void her bladder? --- That is correct, M'Lady.

And get dressed. --- I do not follow the question, M'Lady.

She is dressed when you, when you shot her. --- She was dressed when she went to the bathroom, M'Lady. When she fell asleep, she was dressed.

But then she voided her bladder and dressed herself. --- She was wearing basketball short, M'Lady, so she would have had to have pulled them up. That is correct.

20 Yes, so on your version, and that is before she shut the door. Am I right? --- Yes, that sounds correct, M'Lady.

Yes, so she would have gone to the bathroom, opened the window, she would have gone into the cubicle, toilet cubicle, voided her bladder in the time before she shut the door. --- That is correct, M'Lady.

Mr Pistorius, on my understanding there would not have had, there would not have been enough time for her to do that. --- I disagree, M'Lady.

Okay, no, it is fine. The other aspect, Mr Pistorius, is the noise within the toilet, and I am not going to rehash it, it is one aspect that I want to deal with and that is how you described it in the bail application. Can you still remember how you described it in the bail application? --- No, M'Lady.

M'Lady, may I just bend down to get something from my bag? In  
10 your bail application you said, M'Lady, it is page 65 of the EXHIBIT D, the bail application, line 9. It is unfortunately not in there, in EXHIBIT D, it is somewhere... We will get somebody to assist you. From line 8:

“I realised that the intruder or intruders was or were in the toilet because the toilet door was closed and I did not see anyone in the bathroom. I heard movement inside the toilet.”

Now what did ...[intervenues] --- I am sorry, M'Lady, I do not, I am not sure where we are reading from.

Page 65. --- Yes, I see that, M'Lady. In which line?

20 If you go to line 8. --- Thank you very much.

And I will, shall I read it again? --- Yes, please, M'Lady.

“I realised that the intruder or intruders was or were in the toilet because the toilet door was closed and I did not see anyone in the bathroom. I heard movement inside the toilet.”

--- That is correct, M'Lady.

There is nothing about wood. What is that movement that you referred to in the bail application? --- As I said yesterday, M'Lady, I heard movement of wood. It sounded like the magazine rack was moving.

Yes, that is what you said yesterday, but in the bail application, there is nothing about that. In the bail application, my inference is that you heard people move. --- I do not have the bail application in front of me, M'Lady.

10           You do. That is what, what I am reading from. --- M'Lady, this is, this is not my bail. This is the defence and the court's transcript, M'Lady.

You can take it from me, sir, perhaps you are just confused.

COURT: Have you got the correct page? --- I do, M'Lady. I have got page 65.

65? --- 65, that is correct, M'Lady.

Yes.

MR NEL: Now you see, the court transcript is where Mr Roux read your statement into the record. So that is what Mr Roux read into the  
20 record. --- I understand that, M'Lady.

There is nothing about wood movement. Am I right? --- No, M'Lady, there is nothing about wood movement.

Now, my inference, I will just tell you what my inference is if I read this, that movement refers to the intruders, if I read this. --- I understand that, M'Lady.



COURT: Your voice is extremely low. --- I beg your pardon. I understand, Mr Nel's inference, M'Lady. That was never the... when I said here I heard movement, we, before this question came up, M'Lady, we discussed this movement yesterday and I said yesterday there was a sound of the wood moving. So that would be this movement that we spoke about My Lady.

MR NEL: Mr Pistorius, I have to just ask you one or two questions about this. If I read the sentence, it is movement. Movement refers in this context, to people moving. There is nothing about wood moving. ---

10 There is nothing about people moving, M'Lady.

But it follows on the sentence about the intruders being in the toilet. I heard movement. --- That is correct, M'Lady.

And then you carry on:

"...where the toilet is. I felt..."

And then, a bit further on, you felt vulnerable, in line 20:

"I felt trapped as my bedroom door was locked and I had limited mobility on my stumps. I fired shots at the toilet door."

--- That is correct, M'Lady.

20 But you, but one thing we have is, there is no indication that you heard the door open. --- That is true, M'Lady.

We... there is no indication that you, that you thought that they were opening the door, in your bail application. --- That is true, M'Lady.

There is no indication in your bail application that the movement or sound you heard, referred to the door. --- That is correct, M'Lady.

Now why would you use the word 'movement' and not: 'A noise, I heard a noise in the bathroom,' if it was wood? --- Because I interpreted it to be a movement, M'Lady.

No, but how can you interpret it to be a movement? Was it not the noise you heard? --- No, M'Lady. It was the movement.

What was the movement? --- It was the sound of, I think, the magazine rack moving inside of the toilet, M'Lady.

So you say it is a sound, the movement is a sound, you describe it as a sound? --- That is correct, M'Lady.

10 I am putting it to you, sir, that it is again tailoring. Movement there, clearly indicates something different to what you testified. --- I think movement is more specific than just a noise My Lady. If I said I heard a noise, it would be open to interpretation: was it a voice, was it movement.

Then you ...[intervened] --- What I said there is I heard a movement, inside the toilet.

So at the bail application, when you said: 'Movement,' you referred to the magazine rack moving. --- What I think might have been the magazine rack moving, M'Lady.

20 Well then, sir, unfortunately this now opens it up for me to say, why would you fire if the magazine rack moved, because it has nothing to do with the door? --- I did not have time to interpret it, M'Lady. I thought it was the door opening. In retrospect, it could have been the only thing I heard in the bathroom. It was the only loose object in the bathroom, M'Lady.

Mr Pistorius, no. You said now: 'I heard the magazine rack moving'. I then said: 'Why would you fire?' Answer that question. Why would you fire if the magazine rack moved? --- Because I thought it was the door opening, M'Lady.

No, how can you... you said you thought it was the magazine rack? --- I said I think it was the magazine rack. In retrospect, it could have only been the magazine rack because the door did not open, M'Lady.

No, you see, Mr Pistorius, we have been through this about  
10 retrospect, reconstruction. I just asked you a plain question. I just said, at your bail application, you thought you heard the magazine rack moved and you said: 'Yes. --- At my bail application I said I heard a movement from inside the toilet.

I am talking about something totally different, Mr Pistorius. I am just testing you on what happened after, when we started, when, now, a couple of questions ago. --- I am sorry, M'Lady, I am getting confused. I...

Why will you be getting confused? --- M'Lady, what I heard and if I can think of now, the door did not pen, so it could not have been the  
20 door opening. You see, that is your problem, Mr Pistorius, and I have dealt with that. You are thinking of a version constantly and you are not dealing with the question. You are constantly thinking of a version. Is that so? --- That is not true, M'Lady.

You just argued and said the door never opened and so you are constantly thinking of a version. --- That is not true, M'Lady.

But Mr Pistorius, I put it to you now that this is just one further contradiction in your evidence. --- I do not believe so, M'Lady. If I said there that I heard a movement, that is exactly what I testified yesterday My Lady.

We passed the movement, we are at themagazine rack. --- The movement was the magazine rack, My Lady.

Are you giving that now as a fact? --- It is the only inference that I can make from the noise that I heard sounded like the door opening, M'Lady.

10 So it is an inference that the magazine rack moved? --- That is what I have said, M'Lady.

Okay. Mr Pistorius, I will deal with that in argument and I unfortunately have to put to you that it is getting more and more improbable and you are tailoring more and more of your evidence as we go on. Do you want to comment on that? --- No, M'Lady.

Good. Then there is just one other thing. You see, we dealt with the jeans and you said something that the jeans were inside out. --- That is correct, M'Lady. From what I saw on the photo, the jeans were inside out.

20 Now that makes even less sense for somebody as neat as Reeva, that she would leave her jeans inside out whilst all the other stuff were packed into her overnight bag. So two things. Why would she leave her jeans and why would it be inside out? Why would she leave it like that and not turn it in? --- I am not sure, M'Lady.

Is it not, Mr Pistorius, that it indicates the fact that she had to

take it off quickly and did not have time? --- M'Lady, when I got home, Reeva was already in her pyjamas. She had just arrived minutes before me from the gate, so there were a couple of minutes that she probably would have been in a hurry to get changed and go downstairs. I do not know why she left her jeans inside out.

Well I am putting it to you, it is because of what happened in that room, because of your argument. She wanted to leave, there was an argument, she had to get undressed quickly, undress herself, jeans quickly. That is the only reason why that would be in that state. --- I do  
10 not understand how that could make sense, M'Lady, why she would take her jeans off and then put my clothing on to leave my house.

Because of the argument, sir. --- I do not understand?

She wanted to leave and you were threatening her. --- But if she wanted to leave, I guess she would have left in her own clothes if there was this hypothetical argument. I do not understand the question that is being put to me.

No, it is fine, we will argue it. I understand you. Let us then carry on, Mr Pistorius, and we are now at the point where you are on the bed, the gun is next to you, you are putting on your prostheses. That is  
20 where we ended yesterday. --- That is correct, M'Lady.

Okay, now please tell the court what happened there? --- I then ran back to the bathroom, M'Lady, and I tried to run into the door with my shoulder and nothing happened. I grabbed the handle and I tried to shoulder charge the door and nothing happened, so I leant back, I stood away from the door and I kicked the door, M'Lady.

You did all this, knowing that the door opens to the, from the inside out. --- That is correct, M'Lady.

Yes. --- I could not kick the door from the inside, so I had to kick from where I was because the door was locked, My Lady.

Ja, no that is, that is true. Good observation. What then? --- I then ran to get the cricket bat, M'Lady, as I realised I was not going to be able to gain access to the toilet.

Yes, and then? --- And then I got the cricket bat and I ran back to the toilet, M'Lady and I tried to strike the door. I remember the first  
10 time I hit the door, I was screaming and I hit the frame of the door because I remember the shock in my hands from hitting the frame, so I hit a little bit to the left. I did not want to hit the door in the middle or on the left because I thought if Reeva is inside there I would not want the plank to hit her. So I hit the plank, I hit the... I hit the door and then the door broke, M'Lady.

Let us just deal with that. You said you screamed the first time you hit. --- I was screaming the entire time, M'Lady, but I did scream whilst I was hitting the door.

No, no... okay, the entire time. Let us deal with the entire time.  
20 You put on your prostheses, you go back to the bathroom. Where you screaming? --- I was crying out for the Lord to help me and I was screaming out for Reeva, M'Lady.

So you were screaming out loud? --- That is correct, M'Lady.

And that continued into the bathroom? --- That is correct, M'Lady.

And you have the bat in your hands and whilst you are hitting the bat, the door, you were screaming. --- That is correct, M'Lady.

Now, what happened to the gun? --- I placed the gun on the carpet, M'Lady.

When? --- As I ran into the bathroom with the cricket bat.

So you ran into the door with your shoulder, you shoulder-charged the door with the cocked gun in your hand. --- That is correct, M'Lady.

You pulled the door from the handle with the gun in your hand. -  
10 -- M'Lady, if you look at the way the door is positioned and because of my injury on my right shoulder, I had the door at the handle and I was shoulder-charging it with my left hand. The pistol was still in my right hand. When I could not open the door, I leant back and I kicked the door.

I just, I just want to understand this. So what you are now saying is that you would, you held the door by its handle with your left hand. --- That is correct, M'Lady.

Gun in your right hand. --- That is correct, M'Lady.

And you would then hit the door with your left shoulder? --- Yes,  
20 M'Lady, I charged the door with my left shoulder.

And you did it purposely because your right shoulder was injure?  
--- No, M'Lady. The door handle is on the left, so if I took the door with my right hand, I would be in the shower if I tried to charge with my right shoulder. So I used the door for leverage, to pull myself into the door.

That is leverage, but at that particular point, it had nothing to do

with balance, because you had balance? --- That is correct, M'Lady.

Now when you... you also said that you pulled the door to try and pull it open. --- That is correct, M'Lady.

And that is also with your, with the gun in your right hand? --- That is correct, M'Lady.

Why would you do that? If you now want to do anything possible to open that door, why would you still run around with the gun in your hand? --- I do not know, M'Lady.

It is not, because it is not true. --- That is not true, M'Lady.

10 Then you also kicked the door whilst you had the gun in your hand. --- That is correct, M'Lady.

What happened then? You said you put, you went out to fetch the bat. --- That is correct, M'Lady.

Tell us what happened when you got the bat? --- And I ran back to the bathroom ...[intervenes]

Screaming? --- That is correct, M'Lady, I was screaming.

But before, before that, when you were in the bathroom trying to shoulder charge the door, you were screaming. --- I was crying out, M'Lady, and I was screaming: 'Reeva! Reeva!' and I was crying, I was  
20 crying out the more desperate I got that I could not get into the toilet, I was crying out and then I ran to get the cricket bat and then I ran back to the toilet and ...[intervenes]

All this time screaming ...[intervened] --- Crying ...[intervened]

As hard as you ...[intervened] --- Crying and screaming, My Lady.



But you see, let us ...[intervenens] --- Not has hard as I could all the time. I was screaming, I was overcome with terror and despair, so at times I was screaming loud. At times I was crying out.

Now, you were not screaming at Reeve because she was hiding in the toilet, were you? --- No, My Lady.

You were not screaming: 'Reeva! Reeve!' because she is hiding in the toilet? --- No, My Lady.

Now, you have the bat and you hit the door how many times? --- It was about three times, M'Lady.

10 Mr Pistorius, you... Request of your counsel, there was a demonstration. Are you willing to do another demonstration? --- I would be willing to do whatever the court needs me to do, M'Lady.

M'Lady, may I ask the witness, the accused to do another demonstration at the door?

COURT: Yes.

MR NEL: But this time, before you get up, this time I am going to ask Colonel Vermeulen, the witness that testified about this, to hold the bat in the position that it hit the door and I would then want you just to see if you can hold the bat and what your position will be. --- I do not  
20 understand, M'Lady.

There will be two instances, we will only deal with two. The one, the two marks that was identified by Colonel Vermeulen, M'Lady, and in both instances, I would want you just to wait until Colonel Vermeulen has the bat in position. Is that fine with you? --- That is fine with me, M'Lady.

May I proceed on that basis, M'Lady?

COURT: Yes.

MR NEL: You have to, we have to keep it in the exact position. So, Mr Pistorius, just allow the Colonel the put it in the position that he testified about and that is it. Would you... Okay. So you are standing... M'Lady, I would like to put this on record and I will try my utmost to do. You are facing the door. Your back foot is about a metre from the door, front foot is 30 centimetres from the door, left shoulder. Would you just make a swinging movement from there? So that is how you... The second  
10 one? No, the second, the second shot, where the Captain will go. You are very close to the door and you are standing on the left side of the door. Am I right? Well, that is what I put on record, M'Lady.

COURT: Yes.

MR NEL: You have now moved back. You have now moved back, more to your right and you are standing back. Will you now make a swinging movement? Now I know you are aiming for the... for the specific mark, but my argument would still be, standing where you are, standing in that specific position, you would hit it higher up.

MR ROUX: M'Lady, that is argument. It is not what he sees. It is not...  
20 he must put on record what, what we see there.

MR NEL: No ...[intervenes]

COURT: In fact, I was going to ask you to confirm or to add but...

MR ROUX: Thank you, M'Lady.

COURT: You would not like to do that? Would you not like to confirm what you have seen?

MR ROUX: M'Lady, I confirm that I saw, but it was at the mark. What I objected against is to say, my argument would still be that it should be higher or must be higher, because it was not.

MR NEL: You, in both instances you were standing to the left of the door. You looked at the mark and hit the mark in both instances. I have to put that on record. I am just saying that you would have hit it harder or higher if it was normal. --- I would have hit it harder and there was a mark that was higher My Lady, and I am wearing my prosthetic legs and that position is very comfortable.

10           Let us just carry on. So when you did that, what happened? You hit the door and then? --- A small piece of wood broke off.

          Yes, and then? --- I peered into the toilet and I saw Reeva, My Lady.

          And then? --- And then ...[intervenues]

          If you say: 'A small piece broke off,' what are you... Refer to the door. Tell us... what? May the accused just get up, M'Lady.

COURT: . Yes, do. --- I beg your pardon.

MR NEL: The panel, the right hand panel as you look at the door broke off, and then? And then? --- And then I grabbed the larger panel, once  
20 I had seen Reeva, with my hands, M'Lady, and I ripped the panel out into the bathroom.

          Yes, and then? --- And then I tried to climb into the toilet and whilst climbing... whilst leaning over the middle partition of the door and I saw the key on the floor. So after I tried to... When the small piece broke out and I looked inside to see if I could see Reeva When I saw

her and I tried to unlock the door, but there was no key. So I ripped off the bigger panels so I could climb in. And then I saw the key on the floor. I picked the key up and I unlocked the door and I flung it open, M'Lady.

But now it is important for you to explain the position she was in when you saw her. --- She was... She was sitting on the floor, to the right of the toilet, M'Lady. She was seated on her right buttocks with her left arm... her right arm on top of the toilet bowl and her head was on her shoulder.

10 Let us just look at the photograph so that we get the position. That is photograph 123, album 1. Now you are saying, she is sitting with her back against the wall. --- Where the magazine rack is in this photo, M'Lady.

So her back is against the magazine rack, her head is on the toilet bowl. --- The magazine was not, the magazine rack was not there, M'Lady.

Was the magazine rack not there? --- No, M'Lady.

You know that for a fact? --- Yes, M'Lady, that is where Reeva was, M'Lady. Her head was where there is a lot of blood on the toilet  
20 bowl on the seat and her legs were over here, M'Lady and she was in this position.

So her head was there where the blood is on the toilet seat? --- That is correct, M'Lady.

And her right hand was lower down, towards the floor, her right arm? --- That is not what I said, M'Lady.

What did you say? --- I said she had her right arm on the toilet bowl and her head was on her right shoulder.

And you say that you remember that the toilet, the magazine rack was not there? --- That is where Reevea was, M'Lady.

Where was the magazine rack? --- It was to the far right against the two walls, M'Lady.

M'Lady, if the court allows... Okay, let us just open at 119. It is the album in front of you there, E119. Oh, there it is. Okay, it is there already. So on that photograph, you can see the magazine rack and  
10 that would be more to the right? --- When I found Reevea, the magazine rack was against the wall, on the right, M'Lady.

Now there is the panel in the way there, so do you know where the panel was? --- No, M'Lady, I do not remember where the panel was.

But the magazine rack was to the right of the panel? --- That is correct, M'Lady.

COURT: Just assist me?

MR NEL: As the court pleases.

COURT: Where is left and where is right?

20 MR NEL: As we look at the photograph, M'Lady.

COURT: As we look at the photograph?

MR NEL: As we look at the photograph.

COURT: Thank you.

MR NEL: Is that now you understood it, Mr Pistorius? --- That is correct, M'Lady.

Now then, when you found her there, what happened? --- I sat over her. I crouched down over her, M'Lady and I put my arm underneath her, my left arm underneath her right arm and I checked to see if she was breathing or she had a pulse and then I did not feel that she did, so I just sat. I pulled her onto me. I was more to the... if you look at the toilet bowl on the left, so I pulled her around onto me.

Yes, and then? --- And then I heard her breathing, M'Lady and so I immediately tried to get, to pick her up and get her out of the toilet.

Yes, and then? --- I was not able to pick her up, M'Lady, so I  
10 scuffled around with my legs, which is probably why I kicked the, how I kicked the magazine rack. You can see where I was seated in the toilet and I had Reeva's weight on top of me against the left hand part of the door frame and then I managed to turn her around, I placed her down on the ground and then I tried to get her into the, into the bathroom.

I just have to ask you, sir, the fact that you kicked the magazine rack, is that a memory or is that a reconstruction? Is that what you think you...? [intervenues] --- That is what I think, M'Lady. I said I must have.

You must have, okay. You cannot, you do not have an independent recollection having kicked the magazine rack to that spot?  
20 --- No, M'Lady.

But it was not there when you picked her up? --- No, M'Lady.

Yes, what happened then? --- I then... I placed her half way between the toilet and the bathroom [indistinct] frame and I tried to pick her up but I could not pick her up. I then moved her into the bathroom. I grabbed her phone, which was... I saw on the floor in the toilet and I

tried to ...[intervenes]

Where was it? Where was her phone? --- Her phone was where this plank is, M'Lady.

And you are at photo? You are... At photograph what do you have it open? --- I beg your pardon, photo 119, M'Lady.

At 119, her phone was on the floor where the plank is, the big panel? --- That is correct, M'Lady.

And you picked the phone up? --- That is correct, M'Lady.

Was anything wrong with the phone? --- Not that I can  
10 remember, M'Lady. I just could not access it because I did not know the... it had a passcode on it and I did not know the code, M'Lady.

Was it on? --- Yes, it was on, M'Lady.

And then, what did you do then with the phone? --- I just dropped it and I ran to my room to get my phones.

You dropped the phone? --- That is correct, M'Lady, or I put it down, I dropped it. I put it down or I dropped it, I do not remember.

What happened then? --- I then ran to the left hand side of my bed where my cell phones were. I grabbed them and I ran to be with Reeva, whereby I phoned Johan Stander to come and help me pick her  
20 up.

But let us just deal with that. The fact that you phoned Johan Stander, you had to look up his number and dial him from your phonebook? --- That is correct, M'Lady.

If you look at photograph 103, with the, taking, keeping in mind your version that the scene were tampered with and/or changed, is

there anything wrong with that photograph that should be where it is at the moment? --- M'Lady, with reference to the scene being tampered with, it is that the police's own photos contradict each other, M'Lady, so I cannot say this photo was the right photo or it was not the right photo.

And you remember the scene? --- I do not remember placing the gun down. I do not remember throwing the cricket bat. I do not remember putting the phone ...[intervenes]

So you do not have an independent recollection of what you did with the gun, where you put it down? --- No, M'Lady.

10 Neither do you have, what you did with the bat? --- That is correct, M'Lady.

Now her phone is on that photograph. --- That is correct, M'Lady.

Is that possible that you put it there? --- It is possible, M'Lady.

Is it possible that it could have been in that... if you just turn the page to 104, that the cover came off? --- I believe there is another photo, M'Lady, where the cover is on the phone, in the same position, but it could have been that I dropped the phone and the cover came off.

So it is possible that that happened? --- That is correct, M'Lady.

20 Now your white phone, the other phone, is it possible that it was found under the towels that one can see on photograph 103? --- I do not remember placing the phone anywhere, M'Lady. So it is possible.

Okay. Then, I just want to... I will step away from this. The... you do not have specific recollection of anything that the police tampered with there, except reference to photographs, tampered in the



bathroom with. Am I right? --- *Uhm...*

Do you? --- M'Lady, all my references with the photographs, there was a lot of tampering that I could see, but with reference to what I remembered from that morning to the photos, I do not, I would not be able to say what I remembered and what I do not remember, M'Lady.

Good. Then you, you carried... what happened then? --- I then phoned Mr Stander. I then phoned 082911. I asked the operator what to do and he said that I should take Reeva to the closest hospital, that I should not wait for an ambulance.

10 So you were not screaming at this stage? --- No, M'Lady, I was crying.

And after you... when you found Reeva, when you have now hit the door with cricket bat, you found Reeva, did you scream then? --- No, M'Lady.

Why not, because now you see her? Now it is the opportunity for you to scream: 'Reeva! Reeva, are you fine!'. Why would you not scream then? --- M'Lady, I do not understand that question.

You have now seen that she is in there. It is the first time that you know she is in the toilet. Am I right? --- That is correct, M'Lady.

20 Why did you not scream then? --- I do not know what the purpose would be of screaming, M'Lady. I was overcome with sadness and I was crying ...[intervenes]

What would the purpose... What would the purpose of screaming have been when you hit down the door? --- I was in panic, M'Lady.

Now you see her, now she is wounded. Are you not now in even greater panic? --- No, I am now, I am now broken, M'Lady. I am crying.

You see, now you know that the state witnesses have said that after the shots, there were no, no screaming. That is why you now do not want to scream. Is that not so? --- That is not true, M'Lady.

Because you see, I find it strange, sir, you have now seen her for the first time, that your panic would not have been at its greatest, when you saw her through the broken door. --- M'Lady, there was, the state of panic is not knowing... When I saw Reeva there, I was broken,  
10 I was overcome with sadness, so I would not have screamed out  
...[intervenes]

No, you see that... Up until that time when you broke it down, you would not have thought that you shot her. --- That is not what I said, M'Lady.

You hoped you did not. --- Yes, I hoped I did not.

But when you saw it, Mr Pistorius, that must have been an unbelievable shock? --- That is correct, M'Lady.

And you never screamed and shouted out? --- That is correct, M'Lady.

20 You are running up and down screaming, but not when you saw her? --- That is correct, M'Lady.

Mr Pistorius, I would have expected you to then scream at Reeva, talk to her. Did you? --- Yes, I talked to her, I was crying, I was talking to her all the time saying: 'Baby, please hold on. Jesus, please help me.' I was praying for her. ...[Accused crying]...

Now you phoned nine... 082911. What happened then? --- I do not remember calling Mr Baba, M'Lady, but from the phone records, I made a call to them. The only inference I can make from that is that I phoned them to help me carry Reevea because I was not able to pick her up off the floor.

But that, that is an inference you make, you have no recollection? --- No, I have no recollection of it.

But he phoned you. --- He phoned me back. That is right, My Lady.

10 What happened then? --- I do not remember that either My Lady.

His version is that you said: Everything is okay. --- That does not make sense, M'Lady.

Except that you did not want the security there. --- Then I would not have phoned them in the first place, M'Lady.

But you never spoke to them. Was that not just a call by mistake? --- M'Lady, as Mr Nel said, I would have had to phone Johan Stander and find his number. In the same manner I would have had to phone the security's numbers.

20 But now they are talking to you... now talking to you and you spoke to them. --- I do not remember that, M'Lady.

But according to him, you knew, you were talking to him. He asked you a question and you replied to the question. Why can you not remember that? --- Because I do not remember speaking to Mr Baba, M'Lady. On the phone records I saw I phoned him first. If I had phoned

him first to ask him for help and he phoned me back, I do not know why I would then tell him that everything is fine.

Except that you did not want him there. --- That is... I do not remember speaking to Mr Baba, M'Lady, and I obviously phoned him because I did want help.

Now obviously you phone him before you picked Reeva up. --- That is correct, M'Lady.

Now, so after you spoke to him, what happened? --- I then managed to pick Reeva up and I walked with her to the bottom of the  
10 staircase, M'Lady.

And then? --- And then I was met by Mr Stander and Ms Stander. I told them to help me get Reeva into the car and then they told me to put her down, that the ambulance was on the way and I argued with them and I said: 'Please, just help me get her to the hospital' and they said: 'Ozzie, just put her down'. So I placed her down.

Now then Dr Stipp arrived and the paramedics arrived. I do not think that is of such importance so we will not deal with that in detail, but you also phoned Mr Divaris. --- That is correct, M'Lady. I am not sure  
20 if I spoke to him or if somebody phoned him, but that was just... I think from the phone records, I remember around four o'clock when I went in the kitchen.

Now, and you used your phone? --- That is correct, M'Lady.

How did your phone get there? --- I had my phone in my pocket, M'Lady, when I left the bathroom. ...[Pause]... I had two phones,

which I collected next to the bed.

So you took your phone downstairs with you? --- That is correct, M'Lady.

Why would you do that? Why would you not drop it and pick Reeva up? --- Because I needed to communicate, if I needed to communicate or if the ambulance needed to phone me back. .

So you thought about that and you kept your phone with you? --- At the time, My Lady. I made the phone call and before I picked Reeva up, I put the phone in my pocket.

10 Who put it on the charger? --- I do not know, My Lady.

If Carice would say it was on the charger in the kitchen when she spoke to it, how would that have happened? --- I am not sure, M'Lady.

It was not you? --- I am not sure, M'Lady. There was a charger in my kitchen. I am not sure if I plugged it in or who plugged it in, or if it was plugged in.

20 You see, Mr Pistorius, today's cross-examination deals with aspects that in fact happened. You did break down the door. You did carry her down. So I am just looking at different things as far as the version is concerned. As far as your version is concerned that you broke down the door, that you picked her up and carried her down is not in dispute and that is what your... there is very little improbability because that in fact happened. As far as this is concerned, it happened. Up until the shots, that is why you struggle with your version because that is a version that did not happen and you had to develop it. Do you

understand what I am saying? --- I understand what Mr Nel is saying, but I do not agree, M'Lady ...[intervenes]

But then, the only... I have to just challenge you on something. M'Lady, may I just page through this? I am looking for a photograph. M'Lady, may I just have a moment? Somebody wrote me a note and I will try and understand what is in the note, M'Lady. M'Lady, may I confer with the people behind me?

COURT: Yes.

MR NEL: Mr Pistorius, I will deal with something and I think if we,  
10 before... you experts will deal with them in more detail about it, if you look at photograph 119, can you see the left leg of that magazine rack is in a pool of blood? --- That is correct, M'Lady.

Now that magazine rack never moved from where it is there. I did not go backwards. --- That is correct, M'Lady.

And it is small detail, but if one looks at the photograph, it never moved into the blood as well. --- That is correct, M'Lady.

Yes. So if you just look at the photograph, it does not look like that magazine rack has moved. --- It looks like it was picked up, My Lady and placed there. The magazine rack did not have any blood on  
20 it, M'Lady, so it would have been placed there. .

So somebody must have picked it up and put it into the blood at that specific spot? --- At that time, My Lady.

And, but the bookrack has blood on it, but you just cannot see it, but is it also not part of your case that it has got blood on it? --- I am not sure, M'Lady. From here I cannot see any blood on the bookrack,

M'Lady.

We will deal with that in cross-examination of your expert, but you see, I agree with you that if you look at the photograph, it does not look as if it moved? --- That is correct, M'Lady.

M'Lady, I am getting lots of messages from behind and I think it is important and it will be very difficult of me to just confirm and carry on. Before I move away from here, may I ask the court's indulgence for a five minute to ten minute adjournment, so that I just get this? I struggle to get it and continue.

10 COURT: You need five or ten? Which is which?

MR NEL: Five minutes.

COURT: Yes, the court will adjourn.

COURT ADJOURNS [10:28]

[10:34] COURT RESUMES

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

CROSS-EXAMINATION BY MR NEL (Continued): Thank you, M'Lady.

Now I am going to show you a photograph, sir. What I am going to try and show you is that there is indeed blood on the magazine rack and that the magazine rack has not moved, but whilst they are trying to get it on the screen, you have heard that your expert, Professor Botha,  
20 explained the marks on the back of Reeva as striation marks caused by the magazine rack. You have heard that, sir? --- Yes, I have, M'Lady.

And your version today is that, when you opened that door, the magazine rack was in the right hand corner. --- That is correct, M'Lady.

Now, and she was definitely on the floor, next to the toilet, to the right of the toilet. --- That is correct, M'Lady.

Now, Mr Pistorius, then on that specific version, that magazine rack could never have caused the striations on her back. --- I do not agree, M'Lady.

Why do you not? How do you say it could not? --- Because Reeva would have fallen at some point, M'Lady, and it is possible that she fell against the magazine rack. The magazine rack is a lot lighter and it possibly could have moved when she fell. I would not... Unless it was pinned against a certain point, it would have definitely moved.

So when she fell, she moved the magazine rack? It must have  
10 moved. --- I do not know, I cannot say that, M'Lady.

But somebody must have then put it back where it is, where one can see it. --- I do not know, M'Lady. I cannot remember where it was when I left the bathroom. I can remember where I found Reeva and where it was in the bathroom at that time.

Now I am going to show you just at photograph 119 that there is indeed blood against the, on the magazine rack, 119. Photo... I am going to show you photograph 119, I can zoom into the magazine rack and I will show you that there is indeed blood on the magazine rack and that on the wall, next to the magazine rack, there is blood that was  
20 caused by... there we go. I am going to ask Mr Van Staden just to zoom into the magazine rack first. Can you see the blood there? --- Yes, I can, M'Lady.

Do you see the blood? --- Yes, M'Lady.

There, there it is, yes. Now there is smear, blood smear on that, which indicates that her head must have touched it. --- I guess that is



right, M'Lady.

But that is also important to see that just right of the magazine rich, against the wall, there is another smear, a hear smear that was caused ...[intervenes] --- M'Lady, that mark looks more to me like it is a straight mark which might have been from my sock, from my leg when I was trying to turn around in the bathroom.

But even then, the magazine rack was not there. --- That is probably when the magazine rack would have moved, M'Lady.

But then there would have been an indication in the blood that it  
10 moved, and there is nothing on the blood on the floor. --- No, there is an indication where the cursor is pointed on the wall, M'Lady.

Yes, but... no, there blood on the wall. I am talking about the leg of the magazine rack in the blood. There is no indication that it move, slid into there and you did not pick it up. --- I did not pick it up, M'Lady. At that time, it was maybe a couple of minutes after the incident. I am not sure if the magazine racked moved in and then the blood carried on running on the floor, but I... it was not there when I found Reevea, M'Lady, and the only thing I could possibly think of for the blood being on the rack is where the magazine rack was when I moved Reevea. I  
20 had her weight on me and I moved around, so I... that would be the only way that... I do not remember the magazine rack being here, M'Lady.

But it goes further than that. Apart from the fact that you do not remember it being there, your evidence is stronger than that. Your evidence is, it was definitely not there. --- That is correct. When I found Reevea, it was definitely not there, M'Lady.

But then we, then we have to test you on it there because how can you be so sure it was not there? --- Because that is where I found Reeva, M'Lady.

Now that... even if it, even if moved in there just after the, after you removed her, the blood would not have covered that area around the leg, if that slid in there, Mr Pistorius. If that leg slid into the blood, it would have not been covered in the way it is now. --- I agree with that, M'Lady.

And look at the droplets of blood from the, from the big pool of  
10 blood. Do you see there? That was not disturbed. It is clear droplets of blood. --- That is correct, M'Lady.

As she was picked up. --- That is correct, M'Lady.

That was not disturbed by the sliding there of the magazine rack.  
--- That is correct, M'Lady. There is only one point where it looks like the blood has been disturbed, where the cursor was, but those drops do not look like it has been disturbed.

Mr Pistorius, that magazine rack never moved. That was where she ended up, on the magazine rack with her head on the toilet. --- That is incorrect, M'Lady.

20 Where was the magazine rack before this incident happened? --- It was in the bathroom, M'Lady, towards the middle of the wall.

So is that where you kept it, towards the middle of the wall? --- It is not where I kept it, M'Lady. It is where my housekeeper placed it. It was anywhere between the wall on the left and the wall on the right, but usually in the middle.

But that, as I said, Mr Pistorius, that what happened after the shooting, apart from this piece of information we are exactly... in fact happened. You did, you broke down the door and you carried her downstairs. Now, Mr Pistorius, yesterday I asked you a question of who we should blame for what happened and you indicated that we should blame you. --- That is correct, M'Lady.

Who should we blame for the fact that you shot her? --- I do not know, M'Lady. I was scared.

No, I am asking you. You said we should blame you for having  
10 taken her life. That is what you said yesterday. Am I right? --- That is correct, M'Lady.

Who should we blame for you having shot her? --- M'Lady, I believe that there was a threat that was on my life.

So once again we have... we should not blame you for the fact that you shot her. --- [No audible answer]

Am I right? --- I agree with Mr Nel, M'Lady.

That we should not blame you. Who should we then blame? We should blame somebody, or something. Who should be blamed? --- I am not sure, M'Lady.

20 Should we blame Reevea? --- No, M'Lady.

She never told you she is going to the toilet. Should we not blame her? --- No, M'Lady.

Should we blame the government? --- I do not know who one should blame, M'Lady.

No, I am asking you. You must be blaming somebody for this.

--- I do not, M'Lady. I believe there was a threat.

But we cannot blame you for having pulled the trigger. No, we cannot blame you for having shot and killed Reeva. You are not to blame. --- M'Lady, I believed that there was someone coming out to attack me.

But then the answer is: Yes, Mr Nel, we cannot blame me. That is the answer. Is that the answer? --- I have given that answer to Mr Nel already, M'Lady.

Who should we blame for the black talon rounds that ripped  
10 through her body?

COURT: Is it not the same question, just rephrased?

MR NEL: No, it is something different. It deals, with the utmost respect M'Lady, it deals with the ammunition.

COURT: Pardon?

MR NEL: It deals with the ammunition, M'Lady.

COURT: Yes, but?

MR NEL: It... It... With the utmost respect, M'Lady, it is just something different. May I proceed with it? The focus is on the ammunition in the gun.

20 COURT: Well, I know you are talking about the ammunition, but I am not quite sure if the question is clear.

MR NEL: If the question is?

COURT: Is clear. I mean he did have that in his possession. That we know.

MR NEL: Who should that ...[intervenes]

COURT: Are you saying he should not have had it?

MR NEL: I am asking why he had it. I would get there, M'Lady.

COURT: Oh?

MR NEL: Yes, that is why I wanted to get at.

COURT: Alright. Okay.

MR NEL: Who should we blame for the black Talon ammunition that ripped through her body? --- I do not understand the question, M'Lady.

Who? Who put the... Who fired at her with black talon ammunition? --- I did, M'Lady.

10 Why did you have black talon ammunition? --- It is ammunition that is used for my type of firearm, M'Lady.

Okay. No, I will not take that any further. Mr Pistorius, I am putting to you firstly, you were only two people in the house that night. You killed Reeva and you are the only person that can give us a version of what happened. Do you agree with that? --- I agree, M'Lady.

I am putting it to you, Mr Pistorius, that your version is not only untruthful, but it is so improbable that it cannot be reasonably possibly true. --- I do not agree, M'Lady.

20 I am putting to you, Mr Pistorius, that the court will, on the objective facts and the circumstantial evidence make the following findings.

MR ROUX: Maybe it should read: 'should'. I do not think Mr Nel can say the court will make that finding. He can say that is what he will ask the court to make that finding. He says that the court will make the following finding. I think it is for the court to do that. He can say: I will

ask, or the state or ask the court to make that finding.

COURT: Yes. Yes, Mr Nel.

MR NEL: On my argument, the court will make the following findings and it will be my argument. Do you understand that? --- I do, M'Lady.

On the... I say, on the circumstance... On the objective facts and circumstantial evidence, I am putting it as strong as this, the court will, Mr Pistorius, as the only reasonable inference make the following findings. I am putting that, that my argument is: It will. Do you understand that? --- I cannot understand that, M'Lady ...[intervenes]

10 Okay, then do not. --- If that is what Mr Nel puts to the court, then that is what he puts to the court.

That Reeva ate within two hours of you having shot and killed her. --- That is incorrect, M'Lady.

Is it... do you exclude it totally? --- M'Lady, we have been cross-examined on this topic where I said, I do not think and I do not see how she would have possibly eaten.

That whilst awake eating, that is the argument that Ms Van der Merwe heard. --- Well if Ms Van der Merwe was awake and eating, she heard an argument, is that what I am being asked, M'Lady?

20 Whilst Reeva is awake and eating, Ms Van der Merwe heard argument, and that is what she referred to, Reeva arguing. --- M'Lady, an argument is between two people. Ms Van der Merwe said she heard one person, M'Lady.

The one person she heard was Reeva. --- I do not think she said she heard Reeva speaking, M'Lady.

You heard that when I started, I said that this would be the only reasonable inference, on the facts, Reeva was awake and Van der Merwe heard her. I am putting to you that Johnson, Burger and both Stipps heard Reeva's blood curdling screams, not yours. --- I do not agree, M'Lady.

That they heard that when she escaped from you. That is why she screamed like that. Do you want to comment? --- No, M'Lady, I do not agree with ...[intervenes]

You shot four shots through the door, whilst knowing that she  
10 was standing behind the door. --- That is incorrect, M'Lady.

That you knew that she was talking to you. --- That is incorrect, M'Lady.

She is locked into the bathroom and you armed yourself with the sole purpose of shooting and killing her. --- M'Lady, the bathroom does not have a door.

Into the toilet, she locked herself into the toilet. You armed yourself with the sole purpose of shooting and killing her and that is what you did ...[intervenes] --- That is not true, M'Lady.

Afterwards, indeed, you were overcome by what you have done.  
20 That is true. --- That is true, M'Lady.

Only because it was your intention to kill her. You realised that. --- On the opposite, M'Lady.

Thank you, M'Lady. I have nothing further for this witness.

COURT: Thank you, Mr Nel. Yes, Mr Roux.

MR ROUX: M'Lady, may I just have five minutes to confer because

there is just some of the aspects I must discuss.

COURT: We will take five minute's break.

COURT ADJOURNS [10:50] ~ ~ ~ [11:31] COURT RESUMES

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

COURT: Yes, Mr Roux?

RE-EXAMINATION BY MR ROUX: Thank you, My Lady. Mr Pistorius, during cross-examination and I am going to ask you about it, but I am going to read from the official record, page 1773. You said that, with reference to the door slamming, that:

10 "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 is."

--- That is correct, My Lady.

Then you carried on to say:

"I was hoping that the person was fleeing the house and in that process had kicked the door closed."

Can you remember that? --- Yes. That is correct, My Lady.

20 It was then put to you that you either heard somebody kick the door or slam it. --- That is correct, My Lady. .

And you then responded by saying you never heard someone kicking the door. --- That is correct, I never heard somebody kicking the the door My Lady. It was put to me that I heard... I either heard somebody kicking the door or slamming the door. What I said was that the door was either kicked, which resulted in it slamming or somebody slammed it, My



Lady.

You then were confronted with that and you apologised because you were... it was put to you that you heard somebody kick or slam the door. Why did you apologise? --- I was confused by the way that it was put across My Lady. I was told that I put it across in a manner in which I had said that I had heard the door being kicked or slammed and I did not hear the door being kicked. I said the door was either kicked by an intruder leaving the house which resulted in it slamming, that was what I meant.

Then the second question. It will not be a lot. It is just a number  
10 of questions. Could you explain to the court if you talk about an accident, what is it that you mean by that? --- Well, I mean the situation. The situation as a whole. It was not... It was not meant to be.

Now when you were standing with your firearm pointing to the toilet door, what emotions did you experience? --- I was terrified. I feared for my life. I was scared, I was thinking about what could happen to me and to Reeva. I was... I was just extremely fearful and overcome with a sense of terror and vulnerability.

And when you heard the noise that you interpreted to be the door opening, what was the feeling that you had, or the emotion that you  
20 experienced? --- It was just complete terror and helplessness My Lady.

Could you please repeat that? I am sorry. There was just a disturbance. --- I beg your pardon. I said it was complete terror and just a feeling of helplessness. Not having anything to be able to do My Lady, not being able to defend myself.

Did you consciously pull the trigger, or not? --- Not My Lady. I did

not think about pulling the trigger. As soon as I heard the noise before I could think, I... I pulled the trigger, My Lady.

But you pulled the trigger? --- That is correct, My Lady.

MR NEL: May it please the court, My Lady. I am not going to jump up and down. It is always difficult in re-examination. But I want to ask the court, or to be vigilant about leading questions. 'But you pulled the trigger'. That was just what was just said. That is just yes. That suggests a yes, that is not a question for a yes or no. So My Lady, I have just used this opportunity. I will be listening to leading questions and if that could just be  
10 avoided My Lady. So that I do not have to get up and object every time.

MR ROUX: He is correct, My Lady. It followed on the previous one, but he is quite correct in his objection. I agree. If I may show you photo 69. If I may just ask to blow up, to magnify to some extent, the denim on the floor. The trousers. ...[Pause]... Can you look at the trousers Mr Pistorius? --- Yes, I can My Lady.

We know there was a previous photograph 68, where it was the inside out. Now what is on that photo? --- Photo 68 they are inside out My Lady. In photo 69 they seem... they appear to be in a different way, the way of the outside out, My Lady.

20 COURT: I cannot see that Mr Roux? Is there a way of making it bigger? I cannot see.

MR ROUX: Is there a way that you can make it bigger? ...[Pause]... Could you explain to the court why you say so, Mr Pistorius? --- One can see where the belt leads across the top of the jeans, at the top right. And there is no fold in the... or colour change as in the previous photo, My

Lady.

Mr Pistorius, at the bail application, when you deposed to your bail affidavit, was is at the time that you had access to the statements in the document? --- No, My Lady. It was in the beginning of my bail, it was before the inspecting officer Hilton Botha even gave his evidence, My Lady.

Could you just repeat that? I could not hear you? --- I beg your pardon. There was a police officer, Hilton Botha, My Lady, who was the investigating officer, who was later taken off the case, who is not here.  
10 Who he, before he even gave his evidence, I had made... I had done the bail statement My Lady.

When you were asked to scream in the test done, Mr Pistorius, do you know if any equipment was used? --- I remember some equipment was used My Lady. I am not sure as to what tests were done. They asked me to be ready for a certain time, to do the testing and I did it and it made me fairly emotional and the persons were unknown to me who did the tests.

You were asked and cross-examined relevant to the relationship between you and Reeva. Can you remember that? --- Yes, I can, My  
20 Lady.

I want you to look at a document. Could you just get copies please? What is it? Before I give it a number Mr Pistorius, what is that, that I have handed you? What document is that? --- This is my Valentine's card, My Lady.

Your? --- Excuse me. The Valentine's letter and card from

Reeva, My Lady.

For which Valentine's day? --- For the Valentine's... for the day when the accident happened, My Lady.

My Lady, can that be marked as EXHIBIT HHH. And what does that say? Can you read that? --- The envelope says: Ozzie.

Could you just read everything on the outside? --- Yes, sir. I beg your pardon. The envelope says: 'Ozzie'. With some hearts and a squiggle and then it says on the front of the card:

"Roses are red, violets are blue"

10 Then on the inside she wrote the date on the left and then on the right she says:

"I think today is a good day to tell you that..."

And then it says:

"I love you."

And then she signed it with her name and a smiley face and some kisses.

Thank you, My Lady. I have no further re-examination.

ASSESSOR HENZEN DU TOIT: Mr Pistorius? --- Yes, My Lady.

Could you please confirm if the deceased in this matter had access to the alarm remote? --- She did, My Lady.

20 And could she activate and deactivate the alarm? --- I am not sure if she knew how to, but she would have been able to if she had the remote, My Lady.

One last question from me: I would like to know if you could answer if the light in the toilet, if it was working at the time of the incident? --- It was not working, My Lady.

Thank you.

COURT: Any questions arising?

NO FURTHER QUESTIONS BY MR NEL: None from my side, My Lady.

NO FURTHER QUESTIONS BY MR ROUX: None. Thank you, My Lady.

COURT: Thank you. Before I ask the witness to step down, I just want to make sure about something. That structure that we see there with that door, is it common cause that the structure is a replica of the toilet at the accused's place? Because I do not quite remember how it was put?

MR ROUX: Size wise, My Lady, it is a replica. It gives the correct size of  
10 the toilet and it is the toilet door of course with the missing parts, but ja, to that extent a replica to the extent that it replicates the size of and the layout of the toilet. --- My Lady, if I may add. It does not have a frame that is similar to the frame that I had at my house.

COURT: Yes.

MR NEL: Indeed, My Lady. It is a replica size wise, layout wise and the way the door is fitted.

COURT: Thank you, Mr Nel. Thank you, Mr Pistorius. --- Thank you, My Lady.

For your assistance. You may step down. Yes, Mr Roux?

20

NO FURTHER QUESTIONS

MR ROUX: My Lady, I was informed yesterday that it would go to about lunch time. I managed to get my witness, I just need until quarter past twelve to confer with the witness, that I have all the documents. If I may ask for that indulgence.

COURT: Thank you. You need until 12:15?

MR ROUX: 12:15, My Lady.

COURT: The court will adjourn.

COURT ADJOURNS [11:49] ~ ~ ~ [12:18] COURT RESUMES

COURT: Yes, Mr Roux?

MR ROUX: Thank you, M'Lady. The next witness is, Roger Dixon and I may add, that he has no objection to be televised.

COURT: Yes. The witness may be sworn in.

ROGER DAVID DIXON: (d.s.s)

INTERPRETER: Witness is sworn in, M'Lady.

10 COURT: Thank you very much. You may be seated sir, if you so wish. ---  
Thank you, M'Lady.

Yes, Mr Roux.

EXAMINATION BY MR ROUX: Thank you. Mr Dixon, what are your qualifications? --- I have a Bachelor of Science degree in Chemistry and Geology. I have an Honours degree in Geology. I have a Masters degree in Geology. I have a Post-Graduate diploma in Museum Science. Those are my tertiary qualifications.

Let us first stop there, Mr Dixon. When did you obtain those qualifications? M'Lady, I may add, it is a little cremlence, the CV will be  
20 made available to court.

COURT: Yes.

MR ROUX: It is not printed from the screen, but we will put a copy before you later on.

COURT: Thank you. --- I received my Master's degree in 1988.

MR ROUX: And your first degree, the BSc? --- I received that in 1980.

Which university was that? --- At the University of Cape Town.

Now that, apart from your tertiary qualifications? --- I was at the Forensic Science Laboratory, for 18 years.

That is of the South African Police? --- It is of The South African Police Service. From 1994 until the end of 2012 and during my time there, I did many different courses in either analytical, instrumental, crime scene examination, specialist exhibit identification, those sorts of courses. By locally as well as internationally from for instance, the FBI.

There was reference in the evidence of Colonel Vermeulen to you,  
10 that you at some stage, you worked together at the Forensics Department?

--- That is so. I was in charge of the Materials Analysis subsection, of which Colonel Vermeulen is now the head and under that body, I was in charge of all types of trace evidence, forensic geology, fibres, all types of organic pollutants, crime scene investigations which were varied, such as industrial accidents or theft, or break ins and break outs. So it is a very wide generalist area, for those things that do not fit in to little boxes, or big boxes. Because most of the people under...when I was in charge there, were the only person, or maybe one of two, with those specialisations. So it was very diverse. At one stage it used to be called, Diverse Analysis, because of that, M'Lady.

20 Were you consulted by other members of the Forensic Department?

--- Yes. Because my first specialisation was as a Geologist and that was why I was in employed, the first time by The South African Police Service. They needed a Geologist. So I often received calls from outside, when other members of the Forensic Science Laboratory were on crime scenes and there was something geological, trace evidence of dirt, things like that. So I

could advise them. Would go to crime scenes to assist or within the organisation, within our area. Because it is very difficult to work in isolation, you want to exchange ideas. People would come to me to discuss and I would go to them to discuss.

How would your work experience tie in with wound ballistics? --- My experience of wound ballistics is minimal, in the practical application. What I know is what I have read and discussions with various members. But practically, I apply basic sciences, such as Physics and Chemistry and Geology and so on. I try to understand the underlying causes, then one can  
10 extrapolate. I am not a ballistics expert. I am not a DNA expert. I am not a Toxicologist. I am a trace, more trace evidence, which covers many of those fields and sometimes at a crime scene, it is not just one thing that is there. Evidence covers a diverse field and in the Materials Analysis Subsection, our crime scenes and the cases we got in, they are extremely diverse.

Have you before today, have you ever given evidence in court? --- I have given evidence in court over the past 18 or more years. Not often. Maybe three or four times a year. Because at the Forensic Science Laboratory you issue a 212 statement, which acts as fact if not contested in court. So it is a sign of success not to be called to court.

20 Now, you were requested by the defence, also to look at the darkness in the main bedroom of Mr Pistorius, the lighting so to speak? --- That is true, M'Lady.

Could you tell the court, what process you followed and the outcome of that? --- To examine the bedroom at night, in the dark, requires that I closed the curtains, made sure they were closed. Switched all the lights off



and then looked around to see what I could see. Whether I could see my hand in front of my face. When I could see in any particular direction. With all lights off in the room, that includes video electronic equipment, everything off, on a dark moonless night, you could see a little bit of...vague little bit of light, coming from the end of the passage, leading to the bathroom. But within the bedroom itself, I could not see anything at all. Not even my hand in front of my face. That test I did on the night of the 25<sup>th</sup> of March, when there was no moon.

Why did you pick an evening without any moon? With no moon? ---

10 Because on the evening of the 14<sup>th</sup> of February in 2013, it was also a moonless night. The moon set early in the evening. So at three 'o clock, that time of the night, it was dark. There was no light. I went...[intervenes]

Ja, you can carry on. --- I went again last night to the house and we switched on the electricity and I switched on the equipment. With the curtain closed, the lights off, but just the...M'Lady, each light switch in the bedroom, has a tiny little blue light, just so that if it is pitch dark, you can head towards a blue light. It does not light up anything, it is just a target. So there were, if you in the bedroom, close to the bed, I think you can see two light switches. But it is not enough to see where you are in the bedroom. With the one CD  
20 player on, it has a little bit of light. If you stand in front of it and you go with your hand like that, you can see your hand, because you disturbed the light. With your back to the light, I could not see into the darker areas of the room. I could just see down the passage. So, last night there was a moon. So the illumination in the passage was much more, than on the moonless night. But it was, it was very dark. If you...if your eyes were exposed to a bit of

brightness, say for instance you were looking outside, you closed the curtains and turned around, your eyes take a short while to adjust to the pitch darkness. You would not see anything. If you stand in the room for a while and accustom yourself to the lights, you will start picking up shapes and that. But it is not quick.

There was evidence about the toilet light. What was your finding about that? Was there a light in the toilet, a working light? --- The light is not working in the toilet. The bathroom and toilet, all the lights are controlled from one light switch, at the entrance to the bathroom. On the wall on the  
10 right-hand side and the bulb in the toilet, itself, was not functional.

Thank you. Now, you also had also certain observations in relation to the house of Dr Stipp? --- Yes, on the night of the 25<sup>th</sup> of March, we went to see what could be seen from outside, in the direc...from the direction of the Stipp's house. In the time since the 14<sup>th</sup> of February 2013 and now, there has been quite a lot of development and building. So there is a building that is been now obscures the view from the Stipp's house, to Mr Pistorius' house. However, if you look past the corner of it, you still see the...you can look proximately that direction. So we stood in the street, to do our tests in the bathroom and the Stipp's house was to my back.

20 I showed to you a photo that we will later hand up to the court. It is exhibits. At the moment it is on screen. Could you identify that photo? M'Lady, I will see to it that, apart from the screen, that we will get an album ready. It was...there was just not enough printed by accident.

COURT: Yes, that is fine. --- Okay. I took that photograph of what I was pointed out to me, as the small balcony of the Stipp's house on the first floor.

That was behind us, as we looked towards Mr Pistorius' house.

MR ROUX: I can tell you, there were...there will be other evidence about the curtains of the house, every time there is an inspection and other days. It was the evidence of Mr Stipp, that the curtains are always open, in a binder. What is it that you see there? --- The curtains are draping fully, without being held back, M'Lady.

Did you look at them again last night? --- They were similar state last night, at just before nine 'o clock in the evening.

Then I want to show you a second photo and ask you what that is.

10 M'Lady, just for the record purposes, the first photo I will identify later with an exhibit number, but just for record purposes, as 3DSC. That will be in the album then. This next photo is 4DSC. What is that, that is on screen? --- That is the view from the position where I was looking at Mr Pistorius' bathroom windows, with the Stipp's house behind me, standing in the street. Now since the house has been built between the two, on one of the pieces of land which was not developed last year in February, there is a little wall at the edge of the property and this was the corner. Where you see that very faint wall underneath, with a little square on the left hand side, that is the wall in front of that house. It was the furthest I could get in the direction, a direct  
20 line between the Stipp's house and Oscar Pistorius' bathroom.

And what was intended by that photo? --- It was intended to show, that with lights off in the bathroom, you can see nothing.

Of Mr Pistorius' house? --- Of Mr Pistorius' house is absolutely black. There is no light from the surrounding houses. It is pitch black.

I then take you to photo 5DSC. What is that? --- That is a view of

the inside of the bathroom, of Mr Pistorius' house. Showing the toilet door, with the replacement door in position and the window with one of the panes slid open and the blinds, proximately halfway down. We tried to replicate what I understood, were the conditions at the time of the 14<sup>th</sup> of February in 2013.

I also showed you a photo 7DSC. What was the purpose of that?  
--- I wanted to see what the difference would be if somebody was in the bathroom, of approximately Mr Pistorius' height and then approximately without prosthesis, if you were looking from the outside and having an  
10 illuminated bathroom. Just to see the height difference.

You were specifically asked by the defence to do that? --- I was.

Ja. In view of Mrs Stipp's evidence, about the report to her, a man, or a person, walking from right to left? --- That is my understanding, M'Lady.

Yes and the next photo 8DSC? --- That is with the bathroom lights switched on, is Oscar Pistorius' main bathroom, with the toilet door closed and the bathroom lights on. You can see the toilet light is still not working.

And is it correct, that if you look at photo 8DSC, that you cannot see the toilet window? --- It was not visible when I took this photograph  
20 and this photograph is a slight time exposure, because the light levels were very low.

Then if I show you photo 9DSC? --- This photograph was taken, when the toilet door was slightly open. Inside the bathroom, there are a number of down lighters. There are also mirrors at above the basins, which are on the side opposite to the windows and they act as reflectors.

Because if you have a look on the images, you can see blinds behind the gentleman's head. That is a reflection of the blind and the window and that acts to also direct a little bit of light, so the person in the bathroom is quite visible.

I can tell you why this tests was requested from me. Because it was Dr Stipp's evidence, that there was more light to the right than to the left and to understand why there would be a difference in light, in the toilet window, as opposed to the bathroom window? --- The degree of opening of the door, makes the toilet window get brighter and brighter.

10 But if the door was closed? --- No light, as were shown in the previous image.

May I take you to 8DSC? --- That is with the window...with the door, toilet door closed.

And the person that you see, was stan...what was his position? --- He was standing on his feet.

Photo 9DSC? --- The toilet door is slightly open. The person is standing on their feet, in a proximate area aligned with the toilet door, in front of the window.

20 Photo 10DSC? --- This photograph was taken when the toilet door was fully open. You can see the toilet window is now much more brightly lit, than previously and you can also see that the toilet door blocks some of the view, through the window.

There is also a image, on the right-hand side of the bathroom window? --- That is where the model was standing. He moved backwards and so that is the...the frosted glass of the bathroom window, is making his

appearance defuse.

Photo 11DSC? --- This photograph M'Lady, was taken with the toilet door slightly open and the model is on his knees, facing towards outside. You can see the head is just above the windowsill. Which is approximately 1.1 meters above the ground.

Now, the next topic I am going to deal with, Mr Dixon, is the sequence of events that occurred in the bathroom, relating to damage to and marks on the toilet door. That is the toilet door that is in fact erected in court, is that not so? --- That is the toilet door that I have examined,  
10 M'Lady.

Have you examined the door before and if so, when was that? --- I examined that door, my recollection, I am not good with numbers, on the 8<sup>th</sup> of November, when...[intervenes]

Last year? --- Last year, when it was brought to, 286 Silverwoods and reinstalled by The South African Police Service, for the inspection of myself and Mr Wolmerans and then the following week, I remember it was the 15<sup>th</sup> of November, we went to the Forensic Science Laboratory in Silverton. Where in the presence of Colonel Vermeulen and Captain Mangena and other members of the Forensic Science Laboratory, we  
20 examined the door as well.

And did you come to any finding? --- Yes, I did. My finding, well just a examination of the door as it stands, it has bullet holes in, which is self-evident. It also has damage to the right hand side, as you face it and my conclusion, that damage was caused by a cricket bat, having hit it, very hard.

On what basis did you come to that conclusion? --- There are marks on the side of the frame and on the inside of the doorframe, on the panel itself. Which are consistent with damage by hard blows of a cricket bat and my examination showed, that most probably only three blows.

Well, I will start with image 2962. What is it that you wish to explain there? --- That is just a photograph of the whole door, as it was reconstructed. This is a police photograph. [indistinct]. It is just showing the position of the panels, as they were reconstructed with the original stickers which the police put on...[intervenes]

10 I may say that will not be in dispute. That photo was taken on the 14<sup>th</sup> of February 2013, at 10:44. --- M'Lady, it is just basically an orientation photograph. So we can point out the various items that are on the door. There is for instance, there are the bullet holes. There is a abrasion on the door, almost at the same level of the keyhole. A sort of a round one, about 5 centimetres across, on the right-hand side of the inner panel, inner top panel. Above that, there is an arrow pointing to a sort of a roundish area, which consists of dried body fluid and tissue. At the top edge of the frame, where the top most scale bar is situated, that is the position of one of the three cricket bat blows. Below that...[intervenes]

20 That damage was already marked at that time by the police? --- Yes, M'Lady. That was...that...I presume so, because I was not there present. This is a police photograph. So the top most image, I think it is better M'Lady if I...[intervenes]

If you could just...if you...M'Lady, if he may approach the door.

COURT: Yes.

MR ROUX: If he can just point that out. --- M'Lady, the image arrowed in the photograph there, the scale bar is about here, that is the middle...[intervenes]

May I just enquire something, M'Lady. Could you just come back every time and tell us what you see. We do not want a repetition of last time. --- That is fine, M'Lady. I will show you the damage on the frame of the door. That is not the jam in which it is placed. It is the actual physical frame of the door, which the panel is inserted in and that arrow point, is the position of where the first, in my opinion, the first blow of the cricket bat hit.

10 The white mark on the door on the right, if you point that out. What is...go back... --- It is that mark.

Yes? --- There is another mark here and one up here. Three...[intervenes]

Now if you look at the photograph now again, you have pointed to the door, three...image 2962, where there is a mark three, indicator three on the door and the arrow slightly upwards. That is the one mark that pointed out now? One of the two marks? --- M'Lady, I think the defence has got an image which has got markings on, because on these photographs...[intervenes]

20 Ja, we will come back to that later on. It is just in relation to this photo. --- In relation to this photo, I called the position that is marked with the arrow, position 1. That is cricket bat blow 1. Immediately below it, is another one and above it, is another one.

And did you examine those marks? --- I examined those marks, yes. To determine whether they were in fact made by a cricket bat and to



also determine in what manner they were made.

Now, before I turn to those marks and we will deal with them after the lunch adjournment, if I may ask you this. Did you at any time also test the sound made by a cricket bat, on a door? --- M'Lady, in order to determine whether the cricket bat actually broke the door and if the cricket bat did hit the door, what sound it would make. We took a duplicate door from the house, made of exactly the same design and wood and everything else and did tests, in which we hit the door. As well as fired bullets through it, in order to replicate the effects that would arise when it is  
10 hit, damaged, abused, in the fashion which is evident on the door.

Who was responsible for hitting the door with the cricket bat? --- M'Lady, I hit the door with a cricket bat. I still have some pain in my left forearm, because it takes a lot of force to break that door. I hit it. We did the tests at a distance of approximately 60 meters, where...[intervenes]

If we may stop there and there will also be additional evidence on that. If I may just play to you a sound. If you can identify it, if that is the 60 meter sound? M'Lady, there is just some difficulty with the laptop there. I will come back to this after the lunch time and the test was also...where was the second measurement to test the sound? At what distance? ---  
20 We did this test on a shooting range at night, in order to avoid as much extraneous sound as possible and to try and replicate a sort of a one conditions, which would have prevailed on the 14<sup>th</sup> of February 2013. So it was at a shooting range and the one recording station, was at 60 meters approximately and the other one was at, approximately 180 meters and the door was situated, so that the...it was at the same angle as the door in the

bathroom would have been, if the sound went out the window. So, instead of being at right angles to the direction of recording, it was side-on. So if the recording stations were, say at the end of this long wooden bench, the door would have been arranged vertically like that. I stood on this side and hit it and we also did gun shots.

Now, I will come back to this...I am sorry, M'Lady, that is the sound coming on, M'Lady. I apologise for that, but the [indistinct] should be.

COURT: It is fine.

MR ROUX: I will play the 60 meters first and you were responsible for  
10 hitting the door? --- I was.

*[Recorded sounds being played.]*

MR ROUX: Can you distinguish between them? What was the first sound? Let me just play the first sound again. *[First three sounds being played followed by four sounds]* --- To the best of my memory, because if I...the first three blows of the cricket bat, were done to test the levels of the sound and then I did four in rapid succession.

The first three, how did you...the first sound, how did you hit the cricket bat? --- The first three, I hit them like that. Against a part of the door that I was not going to test.

20 Meaning, taking the bat up, behind your shoulder and forward? ---  
And forward, yes and I would then, I hit on this side of the door. So as not to damage the side to do the test. The four shots in rapid succession, I held the bat differently. Also this was a sound test. I hit it like this, with the tip of the bat hitting the bottom panel.

So what you demonstrated, is that you more in a batting position?

--- In a batting position, yes.

It was lower down position, without picking the bat up? --- That is so, M'Lady.

Now, if we refer now to photo image 2977. If you can explain that, Mr Dixon? That is also a police photo? --- That is a police photo, yes and what you see, is the reconstruction, I am not sure how the person was who did the reconstruction. This would be...the hole there, which you see is split by a crack on either side, a top and bottom, is the bullet hole that was referred to as bullet hole D. It is on the side of the door panel, that has got  
10 a taper or a bevel to it, where it goes into the frame.

What does that indicate to you? What was first? The shooting or the hitting with the bat? --- Okay the crack on the left hand side, going up, which terminates on the left side of the bullet hole and the crack coming down from the right, which terminates on the right side of the bullet hole, show that when the crack, the damage to the door was inflicted with the cricket bat, the bullet hole was already in position. Because if the bullet hole came afterwards and there was a pre-existing crack, the bullet hole would cut a chunk out and the termination of the crack, would be continuous, the top and the bottom.

20 Would line up? --- Would line up. Here your weakness in the grain of the door, stops where you have got a hollow. It cannot propagate and that was coming down by the sides.

I do not think that is in dispute. That was also the evidence of, Colonel Vermeulen. If I then may take you...or if we stay at this photo, do you see any blood there? --- There is a small, few specks of blood and

some smudges, what appears to be smudges on the left hand side, of the top crack, going down to the bullet hole. There is no blood on the right hand side piece.

What does that indicate to you? --- That indicates, that when the panel was broken and pieces fell to the ground, the one piece got blood on it and the other one did not. So they fell in different directions. Most probably as a result of the breaking out force.

Then I take you to...[intervenes]

COURT: Just one minute. Can I just...can you point to the blood, that  
10 you just did.

MR ROUX: Could you just point to the blood there? --- If you look at the bullet hole, M'Lady.

COURT: Yes. --- At the top of the bullet hole, there you see some blood and if you go further up that narrow strip of wood, there is some smudges towards the top of the picture. As you go up, there is some feint smudges.

Yes.

MR ROUX: I then take you to photo 5DSC? --- This photograph, was taken as a result of our testing of the door. That is a crack, generated by hitting the door with a cricket bat and then subsequently, firing through the  
20 crack. So you can see the crack goes continuous. Whereas the bullet hole, displaces it. The middle part. That is the difference between bullet first and bullet second.

I then take you to image 1546, also a police photo. --- This is the abraded area on the door panel. I will just point to it.

If you just...I will describe it. It is about 10 centimetres below the

door handle, or the end of the door handle. --- That is so, M'Lady.

COURT: Yes, Mr Nel? --- That is ...[intervenes]

Just hold on. Mr Nel?

MR NEL: M'Lady?

COURT: Would that be the correct description?

MR NEL: Indeed, M'Lady.

COURT: Yes, Mr Roux? --- If you have a look at this image, you will see that it is in a lighter colour. The varnish on the door has got a bit of a pigment on it and is shiny and smooth. When you make varnish rough, by  
10 sanding it or rubbing against it, abrading it, the surface is no longer smooth and you get light reflection and you get a difference in reflectivity. In addition to that, at the top of the white part, you see there is a sort of a...sort of a semi lunate, or curved edge and just below that are some white spots. If you have a look at that, those are white fibres which have been stuck into the varnish layer of the door.

MR ROUX: There is an enlargement of that. Of image 6, that is image...if we can do that for you? --- Yes, that shows clearly how the varnish surface of the door has been abraded and in the process of abrasion, which is applied force, these white fibres have become stuck into the  
20 varnish.

Could you find anything that would be consistent with the fibre, the white fibre? --- The only...in reconstructing the sequence of events, the only material which is consistent with this white fibre, is the white socks worn over the prosthesis, of Mr Pistorius.

M'Lady, would this be an opportune time?

COURT: We will take our lunch adjournment.

COURT ADJOURNS [13:02] ~ ~ ~ [14:05] COURT RESUMES

COURT: Mr Dixon, you are still under oath. --- Yes, My Lady.

Yes, Mr Roux?

ROGER DAVID DIXON (s.u.o.)

EXAMINATION BY MR ROUX (Continued): Thank you, My Lady. The next photo that I am referring you to, it is image 1082, My Lady and if I may just say again what we will do tomorrow, some of the photos form part of the exhibits, but for convenience we will put them in one exhibit  
10 and mark them accordingly.

COURT: Thank you very much.

MR ROUX: Could you describe what I see on... what you see on image 1082, also a police photo? --- Image 1082 is the sole of the right prosthesis, the front part of the sole. You see that from wear and tear there is some damage, so that the thin... I do not know exactly what type of rubber it is, layer has broken away in places. However what is of importance in this image, My Lady, is if you have a look towards the toes in the middle, you will see a dark area, sort of a... also a curved area there with vertical striations, going towards the toes.

20 And what is that? --- That is the mark caused by the prosthesis foot impacting on the door and as it went up... as I showed in the previous photographs where you saw the fibres of the sock stuck in the varnish, the varnish has slightly softer than the wood, it is also slightly softer than the prosthesis, the hard sole and so what has happened in varnish is being stuck on to the sole of the prosthesis. So those dark

vertical striations is actually varnish from the door. That could only come from a hard kick, a forceful kick going upwards.

The next photo is image 0102. --- This shows Oscar's prostheses, he is wearing them and the right prosthesis you can see has a white sock on it and that sock fibre is the material that stuck in the varnish on the door giving those white tufts.

It was at some point suggested by Colonel Vermeulen as a possibility that when the panel was lying on the floor, that the mark could have been caused by stumbling. --- The varnish, My Lady, is... I  
10 mean varnish is put on a door to protect it. It is quite hard. You need a hard blow to damage it to the extent it has been damaged and when you kick... when that foot went into contact with the door, there is a lot of pressure and that pressure causes the remnant stickiness in the varnish, to actually cause it to adhere in parts to the prosthesis. I do not think in my opinion that the mere act of stumbling will give sufficient force to end with such a large amount of varnish on the prosthesis. In addition if it were on the ground when that mark was inflicted on the panel, then the end... one end of that panel would have had to have been lodged against something hard and it would still not be just an  
20 ordinary stumble that would leave say a shoe print, or a foot print, or a smudge, but it would have to be a very hard blow. My opinion that was done while it was... the panel was still in the door in an upright position.

Image 1540. --- This photograph shows the door. As it stands here, My Lady, my finger is pointing to the top most impact point of the cricket bat. Below the finger about 10 centimetres on the frame of the

door, is what I considered to be the first impact point because it was on the frame, slightly at an angle. The bat hit hard but the weak part of the door is where the door panel is tapered inwards or bevelled and fits in the slots that are cut in the frame of the door, and you can see that where the finger is pointing to, it is like a centre of damage and there are cracks leading off from it. That is the impact of the bat. The shape of the marks inflicted by the bat, are consistent with the corner of the bat as it is coming down and hitting. It is not sideways on or the front on, it is the corner of the bat. So the force is to a point and that is why there  
10 is that breaking of the fibres at a point there.

Is that in relation to the mark, marked "2"? --- That is the top mark.

Ja. Where your finger is pointing? --- It is mark "2" on that picture. Not on this picture.

The next image 2961. That is in fact a police photograph of 14 February 2013 at 10:44 am. --- My Lady, this picture is quite valuable because this was taken while the door was still intact. It had not been taken down. The panels had not been handled. So there was... well, not handled very much, that was not a chance that other  
20 surfaces rubbing on it could transfer dirt on it or damage the sheen. Here you can see the varnish of the door is quite shiny and you can very clearly see above the scale bar, that top most blow, is quite clearly highlighted. That dull angled mark and then there is, if you look below the... or at the scale bar, there is another angled mark which I say is the first blow, and then below it is where the third blow would have been



when the bat is... most probably almost vertical and that is the blow which broke out the panel and caused the most damage. That was of course after the second blow had already cracked the door slightly and weakened it. The door panel is at its weakest right next to the door frame because that is where it at its thinnest.

Would you say if you look at the three marks, is there any consistency and discolouration of the marks caused? --- They all appear... they have the same features all similar all, my interpretation, cricket bat marks.

10            This is image 1535. --- Here you are looking at the first mark which is next to the scale bar and below that the big open space, is almost the shape of the end of the bat. My interpretation is that this last blow which was struck right on the edge on the weakening, actually broke through the wood that would of course, have put some marks on the bat itself and caused that narrow panel to break out and fall into the toilet. There would have been lots of other splinters with it flying into the toilet. This wood is Meranti and it is splintery and brittle.

20            Any vibration or any mark consistent with vibration? --- The central mark next to the scale bar, you can see that has actually dented the wood quite a lot, but it is the door frame, it is fairly thick. The door is not fitted in such a way that it is absolutely fashion firm and the walls around it, My Lady, are built of brick and plaster and there is tiles on top. So my... what happened here my information is that when the first blow is struck, there was a strong vibration through the bat. In my test where I replicated that first blow, I had the same feeling of a very strong

vibration. Now that vibration going through the door to the outer door frame or the door jam, hitting against the tiles, the narrow strip of tiles with their plaster, in my opinion that is how those tiles actually fell off on to the floor. The vibration from hitting the door caused the tiles to fall off.

If you could just [intervenes] --- And [intervenes]

Ja? --- And caused plaster as well, the tile adhesive or the plaster to fall down as well.

Well, I take you back to image 2962. Do you see the strip of  
10 tiles or the missing tiles there, the strip? --- Yes, on the... as I have just explained as you are facing the toilet door from the bathroom on the left hand side, my interpretation is the... just the vibration of hitting the door very hard, caused those tiles to fall down and you can see on the floor at the base, at the corner where the lower hinge is, on the floor there is also pieces of whitish plaster and dust.

It is image 1555. --- This is the top most image again, a close up of that door and you can see on the centre, just above the centre of the image, what looks like two little holes, that is where the wood has cracked inwards. Yes, right there and you can see there is cracks  
20 above each rupture point. It does... it is not continuous all the way and on... to the right of that, on the inside of the door frame, you can see an abrasion where the side of the bat... right there, just a little bit lower, ja, where the bat went in. So it hit the inside of door frame and caused the wood to crack, or the panel to crack there. But not sufficient to break it and knock it in.

The next image is one of a part of the cricket bat. --- This is the tip of the cricket bat and what I see on the lower right hand side, the tip there, you get those grooves, slight grooves, that would most probably have occurred when the tip of the bat went and got in between the door jam and the panel... the force of the bat going through would cause some pressure on the wood and quite a lot of pressure would be required, which is consistent with the bat squeezing in, maybe being moved. I do not know.

What is the difference in the composition of the cricket bat wood  
10 and the Meranti door? --- Cricket bat wood, the English Willow is a quite fine grained wood and it is light weight. In the treatment of the cricket bat to make it survive all the blows of those cricket balls coming at you know in excessive situations 150 kilometres an hour maybe, it is subjected to compression treatment where the face of the bat and the sides of the bat are either... are pressurised to collapse those cells so that there is no air spaces in between. So the surface of the bat there is very dense. Now the Meranti that the door is made of... has much larger cells and it is splintery and it is not tensile. The Willow wood is quite tensile. It has... it can recover whereas the Meranti when it  
20 ruptures, it ruptures suddenly and that causes it to snap, break out, splinter.

The next image is 1537. --- This is 250. This image is the middle blow as shown on the door there with the scale bar. This is photographed in situ and that shows the degree of force that was applied by the cricket bat. It has actually compressed the wood and

made a hole into it. If that blow had been on the panel next door, this is the edge of the door frame, if it had been on the thin part of the door panel, most probably would have caused quite a lot of damage. But this one hit here and the door frame is quite thick. It would have caused a lot of vibration and it squashed in the wood.

My understanding, that mark that we see on this image, is the mark next to the white sticker? This mark here. --- Yes, that is so, My Lady.

I will come back to it. I first take you then to 16, it is DCS0250.  
10 What is that? --- In the tests that I was required to wield the cricket bat against a duplicate door, that was my attempt to hit in the same place with the same force against the door. I struck that door quite hard, My Lady and the effect... it has a similar shape, it is on the edge of the frame but I did not have the strength to hit hard enough to cause the damage seen on this one.

Just to compare it again with the previous image, that is the door, in fact the real door? --- That is the original door and that is the test door.

And are those the similarities that you referred to? --- That is  
20 what I referred to, yes.

Image 2996, that is a photo, police photo 14 February 2013 at 11:07. --- This photo is shown because it was taken while the door was still in position, the original reconstruction and ...[intervenes]

But why? Do you know whose photo was this? --- I am informed that it was a certain Colonel Motha from Ballistics, but what is

important in this photo is that the beading around the bottom of the panel on the side, that is still intact. When the door is manufactured the frame is grooved and the panels are slid in and then the frame is assembled together. You do not have a loose beading which is then nailed in after you have placed the frame... the panel into a frame. So what happened is that if you break out a panel, the panel goes in at the top and bottom, something has to give. This is the inside of the toilet, the lower part. You can see that the beading on the inside at the bottom has not broken out. The beading at the top broke. The panel went  
10 inwards from the top down.

Anything about the wood splinters that I see on the inside of the door? --- Those are the exit wounds, sorry, the exit holes of the bullets and what is very clear is, if you have a look at the left hand side of each exit hole, there are largish wood splinters in an almost vertical pattern, whereas on the right hand side, where the probes are coming out, the wood splinters are not to easy... this photo is not too sharp, they are smaller and concentrated around the bullet hole.

It is image 2937. --- This shows you the view from the bathroom side towards the door. What you see inside is the inside of  
20 the toilet and you can see here how the beading on the front of the... the bottom of the top panel of the door, has actually been broken out whereas the beading at the back is still in place and you can see from its construction that it is made as one piece. So you actually physically have to break it out. This happened when the panel... the bigger panel, excuse me, My Lady, the bigger panel was actually pulled out.

Something had to give there.

Image 2979, that was also 14 February 2013 at 10:50. --- This image just shows various features. The tissue blood stain at the top, you can see ends at the crack. This narrower panel that has the two arrows on it and the tissue and the one bullet hole with the scale bar in, that was the panel that was knocked into the toilet most probably. The panel to the left which has the shoe prints on it, which were caused most probably by the plaster dust on the bathroom floor and then the smaller piece, the bevelled part of the bottom that was also broken out.

10 That is just to show the plaster underneath the middle central panel, you see at the bottom of that central panel, to the left of the scale bar, a whole lot of speckles, that is plaster dust. It is my understanding that when the panel hit the floor, there would have been some plaster underneath, or at some period. So it would have been face down.

Image 2980, that was 14 February 2013 at 10:50. --- Just a close up of the lower part there, showing the shoe prints on top of the bullet holes, which end at the edge of the panel. So the two panels were not together when the panel was walked on.

20 Whilst we are at this shoe print, in a preservation of a crime scene how would this come about, that you have shoe prints on a panel, a door panel? --- It could only happen if somebody walked on it, My Lady.

How does that fit in with the preservation of a crime scene? --- It is most unprofessional. When you get to a crime scene unless there is an urgent need to save a life, or to render an explosive device safe,

then there is no pressing need to walk on the crime scene and the person who is first there, has to secure it. If a photographer needs to go around before anything has been marked or moved, there is a lane which you sacrifice... you choose what is the least likely way of getting around the crime scene in order to minimise compromising it. Walking over panels, it is in my experience at crime scenes, it is unfortunate. People walk all over the place. But what it has done here is actually gone on top of the bullet hole. So any evidence that would have been sticking around the bullet holes, is compromised. I am not saying it is  
10 gone. I am not saying anything. It has just been compromised. It is not in the pristine position, or the pristine state which you would want to examine it.

Image 2967, also 14 February 2013 at 10:45. --- That is just a close up of the previous photograph showing the entrance hole of that bullet with the plaster dust shoe print over it, and what you can see on the left hand side where there should have been a little bit of wood splinters coming out, they appear to have been removed, most probably by the action of the shoe standing on it.

Image... the next image is DSC0283. --- This is the test door.  
20 Two shots [intervenes]

By? --- The shots were fired... Mr Wolmarans and myself, a few other people, the same door which was used for testing with the cricket bat blows, we then subsequent to that set it up in a shooting range, indoor shooting range to shoot holes and see what the effects of the Black Talon bullets were entering and exiting the door, at the same

angles as has been stated from position, to try and replicate the whole scene to reconstruct it.

The next one is DSC0291. --- That is the exit holes [intervenes]

Of the two shots in the previous photograph? --- That is the... this the back, the two... the previous one the two shots in the front. The previous one if you can go back to that, please? The bullets here are coming from the right hand side in a slight downward direction. Because of the wood grain when the bullet strikes the door panel, there is less force on the left hand side holding the bullet. So the force goes  
10 outwards, it is less constrained. That is the area of weakness, so that is why the wood is coming out there. If the bullet struck at 90 degrees you would not get that. That just shows the angle. Now at the back... if you remember the photograph that was shown with the door, with the four bullet holes, pointed out the splinters, here is exactly the same thing happening again. You get these large spiky wood splinters on the... as you are looking at the back of the door on your left hand side and as you are looking from the bathroom, it would be the right hand side. That is exactly the opposite effect that you had at the entrance. On the entrance the left hand side, the wood lifted. Here it is the exit, there is  
20 less force constraining the bullets so the wood... the pressure of the bullet going through makes it splinter outwards and it is almost like a vertical train. Then on the right hand side of each of those bullet holes, you see a cluster of much finer shorter wood splinters and that is caused by the bullet pushing ahead of it and if a bullet would go through the two different types of splinters would go in different directions.



DSC0291. What is that? --- It is 294, My Lady. When ballistics experts are testing the effects of an intermediate target in this case the door and the wood splinters are propelled forward and the bullet goes forward and any other shrapnel whatever, then these boards are used to determine the distribution of those splinters and in this case we wanted to see what was the distribution of the wood splinters coming out of the door. This was... this panel was approximately six centimetres from the door. We are looking at the back. So if you can imagine the previous image, when we looked at the back of the door  
10 and the splinters were coming outwards, we had the ones on the left hand side, the big splinters and the small ones around the bullet exit hole to the right. Here we see the bullet exit hole and then up to the left quadrant, we see a number of wood splinters which have actually penetrated through the board from the opposite side, from the door side. So if you looked at the other side, you would actually get a greater distribution. I looked at this so you can see which area the splinters are going. The small splinters which would accompany the bullet, are not big enough to cause those sort of punctures. So you do not witness them around the bullet exit hole.

20 What would be the relevance of the spread of the splinters be in this matter, in relation to the wounds sustained? --- Okay. Secondary missiles caused by the bullet going through the door, well depending on the property of the material the bullet goes through, you may or not get secondary projectiles. In this case we have wood splinters. Now wood is very light. This is Meranti it is very light. If you have very small

splinters they do not have enough energy to actually do much. They just go out and fall down. But if your splinter is big enough and bearing in mind it is a very irregular shape but the splinters on the left hand side were quite long and with sharp points some of them, they would have enough mass to travel a distance. The heavier the splinter, the further it would go. If the splinter did not get disturbed by the air, because it does not have a symmetrical shape, so if it had a flat surface the drag from the air would slow it down very quickly and also it would deflect the point, but what we are seeing here is the points of the sharp pieces of wood are actually... had sufficient energy at close range to penetrate another surface or target. So the distribution here is to determine in relation to a bullet trajectory, where you would expect to find wood, punctures, lacerations, evidence of wood hitting and that would be close. Why? Because the further away you go, the wood splinters lose their energy very quickly and they would fall... or they just hit a surface and fall down without causing bruising, or abrasion or puncturing.

10

Now in relation to the hip wound sustained in this matter, you looked at the photographs to look at the secondary marks caused by splintering? --- That I did, yes, My Lady.

20 And what did you infer from that? On the marks? --- What I saw was that after the deceased had been washed, around the entry wound... the hip entry wound, there were small looks like, appears to be small little abrasions or punctures. Small discolorations but not bruising. On the arm there was a patch of wood splinters and on the... at the waist level, there were a couple of larger splinters as recorded by

Professor Saayman. It is my interpretation that those wood splinters were caused by secondary projectiles, caused by the bullet going through the door at close proximity.

What would close proximity be? --- Well, the tests we did showed that the wood splinters which actually punctured the witness board, dropped off in amount very abruptly, so 20 centimetres from the door, there were very few. Bearing in mind that shooting a bullet through the door will never give you exactly the same results, because the structure of the door, the wood grain, variations in slight, angle and  
10 force, but you will get some large pieces and some small pieces. The distribution would depend on the structure of wood then. Some bigger pieces could actually travel further than 20 centimetres, maybe 60 centimetres, one does not know. The tests we conducted, we put our boards up to... I think it was 60 centimetres and then we got one, if I remember correctly one or so puncture. At six centimetres, lots. At 10 centimetres, still quite a lot, but not very many. At 20 it was almost a sharp drop in the number of projectiles which had enough energy to be retained by the witness board, My Lady.

Looking at the ...[intervened] --- Very close.

20 Looking at the right arm of the deceased in relation to the secondary marks caused, what did you infer from that? --- I inferred that the arm of the deceased was slightly above the bullet exit hole on the door, because you can see the pattern here goes up and to the left. If the deceased was standing close to the door and the bullet came through, because it is travelling at an angle, it is not coming straight on

and it hit her in the hip, it would be below the arm, if her arm was stretched out or leaning towards the door handle. So the bullet goes underneath, it would have a few wood splinters coming down there following the bullet, but also you would have this pattern of secondary projectiles, the wood splinters on the side of the arm closest to the door.

And the upper arm? We know there was a wound to the upper arm. --- Yes, the wound to the upper arm as recorded in the autopsy reports, shows that there are wood splinters around the entrance wound. There were also pieces of wood found on the fabric of the vest.

10           What does that indicate? --- My interpretation of that is that because there is wood, secondary projectiles on the entrance wound of the arm, that that arm was still close to the door, very close to the door, like the forearm part when the wound was inflicted.

I want to show you image 0147. That is a photograph taken by the police on 14 February 2014 at 05:42. --- That was on the ... My Lady those were the, what was mentioned as two contusions to the back and if my memory serves me, it was Professor Saayman indicated it was wound 4.9, paragraph 4.9 of his post mortem report. That post mortem was done the following morning when the body was showing  
20 large signs of [indistinct]. What we see in this photograph is not visible in subsequent photographs, due to moving and I would presume washing of the deceased. What you can see is the small contusion on the left hand side, it is the lower one on the back. You can see that the skin there has been slightly abraded, it is almost like white fibres.

My Lady, maybe just for the convenience of the court, we will

make copies of the photo. It will be in the bundle, it is just to assist you in looking at the [indistinct]

COURT: Yes.

MR ROUX: With reference to the photo, that is maybe a bit clearer on the contusion. Where is it? If you can point out on the screen? --- If one orientates the photograph 90° to the left, that will be in the vertical. So the left is bottom and the right hand side is top. That is the direction. What one can see was actually not what appears to be just two contusions, but there is a third one, a bruise. It is above the middle one.

10 It is to the right hand side, there is a darkened area. As Professor Saayman says those correspond to the tips of the spinal processes. That is the lumps of the vertebrae and my interpretation of that is a bruise. They are equidistant. The striations are clearly visible in the middle there. They are vertical or almost vertical striate. They actually look different in this early photograph to later photographs, when the condition of the skin had changed, because there is no lividity underneath to change the appearance. Colouration and darkness can make a big difference. My interpretation of the three contusions, bruises on the spinal processes there, in conjunction with the vertical  
20 striate in the middle, you can see the skin is slightly roughened, it has been abraded, similar to the marks on the door in the varnish, where it has been struck with force, it goes from shiny to dull, you abraded the surface. I interpret that as when the deceased actually fell against a hard object, a blunt object. Professor Saayman said in his testimony that something like a chair. The only thing like a chair in the toilet, is

actually the magazine rack and those marks are consistent with falling against a hard surface like that.

What is the direction of the contusion or the abrasion there? ---  
The direction here is from the bottom to the top. So if the blunt object was standing fixed, the deceased would have fallen down like this. So the narrower part of the contusion is at the bottom and the rounded part at the top where the striate reached the maximum abrasion there on top.

You also drew my attention to a further mark that we will deal  
10 with. My Lady, we do not want to show this on the screen for obvious reasons. Can you explain the photograph that you have in your presence now? --- My Lady, this photograph of the... from the rear of the deceased taken at the post mortem, the day after, shows the two small abrasions in the middle of the back. They have the scale bar next to them. The lividity I spoke of... now you can see the redness all around. That bruised area that you could see in the early photograph is not visible here. There was insufficient damage to the skin in my opinion for it to be permanent. What you do see however, is in the area of the... in the middle of the buttock on the inside of the right buttock,  
20 there is a vertical contusion, quite a severe contusion, blackened and then leading outwards towards the right hand... the outside of the buttock, is a bruise line. Okay, slightly curved. I read the autopsy report and according to Professor Saayman he could feel nothing inside which could have caused it. There were no objects or any other thing that would... he would notice that it was different and it is a contusion.

In my opinion the positioning of that bruise, it is a continuation of the three in the back there, it is a vertical line, that side. That is consistent with the deceased having fallen against the magazine rack hard and she had clothing on. So there is no contusion... no, well not visible at this stage. I do not know if there would be any, but there was a lot of tissue. So bruising... it would have squeezed... bruising would be far more pronounced than on a hard spot made little bit. So it would go in and the sideways projecting bruise, could be the edge, the horizontal edge of the magazine rack. If I can...

10 I hand over to you the magazine rack. I think My Lady, the first two... I think there was exhibit 1 and 2 the cricket bat, I know was numbered as ... it must be EXHIBIT 3. If it is not My Lady, I will revert to you and just correct that.

COURT: Yes. EXHIBIT 3.

MR ROUX: Exhibit 3 that is [intervenes]

COURT: The magazine rack.

MR ROUX: Thank you, My Lady. That is the original magazine rack.  
--- My Lady, the lower most contusions then could have been caused by this deceased falling against it. Here you have a vertical hard edge  
20 and here horizontal although I am not sure which edge, but it is a horizontal and it is slightly curved. I do not know whether that would influence the shape because... but it is consistent with two hard edges at angles to each other.

And the marks on the back, the three marks that you referred to? --- Again my interpretation in the process of falling down, striking

hard, hitting the floor, the back would then also hit the edge of the magazine rack. It is the only hard surface. If she did hit this with her buttocks, it would be between her and the wall.

Would that be consistent with the marks of the bruises from bottom to top? --- Yes.

The abrasions? --- In my opinion, it would.

Now at this point Captain Mangena's evidence was that when the deceased sustained the third and... or fourth shots, the third and fourth, she was in a seated position on the magazine rack, that a  
10 projectile entered the door, hit the tiles at E, ricocheted to F and then ricocheted against the back of the deceased in that seated position, to cause the two marks on the back. What do you say about that? --- If what I have observed the vertical striations and the bruises on the spinal processes on the back, the direction is correct. Then and if that was caused by ricochet, those three, because they are part of the same event, then it would have had to have been a smooth piece of bullet which is travelling upwards and hit the spine three times, and if you look at those wounds there is... the bottom one is the smallest, the middle one is the darkest yes, but it is middle sized. The top one, that bruise  
20 which is not fully developed, is the largest. Okay. To me that is consistent with sliding backwards like that.

Let us talk about the possibility of the correctness of Captain Mangena's evidence. How would the bullet have travelled in order to cause this? --- I do not know, My Lady. If it is one bullet that caused the two damage marks E and F on the wall, it would have come



in slightly at an angle, hit the wall, that one over there and then ricochet into... almost into the corner on that wall there and... I do not know. It would have had to have gone down and then up again.

It had to go down and then up to cause the three marks from bottom to top? --- I do not know exactly, if she was sitting on the magazine rack, exactly what height would have to be ...[intervened]

On his evidence, that she was sitting. --- Ja.

In a seated position. ---Ja, I cannot see it happening. I cannot see it happening. One mark, maybe, if the bullet bounced and hit there  
10 and bounced again, but to have that consistent thing, it would have had to have a lot more energy and when the bullet hit the wall, the tile of the wall the first time, okay, it was still in its jacket, because I analysed the mark and it contained copper in addition to lead. So the copper would come from the jacket, the lead would [indistinct] core, so it was reasonable intact. Yes, a largest piece of bullet. Then it hit directly on... because it hit at a... if this was the bullet coming in and that was the wall, it had to have hit something like that. Okay, that is the appearance of the mark. Then it would go forward and hit almost... I do not know how it is tumbling, but it hits the wall almost at 90 degrees and  
20 it caused a lot of damage to that tile and shattered it. This tile is commonly used in bathrooms. It is stone, it is travertine. It would take quite a lot of impact to hit that. For that bullet now to still have sufficient energy after hitting straight on, to go up and hit the back three times, just the [intervenes]

But must it not first come down and then go up again? --- I am

not sure exactly how far up or down it has to go, but just the trajectory of it and it would be going horizontally. It would not be going vertically. What I see on those marks is it is vertical, My Lady, up striations. It is upwards. I cannot explain how it could be a ricochet.

You see another further difficulty about what was found in the toilet bowl? --- Excuse me, My Lady?

Do you know about the projectile that was found in the toilet bowl? --- Yes. A bullet core was retrieved from the toilet bowl after the initial crime scene by Mr Wolmarans I understand. The size of that  
10 bullet core is inconsistent with having come from one of the bullets which actually went into the body. The hip was an entrance wound with no exit wound. According to Professor Saayman it totally disintegrated. He looked at it on a Fluoroscope and there was only small little pieces. So that bullet has got out. The bullet that went into the arm and then exited the arm and pieces of jacket which were left, made the three abrasion wounds pointed out that Professor Botha spoke about, those irregular black, one large and two small. That would have fallen forward because unless she was facing towards the wall, which is unlikely, because the bullet came in here. So those would have... any extra  
20 piece coming out, would have fallen on the floor in front. So that excludes two bullets. The bullet wound to the head, to the best of my knowledge the pieces extracted from the head was insufficient... there was too much... the bits and pieces to account for a piece of core taken from the toilet which... I am not sure of its exact weight, but it was something like 69 grams. If you add up the bits and pieces, it cannot as

far as I understand, you cannot reconstruct the bullet from the head. So this was the fourth bullet which did not cause one of those three major wounds. They had hit the wall, ricocheted on to the wall again, and then from my interpretation, because a core was found in the toilet bowl, it had to just go backwards into the toilet bowl. Then if that happened, then I do not know where another piece of bullet would come from which was sufficient sized and also smooth enough not to damage the skin as the pieces of jacket damaged the skin on the chest of the deceased. I cannot... I cannot conceive of a scenario where that was

10 caused by ricochet.

You mean that being? --- The marks on the back.

I see that it is three o'clock, My Lady.

COURT: It is three o'clock. We will adjourn until tomorrow at 09:30 in the morning.

MATTER POSTPONED TO 16 APRIL 2014

COURT ADJOURNS

[15:01]

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