

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION PRETORIA

CASE NO: CC113-2013

DATE: 2014-04-14

In the matter between

THE STATE

and

OSCAR LEONARD CARL PISTORIUS

Accused

BEFORE: THE HONOURABLE MS JUSTICE MASIPA

ASSESSORS:

ADV J HENZEN DU TOIT
ADV T MAZIBUKO

ON BEHALF OF THE STATE:

ADV GERRIE C NEL
ADV ANDREA JOHNSON

ON BEHALF OF THE DEFENCE:

ADV BARRY ROUX SC
ADV KENNY OLDWAGE

INTERPRETERS:

MS F HENDRICKS

VOLUME 21

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PROCEEDINGS RESUME ON 14 APRIL 2014

[09:33]

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

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

COURT: Yes, Mr Nel?

CROSS-EXAMINATION BY MR NEL (Continued): May it please the court. Mr Pistorius, my argument will be and that what the cross-examination will focus on today is that your version is so improbable that it cannot be reasonably possibly true. I am going further, Mr Pistorius, I am saying that your version of events is in fact untrue. Then,
10 before we start, Mr Pistorius, I say that you have a concocted version, which you have tailored to fit the state's case and you are tailoring your version as you are sitting there. Do you understand what I am saying, Mr Pistorius? --- I do, M'Lady.

Good, then, Mr Pistorius, I have heard and I wonder if you can confirm, that Reeva was a very neat person? Do you? Can you? --- M'Lady, she was neat in some senses. Her car was a mess, but her room was always very well kept.

And her clothes, she would pack away and fold up. --- I never went into her cupboard, M'Lady.

20 If one thinks of the scene, her clothes, undergarments and other clothes are all in the overnight bag. There is nothing that you could see on the photographs. Am I right? --- I only, I have only seen the photographs, M'Lady.

COURT: Your voice is very soft. Can you just pick it up? --- I beg your pardon, M'Lady. From the photos I have seen, her clothes were

very nicely packed in her bag, M'Lady. Everything was very neat.

MR NEL: The only thing out of place, Mr Pistorius, is the pair of jeans.

--- That is correct, M'Lady.

Why would that be? Do you know? --- I do not, M'Lady.

You see, Mr Pistorius, everything else, undergarments, other clothes are all in the overnight bag. The only thing outside of that overnight bag is her jeans. You do not have an idea why? --- I do not, M'Lady. My refer... the only thing I can think of is that she wore the jeans that day and maybe the thing in her overnight bag were clean
10 clothes. I am not sure.

We are speculating, but I mean, there is nothing else but the, but the jeans. No, no top, only the jeans one can see. Am I right? --- And her slops, M'Lady. You can see her slops on the floor.

But those are also neatly next to each other, next to the beg, on the left hand side. --- There is two photos of the slops, M'Lord, and they are in different positions on both the photos, so... but in both photos they are neat and then later on there was another photo where they have been moved a third time but it was because her bag had been placed there, I think.

20 Sir, I have missed it. I could not hear you. You think of what have been placed there? --- There was the photo later in the morning, M'Lady, where they had placed Reeve's overnight bag on the floor and then the slops had been moved.

Now... but, on the photographs we see her slops, as you call it, those were neatly next to the left hand side of the beg. --- They were

between the bed and the sofa, M'Lady.

On the left hand side. That is the issue, Mr Pistorius. --- That is correct, M'Lady.

You said that she, she slept there the previous night as well. --- I did not say that, M'Lady.

So did she not sleep there the night before? --- No, M'Lady.

No. --- I said she slept at my house but not on the left hand side of the bed, M'Lady.

Where did she sleep? --- In my bed, on the right hand side,
10 M'Lady.

Okay, but she stayed the night at your house, the night before this incident. That we can accept. --- That is correct, M'Lady.

Knowing that you sleep on the left and she would sleep on the right. --- That is correct, M'Lady.

Why would her slops be on the left hand side? --- I beg your pardon, My Lady, can Mr Nel just repeat his previous question?

She knew that she would be sleeping on the right hand side and you on the left hand side because that is what happened the previous night. Am I right? --- That is correct, M'Lady.

20 Now why would her slops be on the left hand side? --- Because the bed is not in the middle of the room, M'Lady, the bed is... if you look at the bed, it is far towards the right of the room and on the right hand side, there is not much space, there is already items against the cur-... well hear the curtains, between the bed but on the other side, there is a sofa and there is an ottoman and Reeva had always put her overnight

things on the sofa there. So she would always put her things down if she stayed over at my house on that sofa.

Always would mean, she sleeps on the left. This was an exception. Always cannot work here. This was an exception. --- When I ...[intervenes]

So always cannot work. --- We are not talking about on which side of the bed. We are talking about where she placed her things, M'Lady. That is my understanding ...[intervenes]

10 Always... always she would sleep on the left hand side of the bed. This one night was, two nights were exceptions. --- She... [intervenes]

COURT: I do not think that is what the witness is saying. --- That is not what I am saying, M'Lady.

MR NEL: Now ...[intervenes]

COURT: Just hold on. There was a flashlight, a flashlight, what happened here? Did I imagine that there was a flashlight? Let us proceed.

MR NEL: As the court pleases. Now let us take you through it. Usually when she would sleep there, she would sleep on the left hand
20 side of the bed. ---- That is correct, M'Lady.

On the night before and on this particular night, those were two exceptions because she slept on the right hand side of the bed. --- Those were exceptions. There may have been other instances. I have been struggling with my shoulder, with my shoulder for a couple of weeks and when I slept over at Reeva's house, I would sleep on the left

hand side of the bed as well, M'Lady.

Now, Mr Pistorius, she would use the slops for when she would get up from bed. Am I right? --- I am not sure, M'Lady.

Have you not seen her use the slops before? --- I have seen her use the slops before, M'Lady.

And when? --- When she would walk around downstairs and... I do not have any independent recollection of her using the slops but I know that she would use them around as she was walking downstairs and the tiles of the house, the tiles were probably cold, so I can... from
10 that... it is possible that she would have worn the slops around. I do not remember her wearing the slops that day but I am sure she would have.

Mr Pistorius, is the reason not that she wanted to leave and wanted to get dressed, that is why the denim is, the jeans are out of place? She wanted to leave and get dressed. --- M'Lady, the denims are inside out, so it would make sense that that is when she took them off, she just left them on the floor.

But why would she leave them on the floor if everything else that she had on, everything else is in the overnight bag? Why would she leave that particular jeans outside? --- I do not know, M'Lady.

20 Where were they when you got into bed? --- I do not remember, M'Lady.

Now I am saying and it is the state's case, Mr Pistorius, that she wanted to leave and that you were not sleeping, you were both awake. --- That is not correct, M'Lady, it is untrue.

And that there was an argument. --- That is not true, M'Lady.

Before we go there, do you have an explanation for the stomach content of the deceased? --- I do not, M'Lady.

Say again? --- I do not, M'Lady.

That is, as far as your case is concerned, devastating for your version that eight hours after she has eaten, when she was killed, there was still that amount of food in her stomach. How do, how do you explain it because you have to? --- I do not know how to explain it, M'Lady. Mister, Professor Botha came and testified and his evidence is not taken into account with what is being put to me now, M'Lady. So I
10 do not, I do not have an explanation for it, so I cannot comment on it.

Ja, but you see, I really, I am going to pressure for an explanation because both Professor Botha conceded that six hours, people would expect the stomach content to be clear six hours after somebody has eaten. Now we are talking eight and I want to know from you, why? --- I do not know, M'Lady.

I am putting it to you that she must have eaten within two hours of her death. --- I cannot comment on that My Lady. That is... We had dinner just after seven o'clock that evening, the night before.

Now have you, have you consulted with other experts in this
20 regard? --- No, I have not, M'Lady.

Not at all? --- No, M'Lady.

Now what is a further aspect, Mr Pistorius, is that Ms Van der Merwe heard a woman talk from about two o'clock that morning. You have heard her evidence? --- I have, M'Lady. She did say that.

Now that fits in with... it is possible that that fits in with Reeve

eating. Did you eat? --- No, we did not eat, M'Lady.

But then it is impossible, Mr Pistorius, that the gastric content could be what we see in the post mortem. It cannot ...[intervenes]

MR ROUX: I think M'Lady, with respect, impossible is the wrong word. We would not expect that that was the evidence. He said you cannot be dogmatic about it, you will not expect it, not impossible.

MR NEL: I will put it differently. All the references to works, medical works and both very experienced pathologists said that one would expect the stomach content to be empty after six hours. You have
10 heard that, Mr Pistorius? --- I have, M'Lady.

Now why would, in this particular instance, that not be so? Why would there be still food in her stomach? --- I am not sure, M'Lady.

Because you were awake. There can be no other explanation. -
-- M'Lady, I do not think me being awake has anything to do with Reeva's stomach contents. I... if I was not... if I do not know, then I do not know. If she ate again, I do not know if ...[intervenes]

Okay. --- What I am saying is, we ate dinner just after seven o'clock. I... it has nothing to do with me being awake ...[intervenes]

Let us... --- Ms Van der Merwe says she heard a woman talking.
20 She did not say she heard a man and a woman talking, so I do not know, M'Lady.

You see, and I am going to mention it every time today, you are arguing the case, you are arguing what Van der Merwe said and being argumentative, Mr Pistorius, is not good for your credibility. Will you accept that? --- Yes, M'Lady.

So, please, answer the questions. You are not doing yourself any favours. Do you understand that? --- I was finishing my previous answer, M'Lady. I was not arguing a point, but I am sorry if that is the way it came across.

Now, let us test what you just said. You said: 'I was sleeping. I...'. Did you say: 'I was sleeping. Reevea could have eaten'? --- It is a possibility, M'Lady, I was sleeping, I did not... if that is the evidence that has been given, I do not... when we ate, we ate after seven. I do not know of any other time that Reevea ate, so...

10 But you know that the answer you just gave is impossible. It is a tailoring of evidence, that she could have eaten because that is impossible, you know that, it is not? --- M'Lady, I cannot comment because the only thing I know is that we ate dinner after seven o'clock. It would have suited me to tailor ...[intervenes]

COURT: Your voice is very soft again. --- I am very sorry, M'Lady. I have heard the evidence that has been given, M'Lady, but we ate dinner after seven. It does not suit my version. If I wanted to tailor the evidence, I would not stick with what I said, that the... that we ate after seven o'clock, but that is when we ate, M'Lady.

20 Mr Pistorius, let us deal with the question. The question is: I put to you, you know that it is impossible for her to have eaten after you went to bed that night, on your version. Am I right? --- I was sleeping, M'Lady. I do not think Reevea went down again to eat. I think it is highly improbable that she did.

It is in fact impossible, on your version. Do you want to deal

with that? Not improbable, impossible. --- I do not want to argue the point, M'Lady.

I want to Mr Pistorius, because the alarm would have been triggered. --- If the... if Reeva had switched off the alarm and went down to eat and came upstairs, I do not know, M'Lady, I was sleeping. I do not think she went down. As I said, I do not... we ate after seven o'clock and that is the last time that I think ...[intervenes]

Mr Pistorius, this particular point, I put to you, it is devastating for your version because it cannot, it is an objective set of facts and it cannot fit into your version. What do you want to say to that? --- I would agree with Mr Nel, M'Lady. I did not think... I do not see how Reeva possibly could have eaten after seven o'clock. We are just talking now about the possibilities. When I ate, we ate together and we ate just after seven and we ate for about 20 minutes, half an hour, so I am sure dinner would have been finished long before eight o'clock in the evening. I do not have an explanation for the questions he is putting to me.

Then, Mister... we will get more of those instances where you cannot explain. Now I want to deal with something that happened when I dealt with the fan. I will not rehash all the fan evidence, but it is important to just put to you or ask you, let me rather ask you. On your version of the events, Colonel Van Rensburg were, let me put it the best way possible, of the first people that went upstairs. Am I right? --- I do not remember who went upstairs first, M'Lady. I remember, as I said, I think one of the police officers asked if there was anybody in the home.

I remember him going upstairs. He was in civilian clothing. I remember Mr Hilton Botha going up twice. I do not remember who was upstairs at the same time, which police officers, which ones went into the room at the same time or if they were at different part of the first floor. So I would be unable to say who went up first. Mr Van Rensburg was one of the first officers that was there, but I do not have... I am not sure in which order he went up.

But what you... would it then not be possible for you to deny his evidence, that he went up first? You cannot deny that. That is his
10 evidence. --- I remember the civilian dressed policeman going up the house first, M'Lady, after he asked me if Mister... I was crying at the time. I do not remember. It is possible that Mister, Colonel Van Rensburg went up first. I was... what I saw was that this police officer in the civilian clothing went up first, M'Lady.

Then let us just deal with the question. Can you deny Colonel Van Rensburg's evidence? It is an easy question. Can you deny Colonel Van Rensburg's evidence that he went up first? --- I do not know. I can neither confirm nor deny, M'Lady.

No, I am not asking if you can confirm. Can you deny? Is he
20 lying? --- No, I cannot deny it, M'Lady.

Why must, why must I repeat this kind, this question. Do you not want him to be first? --- Well if I confirm his evidence, M'Lady, that means I confirm the fact that he is going up first, but I cannot do that if I cannot remember it.

Now ...[intervenes] --- So I cannot confirm his evidence, I can

take it into consideration, but I cannot confirm his evidence. I do not know.

Now can you deny, and I will show you in the record, if you do, his evidence that his focus was, inter alia, he mentioned aspects that he focussed on but, inter alia, it has been on the fan and the position of the triangular fan, tripod fan? Can you deny that? --- No, I cannot deny that, M'Lady. I was not there.

Even during cross-examination he was asked where his focus was and he said that, inter alia, his focus was on the fan in front of the
10 door. You cannot deny that. --- I cannot deny that, M'Lady. I do not know what Mr Van Rensburg, Colonel Van Rensburg's focus was.

There was. it went further. M'Lady, may I just request photograph album. The photograph was shown by Mr Roux. M'Lady, it is page 870 of the record. You do not have to page through that. If you do not mind, you are welcome to, but I do not think it is in the album, Mr Pistorius. M'Lady, it may take just a minute. M'Lady, I will carry on with something until we find it. Mr Pistorius, I have to put to you that at page 829 of the record, and I will send a record across to you, at the... from about line 22:

20 "The main bedroom, the main focus as we stop there because we did not know where we are going to find next, so we first stopped in the main bedroom. Now when I entered there, I observed what is happening in the main bedroom, what we saw in the main bedroom..."

And then it carries on at the bottom of 830, from line 20:

“What did you see about the fan? The fan, the fan I am talking about, the metallic one, the stainless steel one, if I can say it like that, the stainless steel, it was standing in front of the door and then the curtains was open.

Do you see that, sir? --- Yes, I do, M'Lady.

Now would you, whilst you have that record with you, 888, 888.

--- M'Lady, Mr Van Rensburg, if I may say ...[intervenes]

10 Ja? --- He does not say that he went up. He said that, in plural: we went up, and he says the curtains were open, not the curtain.

Good, you have got... you picked that up, that is good. It is on the record. Will you now mind, will you not mind paging to 888? Now he is under cross-examination from line 4: What did you focus on there? I am on...

20 “What did you focus on there? As I previously indicated, M'Lady, when I entered there, I noticed the watches. The box with the watches, eight watches on there.. That is the one thing that I noticed. The next thing that I noticed was the trousers lying in front and then the blood stained duvet that was lying there, the fan that was standing there and the curtains that was open, as well as the door. That was my focus.”

Now my question to you. No, let me just deal with... We have photograph 856. Now photograph 856 was shown to Colonel, Colonel

Van Rensburg. At page 870, M'Lady, and fro about line 18, it was put to him:

“That would accord with what you saw on the day.
No, it did not accord with what I saw. What is different? The fan was not standing there. It was standing in front of the door, it was standing in front of the door, in front of the door, it was standing more right. You do not know who moved it there? No, I do not know.”

10 But you see Mr Pistorius ...[intervenes]

COURT: Just one minute. I am just... Is this the photograph we are supposed to be looking at?

MR NEL: Yes, M'Lady.

COURT: Is that the one?

MR NEL: That is it. That was what was showed, 856, M'Lady.

COURT: You have not dealt with it yet?

MR NEL: I have not dealt with that.

COURT: Oh.

20 MR NEL: It happened in cross-examination of Colonel Van Rensburg, M'Lady. It was shown to Colonel Van Rensburg during cross-examination by Mr Roux.

COURT: Oh, okay.

MR NEL: Now, Mr Pistorius, my question is, why would Colonel Van Rensburg not have been tasked with the fact that that fan was in fact standing right in front of the bed and not at the door? --- I am sorry,

M'Lady, I do not follow the question. Who would have tasked him with it?

Mr Roux. Why would he not have put it to him, that it is not only to the right, it is right in front of the bed? --- I think if you look at this photo, what Mr Nel means to say is, it is to the left, M'Lady, and I think if you look in the context in which it was asked, Mr Roux posed a question to Colonel Van Rensburg to make sure that he knew what he saw on the morning. I think that was the context in which this was asked.

Yes, you are right, but why, why did Mr Roux not put it where
10 you now said it should be? Why did he not put that to Van Rensburg? -
-- Because that is not what this photo dictates, M'Lady.

I have indicated three issues. I read three. Do not be fixated on what is on the screen. I went through three things, Mr Pistorius, where he focussed and where he said the fan was. Why, during all that time, did Mr Roux not put that fan in front of the bed to where you say it was? Why? --- I am not sure M'Lady.

No, it is because it is not your version. It was never your version. It is a tailored version during cross-examination. --- That is not true, M'Lady.

20 It was not your version where you put the fans exactly during your evidence-in-chief. That we know. --- I do not remember, M'Lady, I ...[intervenes]

You said during evidence-in-chief, exactly where you took hold of it, exactly where you put your hand and how you brought it in. You never said you took it and put it right in front of the bed. You never said

that in-chief, it was never put during cross-examination, why? ---

Because I never put the fan right in front of the bed, M'Lady.

You did. No, but we know where you put it, you put it where the duvet is ...[intervenes] --- That is not... That is not right in front of the bed, M'Lady.

Well, then, then forgive me with that, but then deal with that. Why did you... why was that point never indicated to Van Rensburg? --- I am not sure, M'Lady ...[intervenes]

That is the issue, not anything else, why? --- I am not sure,
10 M'Lady.

No, you know, the only reason, and that will be my argument, and I am giving you an opportunity, the only reason is because it was never your version before cross-examination started. --- That is not true, M'Lady.

Mr Roux would not have done it because of the position of the duvet that was there. Is that not so? --- I am not sure M'Lady.

You see, today I pick up that you are not sure about things. Is there anything wrong? --- No, M'Lady.

Okay, I just wanted to know. So you are fine? --- That is
20 correct, M'Lady.

Now let us deal with the blue light. The only bit of light in the pitch dark room, was a blue LED. --- That is correct, M'Lady.

In the on/off switch of the amplifier. --- That is correct, M'Lady.

Nothing else. --- There is a tiny, tiny blue LED light on the light switch but it does not, it does not, it barely eliminates any light, M'Lady.

Now you wanted to pick the jeans up to cover only that particular blue light. --- That is correct, M'Lady.

You know what it means if that blue light is on in the on/off switches? --- I do not, M'Lady.

Do you not? --- No, I do not, M'Lady.

It means the amplifier is on, is that not so? --- I do not know, M'Lady. I think ...[intervenes]

I will show you. --- I think the light can be on if it is on or off. I am not sure.

10 Let... I just want to ask you, if it is off, would it not be red and when it is on blue? --- I do not remember that light ever being red, M'Lady.

But one thing I will show you is that the amplifier was on. --- I do not remember if the amplifier was on or off, M'Lady.

So there were other lights there, on that amplifier. --- I do not, I do not know if the amplifier was on or off, M'Lady. I remember the blue light on the button that I wanted to cover.

Now, firstly, before we go there, the blue light being on, it came out first in your evidence-in-chief. It was not in your bail application or
20 in your plea explanation. Am I right? --- That sounds correct, M'Lady.

And the fact that the blue light was never put to either Van Rensburg and/or Van Staden, the photographer. Am I right? --- That sounds correct, M'Lady.

Now if we can just have photograph 61, please? Do you recognise that that is your amplifier? --- That is correct, M'Lady.

Before we... that cord on the amplifier, what is that? --- It is a cell phone charger, M'Lady.

A cell phone charger. Okay. And it is for an iPhone or for what is that? --- It is an Apple charger, M'Lady, so it could be used for an iPhone or an iPad or ...[intervened]

Did you use it that night? --- I cannot remember, M'Lady.

If you did, would you have remembered? --- If I remembered, I would have said I remembered, M'Lady.

Now let us just zoom into the face of the amplifier. Do you see
10 there? Do you see all the lights there? --- I do, M'Lady.

That did not bother you? --- No, M'Lady.

You cannot even remember it. --- I cannot, M'Lady.

Why would the little blue light on the left bother you but not the rest? --- Because it is a lot brighter than the other lights, M'Lady.

But the other lights are so much more. Look at that. --- M'Lady, this photo is taken in the day. I do not know how you can possibly...

There is another blue light. Can you see the other blue light? --
- I can, M'Lady.

M'Lady, may I asked that it just be identified? So that is, that is
20 another blue light. That did not bother you? --- No, M'Lady, the LED light, that whole panel there is a display panel but the light inside the switch on the far left was the light that, that bothered me, M'Lady.

But you said the light bothered you before. Am I right? --- That is correct, M'Lady.

You did not think of just switching it off. --- I am not sure if the

light goes off.

Did you try it or did you... did you try it, try and switch it off? ---

I do not remember, M'Lady. I ...[intervenes]

Why would you not? If the light bothers you before, so much so that you have to cover it before you go to sleep, why did you not try and switch if off? --- I possibly did try to switch if off, M'Lady.

But tell us then, did you? --- I do not remember, M'Lady.

But that is what I am saying, you would have remembered. If you did you would have remembered. --- M'Lady, if I did, I am not even
10 saying that the light may have gone off if I switch the amp of. It is the power light, so I am not sure, even if I did switch it off, there would have been a reason for me trying to cover it, so if the button was pushed off, if the amp was pushed, if the button was pushed and the amp switched off, I do not think the light would have gone off either way. I think the light is there to indicate that that is the power source of the amp.

That is what you think. You never tested it. --- I ...[intervenes]

It bothered you, you, Mr Pistorius: 'It bothered me but I never tested it'. Am I right? --- I did not say that, M'Lady. I said: 'I do not remember'.

20 But what, what would be wrong with your memory, if you did? Why would we have a memory lapse about testing the amplifier's light? --- I did not test the amplifier's lights. There is no memory ...[intervenes]

You cannot remember. You cannot remember if you did. Why... I am asking you something different. Why would you not remember

that? Why do you have a memory loss as far as that is concerned? ---
I remember picking up the jeans, M'Lady, and wanting to cover the light.
That is what I remember.

You have to explain, you have to, Mr Pistorius, create time. You
have to, on your version, build in a time gap for Reeva to get to the
bathroom. That is why you invented what you are doing now. Is that
not so? --- That is incorrect, M'Lady.

It must be because otherwise that whole amplifier would have
bothered you, not only one blue light. You did not know it was on,
10 therefore you focused on the little blue light. --- M'Lady, if I wanted to
create time, the State has been trying to create time in their evidence.
In Samantha Taylor's statement she says, she writes there it took four
minutes for me to put my legs on. I put my legs on here in court. It took
half a minute. I am not trying to buy time. I can simply say it as it was,
whether I tried to put the button on or off or picked up a pair of jeans, it
takes more or less the same time. I am not... it has got nothing to do
with time.

No, you see, Mr Pistorius, it is all these small things because if
we go up one, you will see that the, not only is the amplifier on, the disc
20 player is also on. Can you see that? --- I cannot see the disc player
on, M'Lady. The LE ...[intervenes]

What is... is there any writing on it, in the face of it? Would that
be there if it is on or not? --- M'Lady, there is a LED panel to the right
of the amplifier. There is no words on there, so I cannot say that it is on.
It looks off to me.

What... if it, if it... let us zoom in. What is the LED... what is the LED you are referring to? Is that light on? Is it on or off? --- It is off, M'Lady.

What... and if you go a bit to the left, where there is green, what is that? --- I do not see any green, M'Lady.

What do you see there, where the circle is? Do you see nothing? --- Where the circle is, I see the piece that opens, it says 'DVD' on it.

Yes. --- That is printed on a piece of plastic, M'Lady, with ink
10 ...[intervenes]

Are you saying that it is printed, It is not part of an LED? --- That is what I am saying, M'Lady.

And to the left? --- To the left is a control panel, M'Lady, with a USB port and buttons. It looks like ...[intervenes]

And there was no lights on there? --- There is no lights on anywhere, M'Lady.

And your TV also had a red light? --- I do not remember. It possibly did, M'Lady.

But we will... I will show you, I just have to get the photograph.
20 M'Lady, it will just take me a minute. I am sure I made a note, M'Lady, but I cannot find my note. I apologise, M'Lady, we will get there. It will take half a minute. M'Lady, it is slowly kicking in. It starts at one of the screens and then it will run through the system. We have switched it off. I will not take long, M'Lady, I apologise. Usually when one wants something, then it is slow, I apologise. Mr Pistorius, whilst we are doing

that, can you not... you do not have an independent memory of a red light in your TV? --- I think there is a red light, M'Lady, on the bottom right hand side of the TV, but it is not a very bright light.

Okay, that we have, so that was also on. That did not bother you. --- I do not remember that light, M'Lady.

And there, where the circle is now? --- That is the light I was thinking of, M'Lady, in the middle of the TV.

That did not bother you? --- No, M'Lady.

And that was not illuminating anything? --- It was illuminating,
10 but it did not bother, I did not even notice it, M'Lady.

I see. Now from, from where you picked up... before we go from where you picked up, there is one other aspect that I want to deal with and that deals with photograph 68.

COURT: It is photograph?

MR NEL: 68, M'Lady,.

COURT: 68.

MR NEL: I will... let me pass it on to you. M'Lady, I have just been informed, perhaps I did not identify the previous photograph. The previous photograph where the TV was shown, that was photograph 60,
20 M'Lady.

COURT: Thank you.

MR NEL: I want Mr Van Staden to zoom into the duvet, on the right hand side of the duvet, just there in front of where the jeans are. Ja, more, more. Go down, go down. Go down more and zoom in. Let us see if we can find blood spatter there. Does that look like blood spatter

to you? --- Yes, M'Lady.

Now if we follow that blood spatter down towards the denim, a bit more to the left and next to the denim, we will find blood spatter on the carpet as well, can you see it there? --- I can, M'Lady.

If we even go further down and we follow the angle of the denim, we find more blood spatter, which we will point out. Can you see that? --- That is correct, M'Lady.

Now, and if we then go to the bigger photograph where one can see the hear smear, 67, and you take that into account, my argument
10 would be that that blood spatter, on the duvet and on the carpet, was caused when you carried the deceased past that area. What are you saying about that? --- I understand that, M'Lady.

But on your version, it cannot be. --- On my version, M'Lady, I went to go and get my phones next to my bed. There was also blood spatter on the wall next to the bed where I went to go get my phones that were on the left hand side of the bed, so it is possible that the duvet could have got blood on it at that point as well, M'Lady.

You went to the left hand side, you never past the duvet. One can follow, one can follow the line of the spatter, Mr Pistorius. --- If the
20 duvet was on, if the duvet was on the bed, I would have past the bed and I was next to the bed, M'Lady.

I though you would say that. There is no blood spatter on the bed. Your ...[intervenes] --- There is blood spatter on the wall, next to the bed, M'Lady. That is what I said.

Up high, there is no blood spatter on the bed, Mr Pistorius. Just

listen to me, do not argue with me, listen to me. There is no blood spatter on the bed. Your counsel would have pointed it out. There is nothing. --- I agree with that, M'Lady.

But then it is impossible, Mr Pistorius, and do you not now want to tell the court that the duvet was there because everything points to that? --- M'Lady, if the duvet was on the bed, there would not be blood spatter on the bed. It would be on the duvet.

No, Mr Pistorius, there would be some blood spatter leading to it. It was not covered or do you now want to say that it was covered, the
10 duvet was nicely folded open? --- No, that is not what I say, M'Lady,.

Now then deal with the question. Do not... Mr Pistorius, we have now indicated to you that, in all poss-... in all probability, the jeans are on top of the duvet. We have pointed out, very convincing, blood spatter on the carpet and on the duvet, that one can link. We have pointed out that Colonel Van Rensburg was never cross-examined about the position of the fans. Do you not want to admit, Mr Pistorius, that at least you made a mistake, that that duvet was on the floor? --- I do not remember the duvet being on the floor, M'Lady.

You remember it in fact not being on the floor. --- That is
20 correct, M'Lady.

So why are you saying: I do not remember it being on the floor? That is not, that is a nonsensical answer, because that is not your version. Why did you say that? --- It is my version, M'Lady, that I do not remember the duvet being on the floor.

That is not your version. Your version is: I remember the duvet

being on the bed. That is your version. --- Which means it could not have been on the floor, M'Lady.

You see ...[intervenes] --- And if the blood is on the one corner of the duvet, which were being indicated and shown, M'Lady, then it could have easily been that corner that was on the bed, where the rest of the blood spatter is. There is a lot of blood spatter in the room.

Okay, let us, let us... you see, Mr Pistorius, as you argue, I just get more questions, because what in fact you are now saying is, a policeman must have been so clever, to put the duvet down where the
10 corner was, where the blood... Is there something wrong with you, Mr Pistorius? --- My eyes are sore, M'Lady.

Now is.. does it have an effect on your, on you giving evidence that your eyes are sore? --- No, M'Lady.

Why are you touching your eyes now? Did it, did it get sore now or was it sore when you got here?

COURT: Mr Nel, I happened to be watching the witness a few minutes, well, maybe about 10 minutes ago, he was touching his eyes.

MR NEL: As the court pleases.

COURT: Yes, I am aware of that.

20 MR NEL: I did not see that, M'Lady, but if the court saw it, I will not take it further.

COURT: I am aware of that.

MR NEL: Mr Pistorius, we must now look at the probability. A policeman, either by design or luck, put a duvet down on the floor, with that particular corner, in line with the blood spatter on the carpet. Is that

what you are saying is possible? --- No, M'Lady.

You must because that is what I pointed out to you, that your version is not possible. Do you not want to at least concede this? --- M'Lady, that is... if the police officer placed it there or it was by luck, it has nothing to do with my version. It was unlucky that many of the things were in the way that they were because they have changed so often in the various photos, so I cannot agree with the comment. It is not about conceding.

As I said, Mr Pistorius, from the start, I am going to point out to
10 you how improbable your version is, how you are tailoring your evidence and that it is not true. There is another aspect. When you armed yourself and you spoke to Reeve, what did, what did you say? --- I told her to get down and to phone the police, M'Lady.

In what way did you say it? --- In a low tone, M'Lady.

In a low tone. You definitely did not whisper. --- No, I remember saying it in a low tone, M'Lady.

Mr Pistorius, remember... listen to my question, I know what you want to say. Every time you do that, Mr Pistorius, it effects your credibility, please. Did you whisper? --- I did not whisper, M'Lady.

20 If somebody would say that you whispered, that person would be lying. Am I right? --- That is right, M'Lady.

Do you know who that person is, because somebody said it? --- No, M'Lady.

It is you. You said it. You said: 'I whispered to Reeve'. --- I remember saying I said it in a low tone, M'Lady.

You see, and it is not during cross-examination, it is evidence-in-chief, page 1471. --- Then I made a mistaken, M'Lady. I remember talking in a low tone to Reevea.

I will point it out to you first before we go to mistakes.

COURT: What page is that?

MR NEL: 1471, M'Lady.

COURT: Thank you.

MR NEL: At line... we will, I will pass it over to you now, Mr Pistorius.

At line 20, Mr Pistorius, do you have it now?

10 "If I may..." and there was an intervention:

"Just as I, just as I left my bed, I whispered for
Reevea to get down and phone the police."

Now that is your evidence-in-chief. Now why would, why are you trying to steer away from a whisper? --- I am not trying to steer away from a whisper, M'Lady. I have said before that I remember talking in a low tone and this morning, when asked this question, I said I think I spoke to her in a low tone. So if I said I whispered there, it was not a whisper, it was a low tone in which I spoke to her.

20 Now, we dealt with this, we dealt with this on... I must just see what the record says, on the 11th, that was Friday, we dealt with this on Friday, at page 1741, where you said at line 3:

"You never whispered..."

Oh, sorry, will you get there? M'Lady, I apologise, I do not think the court has a hard copy of the record yet.

COURT: Well, we leave it behind. There is no space.

MR NEL: As the court pleases, but I will read it and I am sure everybody would follow it and if it later becomes an issue, we can deal with that, if that is fine.

COURT: Yes.

MR NEL: Do you have it, Mr Pistorius? --- I do, M'Lady.

Line 3:

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

Sir, but you did not whisper? --- No, M'Lady, I did not whisper."

Now, you were as convincing Friday, as today that you did not whisper, but yet, in your evidence-in-chief, you whispered. --- I understand that, M'Lady.

I just wonder why you want to steer away from a whisper? --- I do not want to steer away from a whisper. A whisper would suit me better, M'Lady.

20 That would not suit you better. You cannot keep on with that answer. --- It ...[intervenes]

A whisper, you would not know if she heard because it is very soft. Am I right? One would expect a response to whisper ...[intervenes] --- If it is...

Low tone is hard enough for her to hear. A whisper, I do not know if she heard. Is that not a possibility? --- M'Lady, what was just

asked to me, I would not, I would expect an answer from a whisper, but then it was put to me that a whisper would not be heard, but yet a low tone would, which is the complete opposite. A low tone would be heard, that is right, but therefore, a whisper would have been the one that would not have received an answer.

That is correct. You are right ...[intervenes] --- So it would have suited me better if I did not hear an answer, that I whispered, but I did not. So I am not choosing, I am not choosing something to suit me here.

10 No, you are, because you see, you are trying to steer away from a possibility that you would think she could not hear. If you said a low tone, she heard, she decided not to whisper, there is an obligation on you to make sure she heard. Is that not your issue? --- No, that is the opposite, M'Lady.

No, that is not the opposite, Mister... but we will argue it. I am just more concerned with the fact, Mr Pistorius, that you would convincingly deny that you whispered on more than one occasion, yet, that was your evidence-in-chief. Why would that be? --- No, I understand that, M'Lady. I must have made a mistake by saying
20 'whispered', I meant in a low tone.

You see, Mr Pistorius, your word choice, your choice of words, as far as 'mistake' is concerned, you would have picked up the mistake on Friday, if it was a mistake, evidence-in-chief, because in, on Friday, I never referred you to the record. Am I right, to your evidence-in-chief? --- I am sorry, M'Lady, I do not follow what was asked to me now.

You see, I am bit concerned. Why do you not follow? --- It was put to me now, something about my evidence being led, my repeating of, if Mr Nel put my evidence-in-chief to me on Friday about ...[intervenes]

Ja, did I? Did I tell you on Friday that your evidence-in-chief, when you gave evidence, Mr Roux was leading your evidence, when that happened, that you whispered, that you used the word 'whisper'? I did not put that to you on Friday. Am I right? --- That is correct, M'Lady.

10 That is why, on Friday you were very strong saying: you definitely did not whisper. --- That is correct, M'Lady.

Today, again. --- That is correct, M'Lady.

Now only when I pointed out to you that you evidence-in-chief was whisper, you thin, it was a mistake. Why would that be a mistake? --- Because it was only pointed out to me now, M'Lady.

Why would you make that mistake? --- I am not sure, M'Lady. I probably, as I said, I probably meant in a low tone and I said: 'whispered' and I am saying, it is the first time it has been pointed out to me.

20 Okay, you see, we, we... Remember, the theme of the day is tailoring your evidence. I am putting it to you, that is what you are doing. You are tailoring your evidence. --- M'Lady, if I was tailoring my evidence, it would suit me to whisper, not to talk in a low tone. I do not understand how that could be seen as tailoring my evidence.

We have a different view. Now, Mr Pistorius, just quickly as far

as you arming yourself, there is one aspect... Before I get there, Mr Pistorius, Reeva, when you woke up, Reeva was awake and she spoke to you. --- I am not sure if me waking up woke her up, M'Lady, but she spoke to me, so she was awake.

And whilst she was lying in bed, you got up. --- That is correct, M'Lady.

She never asked, asked where you are going, what are you doing, not at all? --- No, M'Lady, said: 'Baba, can you not sleep' and I said to her that I could not and I got out of bed.

10 You never said to her: 'I am going to close the curtains'. You never did that? --- No, M'Lady.

She never asked, asked where you are going, why are you getting up? --- No, M'Lady.

And neither did she say to you that she was going to the toilet? --- No, M'Lady, there was ...[intervenes]

Would you have expected that kind of conversation between the two of you? Why would she not, why would she not ask you where you were going? --- I do not know, M'Lady.

20 It is because your version is improbable. One would expect her to say, ask where you are going. Would you not expect her saying that? --- I do not think so, M'Lady.

Why? Would you expect her not to say a thing when you get up in the middle of the night, if she is awake? --- I do not know what I would expect, M'Lady. I do not know...

I ask you. It cannot be wrong or right, I am just asking you.

Whatever the answer is, is your answer. What would you expect...?

[intervenens] --- I am not... I do not know what I would expect, M'Lady.

No, no, why would you now know what to expect? If I asked somebody: what do you expect, they would tell me. Why can you not? --- I do not know what to, I do not know what I would expect. I do not know if she was awake, fully awake. I do not know if she just asked me, if she could not sleep. I do not know if she thought I was going to the bathroom. I do not know if she thought I was going... maybe she did not think of asking me why.

10 What would you, and I know what you all are saying, and please, do not think of implications of the questions because... rather think of the question? --- There is no implications in this question, M'Lady. It is... I would not be able to say, I would not be able to say what somebody would say in a situation ...[intervenens]

If I... If I argue that every reasonable person would have asked you why you are getting up or where you are going, what would you say? --- I do not understand that question, M'Lady.

Let us not use a... Normal people would say, when you get up, she would say: 'Where are you going, Os?' So you say you do not
20 expect her to do that? --- M'Lady, I am, I am not even sure it would be a probability that if someone gets up in the night that their partner would even ask them what they are doing or if they cannot sleep. She asked me simply could I not sleep and I said: 'No' and at that point I got out of bed. I do not even know if... I have been awake at night when somebody has got up next to me, that I have not asked them where they

are going or what they are doing.

You talk to them because she spoke to you. It is not as, it is not as if there was no conversation. It is not as if you get up and she is trying to sleep. She is awake, she is talking to you and you get up. --- That is correct, M'Lady.

And the concern is that you cannot sleep. That is your concern because that is what you are telling us: 'I cannot sleep'. --- That is correct, M'Lady.

And yet she did not ask you anything further? --- No, she did
10 not, M'Lady.

Now when... I just want... I am going to take you to the first time you heard a noise in the bathroom and not to repeat everything you said you picked up the jeans, you were about to cover the light when you heard a noise in the bathroom. Am I right? --- M'Lady, there were two questions that were put to me. The first was, the first time I heard a noise in the bathroom, which would have been the noise from the toilet and then later I was asked: was the first noise I heard from in the bedroom and that was when I was picking up the jeans.

Okay, let us follow this from within the bedroom. What is the first
20 noise you heard in the bedroom? --- The first noise I heard in the bedroom was the window, M'Lady.

There is... Now let us just deal with two things here, it was clear that it was the window sliding open. --- That is what I interpreted it to be, M'Lady.

You had no doubt? --- No, I did not have any doubt, M'Lady.

Let us just, as far as this is concerned, it... and it was clear, the noise? --- The noise was loud, M'Lady. It was the window opening and sliding and then hitting the door, hitting the window frame. It was clear.

And let us just speculate. If Reeve was in bed, she would have heard that as well. --- That is correct, M'Lady.

At least, would you then have expected a conversation? --- No, my ...[intervenes]

Her saying: 'Did you hear that Os?' --- No, M'Lady, and I would not... [intervenes]

10 Why not? Why would she not have, if she was there, not have asked? --- Because if she had heard it, she would have been as scared as I was and when I said to her: get down on the floor and call the police, that is what she would have done. She would not have engaged in a conversation. If she had heard what I had heard, there would not be a response.

No, I do not agree with you, Mr Pistorius. Would you not expect a response from her, window opening in the middle of the night, whilst you were in bed? Mr Pistorius, you just do not want to concede anything, not even when we speculate about facts. Do you not just...
20 Just think back, if she would hear a window open, in the middle of the night, would she not have asked you about it? --- No, M'Lady, because I heard a window open and I did not ask her about it. I was certain I heard the noise ...[intervenes]

That is why you... You see, that does not make sense. That is not true. That is improbable that you would not, having heard a window

open, you would have told, you would have asked her if she heard it. ---

I did not ask her if she had heard it, M'Lady.

You see, but that is not the only issue. You, you did not identify the noise during the bail application. Am I right? --- I said I heard a noise. I do not think I identified the noise, M'Lady.

You see, that is a big issue for me, you are right. You said you heard a noise in the bathroom. Now if you were so convinced that it is two voice, two noises in fact, a window sliding open and slamming into the other window, why would you not have put that in your bail
10 statement because that is important? --- M'Lady, we keep on going back to this bail statements and what I said was that I heard a noise. I understand that if the window opened, there is not many things that could have been moved in my room but I interpreted it as the window moving open, so I said I heard a noise.

No, but that is not the question. The question is, Mr Pistorius, at the bail application, we all knew that Reeva was shot in the bathroom. You said you heard a noise. --- That is incorrect, M'Lady. We knew that she had been shot in the toilet, M'Lady.

And the toilet is in the bathroom, but I stand corrected
20 ...[intervenes] --- That is correct, M'Lady.

I do stand corrected, thank you. You see, I am going to argue this, you are such a stickler for what is a hundred percent correct, for detail, that you just corrected me and I apologised, I was wrong. Why would you not have been equally keen on indicating in your bail application that it was the window because that seems to be your

personality? Why did you not say that...? [intervenues] --- M'Lady... when my bail was done, it was done by my legal team. It was read to me in a holding cell. I was on medication. I was traumatised. I read it and it was the truth and I signed it, M'Lady. I did not under... the was not understanding that it needed to be an exhausted statement.

Nobody expects an exhausted statement. Sir, I will argue that everybody expects you to say what you heard. I heard a window opening ...[intervenues] --- Yes, I heard a noise.

That is a big difference between that and a noise, Mr Pistorius
10 please. Yes? --- I heard a noise, M'Lady.

No, you heard a window sliding open, why did you not put it in your bail statement? --- My Lady, even in my evidence I remember saying when I saw the window was open and I got to the bathroom open, when I got to the bathroom, it confirmed that the noise that I have heard was a window sliding open.

You see, Mr Pistorius, tailoring. During your bail application, you did not know the window was open. --- That is not true, M'Lady ...[intervenues]

Did you? Oh, you knew, you knew because you went in and you
20 saw it open, you are right. I am still concerned about you not saying that you heard it open. That is tailoring. That is just a version that you adapted. --- That is not true, M'Lady.

Because there is another aspect to that. When you made your plea explanation, you had all the facts. --- That is correct, M'Lady.

You were not traumatised. Am I right? --- That is correct,

M'Lady.

You were not under medication. --- That is incorrect, M'Lady

Oh, you might have been under medication but you understood everything that your legal team was doing. --- That is correct, M'Lady.

I understand ...[intervenes]

And you understood the plea explanation. Am I right? --- That is correct, M'Lady.

You even signed it. --- That is correct, M'Lady. I read and I signed the plea explanation.

10 There is nothing... or let me just check quickly. M'Lady, may I just have a moment before I put a statement? There is nothing about the window slamming against the other window in your plea explanation. Why? --- Because it never slammed against another window, M'Lady.

What did it slam against? --- The frame, M'Lady.

Why is there nothing about slamming...? I just want to put it on record, you again corrected me on fine detail and I stand corrected, if you do it, every time I will apologise to you, but what is important, Mr Pistorius, small detail. --- M'Lady, it is not small detail. If a window
20 slide ...[intervenes]

You corrected me on small detail. Am I right? --- That is correct, M'Lady. It is not small detail though. It is detail of what happened.

Why, why is the big issue of the window slamming into the frame, not mentioned? --- I am not sure, M'Lady.

No, no, that cannot work. Not sure is not an answer. You said you were not traumatised, you signed it, you knew what was going on. I am asking you, why was it not mentioned? --- I am not sure, M'Lady.

Because you never said it. --- That is incorrect, M'Lady.

There is no ways that it will not be in your 11... in your plea explanation if you said it. --- That is incorrect, M'Lady.

That they deliberately keep it out. --- I do not think so, M'Lady. I have full trust in my legal team. I do not think they would have deliberately kept anything out.

10 But then I do not understand it. --- Well I do not understand it, M'Lady.

Except if it has never been your version, but the tailoring when you gave evidence, that ...[intervenes] --- That is not true, M'Lady.

That is the only other... For me, that is the only thing that makes sense. --- No.

Because it is dealt with in your plea explanation. Why is it not dealt with that it slammed? --- M'Lady, I respect how Mr Nel interprets it, but I do not know why, M'Lady.

No, you see, that is not that easy, we will deal with it. M'Lady, it
20 is the record, page 7.

COURT: Page?

MR NEL: 7 of the record, M'Lady, and it is paragraph 4.3 of the plea explanation:

"I heard the bathroom window sliding open. I believed that an intruder or intruders has entered

the bathroom through the bathroom window, which
was not fitted with burglar bars.”

You deal with burglar bars, but you do not deal with slamming.
Why? --- My understanding from the questions that has been posed to
me was that I never mentioned anything about the window in my plea
explanation, M'Lady.

No, I did not say that. --- But now that I have heard the plea
explanation, I did say the window slit open.

Mr Pistorius, I do not know how you can answer that, how you
10 can give that answer. I really do not know how you can give that
answer, except if you are not focussing at the moment. Are you
focussing? --- I am focussing, M'Lady.

How can you then give that answer? There was... I never said
you did not deal with this. How can you give that answer? What is
wrong? --- Nothing is wrong, M'Lady. My interpretation of what is
being posed to me, of what is being put to me is that I did not mention
the window. If the window slides and it stops, that is the stopping of the
sliding, that is when it hit the frame.

No, you see ...[intervened] --- So if it was put in my plea that
20 the window slid open, that is the truth. There is no tailoring of any
evidence in that.

Are you really telling the court, as you sit there, that you think we
are dealing with sliding at the moment? --- We are dealing with the
noise of the window, M'Lady.

What noise? --- The noise of the window opening.

How can you say that? Are you, are you really saying...? Is that how you understood my questions up to now, that we are dealing with the window sliding open? --- The last question, M'Lady, I thought that pertained to my plea explanation and why the sound of the window was not in the plea, why I said noise in my bail and why I said in the plea explanation the sliding open of the window. That was my understanding.

You see, Mr Pistorius, it is because you are not listening to the question. You are thinking of the implications. You are tailoring your
10 version because that inference that you have now drawn from my questions, is impossible to make from a person listening to the questions. --- M'Lady, I do not understand how tailoring of evidence would make any difference if I heard a noise of a window sliding or a heard a window, a window sliding and hitting the frame. I do not understand how that changes anything now.

It will be pointed out to you, Mr Pistorius, why do you not just deal with the questions? Why did... why was the fact that the window slammed against the frame not included in your plea explanation? --- I do not know, M'Lady.

20 So we have that. You are the only person that can tell us, but you do not know. We will deal with that. Now that is the noise you heard whilst you were in the bedroom. --- That is correct, M'Lady.

That particular noise caused you to take immediate action. --- That is incorrect, M'Lady.

What caused you to take immediate action? --- As I said

before, I stood there for a brief moment and I froze. I was not sure what to do. I did not want to cross the passage immediately because I was not sure if the people or persons were coming down the passage and then I ran to get my firearm, M'Lord.

Okay. I stand corrected again, you waited, for a moment you were froze. I have got that, and then you ran? --- That is correct, M'Lady,.

And what did you do then? --- I then collected my firearm from under my bed and I took the holster off. I turned my body back towards
10 the passage and as I started walking, I told, I said to Reeva to get down. I told Reeva to get down on the floor and phone the police and then I made my way, as quickly as I could, to where the wall enters the passage, M'Lady.

And you gun in what position? --- In an off-safe, in a ready mode, M'Lady.

Aimed at? --- Aimed in front of me, M'Lady.

Like in a shooting mode, ready to shoot. Am I right? --- No, not ready to shoot, M'Lady, in front of me.

You see, Mr Pistorius, please, let us deal with it. I am going to
20 put on record what I saw. Bent arm, gun in your hand. --- That is correct, M'Lady.

Established, so, you are now, you were scared, you thought there were intruders in the house. --- That is correct, M'Lady.

And that is how you approached them, with a bent arm, your elbow next to your side and your gun facing forward. --- That is correct,

M'Lady.

Not ready, not extended hand, ready to fire? --- That is correct,

M'Lady.

Okay. And your attention then was? What did you want to achieve? --- I wanted to chase the people out of my house, M'Lady.

Because? Why? --- I do not ...[intervenes]

You wanted to protect Reeva. --- Yes, M'Lady, I... if somebody is in your house in the middle of the night, I am sure anyone would want to chase them out, M'Lady.

10 Good, so your firearm was then at your side. --- That is not what I said, M'Lady.

What did you say? --- I said my firearm was in front of me, facing in front of me.

Yes, your elbow at your side. --- My elbow close to my side. I was walking, so it was not in a fixed position at any stage.

But not in a, not extended as if, as we saw you firing at the watermelon, not like that? --- Not like that, M'Lady.

Yes, and then, when you, when you got to the corner where the passage was? --- Then I peered around the corner, M'Lady. I had
20 stopped shouting, I had already heard the door slam.

No, no, no, no, no, no, let us go back. You are from the bed, you go to where the passage starts. --- That is correct, M'Lady.

When you got there, where the passage starts. --- Where the passage starts. I move over to the left of the passage so that I could see as much as I could into the entrance of the bathroom.

So, I just want to ask you, could you see something? --- I could see a little bit of light, M'Lady. I could... if somebody had to come out there, I would have been able to see their silhouette.

Okay, so there was some illumination in the passage. --- More in the bathroom, M'Lady.

And if Reeva walked in, and if your eyes were on the passage at that time, you would have seen her? --- No, my eyes were on the bathroom when I was in the passage, M'Lady, in the entrance of the bathroom.

10 If, if you were busy in the room and Reeva walked down the passage, would you have seen her, if you looked? --- I would have seen a silhouette, M'Lady.

So that we have. If you looked in that direction, you would have seen her. Good, now you move to the left hand side of the passage, what then? --- I carried on shouting for the intruder to get out of my house and I move up the passage, M'Lady.

Please, can we just go back? 'I carried on shouting,' did you start shouting there or where did you start shouting? --- Yes, I started shouting in the passage, M'Lady.

20 Ja, so and you shouted what? Words to the effect, or what did you shout? --- Words to the effect of, for the intruder or intruders to get out of my house, for the people to go out of my house and for Reeva to phone the police, M'Lady.

But can you remember what you shouted? --- Yes, I can.

What did you shout? --- ...[Pause]... I screamed. [Accused

emotional] I said: 'Get the fuck out of my house! Get the fuck out of my house!'. [Accused crying]

COURT: We will adjourn for a few minutes. The court will adjourn.

COURT ADJOURNS [10:53] ~ ~ ~ [11:31] **COURT RESUMES**

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

COURT: Mr Pistorius, are you well enough to proceed? --- Yes, thank you My Lady.

You are still under oath. --- Thank you My Lady.

Thank you. Yes, Mr Nel?

10 CROSS-EXAMINATION BY MR NEL (Continued): Mr Pistorius, you just told us what you shouted and then you got emotional. Why would that cause you to be emotional? --- It was a traumatic evening for me, My Lady.

Why would it be traumatic what you are shouted at the intruders? --- Because I was terrified My Lady.

Is it not exactly because that is what you shouted at Reevea? Get the, with respect to the court I will just repeat what you said: Get the fuck out of my house. That is what you shouted at Reevea. Is that not why you got emotional now? --- No, My Lady.

20 Because I do not understand why you would get emotional if now today, about things that you shouted at the intruders. --- My Lady, I am... I am traumatised by the events and by repeating those exact words. It reminds me about the night and what I felt on that evening... morning.

You have now indicated to us what you shouted at the intruders. What else? --- I was screaming and shouting at the intruders and I shouted for Reevea to call the police, My Lady.

When we, before the tea break you said: I remember what I shouted. Is that correct? --- That is correct, My Lady.

And you have indicated what you shouted. --- That is correct, My Lady.

Now tell us what you shouted at Reeva? --- I shouted for her to phone the police.

How? How? Tell us what you said? You remember what you said, please tell us. --- I said phone... I said call the police.

No, no. You said: Get the f...out of my house! Get the f... out
10 of my house! And what then? --- Then I said: Reeva, call the police.

Okay. So you used her name. You said: Reeva, call the police. Am I right? --- Yes, I think that is what... how [*indistinct 11:34:25*]

No, no you cannot say I think, you cannot say it is how I remember it. I am taking you back to your evidence. Your evidence is: I remember what I shouted. So please, tell the court what you shouted at Reeva. How did you tell her to call the police? --- Reeva, phone the police. Reeva call the police.

Okay. Let us have that. So you shouted: Get the f...out of my house! Get the f...out of my house! Reeva call the police! --- No, I shouted
20 Reeva call the police and then I shouted for the intruders to get out of my house, My Lady.

Okay. I do not think it is so important, but so you first shouted at Reeva, before you shouted at the intruders? Is that what you are saying? --- That is how I remember My Lady.

Okay. The first when you started screaming, shouting, it was for

Reeva. --- That is correct, My Lady.

You see, for me that... You have just spoken to her. Why would you ... why would you now... you whispered at her, just now. --- That is correct, My Lady.

Why would you now scream at her, because nothing happened in the interim? --- The persons in the bathroom would now know that I was... I felt that I was now in a safe place to protect Reeva and if I shouted that now, I was hoping that the burglars or intruders would be scared for the fact that they knew now I was awake, that I was in close proximity and
10 that Reeva would phone the police.

That you can... that is what you thought or is that the reconstruction of the events? --- That is what I believed at the time, My Lady. In the time that is why I shouted out for Reeva to phone the police.

That is not a reconstruction think you are making up, thinking back at the scene, you remember that is why you screamed? --- That is why I screamed My Lady. I screamed for Reeva to phone the police.

Because you could have screamed anywhere. You could have screamed when you peeped around the corner, you are in control of that situation. --- I was too scared at that time to scream My Lady.

20 You see, that does not... your version does not make sense, because where you are protected by a wall, peeping into the passage, you are too scared to scream. When you are walking down a passage you are not too scared to scream. How does that work? --- My Lady, we spoke about this in great depth, about if I had stayed at the wall, that the danger... Reeva still would have been in danger's harm. Only when I got

into the passage, did I feel that I was safe, in a position that was safe to... if there was somebody coming out of the bathroom, that I would be confronted with it, without any harm to Reevea.

Okay. I understood it wrongly. You never screamed before, because you thought of, if you do that, Reevea's live would be in danger. --- I am sorry, My Lady. Can Mr Nel please ask me that again?

You said you did not scream before because you thought that would cause Reevea's life to be in danger. --- Both our lives, My Lady.

But you see, I hear you. But it does not make sense Mr
10 Pistorius. How can you be less scared walking down a passage towards the danger, than hiding behind a wall? --- My Lady, I was ...[intervened]

How can you be less scared? --- I was not less scared, I was terrified. I was too scared at the point when before I entered the passage, when I was in the passage, I did not have a choice, but I felt that at that time, that the danger would have first had to come through me and I shouted out for Reevea to phone the police for a hope that this person would know that I am awake, that Reevea...that somebody is phoning the police, and that they would leave... **[No audio 11:38:03 to 11:38:21]**

Now whilst you... you are walking down the passage, screaming
20 and your gun was pointed where? --- In front of me, My Lady.

In the same position or were you now extended arms? --- The only... I was never in extended arm My Lady. I wanted to keep my firearm close to me so if I came around the corner that somebody could not grab the firearm or grab my hand. So I kept the firearm close to me.

It is amazing, so you even thought about that. Keep it close to

me, because so nobody should grab it. That is what your thought pattern was on the night? --- Correct My Lady.

Okay. Good. So you now indicated and please help me, I have to put this on record, you have got your gun in your right hand. --- That is ...[intervened]

Your right hand is in front of your chest, close to you. Your arm is bent. Am I right? That is what you point out. --- No, I never said it was close in front of ...[intervened]

No, you ...[intervened] --- I have never at one point said it was in
10 front of my chest, My Lady.

I have just described what you indicated to the court, so please show the court so that can put it on record. --- I had my firearm in front of me when I was walking down the passage My Lady. At a point I put out my hand to help myself balance, my chest was facing the cupboards, the firearm could not have been pointing in front of me, because it would have been pointing at the cupboards on the other side of the passageway. And as I said before, the firearm was never pointed in the same direction all the time. As I moved, I was struggling to move up the passage.

Again, I get the impression you are again arguing, thinking, my
20 version is my hand touched... Can you remember where you had your gun? --- Yes, My Lady.

So you still had your gun in your right hand, arm bent at the elbow at 90° , not exactly 90°, but at 90° angle, pointing forward, in front of you. --- I had the firearm pointed in front of me.

Yes. --- That is correct.

Arm bent at about 90°. I do not know at what degrees, My Lady. My arm was bent. I said it changed. That is what I have said. It changed all the time. If my arm was bent at 90°, my arm could be down here with my wrist up, it could have been higher. I do not remember how far, at what point, if I went around the corner I brought the gun closer to me.

Yes. --- I do not remember at what degree but my firearm was pointed in front of me.

I will not hold you to the degrees, I am just trying to put something on record, but it is fine. Now let us carry on. You have now...
10 you screamed at the people, for Reeva to call the police and to the intruders to get out. What else? What happened then? --- Then I got to where the wall was where the entrance to the bathroom started. I kept my distance away from that apex of the corner and I walked further down the cupboard, so that I could see all the way into the bathroom, or as much as I could, before having to move forward again. I then moved a little bit forward, to the point where the carpet meets the tiles.

And at that point you could see, because there was light coming in. --- There was not light coming in, My Lady, but I could see the outlines of things in the bathroom. There was enough light, there was no light
20 coming in. There were lights outside.

Yes? --- And there was enough light in the bathroom to make out the shape of the bathtub and the window frame and things like that.

Okay. So you could see the shape of the bathtub from where you were. --- That is correct, My Lady.

Yes, what happened then? --- I then moved forward. Again I had

my pistol faced in front of me and again, I did as I repeated, when I went into... as I came around the corner from the closet, I stayed as far away as I could from the wall which led just to where the basins are around the corner and I peered into the bathroom, my eyes were looking down to see if there was anybody in the toilet that was... maybe in the bathroom that were maybe waiting to ambush me, at the same time as my eyes were checking the window frame and the door at the same time and then when I saw that there was no one in the bathroom in the... near the shower area, I moved back, slightly backward so that the wall which was on my right,
10 moved to where the bathroom... to where the toilet and the shower in line with that and I stayed there and then I started screaming again.

But there is something very important that you forgot, that happened. --- I do not remember what I have forgotten My Lady.

The door slammed. --- That happened in the passage. Way before I entered the bathroom, as I said My Lady before ...[intervened]

But you never told us. All I said to you is: What happened next? What happened next? What happened next? Do not blame anybody but yourself, why did not mention it? --- My Lady, we have gone through the passage, this morning, it is on record that I did say I heard the door slam
20 and it is on record, on this morning. When I was in the passage.

Mr Pistorius, would you like to take up a challenge that you never said anything about the door slam this morning? Or would you accept what I am putting to you? --- My Lady, I cannot accept it. I had mentioned this morning, that when I was in the passage I heard the door slam in the bathroom.

Mr Pistorius, I put to you that it is not so and I am willing for you to listen to the record. But you cannot get away with it again. It is not so. You never spoke about the door. --- I do not agree, My Lady.

Would you like to listen to the record and show me that I am wrong? --- No, I would not, My Lady.

There is one other aspect, can you see that your legal team on my left is not getting up? --- No, I cannot My Lady.

If I was wrong they would have been up and they would have objected. --- I understand that, My Lady.

10 Why are you saying it? --- Because I remember saying this morning, when we were discussing the passage, My Lady, that I heard the door slam.

No, you never did. And I want it... And it is important and I want to know why you think you did. --- I understand it is extremely important, because it was the second noise that I heard, My Lady.

But there is two things, not only ...[intervened]

MR ROUX: My Lady, I am sorry. Maybe we must ask, I am reminded, I was unsure about it, but according to the feedback from the back, that he indeed said that... maybe we can cut it short and just listen outside court,
20 just to that part of the record.

COURT: Yes.

MR ROUX: That I make sure. I do not have an independent recollection, it will take only five minutes, My Lady.

COURT: Yes.

MR NEL: I have nothing wrong with that My Lady.

COURT: Yes, you can do it during the lunch time.

MR ROUX: Thank you, My Lady.

COURT: Yes.

MR NEL: Now... but there is.. that is... That is the one aspect. The other aspect is, remember when we started now after tea, we took you through, you shouted at Reeve and the intruders. I mean... Can you remember that? --- I do, My Lady.

Then you moved to a specific spot and then you moved in to the bathroom. Just in summary, that is what you said. Am I right? --- That is
10 not what I said My Lady, I never moved to a specific spot before I shouted... after I shouted, My Lady.

Okay, let me try something different. Did you hear the door shut before you screamed at Reeve, or after that? --- Afterwards My Lady.

Well, then Mr Pistorius there is another angle. All I did when we got back is I said: And then? And then? And then? And then? I asked you for your version and you never mention the door slammed shut. --- I was ...[intervened]

At least since tea. --- I understand that My Lady.

And I ask you why? --- ...[Pause]... My Lady, if Mr Nel may just
20 ask me the question he did before he asked me, he mentioned ...[intervened]

COURT: Can you repeat that and ...[intervened] --- I beg your pardon.

And raise your voice? --- My Lady, Mr Nel asked me now about the door slamming or about me shouting or something to the effect of after I entered the passage and before I entered the bathroom, if he can just

repeat the question to me, please.

MR NEL: I will make... With respect My Lady, I will an exception and do it this once. Did you hear the toilet door slam shut, before or after you screamed at Reeva and then intruders? --- It was in the process of shouting, it was after I screamed for Reeva but it was in the process of me shouting for the intruders to get out the house, My Lady.

Okay. So now we have your version that whilst you were screaming, you are hearing the door shut? Is that what you are saying? --- I head the door, I heard the door slam My Lady, whilst I was... whilst I was
10 shouting and screaming. That is correct.

But why did you not give it to us, when you gave that evidence now after tea? --- I am not sure My Lady, we discussed it this morning.

I will show you why. But I am going to show you but I want to ask questions first. What did you hear, about the door? --- I head the door slam My Lady.

You had... you were convinced it was a door slamming? --- That is correct, My Lady.

You were convinced it was the toilet door? --- There is only one door inside the bathroom, so that is correct, My Lady.

20 And what did you think? --- I thought that it was slamming My Lady.

And what did you think, why? --- I thought that somebody had either gone inside the toilet and slammed the door or that somebody on upon exiting the bathroom, they had possibly kicked or bumped the door and it had closed and that was the slam that I heard My Lady.

And in the bathroom, when you got into the bathroom, you saw that the window was open? --- That is correct, My Lady.

And you saw that the toilet door was closed? --- That is correct, My Lady.

Now this particular noise you heard about the door slamming, that is a significant voice you heard on that night? It is important, is it not? --- It was a significant noise that I heard that night, yes My Lady.

Because there is not a single word of that door closing, shutting in your bail at all. --- I am... if that is... I understand that is the case My
10 Lady.

But why? --- I am not sure, My Lady.

No, no, it cannot be, it is such an important significant noise and it is not in your bail. --- I mentioned it to my legal team, My Lady, and I do not know why it is not in my bail... bail statement, My Lady.

That is not all. It is even more devastating for your sir, and that as it is not in your plea explanation. --- I understand that, My Lady.

But why? Why would that not be there? --- I am not sure My Lady.

That is because you never said it sir, it is because you invented
20 it. --- That is not true, My Lady.

But why would it then not be in either your bail or your plea explanation if that is such a crucial part of your version? --- I am no sure, My Lady.

No, but you must be the one that is sure. Because it is your version, sir, it is not mine. I am not going to be satisfied with 'not sure' sir.

Why? --- I am not sure, My Lady.

I put it to you that it is because you never said it to counsel. ---

That is incorrect, My Lady.

So you are sure about that? --- Yes, My Lady.

Why did they then not put it in? --- I am not sure, My Lady.

Okay. Now you see, why did you think there were people in the toilet? --- I thought that is a possibility, because I heard the door slam My Lady.

Ja. That brings me to your bail affidavit. My Lady, it is in the
10 bail record. That is EXHIBIT D, it is at page 65, My Lady, I will just read it
out, it is one or two lines. Not at page 65 sir, do you have it? Do you have
it in front of you? It is about line... let me start with line 6.

"It was pitch dark in the bedroom and I thought
Reeva was in bed. I noticed that the bathroom
window was open. 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."

So you were giving a reason in your bail application. --- That is
20 correct, My Lady.

But why did you not say: and because I heard the door slam
shut. Because that is what you said now. --- I understand, My Lady.
I do not know why.

No, no. You see, I asked you now why did you think they
were there and you said: Because I heard the door slam shut. Is that

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

Now I indicate to you, how you argued in your bail application and you have to explain to me why there is a difference. - -- I do not have an explanation, My Lady. There are many things that I told my counsel that are not in here, that we have gone through before.

I put it to you sir, it is because you are changing your version as we go. --- That is not true My Lady.

Now Mr Pistorius, you now... Let us just take it on from
10 where you enter the bathroom and you said that the window was open. Is that correct? --- That is correct, My Lady.

What else did you notice? --- I noticed that there was nobody in the bathroom. I noticed that the door, the toilet door was closed.

And your thought patterns, what did you think what was going on? --- There were many, many thoughts going through my mind, My Lady. I was scared that there might be someone that might come in through the window or stick a firearm up and shoot at me. I was scared that somebody was in the toilet that was preparing to
20 come out and attack me. I was thinking about all the possibilities that... the worst things that could have possibly happened.

But did you think there was somebody in the toilet? --- Yes, I did My Lady.

Okay. And what happened then? --- And then I heard a noise come from the toilet My Lady.

What? What did you hear? --- It sounded like the door opening and it sounded like a wood movement, My Lady.

Wait, wait, wait, we have got two answers there. One you corrected, but I have heard it. It sounded like opening, it sounded like opening, I heard a wood movement. What is a wood movement? --- The sound of wood moving, My Lady, of ...[intervened]

How? What is that? How does ...[intervened] --- My Lady, the frame of the door was... the doorframe was not a... it was a handmade frame, so the frame with the door, when you pull the door closed, the door would catch on the frame and make a clicking noise like a loud noise, and when you opened it, it would do the same and that is what I thought, I had interpreted that noise to be.

But that is... So you thought that they were opening the door? --- That is correct, My Lady.

But you could see the door? --- I could see the door My Lady.

It did not move? --- I had fired before I could see the door move My Lady. I heard the noise ...[intervened]

That is a good... that is a good... Let me... I want to get it. You fired before you saw the door move? --- As I heard the noise, I fired, My Lady.

So you had... you could see the door. --- Yes, I could see the door My Lady.

You could see the handle? --- Yes, I could see the handle My Lady.

You never saw the door or the handle move, before you fired. --- No, My Lady. I fired as I heard the noise, I fired.

No, listen to the question. You are not listening. You are not listening. You never saw the door or the handle move before you fired? That is a question. --- No, I did not My Lady.

Now in what position did you hold the gun then? --- It was still in front of me, I was still holding on the wall in the bathroom, my balance was worse on tiles, I was still leaning a bit against the wall.

I have to put this on record. You are holding the gun in your
10 one hand, in your right hand. --- That is correct, My Lady.

Your right hand is bent, it is not straight, extended. Am I right? --- That is correct, My Lady.

It is bent, it is pointing towards the door but your gun was in your left hand... ag, in your right hand. --- It was in my right hand. That is correct, My Lady.

You did not extend your arm and aimed. --- No, I did not aim at the door My Lady.

Okay. --- I did not extend my arm. I was not aiming at the door, I was staying put until I could make sense of the situation. My
20 eyes were going between the window and the door. The firearm was up but I was not extending my arm and pointing the firearm out in front of me.

If I just listen to your answer now, I was staying put to try and what? To try and make sense of it. --- That is correct, My Lady.

And you were not aiming? --- I said I did not have my arm

stretched out in front of me, My Lady.

Were you aiming? Please, Mr Pistorius. --- Yes, I was aiming at the door. The firearm was ...[intervened]

Aiming at the door. --- The firearm was pointed at the door, My Lady.

There is a difference between 'pointed at', my hand is pointed at but I aim at point A. There is a big difference Mr Pistorius, and I want you to deal with the difference. Did you aim at the door or point your gun at the door? It is important. --- I pointed my gun at the
10 door, My Lady.

Okay. Then my answer that I struggle to get from you, is did you aim at the door? No. --- That is the way Mr Nel put it to me is how I understood it, so that is right, My Lady. I did not aim at the door.

Good. --- I pointed my firearm, my firearm was pointed at the door.

You heard the sound, what happened then? --- I fired the... I discharged the firearm My Lady.

Why? --- Because I thought somebody was coming out to
20 attack me.

So you wanted to shoot the person coming out? --- I did not want to shoot them, My Lady. I got a fright ...[intervened]

What did you want to do? --- I did not have time to think of what I wanted to do. ‘

No ...[intervened] --- I was terrified My Lady.

No. You see Mr Pistorius, this is now the first instance of this whole scene that you are not thinking. You are thinking every step of the way. You are thinking about holding your gun, covering yourself. Now you want to tell the court on this critical instance, I did not think. Is that what you are saying? --- That is correct, My Lady.

But sir, is your defence not that you thought that you are in danger and wanted to shoot the person that put you in danger. Is that not your defence? --- No, My Lady.

You say no? --- [No audible answer]

10 COURT: There are two questions.

MR NEL: I will do it again. Is it your defence that you fired at the attacker? --- No, My Lady.

Or wait, I will put it differently. Did you fire at the perceived attacker? --- I fired at the door My Lady.

No, no. Listen to my question, Mr Pistorius! I am not going to let this one go. --- I have ...[intervened]

Is it your defence that you fired at the perceived attacker? --- No, that was not mine.

20 Good. Then what is your defence? --- My defence is as I have said My Lady, I heard the noise and I did not have time to interpret it and I fired my firearm out of fear, My Lady.

No, then out of fear by accident. Because I do not understand your defence. You cannot have two. Do you know... You understand that you cannot have two defences? You understand that? --- I understand that My Lady.

Now the way I understand the case is that you acted in putative self defence and I know it is a big word, but I will try and assist you with that. That you perceived an attack, that you fired at the attacker to kill him, or to ward off the attack. That is not true. Am I right? --- I did not fire to kill anyone My, Lady.

Or to ward off an attack. --- My Lady, I did not have time to think, I heard this noise and I thought it was somebody coming out of to attack me, so I fired my firearm.

Your defence has now changed sir, from putative self defence to
10 involuntary action. Is that what you are telling me? --- I do not understand the law Madam, what I can reply and tell the court. is what I am asked and I can reply as to what I thought.

But I would not say I understand the law, I would not say that, but that is what I hear. That your defence is now one of putative self defence anymore. You can forget that. --- I do not understand ...[intervened]

It is now I have... I do not know why I fired. --- No, I am not saying I do not know why. I have given a reason to why I fired My Lady. I thought ...[intervened]

20 You fired ...[intervened] --- I thought somebody was coming out to attack me.

But you did not fire at that person. --- I fired in the direction of where I thought the attack was coming from My Lady.

No. You see Mr Pistorius, you are now... You now have to give a lot of answers and you know why Mr Pistorius? It is because you know

exactly you fired at Reeve. These other versions of yours cannot work. --
- It is not true, My Lady, I ...[intervened]

You fired at her. You did. Why are you getting emotional now?
--- [Accused crying aloud in a broken voice]... I did not fire at Reeve !

My Lady, the witness is emotional. May we take an adjournment
again.

COURT: The court will adjourn.

COURT ADJOURNS [12:04] ~ ~ ~ [12:20] **COURT RESUMES**

COURT: Are you fine, Mr Pistorius? --- Yes, thank you, M'Lady.

10 Sorry, I did not see you sir.

MR ROUX: M'Lady, two things. The first one is that when I objected
about the slamming of the door, on whether that was said or not, I
undertook to come back to you.

COURT: Yes, yes.

MR ROUX: We in fact listened to the recording of before tea time. He
did in fact refer to the slamming of the door.

COURT: Yes.

20 MR ROUX: Ms Johnson was present with me. The second one M'Lady,
I understand cross-examination, but I think it is quite patent now, that if
you come to certain aspects of the evening, that the witness will get
emotional and it is being repeated and repeated and I have a difficulty to
understand, whether that is really a necessary part of cross-
examination. It has ended up every time in the same emotional
situation and I have a difficulty with that. The repetition on the same
parts of that evening, causing that emotional reaction.

COURT: Yes, let us hear.

MR NEL: With the utmost respect, M'Lord. I do not agree. I have not repeated. We have...today we have started at a point and we moved through. I have not repeated anything today. I object to what was just said about my cross-examination, M'Lady. I have a different view of the emotion. I might think differently about why he became emotional. But with the utmost respect, M'Lady, it...his emotions cannot be blamed on me today.

COURT: Yes, Mr Roux?

10 MR ROUX: Well M'Lady, this is not the first time that he is questioned on exactly the same aspect. It was Friday. It was Thursday and it has become a repetition and the emotional response is the same and it is causing a delay. It is not that I did not allow Mr Nel to test and to test and to test again. Well I am just saying, I do not believe we are getting anywhere, by going to that emotional aspect of the events of the evening. It is a repetition.

COURT: Yes. Well, I do not think it is a repetition. I would have stopped Mr Nel if I thought it was a repetition.

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

20 COURT: Yes, Mr Nel?

MR NEL: As the court pleases. Mr Pistorius, I am going to argue, that you got emotional because you got your defences mixed up and that is the reason why you just got emotional. Nothing else. What do you want to say to that? --- It is not true, M'Lady.

Where Mr Roux is correct, I on Friday on one occasion said to

you, you wanted to shoot Reeva. You did not burst into tears. You just said no. Why today? --- I do not know, M'Lady.

I do and that is because, Mr Pistorius, you were...I indicated to you how you got your defences mixed up. That caused the emotion in you...[intervenes] --- M'Lady...[intervenes]

Nothing else? --- I do not even understand the differences and the defences. I do not understand the law. So it is not for that reason, M'Lady.

That is why you cried. Because you do not understand the
10 implications. That is why you got emotional. But we will carry on. But now I have to start and for me to take it further, I have to start again. Now Mr Pistorius, before we got to the noise in the bathroom, you screamed again. Am I right? Before we got to the noise of the perceived opening of the door, you screamed. Am I right? --- I...I did shout, M'Lady.

Good, what? --- For the persons to get out.

What did you...can you remember what you screamed, shouted? --- I think I just shouted: 'Get out.'

Are you sure? --- I am not sure, M'Lady. That is what I
20 remember.

If I put it on record, I...all you can remember is, that you shouted: 'Get out.' Am I right? --- If I may just think about...that is correct, M'Lady.

If you shouted: 'Get out', would that have caused for Reeva to respond? --- I do not think so, M'Lady.

But in Friday, remember, we were indeed...I challenged you on the fact that, why did Reeve not respond? Did you not address her as well, in the bathroom? --- I addressed her in the bathroom after I had fired the...after I had discharged the firearm, M'Lady. I said: 'Reeve, phone the police.'

I know. I am asking you, before, Mr Pistorius. Just answer the questions. You have given a version. Did you not shout at them to get out and for Reeve to phone the police, before you discharged the firearm? --- When I was in the passage, I did, M'Lady. But when I was
10 in the bathroom, I cannot remember.

You see, why can you not remember if you shouted at Reeve in the bathroom? Because that...we dealt with that on Friday. That is indeed so. Why can you not remember today? --- I am not sure, M'Lady.

No, you see, there must be reasons. Not sure, is not a reason. Give the court a reason why not? --- I remember saying: 'Get out.' Screaming: 'Get out.' Or shouting: 'Get out.' I...it is possible that I could have shouted for Reeve to phone the police. It was kind of like whatever I was saying in the passage, I did not know what else words to
20 use. I was just repeating those same words.

But one thing we know and the court could be certain of. Is that you never said: 'I am armed, I am going to shoot'? --- That is correct, M'Lady.

Why not? --- Because I never intended to shoot, M'Lady and I did not want the person to know that I was armed, or what my position

was. I did not want to scare them and maybe have them react in a more hostile way towards me.

But you...but...let us deal with that. You were armed? --- That is correct, M'Lady.

And...but you never said to them, that you armed. Why not? --- As I just said, M'Lady, I did not want to evoke or I think, if I had said that I was armed, I had told somebody I was armed, it might leave them with less options if they were also armed. That they might react more neg...more violently or more defensively or attacking in a different
10 manner. I did not think about that at the time. I did not think about: 'Now, must I tell this person I am armed' or...

You see, you were in control of the whole situation. Your evidence in itself indicates, a person in control. What is the word you use with the washing... 'combat mode'. What is combat mode? --- I do not know if I used the word 'combat mode', M'Lady, but I...[intervenes]

Stealth mode? --- I definitely did not use the word 'stealth mode.'

Have you ever used the word 'combat mode' in a Twitter or Facebook? --- Ja, I am sure I have, M'Lady.

20 What is that? --- It is a mind-set that you trained in. That if a situation occurs, that you go and seek the perceived threat.

And that is what you did? --- Ja, that is what I tried to do. I did not have my prosthetic legs on, like I had when I had been trained, but my...[intervenes]

Been trained? Is that the word you used? I just did not get the

word? --- That is correct, M'Lady.

Okay. So you have been trained? --- Yes. As Mr Rens said. He testified, that when somebody hears a danger, you go and you make sure that your body is not a...concealed as much as you can. You do not make your profile wide.

You...I know you think that is a good answer, but being a trained person, the court will accept you, or will expect you, not to fire without reason. Being a trained person? --- M'Lady, I do not think that is a good answer. I am just saying what I have been asked on.

10 But then I put to you. If you tell this court that you trained to deal with this kind of situations, the court will not accept easily, that you made a mistake? --- I never said I was trained that...to deal with this type of situation, M'Lady.

What did you say you were trained for? --- I said, what was referring to in a combat mode, what one would be trained as. Not in this situation.

20 Were you trained to com...for combat mood...mode? --- No, we have spoken on the range about what one would do if you have a burglary. If one is...there is a perceived danger. How would you go in the manner of clearing a room.

We have that. Where when you should shoot, or not shoot and things like that. That is part of it. But what...remember, it is a part of it. When you should shoot or not? --- That is correct, M'Lady.

That you put in your tests? --- That is correct, M'Lady.

You said: 'When I was trained.' What did you mean by 'when I

was trained'? --- Well it was asked...it was in response to a question that was posed to me, about 'combat mode' and as Mr Rens was here and he testified, on one of the...on a occasion at his range, I cannot remember if it was one or more, we had a conversation as to what one would do, if one was in a situation where there was a danger. Not necessarily at home or how one would go about. They do a lot of police training there. They do a lot of conflict type situation training there and so, we had a basic conversation about one would do. So that is my understanding of the question that was asked to me.

10 Now Mr Pistorius, are you saying, that your door made a particular sound if it opened? --- Yes, that is correct, M'Lady.

 And that is the sound that you heard? --- No, that is not what I am saying.

 What did you? --- I am saying, I heard a noise inside the bathroom and I perceived that noise to be at that time, the noise of the door opening.

 You see, that is tailoring. You know that it makes a noise and now you want to say, that is the kind of noise you heard? Or was it not the kind of noise you heard? --- It was a similar type of noise. I did not
20 have time to think. I had heard the noise and then I...[intervenes]

 But it never opened? That we know. The door never opened?
--- That is correct, M'Lady.

 So, it could not have been that noise at all? --- That is correct, M'Lady.

 And you saying, that you think it was that noise, is tailoring. It is

building a version? --- That is not true, M'Lady.

Did you hear movement in the toilet? --- I heard a wo...it sounded like wood moving, M'Lady.

Not people mov...it sounded like wood moving? --- Correct, M'Lady.

Not a clip sound it made when it opened? Wood moving? What is wood moving? --- I do not remember ever using the word clip sound, M'Lady.

What did you say, what sound did your door make when
10 it...when you opened it? --- I said it made a noise. It was the wood...it was the frame and the door opening against each other.

Is that what you heard? Is that a wood moving sound? --- Well, it is a wood abrasion noise or sounded...I did not...M'Lady, I heard a noise come from the toilet which I perceived as being the door opening. So...

Sir, I am not...I am not interested in your perceptions now or what you perceived. I am interested in what you heard, please. What did you hear? --- I guess in retrospect, M'Lady, I probably heard the magazine rack moving.

20 You know what, I do not want us to later disagree. You heard the magazine rack moving? Is that what you heard? --- I guess that is what I heard, M'Lady.

Then I am going to show you something. M'Lady, may I converse with the people behind?

COURT: Yes, go ahead.

MR NEL: I apologise, M'Lady. It may take a while to get it, but I think it is important that we have it.

COURT: Yes.

MR NEL: Will the court grant me just a moment?

COURT: That is fine.

MR NEL: M'Lady, the photograph will be in Exhibit VV. But there it is. That is a part of Exhibit VV, M'Lady. Photograph 27. Now, you see Mr Pistorius, if you look at that photograph, from the bottom up in the photograph as one can see it, bullet A is aimed at the toilet. You see
10 that? If you look at just the trajectory. You see that? --- Yes, M'Lady.

Now the evidence is that, that struck her in the right hip and Captain Mangena's reconstruction is, she then fell on the magazine rack. Did you hear that? --- Did I hear his evidence, M'Lady?

Ja, that he said that? --- That is correct, M'Lady.

And you know what sir, you heard the magazine rack. That is why you changed. C and D, is aimed to where you know the magazine rack was. You in fact heard the magazine rack, but changed your aim to go for that particular noise, after A? --- M'Lady, the magazine rack was not found where C and D was. It was found in the corner of the toilet.

20 Mr Pistorius, listen to me. I am saying, you heard the magazine rack and you changed your aim? --- That is incorrect, M'Lady.

Because I was waiting for you to say, you heard the magazine rack. That you did, is when she fell on the magazine rack and you changed your aim? --- M'Lady, I would not have possibly heard her fall on the magazine rack. Because according to the state's evidence, the

fourth shot missed, or one of the shots missed. I would not have heard anyone fall inside of a toilet, whilst I was shooting.

Let us just...I say I do not know what you are answering, Mr Pistorius. But the magazine rack we know you heard. That is why you changed your aim? --- That is not true, M'Lady.

And that is...fits 100 percent into Captain Mangena's testimony. That A hit her in the hip, she fell on the magazine rack and you fired C and D. Now before we carry on, when you fired those shots, we have covered it and I just want to...I have to every time there is a break, I
10 have to just also catch up. You never aimed. You aimed at the door, am I right? --- We have been through aimed and pointed at, M'Lady. I have said, I have not aimed at the door.

Okay, you had never aimed at the door. You just pointed your gun, in your right hand, towards the door? --- That is correct, M'Lady.

And you discharged the firearm? --- That is correct, M'Lady.

Remember that your pathologist said that, it was quite a good grouping. Are you saying that, that grouping, especially B, C and D, just happened by coincidence? --- No, I am not, M'Lady.

What then? --- M'Lady, that is my pathologist's understanding
20 of a close grouping, of a...[intervenes]

Now what...no, please carry on? --- Over 4 meters, it is, or 5 meters a distance, it is not...

[NO AUDIBLE RECORDING 12:39:26 to 12:39:46]

Regarding the first shot? --- No, I do not, M'Lady. Because they do not discuss things like this with me. They have taken all the

photos of Reeva out of my files, so I do not have to look at them. So I do not discuss these sort of things with them.

No, but this is a door and this is a reconstruction of a scene. Was that discussed with you? --- I do not understand.

Was it discussed with you, that you fired and in which sequence the bullets hit her? --- No, M'Lady. The first time I heard that evidence was from Professor Saayman's...Professor Saay...I believe, Professor Saayman's evidence, was the first time that I had heard in which order the bullets had struck Reeva.

10 Before we moved on, I have to just cover one aspect as far as the...what you shouted at the intruders. You said that, they should get out of your house. You never said to them, that you armed. Now, they were in the toilet? As far...you knew they were in the toilet, thought they were in the toilet. Am I right? --- I thought there was a possibility that one or more persons was in the toilet, or on the ladder, M'Lady.

How would they get out of the toilet? --- Through the window, M'Lady.

20 Through the window and then, go where? Fall down two ste...two fli...two storeys? --- M'Lady, this question was posed to me on Thursday or Friday already. Where we discussed the two possibilities. Mr Nel put to me, that either they could have come out of the bathroom, or they could have gone out the window with the ladder. We have already covered this, M'Lady.

I am doing it again. How would yo...do..did you at the time, you saying 'get out of my house', they in the toilet. What did you think?

How will they get out? --- I did not...I was not thinking, M'Lady...[intervenes]

Exact...[intervenes] --- I was screaming for the person to get out, get out.

You see, 'I was not thinking' is not good for you, Mr Pistorius. 'I was not thinking' is so reckless, at least. I was not thinking, I just fired? --- That is incorrect.

Is that what you saying? --- No, that is not what I am saying, M'Lady.

10 What are you saying then? --- I am saying, as I said about ten minutes ago, M'Lady. At the time I could not think of any other words to say, except for 'get out' and for Reeva to phone the police. Those are the two lines that I remember distinctively repeating. If...my inference is, that they came in the window, surely they could get out of the window of the toilet.

Mr Pistorius, one of the ways of getting out, was to come through the door? --- That is correct, M'Lady.

You never gave them a chance, on your version? Because that door never moved? --- That is correct, M'Lady.

20 So, you said to people 'get out' and you never gave them a chance to do? --- I shouted and screamed for the people to get out and when I...[intervenes]

You did not know who was in that toilet, am I right? --- I did not, M'Lady.

You did not know how many people were in there? --- That is

correct, M'Lady.

You did not know if they were armed? --- That is correct, M'Lady.

You did not know, if it could have been a child? --- That is correct.

It could have been anyone? --- That is correct, M'Lady.

It could have been a burglar unarmed? --- That is correct, M'Lady.

10 But you gave them no chance. You just fired? --- That is correct, M'Lady.

Now, there is one other aspect that I want to test you on. M'Lady, may I ask for a demonstration. May I ask the Investigating Officer to go towards the door. May I ask the Investigating Officer to go inside the toilet. Open the door and go inside. He is in possession of the keys. Captain, put the keys in the lock and lock the door please. Are you struggling to get the key in? There you go. Captain, just close the door. Wait, can you or not? Okay. So just put the key back. Take the...open it up, take the key out, put the key back in and close it, lock it. You never heard that, Mr Pistorius? --- No, M'Lady.

20 Captain, whilst you there. M'Lady, with respect, with leave of the court, can I just do another demonstration. That door opens to the outside there, am I right? --- It opens to the bathroom, M'Lady.

Ja. Captain, would you...would you sit on the toilet bowl for me. M'Lady, I just want to make a demonstration. It is not a joke or trying to be.

COURT: I am not even sure what you demonstrating.

MR NEL: If Reeva was on the toilet, to close that door, she must get up and go out. Or can you close it from inside, Captain? If it is open totally? If it is open like that? If you want to get...if you want to close it? You can stand inside, but you have to reach to get it and you taller than she is. Thank you, M'Lady, that is the two things I wanted to show. But it opens to the outside. You never heard the locking of the door? --- No, M'Lady.

Why would you not have heard that? --- I do not know. Maybe
10 the door was slammed and locked at the same time. I do not know why, M'Lady.

You see, we have to think in all those things to make your version probable. We have to think that, it slammed and locked at the same time. Otherwise, you would have heard it. Because you were quiet? --- I was busy shouting, :M'Lady. I was not quiet.

Oh. Let us then deal with your shouting. You shouted and screamed in the passage and you shouted and screamed, in the bathroom? --- That is correct, M'Lady.

You then fired the shots after that? --- That is correct, M'Lady.

20 I have heard your evidence about, Stipp. Your evidence about the Stipp is that, the first shots they heard, those were the...when you discharged your gun? --- That is correct, M'Lady.

And your version now would be, that is the screams that they heard, before the shots? --- I do not...I do not understand, Mr Nel's...[intervenes]

They said, they heard a woman screaming before the shots. That must be yours? --- My voice was the only voice that was screaming that night, M'Lady.

Okay. So what they heard, must have been your voice? --- That is correct, M'Lady.

So, even on your version, they correct. Except, they say the light was on? --- Which part of their evidence and which Stipp, M'Lady? Because they are two individuals, they gave different evidence...[intervenes]

10 No...[intervenes] --- If we can maybe talk about which Stipp...[intervenes]

No...[intervenes] --- Said which evidence.

No. Both said, immediately after the shots, when they looked, the lights were on. Both. Take it from me. Why? They said the lights were on. Even on your version, excepting what they said, the lights were on? --- That is correct, M'Lady. I think they did...I think they both did say that, M'Lady.

So, they must be lying? --- They must be, M'Lady. I do not remember the lights being on and I cannot remember when I switched
20 the lights on, as I have said before.

That is a good answer. 'I cannot remember the lights being on.' That is what you said? --- That is correct, M'Lady.

Is it possible that the lights were on? --- No. After the shooting, I do not know when I put the lights on. So they said, immediately after the shooting, we worked through their time frame and remem....if I

remember correctly, what Mr Stipp tried to put in as moments, became 10 minutes. That is why I am asking.

No. You see, this is now the best part of your argument. There is no way, that Mr Stipp's moments for the lights, became 10 minutes. Why do you say that? --- I did not follow that question, I am sorry.

You said, 'moments for Mr Stipp became 10 minutes'? --- It was Mr Stipp...[intervenes]

That is what you said? --- It was Mr Stipp or Mrs Stipp's evidence, M'Lady.

10 No, it is...[intervenes] --- Where time was not a rel...was not of any relevance. It was not...[intervenes]

No...[intervenes] --- There was not a set point. If I remember their evidence, they said they heard, what was put to me on Friday, was that there was shouting between the gunshots, which was on the state's version. But the cricket bat and the gunshots are different on their versions. When I was hitting the door with the cricket bat, I was crying out. I was screaming. So, I do not say Mr and Mrs Stipp are lying when they said that.

20 We dealing with the lights, sir. I know you want to argue and that has been how you have been giving your evidence. They must be lying about the light? --- They said they heard...they said they saw the lights on immediately after the shooting, M'Lady.

Yes? --- If that was the first shooting, that is incorrect.

Then they heard screaming, as far as they were concerned, between the two shots they have heard. Was that also you? --- On the

state's evidence of the gunfire, or on the first shots?

Sir, no but they said...they said, between the noises they heard screaming. Was that you? --- Which, which shots, M'Lady? Because they said, they heard screaming between the shots, the second shots. That is what they said. Which the state says is gunshots.

No, not while the shots were on, sir. Between the first shot and the second shot, there were screaming. Was that you? --- On which series of noises, M'Lady. On the first series or the second series?

You see, I do not know why you do not understand. I think you
10 do not want to. The Stipp's gave evidence, that there was...they heard sounds. They heard a woman scream again. Then they heard sounds again. Is that...can you remember that? Can you? Mr Pistorius, is there a problem? You quiet, looking at the court? --- No, I am not understanding the question, M'Lady. I...if Mr Nel can just tell me, which r...which...because remember the Stipp's said, that the shots, the gunshots were the second grouping. Or the second noises they heard.

Yes. They heard screaming before then, the second sounds. Who was that? --- That was myself, M'Lady.

Why? What did you scream about? --- I was screaming out for
20 Reeva. I was screaming out for her to phone the police.

No but she...by that time, on your version, she was already shot? --- That is correct, M'Lady.

So did you, after that, did you still scream out for her to phone the police? --- Yes, M'Lady.

Up until the time that...you screamed for her to phone the police,

up until the time that you broke down the door? --- No, I screamed for her to phone the police, up until the time that I got to the bed, M'Lady. When I walked back to the bed.

Right, now were there screams up until the time, on your version, that you hit the ba...the door with the bat? --- Yes, there were screams.

What did you scream? --- I screamed Reeva's name out. I screamed...[intervenes]

Why? --- Because I wanted to know where she was, M'Lady.

10 So, you screamed Reeva's name out, during the time that you hit the bat on the door? --- Did I hit...[indistinct]...Yes, when I hit the bat on the door, M'Lady, I was screaming out her name.

So, they heard a woman. But it was you? --- That is correct, M'Lady.

Now, have you had your voice tested? --- I have, M'Lady.

And could you listen to your voice? --- Yes, I could...I have not listened to my voice, but I have watched interviews where I have been on fields playing football with people and I shouted out and screamed out and I have told...I have not watched, or listened to the recording.
20 But from the recording that was done, my voice can be of a high pitch.

So, you have a recording where your voice is of high pitch? --- I do not have a recording like that, M'Lady. I know that there were tests...[intervenes]

Do your team have? --- I am not sure, M'Lady. I know...[intervenes]

No, you have to be sure. Are you telling me, that you do not know if your legal team is in possession of a recording, where you screaming high pitch, with a high pitch voice? --- Yes, they do have a recording like that, M'Lady. I do not have it though.

Now, do you have any idea why that was never played to the witnesses, to identify your voice? --- I am not sure, M'Lady. There might be a specialist that will come and testify to that.

No, no. That is not the question. That is not the question. The question is, do you know why that recording was never played to the
10 witnesses, so they could say if that is what they heard or not? --- I do not...I do not...that was never done, M'Lady.

But where you sitting, would that not be the best thing to do? They have heard a woman. If you can scream like a woman, to play it to them so they can say, if that is what they heard? --- M'Lady, my counsel, what they decide to ask and what they do not decide to ask, is up to them. I think they have got far better things to look at. They have got people a lot closer, that were not 170 meters away, that heard completely different things, M'Lady. There were many statements that said, they did not hear that.

20 I am not going to take you on, on that. Even if you say that. Those people will come and give evidence. We know what everybody heard. For you, would you...do you not think it would be prudent to play the recording, so the witnesses can say if that is what they heard or not? You, not just you, not anybody else? --- I do not know, M'Lady.

Why do you not know? You must have a view? --- I am not an

attorney, M'Lady.

No, no, I know. But you must have a view? --- I have got a...[intervenes]

The people can hear and listen and ...[intervenes]

COURT: Mr Nel, if he does not have a view about this, he does not have a view. Is it not up to the legal representative to do that?

MR NEL: Yes, M'Lady. I will not pursue it further, but I have asked him what his view was and he is giving instructions to his legal team and that is my aim.

10 COURT: He says he does not have a view.

MR NEL: Thank you, M'Lady. Mr Pistorius...shall I carry on?

COURT: Yes, you may.

MR NEL: Mr Pistorius, have you listened to the recording of you screaming with a high pitch voice? --- No, M'Lady.

Were you taken somewhere to scream at a high pitch voice? --- Yes, M'Lady.

So, you went into a stereo or something to scream at a high pitch voice? --- That is not true, M'Lady.

20 Where did you go to scream at a high pitch voice? --- At my place where I reside at the moment, M'Lady. M'Lady, if I can just say, that I have never screamed like that before. I had a...I do not know if...I cannot remember what I sounded like on that night, it was after the gunshots had gone off. But I was screaming out for...screaming out to Reeva, I was screaming for the Lord to help me. I ran onto the balcony. I scream...I shouted and screamed for help and I do not think one

scream was the same. You do not scream in a monotone fashion. When you in desperation, you scream out as loud as you can.

But one thing we know is that, if we have...like the state witnesses were correct in hearing, somebody screamed. Because that happened? --- That is correct, M'Lady.

Now if...it was not only crying, it was screaming? --- And shouting.

Screaming and shouting. It was not only crying, am I right? --- That is correct, M'Lady.

10 So if the Burgers said that they heard screaming, they correct. That was you? --- That is correct, M'Lady.

Now, the firing of the shots and I am not rehashing. We have not been back to it now. The...[intervenes] --- Sorry M'Lady, I do not...Mr Nel put to me the Burgers. Mrs Michelle Burger, was the only one that came and gave evidence, I believe out of the two in that couple. It was the Stipp's. The Stipp's, they were both in a couple and Johnson and Burger. I do not remember the Burgers.

10 I...I...you again...you have a sense for detail. Johnson and Burger were married and you right. Johnson and Burger. I refer to them as the Burgers, but your sense for detail is correct. Although they married, they have different surnames. You right. Does that satisfy you? --- Thank you, M'Lady.

Now, the...we will deal in the next five minutes with double tap of rapid succession. What was it that you shot? --- I fired in very quick succession, M'Lady.

How do you know that? --- Because I remember it, M'Lady.

What do you remember? --- I remember discharging my firearm as quick as I could.

And stopping. Why did you stop? --- I do not remember, M'Lady.

Why did you only fire four times? On your version, when you got...when you heard the voice, you started firing. Why only four? --- I did not say I heard a voice, M'Lady.

No, not a voice. Noise. --- I am struggling to keep up with what
10 is being put to me, M'Lady, because I have not said many of these things that are getting put to me.

You heard a noise, am I right? --- Yes, M'Lady. When I heard a noise...[intervenes]

And that caused you to fire? Am I right? --- That is correct, M'Lady.

And you then started firing? --- That is correct, M'Lady.

Why did you stop? --- I am not sure, M'Lady.

Same here. If your version now is that you just fired, because you were scared, why only four? Why not empty the magazine? --- I
20 am not sure, M'Lady.

Why not fire at the window? --- I do not understand why I would fire at the window, M'Lady.

I will tell you. Because there might be somebody on the ladder with a gun? --- I thought that there was somebody in the door, M'Lady, in the toilet and my firearm was pointed towards the toilet.

Why did you not fire at the window? Did you...did you not think that there is a danger there? --- My firearm was pointed at the door with the time that I fired, M'Lady. At the time I heard the noise. I did not change the position of the firearm. I just started firing.

Did you ever think of firing into the shower, a warning shot? --- M'Lady, if I had fired a shot into the shower, it would have ricocheted and possibly hit me.

That is the next question. Firing into that door, in that small toilet, a ricochet of that ammunition would be possible and it would hit
10 somebody? Am I right? --- That is correct, M'Lady.

So, you foresaw the possibility. If I fire in there and there is somebody in there, I will hit them? --- That is not what I said, M'Lady.

No, but I ask you. Did you? --- No, M'Lady.

What then? When you fired in there, what did you think? --- As I said, I did not think. My firearm was pointed at the door at that time, M'Lady.

But you thought of not firing in the shower, because there will be a ricochet? Is that what you thought? --- No, I never said that.

What then? --- I never said I did not think of firing into the
20 shower. It is put to me now. Why did I not fire into the shower.

I ask you again, why did you not fire into the shower, a warning shot? --- M'Lady, I did not intend to fire my gun. My gun was pointed at the door and when I heard the noise, I fired.

Okay, but then for...then, you did not intend to fire your gun. Your gun just went off. Can we...is that what we can accept for going

forward in this matter? --- No, my gun did not just go off, M'Lady.

Now...[intervenes] --- I did not intend to fire, but I did fire. It did not just go off.

But is it like the Glock? Did it just go off? Or did you pull the trigger? --- I pulled the trigger, M'Lady.

Into the...in...why? --- Because I perceived danger to be coming out to attack me, M'Lady.

But you did not...then when you said you did not fire at the danger, did you fire at the danger? --- I fired where the firearm was pointed, where I perceived the danger to be. That is correct.

You see Mr Pistorius, when you want to, you fired at the danger and when you do not want to, the shots just go off. Can you remember what your evidence-in-chief was? --- M'Lady, there is a difference in firing at a point, where I thought the danger was and where my firearm was already pointed at the point of danger and when I heard the noise.

Was it mere coincidence then? --- No, it is not at all what I am saying.

Did you aim to shoot there? --- No, I did not aim at any point, M'Lady.

Was it just lucky, that your gun was pointed in the direction of the noise? --- How would that be lucky? She lost her life, M'Lady.

No, Mr Pistorius. You now try and to get emotional again. But it is not worth your while. M'Lady, it is one. May we take the adjournment?

COURT: May I see counsel outside.

MR NEL: Yes, M'Lady.

COURT: Court will adjourn.

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

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

Yes, Mr Nel?

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

CROSS EXAMINATION BY MR NEL (Continued): May it please the court, My Lady. Mr Pistorius, what did you think what will happen if you
10 fire through the door? --- I did not have time to think about that, My Lady.

So that... it never crossed your mind that you would kill the people in that toilet? --- No, My Lady.

So that was not your intention? --- No, My Lady.

But today, if you have time to think, if you fire through the door, what would happen? --- If I think back today, My Lady, if there was someone that was inside the toilet and I knew about that and I fired at the door, then that would be a possibility, My Lady.

What would be a possibility? --- That they could get shot,
20 My Lady.

It is a probability? --- Yes, My Lady.

If you fired four times, it becomes a very good probability that you will hit somebody in that toilet? --- That is correct, My Lady.

Now you did not fire a warning shot into the shower area? Is that correct? --- I did not shoot a warning shot at all, My Lady.

Now I just want to go back and just test one other aspect and that is, before you ventured into the passage, if you fired a warning shot down that passage, that would have scared anybody, am I right? --- I am sure it would have scared someone, yes, My Lady.

And why did you not do that? Just fire a shot down the passage into the wall? --- I do not know My Lady.

Reeva going to the toilet, she would have had to walk down a dark passage? --- That is correct, My Lady.

Into a dark bathroom? --- That is correct, My Lady.

10 And she never put on the light? --- That is correct, My Lady.

Why would she not put on the light? --- I am not sure, My Lady. She had her cell phone with her. So maybe she was using that for light.

That is the answer I waited for. You see... did you see that? If she used her cell phone for light Mr Pistorius, you are... as far as your version is concerned, it is even in worse trouble. You would have seen a light walking down the passage. --- It does not change anything, My Lady. My back was towards her. It does not matter if she had a light or not.

20 No, Mr Pistorius. It is devastating for you. In pitch dark a light of a cell phone used as a flash light, would have drawn your attention much easier than a little blue light. --- It would have drawn my attention if I was facing the passage, My Lady, but I was not facing the passage.

No, even in peripheral vision, Mr Pistorius. --- That is correct,

My Lady.

You would have seen it in peripheral vision. It was pitch dark.

--- I would have [intervenes]

You would have seen that flash light of the cell phone. --- I did not say she used her flash light on her cell phone, My Lady.

What did you say? --- I said she would have used her light. Often at night when I go to the bathroom, I just take the screen of my phone and that gives me enough light to see where I am walking [intervenes]

10 I [intervenes] --- And even peripheral vision does not mean vision behind you.

Now [intervenes] --- If my back was towards Reeva I would have not have been able to see her. Whether she used her phone for light or not.

No, well you see unfortunately I have to test you on it, because if you... if you were still bringing in the fans and you put the tripod fan where you said you put it, the passage would have been... if you faced the bed to your left, am I right? --- Correct. If you are facing the bed the passage is to the left.

20 But you never faced the bed? --- No, My Lady.

Right, on to your right, the passage would be in clear view? If you just turn your head to the right? --- If you are going now from left to right, so now you are in the middle which is in the opposite direction of the passage, the door are in the opposite direction of the passage.

Mr Pistorius, this is not good for you. You said you never faced

the bed. If you face away from the bed and you just turn your head to the right, you would see the passage, am I right? --- Sorry, My Lady, may Mr Nel please ask that question again?

Mr Pistorius, if you face away from the bed, you put the fan down and you are facing away from the bed, do you have that? --- Yes, I do, My Lady.

If you then turn your head to the right, you would look down the passage? --- If you turned your head to the right, you would look down the passage.

10 Yes. And if there was... let us say there was a clear light to your right, your peripheral vision would have picked that up? --- That is correct, My Lady.

Good. Now being pitch dark a cell phone would have been in your... a cell phone screen light even would have been in your peripheral vision. If your version is correct, why did you not pick it up? --- Because I never said my back was facing the bed and on that direction on the foot of the bed, my back was facing the passage. Mr Nel's implying that I turned 90 degrees to put down the fan, which I never did.

20 I see. --- I simply brought the fan in and I placed it and we do not know when Reeva got up out of bed.

Well, not on your version, you are right, because it never happened in the way you said it, is that not so? --- That is not true, My Lady.

Now remember I said I just wanted to test something, and then

we go back to the bathroom. You in fact, when I said if she switched the light on... why did she not switch the light on and you said that perhaps she took her phone along as a source of light. --- Perhaps, My Lady. I made my way to the bathroom without a source of light. Maybe she did. I do not know. I would not be able to say she [intervenes]

But it would be easy for her to switch the light on when she enters the bathroom? --- But she did not do that, My Lady.

Except if we accept Stipps' version. Stipps' version said it was
10 on. --- That was not the truth, My Lady.

Now the [intervenes] --- And that was not the evidence of the Stipps, My Lady. They did not say before Reeva went to the bathroom, she switched the light on. They said after the shooting they immediately saw the light on. It was never their evidence that they saw the light on at that point.

Did you switch it on? --- No, My Lady, I did not switch it on at that point.

Who is the only other person that could have switched it on? --- They were not on. So there was nobody else that could have switched
20 them on at that point.

You are arguing with the Stipps. Let us take the Stipp's evidence and you are right. On the Stipps' evidence, if you did not switch it on, who could perceivably have switched it on, who? --- My Lady, there are two points here. The one point was that the Stipps said the lights were on. It was... inferring that the Stipps said the lights

were on when Reeva went to the bathroom, that she switched the lights on. That was never the evidence of the Stipps.

Mr Pistorius, there is one aspect I have to just canvass again. We will not come back to this tomorrow, so we will finalise it today. When you fired the shots, could you just indicate to the court where your gun was? Where did you hold your gun? --- I held my gun up like this, My Lady.

Now you have got your arm in a normal shooting position? --- No, I do not think that is a normal shooting position at all, My Lady.

10 Is that not a normal shooting position? --- No, My Lady.

But it is at least shoulder height? --- It is probably about shoulder height. I remember that.

So it was not next to you... you did not shoot from the hip? --- No, My Lady. A normal shooting position does not have anything to do with the height of the firearm. You can hold the gun with your elbow completely bent at shoulder height or you can have your arm extremely extended at shoulder height. So it has nothing to do with the height.

How did you have it? --- As I indicated, My Lady. Like this.

20 At the shoulder height but your arm is not extended? --- That is correct, My Lady.

And your gun is pointed at the door? --- That is correct, My Lady.

Now if you thought... you thought the intruder was coming out? --- That is correct, My Lady.

That is why you shot? --- That is correct, My Lady.

There are lots of other versions, but I just want to use this one. So... and you thought that in coming out, they will have to open the door at the door handle? --- I did not have time to think about that, My Lady. I perceived them as coming out so...

But let us just think about this. There is no other way of them coming out. --- We have agreed that there is, My Lady.

Except the door. Except the.... we never agreed but you said the window, and I give you that. But let us just use the door. Now for them to get out the door, they have to use the handle? --- Yes, of course, My Lady.

And you could see the handle in the bathroom? --- Yes, it was not clear. It was dark, but I could see the outline. I guess I did not focus on the handle of the door. I was focussed on the door as a whole.

But on the position of the shots, did you not fire at the handle? --- I think you can see that that is not the case, My Lady.

Let us just ask you... if you wanted to shoot the intruder coming out, where would you have fired, if you wanted to? --- Probably higher, My Lady. Probably more in the direction of where the opening of the door would be, on the far right of the door and at a chest height.

So we can now exclude the fact that you shot at the intruders for once and for all today, based on the fact that you did not shoot at chest height? --- If Mr Nel says so, My Lady then ...[intervenes]

No, you are saying so. You are saying so. --- I never said that, My Lady.

You said... But no, we are not going there again, but I will test

you on it. Did you fire to shoot the intruder? --- No, I did not My Lady.
I fired because I got a fright.

And it was all an accident. Am I right? --- That is correct,
My Lady.

Now if there was an intruder in the toilet, would that have been
an accident? --- I do not follow the question, My Lady.

If there was in fact an intruder in the toilet and you shot and
killed an intruder, would that have been an accident? --- I never
intended to shoot anyone, My Lady.

10 So even if there was an intruder, that would have been an
accident? --- Yes, My Lady.

Now Mr Pistorius, before we deal with what happened after the
shots, for this accident... who do you blame for the accident? --- I
blame myself.

So you at least blame yourself for an accident which was,
what? --- I blame myself for taking Reeva's life, My Lady.

In the following circumstances, Mr Pistorius: Reeva would only
have been with her right hip at bullet hole A if she was standing in front
of the door talking to you, is that not what happened? --- No, My Lady.

20 COURT: Can you repeat that?

MR NEL: Reeva could only have been in the position behind the door,
for bullet A to hit her in the right hip, if she was standing behind the
door, facing the door. Why would Reeva... it has been accepted by your
pathologist and Captain Mangena that bullet hole (a) was the first shot.
Why would she stand there Mr Pistorius, if she was scared? --- I do

not know, My Lady.

Because she was talking to you, sir. --- That is not true, My Lady.

All the screams and shouts... you screamed at her and she fled for her life. Why would she... is that not true? --- No, My Lady.

Why would she stand upright at the door looking at you, looking at the danger? --- I do not know, My Lady. I do not know if that is... how she was standing. I do not know.

How do you think she was standing? --- I do not know,
10 My Lady.

Now on Captain Mangena's evidence, she was standing upright behind the door. Bullet hole (A) hit her in the right hip. Why would she be there, except if she was talking to you? --- I do not know, My Lady.

COURT: That question is a bit unfair. If he says he does not know, I do not think you can ask it again and again. Why? He says he does not know. We know she was standing in that position. But he says he does not know.

MR NEL: With the utmost respect, My Lady, and I say it is not true, he knows.

20 COURT: No [intervenes]

MR NEL: He is hiding it.

COURT: We may infer from all the other evidence, from other facts [intervenes]

MR NEL: Yes.

COURT: That you know he knows. But you cannot really say what he

knows.

MR NEL: I will abide by the court's decision, My Lady, although my case is different, My Lady. My case is he knows that he shot her whilst she was talking to him. Now I am just putting her in a position and he must tell us, because there is no other version for it, My Lady. So... but My Lady, as I have said I will accept what the court indicated to me and I will move on. Mr Pistorius, can you still remember what your evidence in chief was about the firing of the shots? --- No, My Lady.

And I do not want to test your memory, because that is not the
10 intention of this question. I will put it to you what it was.

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

It is page 1475, My Lady. Do you have the record? I think it is at... Do you have that, Mr Pistorius? --- I do, My Lady.

Let us read from... Well, what I just read to you is 9 and 10.

"Before I knew it, I had fired four shots at the door. My ears were ringing. I could not hear anything. So I shouted. I kept on shouting for Reeva to phone the police."

Is that still your version? --- Yes, My Lady. Before I could make sense
20 of the situation I had fired four shots. My ears were ringing at that point. It was in a confined area.

But we now know that the four shots is in fact a reconstruction? --- That is correct, My Lady. We have... I have said that before.

Now what happened immediately after the shots were fired? ---

Immediately after the shots were fired, I stayed where I was and I shouted for Reeva.

Why did you stay where you were? --- Because I was not sure if the person was still going to come out of the toilet, if they were still coming up the ladder.

So you kept your eye on the ladder and on the door? --- That is correct, My Lady.

And then? --- And I could not hear anything and I kept the firearm pointed in front of me and then I slowly made my way back...
10 tracked to my bed shouting out for Reeva.

Now if you say 'shouting' would that be screaming or shouting? I do not know... understand what do you... what do you mean? --- Screaming, My Lady.

Screaming? Why would you scream? Why would you scream out? --- I was scared. I wanted to [intervenes]

Scream? --- I asked Reeva why... if she is phoning the police. I was scared that there was someone coming out of the bathroom still.

And then? --- And then I got to the bed and then I realised Reeva was not there [*accused is crying*] and then I got off... if you look
20 at the bed at the right hand side, I got off the bed. I stuck my left hand out and I tried to feel the curtains... I was hoping maybe she was hiding behind them. [*accused is crying*] and then I started panicking because I realised that Reeva was not replying to me. She was not... I could not see her and I could not... I could not hear her. So I went back to the bathroom as quick as I could and when I got back to the entrance of

the... of the bathroom. [*accused is crying*] I was screaming... I started to scream out for her. I was scared entering the bathroom again and then I got to the door and I put my shoulder against the... trying to open the door and I could not. So I put my shoulder against the small wall between the shower and the door and I was trying to rip open the door and then I could not, and I ran back on my stumps to the sliding door and I screamed. I screamed for help and then I... and then I put my legs on as quick as I could. I ran back to the [intervenes]

Okay, sorry, I have asked you a lot, but can you just stop here, let us
10 just deal with what you just testified. Now Mr Pistorius, so you checked if she was behind the curtains? --- No, I did not check if she was, My Lady, but I ran my hand along the half of the curtain, before I ran ...[intervenes]

But the purpose was to see if she was there? --- Yes, that is correct.

And she was not on the bed? --- No, My Lady.

And the duvet? --- I do not know about the duvet, My Lady.

No but I mean, you checked on the bed first, I am sure? --- If I checked on the bed? Yes, I ...[intervened]

Was the duvet there? --- I do not remember a duvet on the bed, My
20 Lady.

But I mean, it was it was dark in the bedroom? --- That is correct, My Lady.

If there was a duvet, did you not think it was her? --- I went across the bed. As I said My Lady, I went across the bed.

Ja, but if you went across the bed and there was a duvet on the bed,

would you have seen it? How would you... how did you know she is not on the bed? --- Because I would have... I would have moved over her, My Lady.

Did you move over the duvet? --- I do not remember, My Lady.

Why can you not remember the duvet? You were on the bed? --- I do not remember that part of the night, My Lady.

There was no duvet on the bed. --- That is not [intervenes]

Just say that, because that is the truth. --- That is not the truth, My Lady. If it was, I would say it was. If it was not, I would say it was not. It
10 has nothing to do with anything. If I remembered it being there, I would have said it. I do not have a recollection. At that point my memory... my mind was so fixated on finding Reeva.

The last you saw Reeva was under a duvet? --- It was with her... I remember saying... I could make out from the duvet that it went over her legs when I got out of bed.

So last you saw her she was under a duvet? --- That is correct, My Lady.

You came back and there is nothing on the bed, or she is not on the bed? --- That is correct, My Lady.

20 And the duvet? --- My Lady, I know she was not on the bed because I crossed the bed. I got on... on the foot. If you look at the bed, on the left foot side, I still had to help myself up on to the bed because I was not tall enough. I did not want to keep my eyes off the passage and I moved across the bed. When I got to the other side of the bed I was hoping that she was on the floor like I told her to be.

So you checked on the floor? --- Yes, My Lady.

So you had visibility? You could see if she was on the floor or not? --- No, I could not see.

So how did you check if she was on the floor as you asked her? --- You feel, My Lady.

No, but how did you feel? What did you do? --- With my hand, My Lady.

Now if you felt with your hand, you felt everywhere, because you were now panicking she must be there, that is where you told her to be, is it not? --- Yes, that is where I told her to be, My Lady.

So you would have checked everywhere there? --- I did not check everywhere. The place is so small, My Lady. If you can get out there, there is... that is... it is a small... I do not even know if it is a metre.

Like you [intervenes] --- And I ran my hand along the curtain and my first... my first thought was that it might be Reeva now in the toilet.

No, no. No, no. Let us take it much slower. You told her to get down. You thought she was on the floor, on the right hand side of the bed? --- I was hoping she was there, yes, My Lady.

Okay, now you are getting... you went on to the bed and across the bed, to the right hand side, am I right? --- That is correct, My Lady.

And it is pitch dark on your version? --- That is correct, My Lady.

And your first intention is to feel if she is on the floor? --- No. My first intention was to feel if she was on the bed, My Lady.

But then she was not? --- That is correct, My Lady.

And the second intention... second thing? --- Was to check if she

was behind the curtains.

Why behind the curtains and not on the floor? --- Because I would have tripped over her if she was on the floor, My Lady.

No, but why did you not check on the... you did not check on the floor? --- My Lady, by walking in that passage... if you came across her... if I came across her I would have tripped over her.

Mr Pistorius, you said go down. You thought she is there on the floor. Why did you not check? --- I did check, My Lady by walking... that passage, by walking... I got off on the right hand side of the bed between the
10 bed and the curtains. By walking through that part around the bed back to the bathroom, that is how I checked.

That is the only way you checked? --- Yes, My Lady.

Now do you not find it strange that the clipper, hair clipper, has not fallen over, it is standing upright? --- I do not remember the room, My Lady. I did not see the things there. I do not know if it is strange or not strange.

No, but let us have a look, because you place yourself now there walking, looking for someone and we will just have to look at the photographs. My Lady, may I just have a moment to look for a photograph? Yes, let us look at photograph 56. The hair clipper is standing upright, do
20 you see it? --- Yes, I can My Lady.

Well, not on the photo has it fallen over? --- That is correct, My Lady.

And the hair clipper's plug and the fan's plug has not been dislodged from the multiplug that one can see there? --- That is correct, My Lady.

On your version now, you could not do what you just described if the

fan was on that specific spot that you can see on photograph 56? --- That is correct, My Lady.

So if the fan was on that specific spot you could not have walked along the curtains feeling if she was behind the curtains, because you would have walked into the fan. --- You could have up to a certain point, but when you get to the fan you would not be able to any more, My Lady.

And that fan was not in your way? --- No, My Lady, it was not and I do not remember tripping over any of the items on the floor, either.

And then you rushed back to the bathroom? --- That is correct,
10 My Lady.

You know there is one very important aspect that you forgot to mention. Why would you not check the bedroom door? --- I did not mention it, because I did not do it, My Lady.

Why did you not check if she left through the bedroom door? --- Because what had happened was in the bathroom, My Lady. The whole incident was in the bathroom. My fear now was that I had shot Reevea. So I did not think even... begin to think of the bedroom door.

No, sir. Mr Pistorius, if Reevea is not in the room behind the curtains, the next place one will look is, if she left through the door. Why did you not
20 do it? She heard shots in the meantime, why would she not have left through the door? --- My Lady, I knew that I had fired shots in the door. I knew that I had heard a noise in the bathroom. When I could not find Reevea my first thought was that maybe that was her in the bathroom.

You see ...[intervenes] --- It did not even cross my mind to check the bedroom door.

You see [intervenes] --- I think that would have been a very strange thing to do.

You see Mr Pistorius, it is the most unreasonable first thought if you have not checked everywhere. Why would you think it is Reeva in the bathroom if you have not checked everywhere? Why? --- Because you would not check everywhere if you knew that there was someone in the toilet, My Lady. You would not waste time looking behind the couch, looking under the bed, looking behind the curtains, seeing if the doors are open.

But it is an intruder? It was an intruder behind the door. You did
10 not... that was your perception? --- That was my perception, My Lady.

You see Mr Pistorius, this is one of the crucial issues that makes your version totally improbable. --- It is incorrect, My Lady.

If you looked for Reeva, because you looked for Reeva, why did you go back to look for Reeva? --- As I said in my evidence, My Lady, as I got to the bed and I realised Reeva was not on the bed, that was the first time that I realised maybe it could have been her in the bathroom. That was before I checked the curtains and got out of the other side of the bed.

No, ...[intervenes] --- So your first thought would be to run back to the bathroom, not to waste time looking and doing all these things that
20 Mr Nel would be normal in the course. Nothing was normal about that night.

Mr Pistorius, that is not the question, but I am going to test you on that answer. But, when you left the bathroom why were you looking for Reeva? --- I was calling out for Reeva to phone the police.

So that is the main thing [intervenes] --- I was calling out for her.

The main thing is, Reeva must phone the police? --- That is

correct.

Good. Now you got to the bedroom and Reeva is not on the bed, am I right? --- No, that is wrong, My Lady. I got on to the bed and realised Reeva was not on the bed. If I [intervenes]

You see I am not a stickler for detail like you are and I stand corrected every time, but whatever you did she is not on the bed? Am I right? --- That is correct, My Lady.

Whatever you did, she is not behind the curtains? --- I did not say that, My Lady.

10 What then? --- I said the curtains that I checked, I only checked till the foot of the bed, then I ran back to the bathroom.

Yes. But you see, Mr Pistorius, it will be my argument that if there was shots fired in a house, the first thing that you would think is that she left that bedroom through the bedroom door and you never checked? --- I do not believe in either of those comments. I do not believe in the first comment, My Lady and I did not check if... there was no bed. When I got out on to the side and I checked that Reeva... or felt that Reeva was not on the floor, I probably would not have even continued putting my hand out to feel the curtains. I had to use my balance with my firearm in my hand on the bed,
20 just so that I could put my hand out and feel the curtains.

You see, Mr Pistorius, that is your version and you have to build it as you go. Why would you check curtains, but not the door? That is the question. Why would you not think she left the bedroom? --- The curtains were on the way to the bathroom, My Lady.

Okay, then that was a mere coincidence? You did not go to the

curtains to check if she was behind it, or did you? --- No, that is exactly right, My Lady. The fact that I was there, I might as well have checked the curtains. My mind the whole time was on the toilet... on the bathroom.

So you see, Mr Pistorius, what I have difficulty with is the huge leap from shooting at intruders and it could have been Reeva with nothing really happening, except she is not on the bed. Why is there that huge leap in your evidence? --- I do not understand the question.

It is a huge leap from I have just shot at intruders and it could have been Reeva. --- I do not think so, My Lady. When I got back to the room, I
10 felt Reeva was not on the bed. She was... I could at least not hear anybody else crying out for her. She was not responding and at that point it dawned on me that... when that thought came over me, nothing else mattered. I do not see how there is a big leap between the two.

You see, what I also have a difficulty with and I will go through your evidence after court, today, when you went back, if I understand your evidence and I will go through it, you were not convinced that it was her. You were still worried that it could have been intruders. Am I right? --- That is correct, My Lady.

And you still had your firearm with you? --- That is correct,
20 My Lady. It was not a conscious decision, but I was still... I was fearful. I think I was terrified of the whole situation. There was a lot of things that I was trying to think and make sense of.

Now, so you never kept your firearm with you for protection then, or did you? --- I do not remember why I kept my firearm with me, My Lady. I think it was just out of... I do not think I knew exactly what was happening. I

think a part of me was still hoping that it was not Reeva.

And what happened then? You have now felt behind the curtains and you are rushing back to the bathroom. What happened? --- As I said, My Lady, I went in the bathroom and I tried to open the door and I still had my firearm with me, and I could not open it and I realised the door was locked. I put my shoulder against the wall between the toilet and the shower and I tried to rip open the door.

You see, Mr Pistorius, with your evidence up to here, we have identified the bedroom door as an improbability. You know what is the
10 biggest issue here? You never checked the bathroom window for a ladder. --- I never did, My Lady.

Why? You said to this court you were fixated between the door and the ladder. Door, ladder. Door, ladder. But you approached the door without checking the ladder. Why not? --- Because when I thought it was Reeva My Lady, I would not have thought that she had climbed out of the window and even if she had, I did not fire at the window. So my first thought was to check the door.

You never checked the ladder? --- I never did, because once I checked the door and I realised it was locked, I realised there was somebody
20 inside.

No, but that somebody... you cannot make the leap that it is Reeva? It could at that stage still have been an intruder? --- That is correct, My Lady.

Why did you not check the ladder first? You are entering [intervenes] --- Because my mind was with Reeva [*accused crying*]. I was

worried it was Reeva. It could, yes, it could still be an intruder, but my mind was with Reeva.

No, your mind could not have been with Reeva then, because I will go through your evidence. Your evidence is:

“At that stage I did not know, I was still fearful of the intruders.”

--- That is correct, My Lady.

But if you... if that is even remotely true that you were still fearful of the intruders, I do not understand why you did not check for a ladder. --- I cannot explain it either, My Lady.

10 No, but you see, it is because your version does not make sense. You would have checked for a ladder before you approached the door. --- I do not believe so, My Lady.

The intruders came in, on your view, well, on your version by using a ladder? --- That is correct, My Lady..

Now you went back and what happened then? What happened? You now tried to open the door, but could not. --- Yes. Then I ran back to the balcony.

Just before you go on, it must have been unbelievably strange that the door could not open? --- I do not remember it being strange. I mostly
20 remember it being locked, My Lady.

Did you know it was locked? You tried it and it did not want to open, what did you think? --- I thought that maybe Reeva had locked it from the inside.

But why would you think that at that stage? --- It is a natural thing to think.

No, but, [intervenes] --- If I cannot find Reeve and she is... and I heard the door slam. When I was shouting, she must have been on the toilet or been in the toilet, heard me shouting and got scared and locked the door, that is what I was thinking.

So even at that... Is that what you thought at that stage, when you entered it? --- At that point when I checked the door was locked, I started panicking and I really realised that maybe it was her inside the toilet.

So what happened then? --- I went out and I checked the balcony. I ran out to the balcony and I started screaming for help.

10 Wait, wait. You said:

"I checked the balcony."?

--- I ran out to call for help, My Lady.

No. No, no, Mr Pistorius, it is not that easy. You said:

"I checked the balcony."?

--- That is correct, I did say that.

Why would you check the balcony now? --- I did not check the balcony. I am [intervenes]

You said:

"I checked the balcony."

20 Mr Pistorius! --- I understand I said that, My Lady. I meant I went out on to the balcony [intervenes]

No. --- To scream.

That cannot be. You said:

"I checked the balcony".

I want to know why you now said:

"I checked the balcony".

--- I do not know My Lady.

No, you have to. You said it. You cannot have been confused. I want an answer Mr Pistorius. Why did you say:

"I checked the balcony"?

--- I made a mistake, My Lady.

No, it cannot be a mistake. Why? What was this mistake? What caused you to make a mistake? --- I do not know, My Lady. I went out on to the balcony to scream for help.

10 No, Mr Pistorius, you have given your version. I am asking you a different question. I am asking you this question: Why did you spontaneously testify:

"I checked the balcony."

That is what I want to know. --- I do not know My Lady. If I ran out, I ran out and I opened the door as I ran out to scream for help. It was ... but I do not know why I said I checked the balcony. I guess in the process I did check the balcony.

20 You cannot get away by being evasive, saying I cannot remember, I have made mistakes, on too many occasions, Mr Pistorius. Please. You spontaneously said:

"I checked the balcony".

I just want to know why? --- I do not know, My Lady.

Because you are tailoring your evidence. --- My Lady, it does not... it is not that... if I said I checked the balcony, where is the harm in that? It is not tailoring for anything.

It is. --- There is no weight on that. If I checked the balcony that would suit what Mr Nel has been putting to me all this time, why did you not check there and why did you not check there.

That is why you changed it. --- No, that is not why I changed it, My Lady.

You are right. It suits my version, that is why you are changing it immediately. If you checked the balcony, there was at least doubt in your mind that Reeva was in the toilet? --- That is incorrect, My Lady. I ran out on the balcony to call for help.

10 That is not the question. The question is this: If you checked the balcony, at least there was still doubt in your mind if Reeva was in the toilet or not. --- But I did not [intervenes]

'If.' --- I did not go out on to the balcony to check the balcony.

No, but you are not listening to the question. 'If', Mr Pistorius. Do you understand 'if'? If you were correct now, that you went to the balcony to check the balcony, then there was doubt in your mind? --- There was hope in my mind that it was not her, that is correct, My Lady. That is why I did all the things I did. That is why I ran back. That is why I tried to kick the door. That is why I ran into the door. That is why I broke it down. The whole time I
20 was praying to God.

So there was still hope in your mind that it was not Reeva? --- Yes, of course.

You see that also does not make sense. Mr Pistorius, you are just adapting as you go. You made up your mind that it was her, is that not so? But how can you still have hope? You made up your mind, sir.

COURT: Are you saying it is a contradiction?

MR NEL: Yes.

COURT: I do not think so. We may think one thing, but hope another thing.

MR NEL: As the court pleases. I will deal with that. So did you check the balcony in the hope that she is on the balcony? --- That is not what I said, My Lady.

No, I am asking you because you said: 'I hoped.' Now I am just... the court is correct that you can know something and hope another. Did you check, in the hope? --- No, My Lady.

10 So you never checked the balcony? --- No, My Lady. I ran out on the balcony to call for help.

But it was not that easy. You still had to open the doors? --- That is correct, My Lady.

So what did you do? --- I ran out on to the balcony and I screamed for help.

The doors were closed? --- That is correct.

You are in the bathroom. You are now leaving the bathroom? --- That is correct, My Lady.

20 Please take the court through those steps. You are leaving the bathroom, what are you doing? --- I ran down the passage between the closets. I ran past my bed. I do not even remember opening the curtains. I do not remember opening the doors. But I was on the balcony and I was screaming as loud as I could for help, My Lady. I remember standing there feeling helpless.

And you still had your gun in your hand? --- Yes, My Lady, that is

true.

So you were running with a cocked gun in your hand, because that gun was cocked? --- That is correct, My Lady.

And to pull a trigger and to discharge a shot with a cocked gun, the trigger... it would be easy to pull, is it not? --- Yes, My Lady, it is true.

So, you are still running... you are running into the bedroom, you are opening the curtains, you are opening the door and you have got a gun, a cocked gun in your right hand? --- I never said I opened the curtains, My Lady.

10 But you had to because they were closed, Mr Pistorius. What answer is that? --- You could easily not open the curtains and just open the door, My Lady.

Did you open the curtains at all? --- I do not remember opening the curtains.

Now, let us take it on what you are saying now. You have got a gun in your hand, in your right hand, am I right? --- That is correct, My Lady.

You are going down the passage, you are going through the bedroom, you at least had to open it to get to the door, the curtains, am I right? --- You will have to part the curtains [intervenes]

20 To part the curtains, that is what I am looking for. You had to part the curtains to get to the door? --- That is correct, My Lady.

You have to unlock the door? --- That is correct, My Lady.

So with your left hand you unlock the door, you open the door? --- That is what I... I do not know, I cannot remember doing that, My Lady.

Did you open one or two doors? Remember your evidence. --- I do

not remember My Lady. If I had opened the doors, I am sure I would have opened both of them and flung them open.

You see, but how would that be possible with a gun in your hand?

--- My Lady, the ...[intervenes]

How would it be possible to open both sliding doors, with a gun in your hand? --- I am not sure, My Lady. I would probably just hold the handle of the door and open it.

So you have got a gun, a cocked gun in your right hand, you unlock the door, you open both doors and that gun was never... you never
10 discharged that gun again? --- That is correct, My Lady.

You see, Mr Pistorius, it is getting more and more improbable. --- My Lady, I understand... I understand how it sounds. But if you look at the photos, when I placed the gun down on the floor in the bathroom, the gun was still loaded and cocked. It was unsafe. If I look back now and I realise how much I was busy there on the floor, I could have... the gun... I could have kicked it and it could have shot me or Reeva again.

You see [intervenes] --- My mind was not thinking about this gun in my hand. *[Accused is crying]*

Why are you getting emotional now? Is it about what happened, or
20 is it about the questions and your frustration in answering them, because now we dealt with nothing, but your version. Why are you getting emotional? --- It is an emotional... it is emotional memories for me.

No, it is not. You are getting frustrated because your version is improbable and you are getting emotional. We have not spoken about Reeva. We have not spoken about anything now, but you are getting

emotional. Why? --- I was speaking about Reeva, My Lady.

Mr Pistorius, you are not using your emotional state as an escape, are you? --- No, My Lady. If I say I cannot remember how I opened the doors, I cannot remember how I opened the doors.

You see... I cannot see how that would cause you to be emotional, if you cannot remember how you opened the door. I just do not know. --- My Lady, Mr Nel is asking me about the position of the gun. I was talking about how the gun was left. Eventually when I ran to the bathroom to break down the toilet door... if I was so calculated in my manner, surely I would
10 have put the gun on safe, or I would have put it up somewhere. But I did not. I left it on the bathroom floor where I was trying to save Reeva's life, where there was a lot of movement. I was not thinking about this firearm. [*Accused is crying*]

You see, it is only difficult on your version. Where, on the state's version where you fired at Reeva, killed her, you put down the gun and then tried to get her out. That is not that difficult, not on the state's version. On your version, it is improbable. Is that not so? --- I do not understand what Mr Nel is asking me, My Lady.

I am saying your version is so improbable you would not have run up
20 and down with a gun in your hand and nothing happened, no discharge. --- That is what happened, My Lady.

But let us just deal with it. So you ran from the bathroom, parted the curtains, went outside on to the balcony? --- That is correct, My Lady.

What happened on the balcony? --- I screamed for help.

And then? --- And then I came back inside and I put my prosthetic

legs on, My Lady.

You can still remember how many times you shouted? --- I remember shouting three times.

You came back and you put your legs on? --- That is correct, My Lady.

Which was next to the bed? --- That is correct, My Lady.

On the right hand side, as you stand in front of the bed? --- That is correct, My Lady.

And that you said you could put your prosthetic legs on in half a
10 minute? --- I remember the other day here, it being more or less half a
minute. I do not know what time it took me that night.

Ja, no, that was timed, it was just over 20 seconds. But is that what
you normally do, how quickly you put on your prosthetic legs? --- No,
My Lady. I put my legs on as quick as I could. I was trying to find the socks
on the floor and I put them on as quick as I could.

You see, there is just one other aspect. Coming back, I do not
understand why you would not have switched on the light to see if Reeva
was really there, if you hoped that she could be? --- My Lady, my mind was
on getting into the toilet as quick as I could. My mind was not on switching
20 on a light or ...[intervenes]

No, but you see you went on to the balcony. --- To call for help.

Mr Pistorius, so let... So you went back, you put on your prosthetic
legs, what happened then? --- When I put my prosthetic legs on, my
firearm was next to my side on the bed. I put on my prosthetic legs, I ran
back to the toilet. I ran straight into the door. I tried to shoulder charge the

door. Nothing happened.

But before you go there, you took your gun along? --- That is correct, My Lady.

Why? Why would you at that stage, Mr Pistorius, take your gun along? It does not make sense. --- It does not make sense, My Lady. I do not know why I would have.

No, you see it is because you are building a version that is so improbable that nobody would ever believe it. --- My Lady, if I was building a version I would have said I left the gun there earlier. I did not. I
10 understand that it does not sound rational, but I did not have a rational set of mind... rational frame of mind. I wanted to get into the toilet. I do not know why I ...[intervened]

No, you see, Mr Pistorius, it is because that gun was left there after you shot and killed Reeve, just after. You fired the shots, you left the gun there. That is what happened. --- That is incorrect, My Lady.

Okay. My Lady, I see it is five to three. I want to... I will now start and build a whole range of questions about the toilet. It would be better My Lady, if I start with that afresh tomorrow and run with it. To start now and rehash it again tomorrow, I think would not be fair to the witness and to me.
20 So I ask that we take the adjournment now and I will carry on from here tomorrow morning, early.

COURT: We will take the adjournment.

MATTER POSTPONED TO 15 APRIL 2014

COURT ADJOURNS

[14:54]
