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question.

COURT: You have really intimated earlier during the trial, early stages of the trial that there is certain [indistinct] interfered.

MS KOLBE: I am getting to him.

COURT: You have already indicated, that we heard, but what I am saying is what has got the, his employment to do, whether they have interfered or whatever, that is a different issue.

MS KOLBE: As Your Lordship pleases. May I continue, M'Lord?

COURT: Yes.

MS KOLBE: According to Mr Paul O'Sullivan, whom you have met, is that correct? Let me first ask you, did you meet him? --- Yes.

COURT: That is the best way, [indistinct] to that.

MS KOLBE: As Your Lordship pleases. Now according to Mr Paul O' Sullivan he conducted a 2 hour interview with you, do you agree with that or do you disagree with that? --- Yes, he came to the office where I was working and he asked me questions.

And I put it to you that Mr Paul O'Sullivan was employed by Stan Immelman, Pam Immelman and the two sons or that family. You know about that? --- I do not know who employed him.

Not. --- But I saw him come in to ask me questions.

Now, what was the date of this interview that Paul O'Sullivan conducted with you? --- I will not have the date, but it was after, after the incident, couple of days.

Yes, a couple of days after your first statement, correct? --- Yes.

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Right. Now what Paul O'Sullivan and the Immelman's did not like about your statement was that you said that it was a black man, because they wanted to accuse the accused of having committed the murder, in fact they said so much. Can you comment on that?

COURT: Sorry, can you repeat that?

MS KOLBE: The Immelman's or let me rephrase it. Mr Paul O'Sullivan, as instructed by the Immelman's, was not happy with the fact that you identified a black person as the perpetrator, because the accused is a white person and they wanted to implicate him in the killing of the deceased. Can you say anything about that?

COURT: Would you know what was the brief to Mr Paul O'Sullivan, that is what counsel want to know. --- Now, he just came, he asked me question, he left, I do not know nothing else.

MS KOLBE: But why did he question you for 2 hours? --- For 2 hours? I do not remember talking to him for 2 hours.

Well, you know, Mr Paul O'Sullivan said that and we, and he said he had a recording. We subpoenaed the recording and he said no, I do not, I cannot find it. --- I did not spoke to him for 2 hours. He came, he asked me what happened, I explained to him physically, my steps how it was and we went down to him to the scene and he left.

And it was after that interview that you received a call from Constable Weideman to discuss your statement. --- After that.

Yes. And then she wanted out of the blue to discuss with you what you saw on the scene.

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COURT: Why do you say out of the blue?

MS KOLBE: Well ...[intervene]

COURT: Is it not that he was supposed to be, you know, the witness to that thing, he may not have, you know, there was never any other person who was on the premises other than himself, at the time of, according to his evidence.

MS KOLBE: That is also an issue ...[intervene]

COURT: As per his testimony.

MS KOLBE: Yes, all right, let me rephrase that question. You had already made a statement that was in the docket? --- Yes.

When she phoned you. --- Yes.

But she clearly had a problem with what you said in your statement, not so? --- We went through and then he asked me rag that paragraph, who did I see and I told her that I saw a person wearing a black top, but here it is written that you saw a black male, I repeated to her that I did not see a black male, I do not know why it is where it is here, but I saw a person with a black top.

Mr Genge, I will argue later during the trial that you were put under pressure by Mr Paul O'Sullivan to change your version.

COURT: Counsel, in other words you want to [indistinct], he is going to ask, you know she is going to make some submissions that Mr O'Sullivan pressurised you to change your statement. --- I did not discuss that point with Mr O'Sullivan, he just came to the office, he asked me question, he left. The person who called me, regarding my statement which I made, it was Constable Weideman.

MS KOLBE: Right, and it will become clear or it is common cause that Constable Weideman worked with Paul O'Sullivan and his assistant on this matter, do you know anything about this? --- No, I do not know.

Right, now let us now deal with that statement of yours, that my learned friend has referred you to, I will mark it R(1) and I only have a copy, but see whether you recognise the statement that you referred to. Let us got to the very last page of the document I have marked R(1) and just tell the ...[intervene]

COURT: Is it only one?

MS KOLBE: Yes, I will get to that, M'Lord.

COURT: Sorry, you say it is R(1)?

MS KOLBE: I can also, whilst we are at it, hand Your Lordship the other statements.

COURT: Put this one [indistinct]

MS KOLBE: Yes, R(1), I think just to... Just firstly make sure that that is the statement that my learned friend referred you to, can you look at the very last page, that paragraph 6, is that where you signed? --- Yes, that is my signature.

Now let us go, I will, the other statement I will mark R(2), that is the other statement that my learned friend referred you to, and just have a look at that. Now this document is A(15) and it is dated 5 July, it would appear, and you see there A(15), is that also your statement? --- Yes, my signature is on here.

That is now the second statement that my learned friend has

may not have seen.

When it comes to the description of the person that did this, did you also ask him about the description of the perpetrator? --- Yes, M'Lord. I asked him if it was a white male or a black male and he could not tell me. He said that the person was wearing a black... he referred to as a hoody, a hoody jacket. And I asked him why could you not see the colour of his hands and he could not seem to recall any skin colour at all.

Did you at any stage... I could not say this... so Mr Kenga did not tell you that it was a black male? --- No, M'Lord. And I did not declare to him, because when you are searching for the truth, what you must not do is put words into people's mouths. So I asked him questions. I did not suggest answers to him.

Did you at any stage try and influence him to change his statement in any regard pertaining to what he witnessed that day? --- No, M'Lord, not at all. That would be unprofessional and we just do not do that.

Did you at any stage try to convince him to change the statement in the fact that he would say that it was the accused that he saw? --- No, M'Lord.

Now, did you at any stage... you said then that you have also spoken to Constable Weideman, the investigating officer. --- That is correct, M'Lord.

That is the only thing I want to raise about this. If you look at this, he said a person wearing a black top. You repeat a black top. Now the person that mentioned the hoodie, it seemed there is Robert Kenga. He says:

'A hoodie.'

'You call it what?'

It seems like he asked you a hoodie. What is it called, because he calls it a hoodie. Then you just say:

'With a hoodie.'

--- Yes M'Lord.

That is where the hoodie comes from? --- Yes M'Lord.

Now from this what you have handed now over, there is not a question that changed from a black hat and not into hoodie. This is what your interview with him shows? --- Yes M'Lord.

Then let me just ask you again. Did you at any stage ask Robert Kenga or influence him to change his statement that he would later give to Constable Weidemann to change it from a black man with a hat to a person with a hoodie? --- No M'Lord. At no stage.

Or did you get it from him? --- I got it from him M'Lord. So it was during this interview that I had with him. I felt that he wasn't sure of the skin colour of the person that he had seen.

Now what I want to ask you is this. You were referred to EXHIBIT S. EXHIBIT S was the email. --- Yes I remember.

That exhibit was handed in by the defence. All that I wanted to ask you about this is, you said that you do not agree with it. Now Mr