

CASE NO: 638669/07

DATE: 01.06.2007

IN THE MAGISTRATE COURT FOR THE REGIONAL DIVISION
OF GAUTENG HELD AT JOHANNESBURG

BEFORE

THE STATE versus

NKALA JOHN MOTATA

CHARGE

(SEE CHARGE SHEET)

PLEA

(SEE CHARGE SHEET)

ON BEHALF OF THE STATE

NOT MENTIONED

ON BEHALF OF THE ACCUSED

NOT MENTIONED

INTERPRETER

NOT MENTIONED

LOW BUSINESS SOLUTIONS (PTY) LTD
t/a SET LX CONSORTIUM
84 PRITCHARD STREET, 10TH FLOOR SCHREINER
CHAMBERS,
JOHANNESBURG, 2001
TEL: (011) 333-7757/6

MR MOTATA: Do not look at me with the other people I do not care about them.

OWNER: I have how many witnesses?

MR MOTATA: Yes you can go ahead with that, I do not care.

OWNER: I think you are slandering me now.

METRO POLICE WOMAN: Okay.

MR MOTATA: Yes, I can slander you.

OWNER: Okay.

MR MOTATA: I do not care about that.

OWNER: Okay.

MR MOTATA: Because I know this what you said to me.

OWNER: I am sorry factually it is not ^{the case} (indistinct)

MR MOTATA: Yes we may miss it, but I do not; I have an elephant's mind.

OWNER: Well I am not sure what that means but... (Intervenes) ^{it is obviously not a good thing.}

MR MOTATA: No, no I do not buddy anybody who is ^{truthful} too full to me. I will ^{send} stand for that person. I do not care a damn.

OWNER: I am sure this will help you at all, but I happen to... (intervenes)

MR MOTATA: I do not care.

OWNER: I happen to have done an empowerment deal for (indistinct)

MR MOTATA: Hey, hey, do not worry about whites it is the truth that must prevail.

METRO POLICE WOMAN: Can you listen sir.

MR MOTATA: Yes I do not care about that
OWNER: ^{it is obvious he had a drink or two.}

METRO POLICE WOMAN: Listen, do you know where you coming from and where heading to?

MR MOTATA: Where am I going to? Why these boers took my keys?

METRO POLICE WOMAN: Wait a moment we will make sure that they give you the keys. They will not go away with your keys. They will never go away with them look you here they will never go away with them.

MR MOTATA: Even if they ^{can} do it I do not care.

OWNER: And he is loosing his dignity

2n41

MR MOTATA: Why are you begging the boers?

METRO POLICE WOMAN: No.

OWNER: I think you ^{are mistaken} ~~must (and) insist~~ ^{down} you are in a wrong time and you are in a wrong place.

→ METRO POLICE WOMAN: Let us humble ourselves

OWNER: You are making things up

MR MOTATA: Let us talk on equal basis, this is what I want.

METRO POLICE WOMAN: No.

OWNER: I do not think so.

METRO POLICE WOMAN: Situation does not allow us to make noise at this time.

OWNER: ^{I was saying if this is what you do.}
~~I say I will speak (and) insist what to do.~~

MR MOTATA: Listen, I say listen.

METRO POLICE WOMAN: Let us try to calm down for us to understand each other.

MR MOTATA: Let us calm down, what I am saying if I can know that I have my car keys.

3n18

METRO POLICE WOMAN: You are going to get your keys sir. We will definitely make sure that you are getting your car keys.

MR MOTATA: We are at fault, I am saying listen, we are at fault. If we are wrong let us judge ourselves. If I am wrong I want to pay a person that I have wronged. I do not want to pay to a person.

WITNESS 1: Sir please.

METRO POLICE WOMAN: No, you will get your keys

WITNESS 1: Let me explain, the keys are on top of your car, they have been taken by (indistinct) *we took the keys from you?*

METRO POLICE WOMAN: We know you will not run away.

OWNER: (indistinct) get back to this I must take blood and do anything that I have to go through. *He has chosen the wrong guy to insult*

metro police woman: ...
OWNER: *they must take photos, they must take blood, they must do*
what any citizen must go through.
So this is the way we do. 02421 61107 (Simon House)
20070106-4V2

METRO POLICE WOMAN: No matter how it could be you no we need to follow the law.

MR MOTATA: You also want to go home is it not so?

METRO POLICE WOMAN: Yes.

MR MOTATA: You know me, I just do not want even ^{those} *slak* people, like can you have a look at this boer?

METRO POLICE WOMAN: This one is just coming to tow the car?

WITNESS 1: This one is just towing the cars.

METRO POLICE WOMAN: Sir can you go to your car please.

WITNESS 1: Please go to your car please.

Sm 30

Am 17 MC

looking people!

04m35

MR MOTATA: What I am saying is, if I am wrong I am wrong. I broke somebody's wall.

METRO POLICE WOMAN: Yes.

MR MOTATA: That I admit.

METRO POLICE WOMAN: Yes.

MR MOTATA: I will fix it. Take my address, but do not take my address like I am drunk I do not want that.

METRO POLICE WOMAN: Sir I believe that where you are working as you are of the law there are procedures to be followed? *People of the law present?*

MR MOTATA: Let them follow the procedures but they must stop saying I am drunk.

METRO POLICE WOMAN: They [?] do not know whether you are drunk or not.

MR MOTATA: When they are taking my particulars, I do not want them to say I drunk.

METRO POLICE WOMAN: No they are not say you drunk sir.

MR MOTATA: The thing is they want to put me in through an alcohol test. I say this guy there is no way that I can come in and not knock his wall. I am wrong I knocked his wall, I am wrong, I have got to pay. Not that I am either drunk or sober. I have to pay this is his wall, I have got to pay. Are you listening? Sir do you understand me. I have knocked your wall whether I am drunk or not... (intervenes)

OWNER: But you have also breached the security that we provide to our tenants, so I have to put the security ^{new for the...} (indistinct)

MR MOTATA: No listen, I say security or whatever, I have knocked your wall, I have got to pay.

1m 57sec

OWNER: Yes.

MR MOTATA: Yes I have got to pay, whether I am drunk or not I have got to pay. It is not a question of I am drunk or sober? I have got to pay. I say...

(intervenes)

OWNER: That is not for me to decide, I am ... (intervene).

MR MOTATA: No, I am telling you.

OWNER: I am ... civil.

MR MOTATA: No, no I accept that.

METRO POLICE WOMAN: Mr Motata what the law says is, as you are the person of the law, this is an accident.

MR MOTATA: Yes it is an accident, I say, I have got pay for whatever I have done which is wrong. I do not want to fight with this man. I do not, I do not, honestly.

→ OWNER: Well it is a change in your attitude from earlier on.

MR MOTATA: No, no I am not changing. I say, if I get into your wall, in your wall, whether I am drunk or sober, one thing that remains is that I have got to pay.

✓ OWNER: No, yes Ja

→ MR MOTATA: Now I say to you, I give you my particulars I have got to pay. Honestly I want to give you my particulars and I want to pay for the damage I have done to you.

OWNER: Okay.

MR MOTATA: Am I wrong?

→ OWNER: No no that is the beginning of it.
3m 10 sec

MR MOTATA: No I am not wrong I want to pay you. It is not a question of being drunk or sober, I have caused, damage to somebody.

OWNER: But I do not, ^{think} what we talking at the moment ^{about} is that being drunk or sober, I mean you are raising an issue we are not talking about that.

MR MOTATA: No, no what I am raising is that I have done damage to you ^{Drunk}
That is the main thing. ^{So}

OWNER: Yes, well in the normal process, if you have done damage to me you will have to pay, you need to remedy that.

MR MOTATA: Then I say ^{take} keep my particulars and tell how much I have done to you.

OWNER: Yes I do not know how much you have done.

MR MOTATA: No, no then you take my particulars ^{we} call each other you tell me how much I have done, I have got to pay, ^{how much} how do you feel about that?

OWNER: Well I think there is a process that needs to be followed.

MR MOTATA: No, no, but I am just saying.

OWNER: You know...

MR MOTATA: I have done you wrong.

OWNER: My attorney will deal with it, I am not getting involved with it. He can deal with it and he can go through it all, how much is due.

MR MOTATA: Let me be honest with you.

X { OWNER: My attorney has been here he came earlier on and he left, he went back to bed. He lives just up the road.

MR MOTATA: Who is he?

OWNER: No he can, he can contact you.

4m 37 sec MR MOTATA: No, no (indistinct) I do not want that.

OWNER: ^{He} They can contact you.

MR MOTATA: Let us not write yet, I am saying I give you my particulars.

OWNER: Look I mean that is obvious you know ^{you have given} will give me details. ^{which (intention)}

MR MOTATA: Yes if that is your attorney he communicates with me, I fix your damage, ^{is that too long process? or do I ...}

OWNER: ^{you know what, I left it with him} + will, he has left already, he must sort it out I don't ^{need to go} have ^{much} ... (intervene)

MR MOTATA: Ma'am do you have a pen, do you have a pen?

^{V23}
20070106-5-V2

^{02h27 6/1/07 (1 min 34 sec)}

METRO POLICE WOMAN: No justice is (indistinct)

MR MOTATA: What is justice...

OWNER: Now they have hand cuffed the Judge and he refuses to get out of his car, he is refusing to co-operate.

METRO POLICE WOMAN: Mr Motata.

MR MOTATA: Yes you will regret it.

OWNER: ^{you will regret it.}

OWNER: ^{He} threatening the police

MR MOTATA: ^{or you will regret it, I do not care}

METRO POLICE WOMAN: No, no, no that is not the way to do things.

WITNESS 1: You do not do things that way.

MR MOTATA: Yes I do not care.

MR MOTATA: Do it, do it.

WITNESS 1: You are an old person but you do not want to think.

OWNER: ^{Want to look his car after.}

MR MOTATA: No.

WITNESS 1: What we want from you?

METRO POLICE WOMAN: You making (us) illiterate

WITNESS 1: What kind of an old man are you who does not want to think?

MR MOTATA: Yes you do not want to do it.

METRO POLICE WOMAN: You are behaving like an illiterate

M WITNESS 1: Let us go.

MR MOTATA: How am I going to get up?

N WITNESS 1: We are going to lift you up.

OWNER: (Indistinct) Did they do the healthalyzer?

MR MOTATA: I want you do it.

ndr WITNESS 1: Where is the car?

METRO POLICE WOMAN: Our car?

MR MOTATA: You want to do it, no, no I do not care.

WITNESS 3: (Indistinct)

METRO POLICE WOMAN: Is the a (Indistinct)

NETLO#1 WITNESS 1: Yes take him out (Indistinct)

MR MOTATA: I do not care, I am not disagreeing, refusing

NETLO#1 WITNESS 1: You are going to pay.

OWNER: (Indistinct) lover Did he take a healthalyzer?

NETLO#1 WITNESS 1: He does not want.

OWNER: He does not want? (Indistinct) He is delaying, so the blood alcohol comes down
(Indistinct) a length of that (Indistinct) his blood.

NETLO#3? WITNESS 1: It does not help him to be un co-operative with (he) now.

NETLO #2 MR MOTATA: It does not help (Indistinct)

OWNER: Judge is now in the police car.

Pandine METRO POLICE WOMAN: This man is giving problems we going with you.

OWNER: In my opinion it is fairly handled.

METRO POLICE WOMAN: Now the thing is that

1m 24

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Hereby it is certified that insofar as it is audible the foregoing is a true and
just transcription of the proceedings which is mechanically recorded in the
matter of:

STATE versus John Motete

<u>CASE NUMBER</u>	63/268/07
<u>TRANSCRIBER</u>	THEMBA NGWEDLI
<u>QUALITY CHECKED BY</u>	POLELO MPHUTHI
<u>DATE COMPLETED</u>	30.08.2007
<u>NUMBER OF RECORDINGS</u>	5
<u>NUMBER OF PAGES</u>	17

LOM BUSINESS SOLUTIONS (PTY) LTD
t/a SET LK CONSORTIUM
94 PRITCHARD STREET, 10TH FLOOR SCHREINER
CHAMBERS,
JOHANNESBURG, 2001
TEL: (011) 333-7757/8

20070108-V19

01h28

6/1/07. (Gavin (2 sec))

MR MOTATA: Me, I am the lawyer

WITNESS 1: (Indistinct) *do not talk to him*

MR MOTATA: (Indistinct)

WITNESS 1: Do not talk to them.

MR MOTATA: I do not want to talk to them, I am saying let them give me my keys, let them take me to the police station and do whatever they want to do. They must not think that they have caught me with something.

WITNESS 1: No I understand you clearly that you are working at court.

MR MOTATA: Yes, but you know all of you, let me tell you, most of us this is our world, it is not the world of the boers. Even if they can have big bodies, South Africa is ours.

WITNESS 1: But sir, the problems is you drove into his wall.

MR MOTATA: Even if I can drive into it I will pay it. It is not a problem that I can pay for the wall but he must not criticize me. There is no Boer who will criticize me, (indistinct) what he thinks.

WITNESS 1: But Mr you of the law person.

MR MOTATA: Yes I am a man of the law, I am saying if I knocked his wall... (Intervenes).

WITNESS 1: Do you know the law of... (Intervenes).

MR MOTATA: Yes I know the law. Let me go to the law. I do not care about him. Yes he must not look at me as a black man. Let me go before the law. That how much I owe him for the wall which I broke down.

WITNESS 1: But then it is not good to insult him.

lucky.

Sitho
↑

in 56 sec

①

Gavin 15 sec

MR MOTATA: Fuck him, fuck him, he must not insult me. I say fuck him:
Any body who insults me, I say fuck you.

OWNER: Who is insulting you?

MR MOTATA: Ⓜ you insult me... (intervenes).

OWNER: Who is insulting you?

MR MOTATA: Listen.

OWNER: But you have to answer. You making are making an accusation,
you have to answer the question.

MR MOTATA: Hey I say listen.

OWNER: You have to answer the question if you are making an accusation

MR MOTATA: Hey fuck you, please.

OWNER: You are being disrespectful to me.

MR MOTATA: I do not care about you.

OWNER: I am the owner of the house. I have come here to see what
damage you have done and you... (Indistinct)

MR MOTATA: Yes if you have any damage to your house, do not insult me.

→ OWNER: Whose, Lucky have I insulted this gentleman?

→ WITNESS 1: No that is what I was trying to... ^{say} (intervenes).

MR MOTATA: I say do not insult me.

OWNER: I think it is a one way street here?

MR MOTATA: I say if I have won't done any wrong to you, you have a claim
to me, I respect that. I have got to pay, but I do not want anybody. If I have a
claim against him, to insults me. I do not, I do not want ... (Intervenes)

OWNER: I do not think you have got the basis to say this?

MR MOTATA: No, no I would not, I would not.

3m 25 sec!

OWNER: But you do not have the basis to say that, it is an academic talk now. Nobody is insulted you.

MR MOTATA: I say if I have wronged you, you have got a claim against me. You do not have the right to insult me.

OWNER: I do not think anybody has insulted you.

MR MOTATA: No, but what did you say, when I got out of my car? Do not think I am a fool. Do not think I am a fool.

OWNER: What did I say?

MR MOTATA: I do not say do not ask him I say you, you spoke to me.

OWNER: Well maybe, what did I say?

MR MOTATA: You say, this drunken person.

OWNER: It is my opinion that you are drunk, yes because you smell of alcohol, you have driven through my wall. (intervenes)

MR MOTATA: Rubbish.

OWNER: You do not walk straight.

MR MOTATA: Do not talk rubbish.

OWNER: I am not talking rubbish. (intervenes)

MR MOTATA: I am telling you now you are talking rubbish.

OWNER: One, Two, three, four, and five. (intervenes)

MR MOTATA: I do not care about your workers, I say, do not talk rubbish.

OWNER: Six, Seven. There is eight people here.

MR MOTATA: I say do not talk rubbish.

OWNER: There are eight people here.

MR MOTATA: I say do not talk rubbish.

OWNER: Sorry I do not have any workers here...these are... (intervenes).

SAS (continues)

^

from 20

MR MOTATA: I say do not talk rubbish. I want to talk to you and solve our problem.

OWNER: ^{gets and this is} (indistinct - my tenant), ^{not my worker}

MR MOTATA: Then you were not talking to me. I say fuck you...

OWNER: (indistinct) You know who I am speaking to, he is a senior manager at one of ^{the} your banks.

MR MOTATA: I do not care about your senior management, it does not work for me.

OWNER: He is my tenant, he is not my worker. He is a senior manager at one of ^{the} your banks.

MR MOTATA: So get to hell. Get to hell.

^{hand stopped from falling} OWNER: ^{No, No} Do not fall over, Whoa, Careful, Do not fall over, You cannot even stand straight.

^{stop to wait not get out} MR MOTATA: You know, you get what, senior management at bank, he does not work for me.

OWNER: But the difference is that he is a senior manager, he is not a worker.

MR MOTATA: ^{get to hell}

OWNER: MR MOTATA: He is not a worker, do not insult him. He is a guy who studied. He is a guy who's ^{got a car gone for}

MR MOTATA: But I am talking to you not any body else. I am talking to you. You get to hell.

OWNER: I am a hard worker... yes, you are right.

MR MOTATA: No, no, I am happy for you. You are doing well for your self. But that senior ^{manager} manager, you are talking rubbish about him.

OWNER: Here is the senior manager right here.

owner:
John
MR MOTATA: Who is he? *Right here. He is right here (indistinct)*
was supposed to be my senior manager.
owner:
John
LAUGHTER:
John
MR MOTATA: I am not drunk, I can't *(intervenes)*
OWNER: Sounds like you are drunk saying things like that. Unfortunately the guys are laughing at you.

MR MOTATA: No, no they are not laughing at me. They are laughing at the short guy. *(SAS)* So you tell me when you are ready, I must run.

OWNER: So you have a problem with a vertically challenged.

20070106-2-V20

01h48

6/1/07. *(4 min to 2 sec)*
(Metro Police Woman arrives)

WITNESS 1: Sorry Dad *(father)*

MR MOTATA: I am going to tell you the truth. I was going out, now I am holding a meeting for this gentleman.

METRO POLICE WOMAN: And then you... *(intervenes)*

→ MR MOTATA: We did not understand each other, so *(we)* decided to call the *hel, I called police to where I was to meet* people of law.

METRO POLICE WOMAN: You did not understand each other, how?

? MR MOTATA: Who is paying who? *?? I did nothing wrong!*

METRO POLICE WOMAN: So how do you want this matter to be treated?

→ MR MOTATA: I want to pay him.

Sally METRO POLICE WOMAN: Then what does he say?

↑ MR MOTATA: He says I should get a quotation, I say it is the truth. I hit his wall. *⇒ No AB in wall.*

METRO POLICE WOMAN: Okay right how are you sir?

OWNER: I am concerned about the event.

01h49:00

METRO POLICE WOMAN: Okay, so what are we going to do, we are going to take...

OWNER: I do not know you, you need to do what you need to do.

MR MOTATA: They give their quotation, I will pay what the wall costs.

METRO POLICE WOMAN: No, you know what we should do sir...
(Intervenes).

OWNER: How did this happen?

METRO POLICE WOMAN: We are going to ^{accident} open a case about the incident and then give him a case number, then we proceed. Is the wall insured?

OWNER: No, I do not think so.

METRO POLICE WOMAN: It is not insured?

OWNER: No, because I am not going to claim against my insurance and increase my premium for a situation like this.

MR MOTATA: You know I want to say... (Intervenes).

OWNER: I am not going to loose or incur any costs, this has got nothing to do with insurance. This is a case of damage to property and I need to look at a charge here.

MR MOTATA: If the insurance company says I should pay, I am willing to pay.

METRO POLICE WOMAN: You know the procedure we are suppose to take the accident, and we will give you the case number, and if you do not agree both of you what to do may be he agrees that if he can pay.

OWNER: I want to know how this happened, how can I...?

MR MOTATA: I knocked your wall, that is the truth.

Lady went back to cottage.

In Person

METRO POLICE WOMAN: You want your wall to be fixed or you want to know..(intervenes)?

OWNER: I have, this is I have tenants who live here, they need to have security on here, so that they are secure. There is a young lady here. So this is now a breach of the security. We need to secure the perimeter as of now with a guard, so there is cost for that. And there is cost to fix the wall and i do not know when they are going to fix the wall. Until the security is remedied ^{we} they need to put a guard here.

||
→ MR MOTATA: You, you, you, you are extending your luck, is that I am father Christmas.

→ OWNER: I am extending my luck?

| METRO POLICE WOMAN: Sir please give me your drivers licence and proceed.

OWNER: I think that is called remedy.

| METRO POLICE WOMAN: Can^m i please have your licence sir?

MR MOTATA: Wait a bit madam.

| METRO POLICE WOMAN: Sir I want to work, it has been long time standing here.

MR MOTATA: Wait madam.

lucky break → | METRO POLICE WOMAN: I want to work now I am asking for a licence so that we can be able to go.

MR MOTATA: Wait madam.

| METRO POLICE WOMAN: Sir please leave this man alone, talk to me leave this man alone to talk his own problems.

2m 50 sec
| MR MOTATA: We waited for a long time now.

OWNER: Lucky what are you hearing?

WITNESS 1: Yes she wants the licence.

OWNER: Yes, but go and tell the guy in the car he is drunk, he must be tested.

WITNESS 1: You talking (indistinct)

OWNER: ^{Does she know who it is?} This is drunk and driving, and you need to draw blood here. Look here he can not even stand. I am the owner, I arrive here he has been ^{and all sorts of things, I have not} insulting me, racist slurs, ^{and} showing ^{any} disrespect and you need to follow a drunken driving. I am laying a charge of drunken driving and I am laying a charge of damage to my property as well.

METRO POLICE WOMAN: No it is not a problem I have got all what I need to do.

OWNER: But you need to act quickly you need to take blood.

METRO POLICE WOMAN: Yes we have to take him to Hillbrow we do not take blood here.

OWNER: Okay, then you need to do it.

MR MOTATA: I do not want to my sister.

OWNER: (indistinct)

MR MOTATA: ?

WITNESS 1: (indistinct)

MR MOTATA: ³⁻⁵¹ For I do not want anybody to come and talk rubbish.

say to you, fuck to you too. I would say to you, fuck you, too.

OWNER: You are speaking to a police officer.

MR MOTATA: Yes it is a police office, I do not want to be insulted. I do not want to be insulted. If it is a police officer, I do not have to be insulted.

OWNER: Get away!

20070105-3-V21

02h09 6/1/07 (4min 17sec)

Why fuck.
MR MOTATA: You are police officers if people take my keys why should I co-operate with you.

METRO POLICE WOMAN: Who took your keys?

MR MOTATA: These people here... there is some big white fellow here. That is the guy behind you. He must tell you... Who took my keys. I do not have to co-operate with you. I do not care.

OWNER: I haven't got the keys.

MR MOTATA: No, no let me tell you guy, I do not have to co-operate.

OWNER: Please be careful, do not swear at me.

MR MOTATA: No, no, fuck you. I say I do not have to co-operate. I do not care what you say. I say, I do not have to co-operate with you. If anybody does not give me my keys...

OWNER: Keys were not here when I arrived.

MR MOTATA: Hey fuck you, I say anybody who does not co-operate with my keys, I do not have obligations to give you my addresses and everything.

METRO POLICE WOMAN: Please sir, go down a little bit.

MR MOTATA: No.

METRO POLICE WOMAN: You no please go down a little bit.

OWNER: You see you are also making racial statements about me, I have two black tenants and I have black neighbours. All these people will tell you.

MR MOTATA: No let me tell you, let me tell you, do not be a nice to these people you are not a nice person. *when you came to me the first time.*

OWNER: I have, I have...(intervene)

MR MOTATA: Yes you are not a nice person.