

**IN THE MAGISTRATES COURT FOR THE DISTRICT OF KUILSRIVER
HELD AT KUILSRIVER**

APPLICATION NUMBER H 647/2022

In the matter between

RUBEN THEODOR FITCHAT

COMPLAINANT

And

TYRONE BUCHANAN JOHNSON

RESPONDENT

RESPONDENT'S OPPOSING AFFIDAVIT

I, the undersigned

TYRONE BUCHANAN JOHNSON

Hereby declares as follows;

1. I am an adult male self-employed entrepreneur, residing at 19 Kleinbron Avenue, Kleinbron Estate, Brackenfell. I am the Respondent in this matter.
2. The contents hereof falls within my personal knowledge and is true and correct, unless otherwise so indicated.
3. I depose to this affidavit in opposition to a final protection order granted against me by the Applicant. Applicant's application was clearly brought in an attempt to intimidate and threaten me and my family. The Applicant, in no uncertain terms, states in this application he will use his firearms in "self-defence" against me and my family, none of whom own any firearms.

TH *TJ*

4. Due to the history between myself and the Applicant, I fear such a protection order will be used by the Applicant for nefarious purposes, and to continue his harass, intimidation and threats against me and my family.

APPLICANT'S BLATANT THREATS TO KILL ME AND/OR MY FAMILY IN HIS OWN APPLICATION FOR A PROTECTION ORDER

5. I specifically refer to Point 6 on page 7 of the Applicant's application, under the heading "**INFORMATION REGARDING URGENCY OF APPLICATION**".

6. Herein the Applicant states

'I am a licensed firearm owner, and do not wish to have to use my firearm in self-defence, or private defence in the event of the Respondent making an unlawful and life-threatening attack on me and/or my family.'

'If lethal force ensues between us, the trauma on both my and Mr Johnson's families will be devastating.'

'Of lesser importance, but noteworthy nonetheless, is the impact upon the community and Kleinbron Estate, should a fatal altercation occur in the estate.'

7. I am not a licenced gun owner, and I don't own any firearms, or any weapons of any kind used for sport or recreational purposes. I don't even have sporting equipment like baseball bats, golf clubs or tennis rackets, that can be used as weapons. I am also slight of built. I am not trained in any form of martial arts. I

ALL TJ

fail to understand in which way I could possibly pose a threat to Mr Fitchat that could ever warrant him to kill me and/or my family, as stated in Paragraph 6 of his application.

8. The above, which is proffered up by Mr Fitchat under the guise of "self-defence" is clearly meant to intimidate and threaten me.
9. There is a huge discrepancy in the scope of the protection order and the reasons for urgency. Applicant is requesting the Respondent:
 - 1) *"not to verbally harass the applicant or make any threats of violence towards him and his wife";*
 - 2) *"The Respondent is ordered not to make any contact with applicant or his wife (except via a lawyer)".*
10. Read with paragraph 6, this can be interpreted as "as long as the Respondent does not contact me or verbally harass me, I wont have to kill him".
11. It is completely astounding that the Applicant considered it acceptable to put this in writing, and even more astounding that the interim protection order was granted in the first place.

AA T5

APPLICANT'S LETTER OF DEMAND DATED 12 SEPTEMBER 2022

12. On 12 September 2022, my attorney received a letter of demand from the Applicant, pursuant to this application for a protection order. The letter of demand is lengthy, but I nonetheless attach it hereto as Annexure 'TJ1'.
13. I specifically refer to the last two pages of the document, with the heading **'POTENTIAL USE OF FIREARM'**.

Potential use of firearm

119. If Mr Johnson or one of his agents does make a serious and unlawful attempt to take my or my family's lives, as he has twice indicated his intention is, I intend to use proportionate force against him in self-defense or private defense, and if proportionate and necessary, may include the use of my licensed firearm.
120. I am a licensed firearm owner and have completed the requisite competency certificate, so I am aware of how to use my firearm within the legal framework provided in the Firearms Control Act and the relevant case law.
121. I do not intend to use my firearm unlawfully and I do not wish to shoot or kill anyone with my firearm, unless my or my family's lives are unlawfully threatened. I only intend to use my firearm in a legal manner.
122. This email serves as a record that I am officially trying to avoid an attack on me and my family by Mr Johnson, his family, friends and agents; and that I am officially trying to avoid the use of force to defend myself against Mr Johnson, his family, friends and agents.
123. I am sending you this email to prevent the situation with Mr Johnson from escalating, and to ensure everybody's safety in the estate, including Mr Johnson's.

MT TJ

124. I understand that, since we are next-door neighbours, it is impossible for us to completely avoid each other, but it is possible for Mr Johnson to not initiate a confrontation with me.
125. If Mr Johnson has anything that he wants to say to me, he does not need to approach me in person. He is welcome to send me a Whatsapp, or more advisable: to send me an email through his attorney.
126. It is reasonable to believe that Mr Johnson has received legal advice on how to provoke me in a manner that appears legal, and which he thinks will cause him to avoid being imprisoned or hurt while harassing me.
127. It is reasonable to believe that Mr Johnson wishes to obtain blackmail evidence against me in order to get out of his civil matter.
128. Mr Johnson is attempting to place me in a difficult situation, because I have to be prepared to react to any pre-planned behaviour by Mr Johnson that is designed to appear unpredictable and random to me, but which is precisely designed to minimise my ability and time to react reasonably and thus to maximise the chance that my response will seem unreasonable, erratic and illogical.
129. Simply put, Mr Johnson is bullying me, firstly for the purpose of real estate harassment, and secondly to create blackmail evidence that can be construed to implicate me in criminal behaviour so that he can get out of the civil lawsuit.
130. The blackmail evidence will most likely serve to make Mr Johnson look like a victim of my allegedly erratic and aggressive behaviour, to shift the focus away from the fact that I am in fact the one who is a victim of Mr Johnson.
131. Given this situation, I may be forced to carry my firearm with me to protect myself and my family against Mr Johnson's seemingly unpredictable, and potentially life-threatening, behaviour.

HA TJ

132. Mr Johnson has the same legal rights as me to use lethal force against someone who places him in a life-threatening situation.
133. I sincerely wish that it will not become necessary for me to defend my life and that of my family against Mr Johnson, and that Mr Johnson, his family, friends and agents will stop harassing me and my family.
14. Look at what the Applicant is saying: he needs a so that he is nor forced to kill me!!!
15. He has concocted a narrative in his head whereby I have "agents" acting on my behalf, and I am concocting a 'blackmail' scheme whereby I am creating "*blackmail evidence that can be construed to implicate me in criminal behaviour so that he can get out of the civil lawsuit*".
16. If I understand this correctly, the Applicant says I want him to kill someone, so that I can get out of a civil lawsuit? This is extremely far-fetched.
17. He further says in paragraph 128 I am purposefully trying to place him in a situation whereby he is forced to hurt or kill someone. Not only is he saying that am I purposefully planning this, but I am designing this to appear random, which forces the Applicant to do something that seems "*unreasonable, erratic and illogical*", like killing someone.
18. The Applicant is completely correct – this application for a protection order, and Applicant's explanation above, and the fact that the Applicant thought it was in

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any way correct to put this in writing - is definitely unreasonable, erratic and illogical.

19. As a result of this letter of demand, I approached the Court for my own protection order, as the Applicant is clearly threatening me and/or my family. An interim protection order was granted, which will be heard on 2 November 2022. The magistrate ordered the SAPS to remove all weapons from the Applicant's possession.
20. The SAPS attended at the Applicant's home. At the first attempt, the Applicant refused to open the gate. On the second attempt the Applicant opened his vicious dogs to scare the SAPS away. On the 3rd attempt, the SAPS arrived with four armed members, and eventually gained entry to the Applicant's property. They removed three firearms and one "windbuku".
21. It bears repeating that it is astounding an interim protection order was granted in the first place, on papers where the Applicant blatantly makes threats of shooting me and/or my family, using his licenced firearms.

RESPONSE TO APPLICANT'S AFFIDAVIT

AD PAR 1 – 3

22. The contents are denied. We are neighbours, but we are not harassing the Applicant and his wife. The Applicant and his wife are in fact harassing not only us, but the whole community.

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23. I attach hereto a letter from Yolanda Barnard relating to an incident on 30 December 2021 (**Annexure "A"**), where the Applicant threatened two children (aged 9 and 10) with his vicious dog, and thereafter pulled a gun on one of the parents who tried to confront hm.
24. One of the children in the neighbourhood left Christmas cards on the front porches of the surrounding neighbours' houses. The Applicant approached two children in the park with his rottweiler, yelling at them and threatening them that his will unleash his dog to eat them. They ran away frightened and traumatised.
25. One of the parents of the children, Nosi Xotyeni, went to the Applicant's house to confront him about traumatising the children. The Applicant pointed a firearm at Ms Xoityeni and told her to keep her children away from his house "or else there will be consequences". He then fired one shot into to the air.
26. Ms Xotyeni laid criminal charges against the Applicant. The criminal charges were later withdrawn by the prosecutor attending to the matter in court.
27. I attach hereto the SJC incident report as **Annexure "B"**. SJC is the security company providing guarding and security services to the Kleinbron Estate.
28. The report states the Applicant admitted to firing his firearm and threatening Ms Xotyeni because he has been harassed by the children. It is clear that the Applicant has a history of using his firearm or using his firearms in a threatening

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manner, when he is verbally confronted, and that he also feels threatened by children aged 9 and 10.

29. The report further states "The general feeling about Mr Fitchat is that he is paranoid and very unstable, and not fit to carry a firearm".

AD PAR 4 – 5

30. I am self-employed and working from home. My wife is a medical doctor, specialising in anaesthesia.

31. The fact that the Applicant uses the words "*claims to be*" and states I am "*in fact unemployed*", is a perfect example of the Applicant's nature. He is provocative and patronising, and yells harassment if there is any reaction from his target.

AD PAR 6 – 8

32. The contents are denied, as will be discussed in detail below.

AD PAR 9 – 11

33. I did not falsely claim the applicant recorded my child in a towel, he did record my child in a towel, and there are many witnesses who saw this. This issue will be aired in the civil case which commences on 28 November.

34. I have not opened a criminal case against the applicant, this is a lie, and I put the applicant to the prove thereof.

AA TJ

AD PAR 12 – 13

35. This is denied. Badisa Trio did not visit the Applicant's house because of a criminal case I opened against him, because I did not open a criminal case against him. Again, I would advise the Applicant to provide proof of this allegation. If I opened a criminal case against the Applicant, he would be the first to know it, as the investigating officer would be mandated by law to consult with him. Furthermore, there is no record of me making a criminal charge against the applicant with the SAPS, because I didn't make one.

36. I am surprised that the Applicant and his wife, who are both allegedly LLB students, did not follow this up with the SAPS.

37. I am aware of another family in the complex who did in fact call Badisa Trio, out of concern for the Applicant's small children, specifically after more than one incidence involving the Applicant and his behaviour towards children. There are many people in the complex that are concerned about the Applicant's children, and all the children in Kleinbron Estate are petrified of the Applicant.

AD PAR 14 – 18

38. It is correct that the Applicant issued a summons against me, and that I went over to his house, however I did not know angrily or walk in an aggressive manner. I wanted to speak to him and ask what this was about.

NTB *TJ*

39. I do not see the inference made by the Applicant with reference to the Whatsapp that I have sent him. My Whatsapp is very clear. Applicant filmed my child while he was only wearing a towel and we have many witnesses who saw this. I have been advised by many people, including our attorney, that this is a criminal offence, and we should report it to SAPS, which we did not do.
40. My Whatsapp is clearly intended to state if the Applicant wants to be petty, we can be petty too by reporting the Applicant's criminal act.

AD PAR 19

41. I did not bring any criminal charges against Mr Johnson, and again I invite him to prove this honourable court with proof thereof.
42. The criminal charges that were withdrawn were that of Ms Xotyeni. I have not brought any criminal charges against the Applicant.

AD PAR 20 – 25

43. None of this is true. The Applicant did film my child, there are witnesses. This is a fact, and will be aired in the civil trial.
44. It is correct that I have many friends and family living in Kleinbron Estate, but not correct that everybody is stalking, him or collaborating against him. Many people are concerned about the Applicant's erratic, threatening and dangerous behaviour when encountering other people in the estate.

AD PAR 26 – 30

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45. The content is denied. The summons was delivered to the incorrect address of 9 Kleinbron Avenue. I attach hereto an affidavit by the owner of No 9 whereby he confirmed finding the summons amongst the building material on the site of 9 Kleinbron.

46. The sheriff served at the incorrect address, and I only got the summons when we were notified of the pending default judgment.

AD PAR 31 – 34

47. The content is correct. However the Applicant failed to disclosed what happened after the verdict. It emerged that the Applicant provided false information to CSOS, which resulted in a verdict in his favour. The Home Owners Association is currently before CSOS with their own dispute against the Applicant relating to the false information provided to CSOS.

48. Furthermore, CSOS is currently reviewing my own application against the Applicant, as they would never have found in his favour had the true facts been placed before them.

AD PAR 35 - 51

49. I admit speaking to the Applicant on 21 March 2022 outside his property in the driveway on common property. He ignored me, and I admit calling him a coward. At that stage I have not yet received the summons. The Applicant's statement of events are also blatantly false, as I will indicate later.

MH *TJ*

50. My Whatsapp message did not *imply* he was a paedophile. It stated he filmed my child in a towel, and there were many witnesses to this.

AD PAR 45 – 48

51. I was not standing on Applicant's property, I was standing outside his property on common property. I never entered his property at any point.

AD PAR 49 – 51

52. Issuing a summons against me for defamation is not "settling the dispute legally". It is an abuse of the legal system with the intend of intimidating me. There are many witnesses who saw the Applicant filming my child on the balcony.

53. At no point whatsoever have I initiated a physical confrontation with the Applicant and I put him to the proof thereof. It is clear the Applicant views any attempt to approach him or speak to him as a physical confrontation.

54. It is in fact the Applicant who became physically violent, in front of witnesses. (See **Annexure "D"**). I asked the Applicant to turn his cameras off, as they were making noise. He threatened me to kill me with his dogs and shouted I and my family will pay. He called me an unemployed loser and kept threat5ening me and my wife.

55. Joel Redelinghuys, a teenager from the neighbourhood, was there from the beginning and heard everything. There were also three young girls who ran to call security as they were afraid the Applicant was going to kill me. The

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followed this up with a threatening letter saying if I come near his property again he will shoot me.

AD PAR 52 – 53

56. I vehemently deny this happened and puts the Applicant to the proof thereof. First of all, my house does not have a boundary wall that I can sit on. Secondly, the Applicant states there were other people present in the area. I invite the Applicant to call these people to confirm this indeed happened, as I apparently shouted loudly he is a paedophile.

57. The Applicant was very quick to sue me for defamation where I apparently *implied* he was a paedophile. If this incident did indeed happen, I am sure the Applicant would have sued me for defamation for this incident as well, as there are witnesses and I apparently clearly stated he was a paedophile.

58. The Applicant knows most people in the estate. If he is unable to produce witnesses to this alleged incident, I call on him to at least identify the people who were present.

AD PAR 46

59. This is correct. My attorney went to Kuilsriver court to get a copy of the summons once we became aware of the summons. As confirmed by Mr Chang above, the summons was left at No 9 Kleinbron Avenue.

AD PAR 55 – 56

MS TJ

60. I did indeed approach the Applicant in the park, and the SJC gave me the video footage of me approaching the swings for literally a few seconds. I asked the Applicant to move his cameras away from my house, and pointed at the cameras. The interaction was no more than 5 seconds, as is evident from the video footage.

61. I never told Mr Fitchat I will kill him, and definitely made no mention of people watching him. I find this statement to be extremely racist to say the least.

62. Kleinbron Estate is extremely safe. There are cameras literally everywhere, and security patrols the estate frequently. If there are any people (black or otherwise) watching the Applicant, they will be picked up on the cameras, or apprehended by the estate security. The Applicant's house is also surrounded by security cameras.

63. This statement is a clear indication of the Applicant's mental state. He is convinced he is being watched by "black guys". The SJC security company has no record of seeing or being aware of 'black guys' watching the Applicant.

AD PAR 57 – 68

64. I admit approaching the Applicant's wife. From my perspective it appeared as if she was climbing onto a ladder to look over the wall into my property. I then approached her and told her not to look into my property. She ignored me. I did indeed ask whether she knew the Applicant is threatening me and my wife.

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AD PAR 69 - 74

65. The remainder of these paragraphs are denied, and this did not happen. At no stage did I threaten to kill the Applicant and his wife. As mentioned before, I do not own any firearms, and I do not own any dangerous sporting equipment as I have small children in my house. I am slight of built and don't know any martial arts or personal protection skills. I still don't know how the Applicant imagines I would be able to kill him and his wife.

AD PAR 75 - 86

66. This incident is a clear example of how far the relationship between the Applicant and myself has regressed, and different the same events are experienced by the other party.

67. The neighbour across the road is my best friend. I came from work with the intention of stopping at my friend's house because we had plans.

68. The Applicant was in his vehicle in the road and I was behind him, when he started to reverse. I assumed he didn't see me, and hooted to alert him of my presence.

69. Once he saw me, I started driving past him in the road, to enter into my friend's driveway. At the same time, the Applicant drove in front of me, also into my friend's driveway, blocking me.

MA TJ

70. It is completely disingenuous of the Applicant to pretend he didn't know it was in the road. He creates the narrative of not knowing who the driver was, but he knows my vehicle very well, and he could clearly identify me through the window.

71. I did not speak to the Applicant, I closed my car window when the Applicant got out of his vehicle.

AD PAR 87 – 94

72. The Applicant's version of events are purely fictitious. There is CCTV footage of this incident at the SJC, who said they cannot release the footage to me without a subpoena.

73. One of our neighbours parked a bit down the road from the Applicant's house. Their small child got out of the car and started running towards me up the road. I walked towards the child, to prevent her from running into the road.

74. At the point the Applicant came walking from the park across the road towards his house, crossing my path. He made a strange bodily movement and I asked him "What is your problem?". He then kept walking and I continued walking towards the child.

75. The CCTV footage available from SJC clearly shows the Applicant crossing my path, and the small child then coming into the screen, running towards me. The interaction was a few seconds long, and at no point did I mention the Hawks, the EFF or police prosecution, and I did not call him Mr Bitcoin. This is yet another example of the Applicant's paranoid state of mind.

WA TJ

76. I definitely did not act like a gorilla and made gorilla noises. This can clearly be seen on the CCTV footage.

AD PAR 95 – 96

77. These paragraphs are a complete fabrication and did not happen. I took my child to school at 08h15 and returned at 08h50. The Kleinbron Estate manager can confirm these times as when I exited and entered the estate. From 08h15 I was inside my house until 10h00.

78. The SJC were in the street and near the park fixing the cameras from 9h00 to 12h00. The cameras were not working at this time, and this is why the Applicant is making such a far-fetched accusation. I do not have a SJC jacket and I have never been given one by the SJC. This is confirmed by the SJC manager Charl Beaumont du Toit. (Annexure "E").

79. Since SJC staff were actually near the park at that time, I am sure they would have confronted me had I in fact been there wearing their jacket.

AD PAR 97 – 98

80. I confirm receiving this demand at this time. The letter was quite long and contained threats of the Applicant using his firearm on me and my family. After I read the letter, I looked through the window and saw the Applicant in the park with his child, where my child and our au pair was also playing. I immediately ran outside to the park, my heart racing, thinking he was going to harm my child.

MA TJ

AD PAR 99 – 118

81. The time stipulated is not correct. This happened between 10h30 and 11h00. This is confirmed by our au pair (**Annexure "F"**). This happened directly after I read the Applicant's letter of demand, in which he threatened to use his firearm against me and my family. I looked up and saw the Applicant standing next to my daughter, and ran outside to make sure my daughter is safe. I was extremely upset and concerned for the safety of my daughter.
82. I deny making any gesture towards the Applicant, and this is confirmed by our au pair.
83. The Applicant again states in writing his threat of shooting me in paragraph 104: **"It is clear that he has received my letter of demand to not approach me, and in which I had informed him I will use my firearm in self defence against him if necessary"**.
84. As stated before, the SJC staff were in the park from 9h00 – 12h00 to fix the cameras. I have no reason not to be friendly with them, and asked them what they were doing.
85. I walked with the au pair and our daughter to make sure they reached our house safely. As soon as they reached the house safely, I also went inside. I deny the content of paragraphs 110 – 118. It simply did not happen and I put the Applicant to the proof thereof.

MA TJ

AD PAR 119 – 129

86. I have viewed all the footage available from SJC and most of the incidents have some footage that can be subpoenaed. Only the footage on the day of the maintenance is not available.

REQUEST TO DISMISS PROTECTION ORDER

87. Firstly, this interim protection order should not have been granted in the first place, and the Applicant blatantly, openly, unreservedly and in writing, threatens to use his firearms on myself and my family as part of his application for a protection order. This should have caused alarm bells to ring from the beginning.

88. It is clear from the Applicants own application, and my reply thereto, that the Applicant has created a fictitious narrative whereby I am apparently threatening him, stalking him, turning neighbours against him, and doing all kinds of nonsensical thing, which causes him to be in a state of perpetual panic, paranoia and fear. Whether this is purely a fictitious narrative, or he actually believes these things to be true, is open for interpretation.

89. The Applicant brought many protection order applications to this Court against neighbours living in the Kleinbron Estate, and it is clear that a pattern is starting to emerge.

90. As mentioned in the beginning of this affidavit, I have applied for a protection against the Applicant, based on his open threats of violence against me and my

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family in his letter of demand in in this application. The SAPS has removed 3 guns and a windbuks from the Applicant's premises.

91. I live next door to the Applicant. It is impossible to avoid all contact with the Applicant. I am concerned that should this protection order be made final, the Applicant, in his state of panic, paranoia and fear (whether fictional or real), will use the interdict as an excuse to keep me being arrested and locked up for no reason whatsoever. I will not be able to cross the street without fear of being arrested. This protection order is in itself a method to intimidate me and my family and as such should be dismissed.

Dated at BELLVILLE on this 24th day of OCTOBER 2022.



TYRONE JOHNSON

Thus signed and sworn to at BELLVILLE on this the 24th
Day OCTOBER 2022, the deponent having:

- (a) acknowledged that he knows and understands the contents hereof;
- (b) confirmed that he has no objection to the taking of the prescribed oath;
- (c) confirmed that he considers the prescribed oath as binding and uttered words, "I swear that the contents of this declaration is true and correct, so help me God".



COMMISSIONER OF OATHS

FULL NAMES:

AREA:

CAPACITY:

**MICHIEL HEYNS
KOMMISSARIS VAN EDE / COMMISSIONER OF OATHS
PROKUREUR / ATTORNEY R.S.A.
WERKSMANS
LEVEL 1, No 5 SILO SQUARE
V&A WATERFRONT, CAPE TOWN, 8001**

TJ
Hh

LETTER OF DEMAND

THEO FITCHAT

91 FRANGIPANI STREET

KLEIN BRON ESTATE

Cell: 083 925 1545

Email: theo@cluedapp.co.za

Date: 12 September 2022

TYRONE JOHNSON

19 KLEIN BRON AVENUE

KLEIN BRON ESTATE

BY EMAIL: tyrone@e-volveoffice.com, tyrone@e-volvefiles.co.za, orders@e-volveoffice.com, francis@rwslaw.co.za, rianna@rwslaw.co.za, admin1@rwslaw.co.za

Dear Sir,

RE: HARASSMENT

1. I write to you regarding the incidents detailed in the attached document called "Fitchat & Johnson - Record of events.pdf".
2. Mr Johnson is engaging in criminal actions which are in contravention of the Protection from Harassment Act, and which indicates that

"harassment" means directly or indirectly engaging in conduct that the respondent knows or ought to know-

(a) causes harm or inspires the reasonable belief that harm may be caused to the complainant or a related person by unreasonably-

(i) following, watching, pursuing or accosting of the complainant or a related person, or loitering outside of or near the building or place where the complainant or a related person resides, works, carries on business, studies or happens to be

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(ii) engaging in verbal, electronic or any other communication aimed at the complainant or a related person, by any means, whether or not conversation ensues, or

(iii) sending, delivering or causing the delivery of letter, telegrams, packages, facsimiles, electronic mail or other objects to the complainant or a related person or leaving them where they will be found by, given to or brought to the attention of, the complainants or a related person

3. I demand that Mr Johnson and his family, friends, and/or agents:

- 3.1. Do not speak or attempt to speak to me and/or my family
- 3.2. Do not engage in non-verbal communication, such as gesturing, to me and/or my family
- 3.3. Do not try to attract my and/or my family's attention
- 3.4. Do not approach me and/or my family
- 3.5. Do not follow me and/or my family
- 3.6. Do not stalk me and/or my family
- 3.7. Do not spy on me and/or my family
- 3.8. Do not maintain 24-hour surveillance on me and/or my family
- 3.9. Do not use your house and/or backyard to attract our attention
- 3.10. Do not use the public area in front of our house in a way that is designed to attract our attention, e.g. by people doing things in a noticeable pattern such as appearing in the public area as soon as we appear at our window, leaving objects where we will see them, making a noise, people pointedly standing with their backs to our house, or people staring into our windows, etc.
- 3.11. Do not drive by our house in a manner that is supposed to attract our attention, e.g. drive by as soon as we appear at a window, turn a light on, get out of our car, etc.
- 3.12. Do not use vehicles in a manner that is supposed to attract our attention, e.g. by idling a car, parking a car in front of our house, etc.
- 3.13. Do not use children to attract our attention
- 3.14. Do not bribe or otherwise influence people to attract our attention
- 3.15. Do not bribe or otherwise influence children to attract our attention
- 3.16. Do not interact with or provoke our dogs

Handwritten initials: MJ TJ

- 3.17. Do not intimidate me and/or my family
 - 3.18. Do not threaten to harm or kill me and/or my family
 - 3.19. Do not provoke me and/or my family into a verbal or physical altercation
 - 3.20. Stop insinuating that I and my wife are a danger to children
 - 3.21. Do not enter my and/or my family's property
 - 3.22. Do not move or damage my and/or my family's property
 - 3.23. Immediately leave my and/or my family's property when requested if found to be trespassing
 - 3.24. Stop trying to restrict my access to public areas, in particular the Moepel Dam area.
 - 3.25. Stop trying to imply that I am trespassing in public areas such as the Moepel Dam area, as though the area belongs to you. It doesn't.
 - 3.26. Do not tamper with my and/or my family's mail
 - 3.27. Do not tamper with my and/or my family's security features, such as my vehicles' alarms, house and garage doors, CCTV, etc.
 - 3.28. Do not influence my service providers to deliberately sabotage their service to me, e.g. CCTV installers, garden services, security services, etc.
 - 3.29. Do not publish defamatory statements or any other information about me and/or my family on any communication platform
 - 3.30. Do not send emails with false allegations regarding me and/or my family to the Kleinbron Estate management or anyone else
 - 3.31. Do not make false reports at the police regarding me and/or my family
 - 3.32. Do not forge emails from me, my family and/or anyone else in any matter that affects me
 - 3.33. Do not keep enquiring, directly or indirectly, whether I want to sell my house, or enquire about or try to influence any of my other affairs
 - 3.34. Stay away from me, my family and/or my property
 - 3.35. Do not influence other people to engage in any kind of harassment towards me and/or my family
 - 3.36. Do not engage in any other kind of harassment towards me and/or my family
4. Failure to adhere to the above demands will result in further legal action being taken against you.

TJ
HJ

Yours faithfully,

THEO FITCHAT

[sent electronically and thus unsigned]

TJ
MJ

The following incidents have occurred between me and Mr Tyrone Buchanan Johnson (ID number: 750923 5151 08 4)

1. I live in 91 Frangipani Street, Kleinbron Estate, Brackenfell, and I am repeatedly being harassed and threatened by my next-door neighbor, Mr Tyrone Johnson, who lives in 19 Kleinbron Avenue.
2. Mr Johnson claims to own a stationery business, but he seems to be, in fact, unemployed.
3. Mr Johnson's wife, who claims to be an anesthetist, provides for him financially.
4. Mr Johnson has threatened to kill me and my wife, and he has twice tried to provoke me into a physical altercation with him right in front of the Kleinbron Estate security cameras – once on 11 June 2022 and once on 8 September 2022.
5. He has also threatened to kill both me and my wife over our boundary wall when we were in our backyard.
6. Due to Mr Johnson's repeated and ongoing aggressive behaviour towards me and my family, I am concerned about our safety.

7. Our house is on a corner, and we have two direct neighbours, the Johnsons (19 Kleinbron Avenue) and the Frankens (89 Frangipani Street).
8. The Johnsons and Frankens are close friends, and both moved into their houses shortly after I moved into mine.
9. I have been increasingly harassed by them since they moved in.
10. The elements of the Johnsons' and Frankens' attack on me and my family have most of the components of real estate harassment, which is the crime of attempting to illegally evict a legal home owner from their property for their own financial gain.
11. Both the Johnsons and Frankens seem to be a part of the real estate harassment.
12. The Johnsons and Frankens use their own properties, the two streets in front of our house, and the public area in front of our house, to harass us.

TJ
BH

13. Their harassment includes trespassing, loitering, stalking, excessive noise, vandalism, defamation, opening false criminal cases at the police, child abuse allegations, pedophilia allegations, threatening me physically, threatening me with legal action, turning other neighbours and the Kleinbron Estate Home Owner's Association (HOA) against me, and opening numerous CSOS (Community Schemes Ombud Service) cases against me, to name but a few.
14. Real estate harassers convince other neighbours that the home owner has committed some crime, of which they unfortunately just happen not to have any evidence.
15. They convince the other neighbours that they are in danger, and then they ask the other neighbours to report the home owner of imagined crimes to both the HOA and the police in order to ensure those neighbours' safety.
16. False accusations often include accusations of child molestation and irrational aggression, as is also the case here.
17. They also get their family and friends to flood the HOA with false accusations against the home owner, in an attempt to convince the HOA that he is a criminal.
18. They also employ or blackmail people to stalk and harass the home owner wherever he goes.
19. Real estate harassers persistently and ceaselessly annoy, bother, agitate, exasperate and provoke the home owner until he is so desperate to get away from his nightmare neighbours that he decides to sell his house.
20. The real estate harassers ensure the property does not get sold at market value, by creating a nuisance whenever a potential buyer comes to view the house.
21. The real estate harassers then send in someone who is unknown to the home owner, but who is part of the real estate harassment, to view the house, and that person puts in a much lower offer than the property is worth.
22. Since the home owner is so desperate to get away from his neighbours, and he is unable to get a fair offer, he accepts the much lower offer and

TJ
MJK

unknowingly sells his house to the very people who had strong-armed him out of his house.

23. The real estate harassers then resell the house at a much higher price, making an enormous and undeserved profit.
24. The real estate harassers make sure they sell the house to someone who is in a vulnerable time in their lives, such as a family with small children, or elderly people. The real estate harassers now have new victims to harass and the process starts all over again.
25. In this way the real estate harassers can make millions of Rands every few years.
26. It is very difficult to obtain evidence of real estate harassment because of the nature of the crime, which is to disguise the harassment as innocent-looking actions designed to gaslight the victim, and because it happens at any hour of the day.

10 January 2022

27. On 10 January 2022, Mr Johnson falsely claimed on the Kleinbron Als Whatsapp group that I recorded his child in a towel. I initiated legal action against him for defamation and the matter will go to trial on 28 November 2022 at the Kuilsriver Magistrates Court.
28. Since I initiated legal action against Mr Johnson, he has made numerous attempts to delay the matter or to pressure me to withdraw the lawsuit.
29. At the time Mr Johnson apparently opened a criminal case against me.
30. On 13 January 2022, apparently in response to the criminal case opened against me by Mr Johnson, two social workers from Badisa Trio came to my house and assessed my children to determine whether they were being abused by me.
31. The two social workers seemed satisfied that my children were not being abused and that they were not in any danger from me.

TJ
AA

32. A few weeks later I was contacted by a detective who said that the case docket was closed due to Mr Johnson's witnesses providing conflicting statements that lacked credibility.
33. Mr Johnson's false Whatsapp claiming that I had recorded his child in a towel was the first incident for which I have evidence of him personally harassing me.
34. With Mr Johnson's false allegation that I recorded his child in a towel, he has given himself a morally acceptable excuse to harass and threaten me, and to turn other people against me.
35. Since Mr Johnson has defamed me in the estate in January 2022, other individuals have also been stalking me when I walk around in the estate.
36. Mr Johnson has many family members and friends who live in the estate, who seem willing to collaborate with him against me.
37. The situation keeps escalating from Mr Johnson's side.

28 January 2022

38. I initiated legal action against Mr Johnson for his defamatory Whatsapp message.
39. Right after Mr Johnson received my Letter of Demand, he walked over to my house in an aggressive manner and knocked on my door.
40. I did not open the door and after knocking angrily another few times, he left.
41. Mr Johnson then sent an email to the Kleinbron Estate manager, in which he CC'ed me, and in which he indicated that what I had allegedly done was criminal. He also indicated that he could take the criminal case against me further (implying he would take it further if I did not withdraw the civil lawsuit against him).

12 February 2022

42. The sheriff delivered my summons to Mr Johnson.
43. The sheriff made two attempts to deliver the summons to Mr Johnson in person, but Mr Johnson did not open the door on both occasions, despite being at home.

TJ
MAB

44. Therefore, the sheriff affixed the summons to his front door.

45. Mr Johnson later claimed to have not received a summons from me.

Beginning of March 2022

46. Mrs Marianne Johnson (Mr Johnson's wife), Mrs Mariné Franken (89 Frangipani Street) and Mrs Yvonne Viljoen (58 Frangipani Street) made CSOS applications, falsely claiming that my CCTV cameras were recording their children's bedrooms and bathrooms, and demanded that my cameras be removed.

47. Two of the matters have gone for adjudication at the time of writing, and both verdicts indicated that there was no evidence that I was recording the complainants' children's bedrooms and bathrooms.

48. The verdicts indicated that the requests to remove my cameras were denied.

± 21 March 2022

49. On about 21 March 2022, I returned home from having taken my dog for a walk.

50. As I approached my house, I saw Mr Johnson standing on my bottom driveway.

51. One of my CCTV cameras was making a beeping sound.

52. Mr Johnson asked me if I could hear it, but I did not respond because I preferred all our communication to be in writing.

53. I opened my gate, and Mr Johnson said, "Coward".

54. I asked him why he was calling me a coward, given that he had not even responded to the summons I had sent him, which I considered to be cowardly behaviour.

55. Mr Johnson replied that he had not received a summons, and that he had only received a letter of demand. Mr Johnson claimed that I had admitted in my letter of demand that I had recorded his child in a towel.

56. I replied that I would resend Mr Johnson's summons as part of my reply to Mr Johnson's wife's CSOS application regarding my CCTV cameras.

57. I also told Mr Johnson that his Whatsapp message implied that I was a pedophile, and I asked him to leave my property.

TJ
Mtb

58. Mr Johnson denied that his Whatsapp implied that I was a pedophile.

59. Mr Johnson ignored my request for him to leave my property and he remained standing on my driveway.

60. Mr Johnson proceeded to threaten me with criminal action.

61. I told Mr Johnson that he was trespassing on my property and I again asked him to leave.

62. I told him I had given him an opportunity to settle our dispute legally, but it seems he preferred handling it with a physical confrontation.

63. Mr Johnson continued threatening me with the police and security.

64. Since the conversation was not going anywhere, I went inside my house and turned the beeping camera off.

± 22 March 2022

65. As I was returning home after taking my dog for a walk, I walked past Mr Johnson's house, and Mr Johnson was sitting on his house's boundary wall.

66. With other people present in the area, he shouted loudly at me, "Look everyone, there's the pedophile".

29 March 2022

67. Only after I had applied for a default judgement against Mr Johnson for his defamatory Whatsapp message, did Mr Johnson send me a letter of intention to defend.

11 June 2022

68. On 11 June 2022 some time between 15:00 and 17:00 I was playing by the jungle gym at the Moepel Dam with my 1-year old daughter and my 3-year old son.

69. Mr Johnson came out of his house, and in front of my children, told me, "I will kill you Fitchat". He also told me that he had two black guys watching me, and that when my cameras come down, I will be "in big trouble".

June 2022

TJ
MTH

70. My wife and I wanted to move our Jojo tank that was near our boundary wall with Mr Johnson.
71. My wife climbed onto a ladder to take the gutter out of the top of the Jojo tank in order for us to move it.
72. Mr Johnson appeared in his back yard and stood where my wife could see him out of the corner of her eye.
73. My wife realised he was standing there, but she did not look at him.
74. Mr Johnson started making strange mumbling sounds, but my wife still did not look at him.
75. Mr Johnson came closer and stood right next to the wall where my wife was on the ladder.
76. First, he just stood there for a while looking at her, but when she did not look at him, he started speaking to her in a very condescending tone of voice.
77. Mr Johnson has a tendency to mumble, and he was speaking very softly, so we were not able to hear most of what he said.
78. What we were able to hear was that Mr Johnson told my wife that she had better not look over his wall.
79. He asked my wife how she could be with me and how she could have gone to the toddler classes with his wife and child "knowing what he is".
80. He told my wife, "Did Theo tell you he threatened me and my wife?"
81. He said, "There's a huge legal bill coming."
82. Mr Johnson has been trying to convince me to drop the civil case against him, by saying I am going to pay all his legal fees, because I am representing myself in the matter and I am not using an attorney to represent me.
83. He said, "You think you're a lawyer?"
84. At the time Mr Johnson was only aware of the fact that my wife was enrolled for an LLB. I am also enrolled for an LLB. Mr Johnson has tried to convince us to not continue with the lawsuit against him because we are not qualified attorneys.

TJ
Mth

85. I was standing next to my wife, and Mr Johnson threatened me as well.

86. He told me he was going to kill me and my wife, and that he had 20 witnesses who would testify against me in the civil lawsuit.

87. Neither me nor my wife responded to Mr Johnson's monologue, so eventually he left.

28 June 2022

88. On 28 June 2022, when I returned home in my car, I stopped in the road in front of my house before reversing into my garage, as I always do.

89. A car stopped behind me and prevented me from reversing into my garage.

90. The person sounded their car's horn, and remained behind me.

91. My garage door was open, so it would have been obvious to the person in the car that I was intending to reverse into my garage.

92. I assumed the person did not realise I was trying to reverse into my garage, and that the person thought I was stopping in the road on purpose to block his way.

93. I drove over to my neighbour's driveway to get out of the person's way and to allow them to drive past.

94. After I stopped in my neighbour's driveway, the person in the car again came and parked right behind me, preventing me from getting out of my neighbour's driveway.

95. I got out of the car to explain to the person why I had stopped in the road, but I realised I had forgotten to pull up the handbrake, so I went back to pull it up.

96. The person's car moved to stop in the neighbour's driveway next to my car.

97. I got out again and started saying "I live here", when I saw that the driver of the car was, in fact, Mr Johnson.

98. Mr Johnson looked out of his car window and said to me, "Get out of the way".

99. I realised he was again attempting to provoke me, so I did not respond, got back into my car and drove to my garage.

8 September 2022

TJ
KTB

100. The most recent harassment incident occurred on Thursday 8 September 2022 at about 18:15 in front of the Kleinbron Estate CCTV cameras that are pointed towards the Sheba gate entrance.
101. I took my 3-year old son to play by the Moepel Dam and to take him for a walk around the estate. Mr Johnson approached me while we were walking from the dam towards Sheba gate.
102. Mr Johnson approached us, and while my son was standing between us, Mr Johnson started acting in a threatening manner and intimidated us.
103. He alleged that the Hawks are investigating me, that the police are prosecuting me again, and that the family he falsely alleges I had shot at, has connections with the EFF, and that they were coming for me right now in front of security.
104. He told me, "I know all about you, Mr Bitcoin."
105. He attempted to provoke me into a physical altercation with him by acting like a gorilla and by making gorilla noises.
106. Mr Johnson's approach was completely unprovoked from my side. I did not walk near Mr Johnson's house, or beckon him to approach, and I did not engage with him in any way.
107. I did not respond to his threatening behaviour and walked away from him.

Increasing tension

108. Due to Mr Johnson's apparent apprehension and anxiety at the approaching trial date, I suspect the situation between me and Mr Johnson will eventually erupt into physical violence.
109. I believe the reason why Mr Johnson is attempting to physically provoke me is so that it will appear as though I had initiated an unprovoked attack on him, so that he can finally have "evidence" of all his false allegations that I am erratic and illogically aggressive.
110. If I am so erratic and aggressive as Mr Johnson falsely claims, why does he keep approaching me?

TJ
AA

111. Mr Johnson is not acting as a reasonable person would act.
112. Mr Johnson seems to want to claim that I initiated an unprovoked (criminal) attack on him in order for him to get out of the civil lawsuit I initiated against him, because he knows I did not record his child in a towel, and he is unable to credibly defend his Whatsapp message in court.
113. The way Mr Johnson intimidates and threatens me in front of my children leads me to reasonably believe that he may attempt to harm my children in order to try to provoke me into an altercation with him.
114. Mr Johnson' behaviour towards me and my family this past year has caused me to keep my children inside our house most of the time, but I am unwilling to allow him to illegally continue to restrict my right to freedom of movement any longer.
115. I intend resuming to take my children to play at the Moepel Dam park.

Carrying of firearm in public place

116. In light of the fact that Mr Johnson has on two occasions indicated to me that he intends killing me and my wife, and since he has also displayed provable intimidating behaviour towards me and my children, it is reasonable for me to be concerned about my safety and that of my family.
117. If the situation between me and Mr Johnson continues escalating and I am forced to defend myself, it may become necessary for me to carry my firearm on my person when walking around in the estate.
118. If it becomes necessary for me to carry my firearm, I will carry it in accordance with the Firearms Controls Act,

84. Carrying of firearm in public place

- (1) No person may carry a firearm in a public place unless the firearm is carried:
- (a) in the case of a handgun-

TJ
MH

(i) in a holster or similar holder designed, manufactured or adapted for the carrying of a handgun and attached to his or her person

(2) A firearm contemplated in subsection (1) must be completely covered and the person carrying the firearm must be able to exercise effective control over such firearm.

Potential use of firearm

119. If Mr Johnson or one of his agents does make a serious and unlawful attempt to take my or my family's lives, as he has twice indicated his intention is, I intend to use proportionate force against him in self-defense or private defense, and if proportionate and necessary, may include the use of my licensed firearm.
120. I am a licensed firearm owner and have completed the requisite competency certificate, so I am aware of how to use my firearm within the legal framework provided in the Firearms Control Act and the relevant case law.
121. I do not intend to use my firearm unlawfully and I do not wish to shoot or kill anyone with my firearm, unless my or my family's lives are unlawfully threatened. I only intend to use my firearm in a legal manner.
122. This email serves as a record that I am officially trying to avoid an attack on me and my family by Mr Johnson, his family, friends and agents; and that I am officially trying to avoid the use of force to defend myself against Mr Johnson, his family, friends and agents.
123. I am sending you this email to prevent the situation with Mr Johnson from escalating, and to ensure everybody's safety in the estate, including Mr Johnson's.
124. I understand that, since we are next-door neighbours, it is impossible for us to completely avoid each other, but it is possible for Mr Johnson to not initiate a confrontation with me.
125. If Mr Johnson has anything that he wants to say to me, he does not need to approach me in person. He is welcome to send me a Whatsapp, or more advisable: to send me an email through his attorney.

TJ
PJ

126. It is reasonable to believe that Mr Johnson has received legal advice on how to provoke me in a manner that appears legal, and which he thinks will cause him to avoid being imprisoned or hurt while harassing me.
127. It is reasonable to believe that Mr Johnson wishes to obtain blackmail evidence against me in order to get out of his civil matter.
128. Mr Johnson is attempting to place me in a difficult situation, because I have to be prepared to react to any pre-planned behaviour by Mr Johnson that is designed to appear unpredictable and random to me, but which is precisely designed to minimise my ability and time to react reasonably and thus to maximise the chance that my response will seem unreasonable, erratic and illogical.
129. Simply put, Mr Johnson is bullying me, firstly for the purpose of real estate harassment, and secondly to create blackmail evidence that can be construed to implicate me in criminal behaviour so that he can get out of the civil lawsuit.
130. The blackmail evidence will most likely serve to make Mr Johnson look like a victim of my allegedly erratic and aggressive behaviour, to shift the focus away from the fact that I am in fact the one who is a victim of Mr Johnson.
131. Given this situation, I may be forced to carry my firearm with me to protect myself and my family against Mr Johnson's seemingly unpredictable, and potentially life-threatening, behaviour.
132. Mr Johnson has the same legal rights as me to use lethal force against someone who places him in a life-threatening situation.
133. I sincerely wish that it will not become necessary for me to defend my life and that of my family against Mr Johnson, and that Mr Johnson, his family, friends and agents will stop harassing me and my family.

Regards,

Theo Fitchat

TJ
NH

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To whom it may concern

18 October 2022

RE: INCIDENT BETWEEN MR FITCHETT AND THE CHILDREN OF KLEINBRON ESTATE ON THE 30th DECEMBER 2021

I am referring to an incident which was reported to me by my daughter, Jayden Barnard on the 30th December 21.

I was at home working, when I received a frantic call from Inga (a child residing in the complex across the bottom dam) that I needed to come down to their residence quickly because something happened to my daughter who was at the time of the incident 10 years of age.

I rushed down and upon reaching the steps my daughter burst out crying uncontrollably. She was clearly shaken and after calming her and her friend Bongl down I tried to find out what happened.

Inga and Bongl's mother were very shocked and explained to me the following incident:

Bongl and my daughter, Jayden was playing in the park near the dam at around 17h00 and Mr Fitchett came directly to them with his rottweiler on a short leash. He asked if they were trespassing his property by placing cards at his front door. They tried to explain that their friend staying close to Mr Fitchett's house left Christmas cards on the stoep of the front doors of the surrounding residence and she may have placed a card at his front door. They tried to explain to him that they had nothing to do with the Christmas cards.

He then started yelling at them and said that he will loosen the dog's leash and the dog will bite them dead. They became very frightened and tried to get away. While he was walking away, they ran to the flats to inform Nozi of the incident. Nozi (Bongl's mother) and Inga decided to go to Mr Fitchett's house to ask why he would threaten a 10- and 9-year-old with a very known vicious dog.

He then showed a weapon which looked like a firearm to them, and they left his property.

When I arrived at Nozi's house SIC Security was already there and confirmed the above, that they also saw a weapon which looked like a gun. I contacted the police and the HOA Manager at around 7ish pm. The police arrived and a statement was made for the gun.

I brought my daughter home and the following day I took both Bongl and Jayden along with Nozi and Inga to the Brackenfall police station to open a case of harassment, but we were informed that the children were minor, and they could not open a case. I needed to work through our HOA. On requesting a meeting with our Trustees, Alex our estate manager informed me via email that they will not be getting involved and that the case should be dealt with by SAPS. I decided to leave it there seeing that we did not get support from SAPS or our estate manager. My children decided to rather stay away from the park and dam area especially during times that Mr Fitchett takes his dogs for a walk.

Regards

Yolanda Barnard

Handwritten initials/signature in the bottom right corner.



GUARDING SERVICES (PTY) LTD

PHYSICAL ADDRESS:
8 Roslyn Street
Brackenfell
POSTAL ADDRESS:
PO Box 631
Bellville
Tel Nr: 0861 752 911
Email: charl@sjcgroup.co.za

VAT NR: 4710 251 606
REG NR: 2008/016170/07

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**INCIDENT REPORT BY
Phillip Du Plooy**

**REPORT AND DETAILS
OF INCIDENT AT
KLEINBRON ESTATE
KLEINBRON AVENUE
BRACKENFELL**

30 December 2021

TJ
MS



GUARDING SERVICES (PTY) LTD

PHYSICAL ADDRESS:
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Tel Nr: 0861 752 911
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VAT NR: 4710 251 606
REG NR: 2008/018170/07

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INCIDENT COMPLETED BY

NAME OF INVESTIGATOR : Phillip Du Plooy, SJC Manager

DATE OF INCIDENT : 30 December 2021

PLACE OF INCIDENT : 91 Frangipani Road

TIME OF INCIDENT : Approximately 17H30 on 29 December 2021

PERSONS INVOLVED : Mr T Fitchat: 91 Frangipani Rd
: Mrs N Xotyeni 18 Moepel Rd

NATURE OF INCIDENT : Pointing off a Firearm.

CURRENT STATUS: COMPLIMENT

2 x Grade B Dayshift (06h00 to 18h00)

3 x Grade C Dayshift (06h00 to 18h00)

2 x Grade B Nightshift (18h00 to 06h00)

3 x Grade C Nightshift (18h00 to 06h00)

OFFICERS ON DUTY AT TIME OF INCIDENT

2021/12/30

De Klerk

Jacobs

Julius

Roman

Knipe

TJ
MS



GUARDING SERVICES (PTY) LTD

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PHYSICAL ADDRESS:
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VAT NR: 4710 251 608
REG NR: 2058/ 018170 /07

BACKGROUND:

On Friday Night the 30 December 2021 at approximately 17H30 Security at main gate received a call from Mr Fitchat at 91 Frangipani Street reporting that kids are victimizing and harassing his family and he needs the assistance of the security guards, because he was threatened by Mrs Xotyeni residing at 18 Moepel street.

S/O De Klerk immediately informed SJC Control room and management. SJC armed response was despatch to 91 Frangipani Street Kleinbron by SJC Control room. At around 17H50 Security and SJC Arrived at 91 Frangipani Street. SJC Management arrived on site at 18h05 to investigate the incident.

INCIDENT REPORT:

On Friday afternoon 2021-12-30 the children off Miss N Xotyeni was playing in the common (Public Park) when they pass Mr Fitchat residents at 91 Frangipani Road.

Mr Fitchat came out of his house and was shouting at the children and told them that his dog (Big black Rottweiler) was going to bite them if they pass his house again. The children were upset and went to report it to their mother (Miss Xotyeni). At around 17H00 Miss Xotyeni and her son went back to 91 Frangipani to confront Mr Fitchat.

On Arrival the Front door was closed, she knocked on the door, but nobody replied but they could see people moving around the house. After a while Mr Fitchat opened the door with the dog at his site and a firearm in his hand. Miss Xotyeni confronted Mr Fitchat about him threatening the children and making false allegations that their children were victimizing and harassing his family. Mr Fitchat got upset and pointed a firearm in the direction of Mrs Xotyeni and told her to keep their children away from his house or their will be consequences. Mr Fitchat then pointed the firearm in the air and firing one shot. This all in the presents of Mrs Xotyeni's son. Mrs Xotyeni left Mr Fitchat's premises and returned home to 18 Moepel Street where she informed security and phoned Brackenfell SAP.

Security officers De Klerk and Jacobs and two-Armed Response officers S Heineman and S Engelbrecht and SJC Manager P Du Flooy respond to the call of Mr Fitchat's house. On arrival we found 'A' weapon on the kitchen counter we were informed by Mr Fitchat that his family was harassed and victimized by the children and was threatened by Mrs Xotyeni and the weapon was only an airgun and that he uses for self-defence. I asked Mr Fitchat to remove the magazine from the weapon and to lay it back on the counter. Only Then could

Handwritten signature or initials.



GUARDING SERVICES (PTY) LTD

42
PHYSICAL ADDRESS:
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VAT NR: 4710 251 606
REG NR: 2008/018170/67

we confirm that it was an airgun. I took photos of the weapon and magazine as proof. We all left and proceed to Mrs N Xotyeni house at 18 Moepel street.

We arrived at 18 h35 at Mrs N Xotyeni house (18 Moepel street). We were informed that Mrs Xotyeni already contacted the Brackenfell SAP and was waiting for them to arrive. 19h10 SJC Security and SJC Armed response was send on their way to proceed with their duties while I stayed behind waiting for the SAP to arrive. The SAP Sgt Tom and constable Pekeur only arrived at 21H20 and took the full statement from Mrs Xotyeni. Mrs Xotyeni was informed by Sgt Tom that they will open a docket and it will be handed over to the detectives. They will investigate the charges against Mr Fitchat. Mrs Xotyeni was also informed by Sgt Tom to report to Captain Strous at SAP Brakenfell the following morning to lay additional chargers against Mr Fitchat. At 22h00 the SAP left the Estate.

General:

- Upon questioning Mr Fitchat, he admitted firing the weapon and threatening Mrs Xotyeni because he has been victimized and been harassed by the children in the Estate.

Conclusion:

- The general feeling about Mr Fitchat is that he is paranoid and very unstable. And not fit to carry a firearm.

Philipus A Du Flooy
SJC Operational Manager.

TS
AA

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AFFIDAVIT
(To be completed in the presence of a Commissioner of Oaths)

I, Long cheng
ID-Number: 8507226291181 Age: 37
Residing address: 9 Kleinbron avenue Kleinbron Estate
Working address: 29 Montague Drive
Tel: (w) _____ (m) 083 643 8883 (cell)

Declare under oath in English / confirm in English -
I took ownership of the house at 9 Kleinbron on 1 March 2022. On 30 March 2022 Marianne Johnson requested that I determine whether a summon might have been delivered to the house in February 2022 before I took occupancy. On 31 March 2022 I found the summons amongst building materials on site used by the builders renovating the house.

I am familiar with, and understand the contents of this declaration. I have no objection/have objection to taking the prescribed oath. I consider the prescribed oath as binding to my conscience.

Place: Brackenfell Date: 31/03/2022
Time: 19:00
Signature: [Signature]

I certify that the above statement was taken from me and that the deponent has acknowledged that he/she knows and understands the contents of the statement. The statement was sworn to/affirmed before me and deponent's signature/mark/hand print was placed thereon in my presence.

At: BRACKENFELL on 31/03/2022 at 19:00

[Signature]
Commissioner of Oaths
(Details to be provided on physical and postal address e.g. stamp of police station)

MICHEL HEYNS
Force number/Rank/Name - print

MICHEL HEYNS
KOMMISSARIS VAN EDE / COMMISSIONER OF OATHS
PROKUREUR / ATTORNEY R.S.A.
WERKSMANS
LEVEL 4, No 5 SILO SQUARE
V&A WATERFRONT, CAPE TOWN, 8001

TJ
[Signature]



To whom it may Concern: Mr Gabone

17 September 2022

Mr Fichart has sent me a demand letter stating that I am harassing him and that if it happens again or come near him or his property he will shoot me.

Firstly this is false and he is trying to put pressure on us due to a court case coming up on 28th November 2022.

He has falsely accused me of harassing him on this date, however it was not true and Mr Fichart actually harassed me and threatened to kill me and make me and my family pay.

I calmly asked him to turn the noise of his security cameras off as it was making a noise.

He then threatened to kill me with his dogs and started shouting abuse saying 'You and your family will pay, you are and unemployed looser and he kept on shouting at me threatening my wife'.

When he started shouting a young gentlemen came to ask if he could assist as he was worried Mr Fichart was going to shoot me (as he has taken out his gun before on a minor and there Mom). Has SJC Security Report.

Joel Redelinghuys was there from the beginning when Mr Fichart was threatening me and heard everything; I have asked him and his mother yesterday in her presence (Christine Redelinghuys ID: 6810010014088) if they would be willing to give and affidavit of this event and they said he would.

3 young girls also witnessed the incident (ages 9 -12) and ran to call security as they were afraid Mr Fichart was going to kill me.

He has sent a threatening letter on Wednesday to say if I come near him or his property he will shoot me (Proof of Letter)

I am applying for a harassment interdict against Mr Fichart as he is a threat to me and my family and is unstable and we urgently request his gun to be taken away.

Kind Regards
Tyrone Johnson
19 Kleinbron Road
Brackenfell

Christine Redelinghuys (Guardian Joel Redelinghuys)
ID: 6810010014088

TJ
AA

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To whom it may Concern:

18 OCTOBER 2022

On the 12 September Mrs Sonet Fichart has said in a SAPS affidavit that she saw me between 08H00 to 10H00 monitoring there house in SJC Clothing Jacket on my cell phone.

This is not true as I dropped my Child off a school at 08H15 and arrive back home at 08H50, then I get our other Child ready for when her care giver comes.

Kleinbron Estate manager can verify these times and if Mrs Fichart did see me she should be able to give a closer time.

This letter also serves to confirm that I have never been given clothing or worked for or with SJC.

I have met the Owner Mr Charl Beaumont Du Toit once briefly when he came to monitor a call from a couple of parents that Mr Fichart was filming children at the park.



Signed By: _____
Charl Beaumont du Toit
ID: 7410255022083

Kind Regards
Tyrone Johnson
19 Kleinbron Road
Brackenfell

TJ
MB

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To whom it may Concern:

19 OCTOBER 2022

On the 12th September at around 11H00am Mr Fichart stated in his document that I made pointing gun gestures and was standing at the park with our caregiver.

He said in the document that our care giver who looks after our 3 year old daughter was feeling uncomfortable with these gestures and went inside the house.

This letter is to confirm that she did not see any gestures and was only uncomfortable as Mr Fichart came there with his son while they were already at the park.

Mr Fichart sent us a demand letter stating he as going to shoot me on site (this letter was taken to the Magistrate Court and they had all his guns removed), about 10 minutes after receiving this letter I looked out the window and he was by the park were my daughter was.

There has already been an incident with him taking a gun out on a minor.

Kind Regards
Tyrone Johnson
19 Kleinbron Road
Brackenfell

Signed By: Antonette Esselaar

ID: 9303120182083

Antonette Esselaar

TJ
MS