

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

CASE NO: H668/2022

In the matter between:

TYRONE JOHNSON

Applicant

and

RUBEN THEODOR FITCHAT

Respondent

RESPONDENT'S OPPOSING AFFIDAVIT

I, the abovenamed respondent, **RUBEN THEODOR FITCHAT**, make oath and say,

1. I am an adult male software developer with identity number **8412285132089**, and with my chosen *domicilium citandi executandi* situated at **91 FRANGIPANI STREET, KLEINBRON ESTATE, BRACKENFELL**.
2. The facts contained herein fall within my personal knowledge, and are true and correct to the best of my knowledge.
3. The document that is included was handed to the Kuilsriver Magistrate Court on 26 September 2022, as a warrant of arrest request for Mr Johnson to be arrested for breaching his interim protection order.
4. It also serves as an opposing affidavit in the matter.
5. Mr Johnson applied for an amendment to his interim protection order against me on 30 November 2022, which was after I handed the original warrant of arrest request to the court.
6. I respond to the allegations in the amended interim protection order from #188 below.



7. The documents on which I will rely during both my protection order application against Mr Johnson, and his protection order application against me can be found in the following four Dropbox locations:

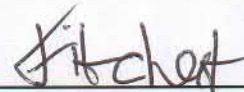
7.1. <https://www.dropbox.com/sh/9pn3fkbm7xvadxo/AAADAltw3VKp8B1OIJEn5gla>

7.2. <https://www.dropbox.com/sh/3lwwuadmnwk8zxz/AADQxyFmC4p9g1VareETMQLsa>

7.3. <https://www.dropbox.com/sh/bc92kcxsd8y0fyp/AADDlrMxl3wa7OjfyD--F0aXa>

7.4. https://www.dropbox.com/sh/hqpq2lxhnwz2aya/AAC3i-l_vkxO_XivnXZJYuvPa

DATED AT BRACKENFELL ON THIS 15th DAY OF JANUARY 2023



RUBEN THEODOR FITCHAT

91 FRANGIPANI STREET

KLEINBRON ESTATE

BRACKENFELL

7560

Cell: 083 925 1545

Email: theo@cluedapp.co.za

I certify that the deponent has acknowledged that he knows and understands the contents of this affidavit, that he has no objection to taking the prescribed oath, and considers it to be binding on his conscience.

The Deponent thereafter uttered the words:

"I swear that the contents of this Declaration are true, so help me God"

This affidavit was signed and sworn before me at BRACKENFELL on the 15th DAY OF JANUARY 2023

Ek verklaar dat bosekerende verklaring deur my
afgelees is en dat die verklaarder erkend dat
hy/haar kennis is met die inhoud van hierdie ver-
klaring en dit begryp. Hierdie verklaring is
voor my teenwoordig en verklaarder se
tekenings/afgedrukte handtekening is in my teen-
woordigheid daarop aangebring.

I hereby declare that the deponent has
acknowledged that he knows and under-
stands the contents of this statement. This statement was
sworn to/affirmed before me and deponent's
signature/initials/thumbprint was placed thereon
in my presence.

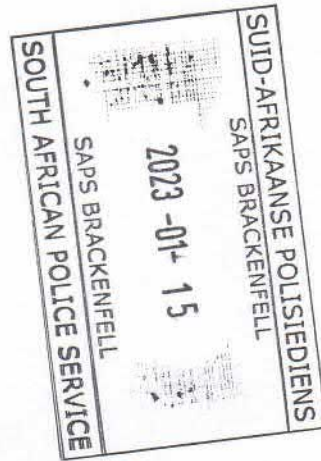
Brackenfell 2023-01-15 om 09:10
at

M. M. M. M.
(HANDTEKENING) KOMMISSARIS VAN EDE
(SIGNATURE) COMMISSIONER OF OATHS

Paulus M. M.
VOLLE VOORNAME EN VAN IN DRUKSKRIF
FULL FIRST NAMES AND SURNAME IN BLOCK LETTERS

Paulus M. M.
BESIGHEIDSADRES (STRAATADRES)
BUSINESS ADDRESS (STREET ADDRESS)

Brackenfell
ME
KANTOR/RAK



BA
Ⓟ

OPPOSING AFFIDAVIT

Re: INTERIM PROTECTION ORDER – REQUEST ARREST

Application No. H647

1. The applicant, Mr Ruben Theodor Fitchat, requests a warrant of arrest to be issued for the Respondent, Mr Tyrone Buchanan Johnson, for not complying with the provisions of the Interim Protection Order issued against him.
2. The Kuilsriver Magistrates Court issued an Interim Protection Order for me (Mr Fitchat) against Mr Johnson on 15 September 2022.
3. I collected it on 21 September 2022 and took it directly to the Brackenfell Police Station.
4. Mr Johnson responded to my Interim Protection Order against him by applying for a Protection Order against me apparently as soon as he received mine.
5. An Interim Protection Order was granted to him on 23 September 2022 (H668/2022).
6. Please see **Annexure L - Interim Protection Order**
7. Mr Johnson was also granted a court order for the police to confiscate my firearm and airgun, which they have done.
8. It is being stored by SAPS.
9. Please see **Annexure M - SAPS Firearm Receipt**
10. Also on 23 September 2022, when my wife and I were driving towards the Sheba Gate entrance of Kleinbron Estate, Mr Johnson drove from the Sheba Gate entrance, and when he came near to us, swerved his car across the white solid line just in front of us and then swerved back.
11. He smirked at us and drove past.
- 12: Mr Johnson's Protection Order application is based on false allegations and I suspect, a forged document, which I request the court to verify.
13. If the document is genuine, I apologise for taking up the court's time.
14. This document and the accompanying annexures are submitted in addition to the initial annexures that accompanied my application, and are evidence that Mr Johnson



has relied on false pretenses in order to get a Protection Order against me and for the police to confiscate my firearm and airgun.

15. I need my firearm and airgun to protect me and my family against Mr Johnson, as he has threatened to kill me and my wife, and he appears to be a dangerous individual who does not have any regard for the law, as is evidenced by the false information provided in his Protection Order application against me.

16. Mr Johnson's application for a Protection Order against me and his application for my firearm and airgun to be confiscated are acts of harassment against me, and are designed to reduce my ability to defend myself and my family against him, if the need arises.

17. My wife is also applying for a firearm license. She has completed her training and has an interview at the Brackenfell Police Station on 6 October 2022 for her competency certificate.

18. I believe Mr Johnson's Protection Order application requesting that my firearm and airgun be confiscated is also an attempt to prevent my wife from getting a firearm license.

19. Also, on 12 September 2022 I had sent a letter of demand to Mr Johnson, demanding that he stop approaching and intimidating me.

20. On 17 September 2022 I was playing in the public area outside my house with my two small children, when Mr and Mrs Johnson again started following and intimidating me.

21. I include video evidence of his behaviour and of how I am trying to get away from them with my two children, one in a pram.

13. Mr Johnson's allegations in his Protection Order application are in the tables below, and my reply to each allegation is below each table.

A. Give full details of all incidents of harassment:

Over the past year we have been involved in litigation at CSOS and this court between Fitchat and my family.

14. I agree with this statement.



15. Mr Johnson made a false allegation on a public Whatsapp group that I recorded his child in a towel, so I initiated a civil lawsuit against him for defamation.

16. Please see **Annexure C – Defamatory Whatsapp T.Johnson**

17. Mr Johnson pretended not to have received my summons, despite him being at home when it was delivered.

18. I later also sent my summons as an attachment to Mrs Johnson's CSOS application.

19. Mrs Johnson indicated in one of her CSOS documents, "No summons was received in the civil action from the sheriff. My husband (Mr. T Johnson) only became aware of the summons as it was attached to the reply to my application for dispute resolution at CSOS from TF."

20. Please see **Annexure N - CSOS M.Johnson reply to T.Fitchat**

21. The defamation matter will be heard at the Kuilsriver Magistrates Court on 28 November 2022, case number 1399/2022.

22. Mr Johnson has to date still not sent any evidence of any of his allegations, and he has attempted to delay the trial numerous times.

23. Please see **Annexure E - Email with Respondent's attorney**

24. Also, Mrs Johnson opened a completely unreasonable case against me at CSOS, in which she falsely alleged that I was recording the Johnsons' children's bedrooms and bathrooms with my CCTV cameras.

25. Please see **Annexure G - CSOS M.Johnson Application**

26. CSOS found that there was no evidence of any of Mrs Johnson's allegations, and they found in my favour.

27. Please see **Annexure H - CSOS M.Johnson Verdict**

Fitchat has on many occasions in the past harassed children that live in our estate and recently my own children.

28. This statement is untrue and vague.

Fitchat has carried his firearm with him in the estate,

29. I have not carried my firearm with me in the estate, even though it is my legal right to do so, if I carry it in accordance with the Firearms Control Act.

30. Kleinbron Estate does not function under a different set of laws as the rest of South Africa.

see **Annexure A Report by SJC Security** confirming that he carries his firearm with him.

31. The alleged report by SJC, written on 30 December 2021, which has also not been affidavited and is therefore not acceptable as evidence, does not indicate that I carry my firearm with me.

32. I did not own a firearm on the date the report was allegedly written, which was 30 December 2021.

33. I only bought a firearm on 1 February 2022 from Wildman-Cape Gate.

34. Please see **Annexure O - Wildman Invoice**

35. I received my firearm license on 24 May 2022.

36. Please see **Annexure P - SAPS License 2022-2027**

37. The firearm that I had bought at Wildman was kept for me at Wildman until I received my license.

38. This can be independently verified with Wildman.

39. I only owned an airgun on 30 December 2021, which is not classified as a firearm according to the Firearms Control Act, 2000:

a. 5. (1) For purposes of this Act, the following devices are not regarded as firearms:

b. (f) an airgun,

40. Therefore it is unlikely that SJC Security would write in a report that I was carrying a firearm with me if I did not even own one.

41. Mr Johnson is represented by an attorney for his civil lawsuit, so I query why Mr Johnson has not engaged the assistance of an attorney in his preparation of this Protection Order.

42. Mr Johnson has in the past attempted to threaten me with legal action and with his attorney.

43. On 28 January 2022, after I sent Mr Johnson a letter of demand demanding that he remove his defamatory Whatsapp post, he sent me a Whatsapp in which he indicated that what I had allegedly done was criminal, and that he could take it further, implying he could take further criminal action against me if I did not retract my letter of demand.

44. Please see **Annexure D - Whatsapps T.Fitchat and T.Johnson**

45. Mr Johnson has ceaselessly harassed me since he posted his defamatory Whatsapp and I instituted legal action against him, including threatening to kill me and my wife.

46. On 12 September 2022 I sent a letter of demand to Mr Johnson demanding that he stop threatening, intimidating and harassing me, among other things.

47. Please see **Annexure I - Letter of Demand**

48. In response to Mr Johnson threatening to kill me, I indicated in an email that if he did make a serious attempt to take my life, that I would use my firearm in self-defense according to the law.

49. I cc'ed Brackenfell SAPS in the email, and also sent one to the Kleinbron Estate management.

50. On 16 September 2022, Mr Johnson personally sent me an email claiming that my letter of demand was a letter of threat, and that I was the one harassing him.

51. Please see **Annexure Q - Letter of Demand Reply**

52. He cc'ed his attorney's offices, and indicated that an official attorney's letter would follow with affidavits from people who I had allegedly harassed.

53. I have to date received no such "official attorney's letter" or affidavits, and the fact that Mr Johnson sent that email himself, and not through his attorney, leads me to believe that his attorney has distanced herself from Mr Johnson's actions in this regard.

54. I can only conclude that Mr Johnson's claim that an attorney's letter would follow was another threat designed to intimidate me with non-existent legal action with affidavits from non-existent people.

Fitchat has verbally and in writing threatened to kill me. Most recently emailing me a letter (Annexure B) at Paragraphs 116 to 132 Fitchat says he will shoot me on sight.

55. I have not verbally or in writing threatened to shoot Mr Johnson on sight.

56. The email in Mr Johnson's application can confirm I have not done so in writing.

57. Mr Johnson has threatened to kill me, and I clearly indicate in my email that I will only use my firearm if Mr Johnson makes an unlawful attack on me and/or my family, and if I need to use the firearm in self-defense or private defense, in accordance with the Firearms Control Act.

Fitchat also threatened to kill me when I asked him to turn off the sound of his cameras. He verbally threatened my wife and we had a young boy hear Mr Fitchat say all the threats. Attached Annexure C.

58. I deny the allegation that I threatened to kill Mr Johnson when he asked me to turn off the sound of my cameras.

59. I also deny ever threatening Mrs Johnson.

60. Regarding the camera that was beeping, in one of Mrs Johnson's CSOS documents, sent on 14 April 2022, she alleges, "TF exploded again in a rage after my husband asked him to turn off the noisy alarm on one of the cameras on Saturday 26 March at approximately 18h00. The heated exchange occurred in front of a witness."

61. Please see **Annexure N - CSOS M.Johnson reply to T.Fitchat**

62. Surely if I had threatened to kill Mr Johnson at the time, Mrs Johnson would have included that information in her application, but she didn't.

63. Because I didn't threaten to kill him.

64. Mrs Johnson also does not indicate anywhere in her application that I have ever threatened her, which she surely would have mentioned if I had.

65. I also query why Mr Johnson did not include his wife as an applicant in his protection order application if she is apparently in danger from me as well.

66. Mr Johnson is only now saying I threatened to kill him because he complained about the camera, in order to make me sound unreasonable and irrationally aggressive.

67. Annexure C is merely a letter written by Mr Johnson which has not been affidavited, and is not evidence of anything.

68. Nevertheless, I reply to it below.

Me and my family fear for our lives, which is in imminent danger because Fitchat carries his gun with him next door to my house and says he will shoot me if he sees me.

69. This statement is untrue.

70. I do not carry my firearm around with me when I am on my property. I have CCTV footage which can confirm this.

71. Mr Johnson and his family can regularly be heard outside in their backyard.

72. Mr Johnson does not fear for his life, and uses every opportunity to harass me, stalk me, intimidate me and provoke me.

73. I believe Mr Johnson is involved in real estate harassment, which is the illegal eviction of a homeowner for the purpose of buying their house for a very low price and selling it for a large profit.

74. **Please see Annexure R, Annexure S and Annexure T** of how Mr Johnson follows me and intimidates me while I am in the public area outside my house with my two small children, one in a pram, while I am trying to get away from him.

75. This occurred on 17 September 2022, after I had sent him a letter of demand on 12 September 2022 to demand that he stop approaching and intimidating me.

76. Also, if Mr Johnson really feared for his life because I was allegedly carrying a firearm with me, he would certainly not have approached me in such an aggressive manner as can be seen in the videos.

77. Please see **Annexure R - 17 Sep 2022 Video** (from 25:55)

78. Please see Annexure S - 17 Sep 2022 Video

79. Please see Annexure T - 17 Sep 2022 Video

He has already carried his firearm with in the estate and made it clear he will use it to shoot me or others.

I fear for myself and family as Fitchat says he will shoot us.

I cannot go out of my house in public as we fear Fitchat will shoot us as he has already taken a gun out on a minor (Annexure C).

80. This statement is false. Mr Johnson regularly plays with his children in the public area across from both our houses.

81. Annexure R, Annexure S and Annexure T clearly show that Mr Johnson has no fear of going outside or of aggressively approaching and following me.

82. The other false allegation that I will use my firearm to shoot Mr Johnson or others has already been addressed elsewhere.

Fitchat should not be allowed to carry a firearm.

83. Mr Johnson (and Mrs Johnson) should not be allowed to continue making baseless allegations against me in order to decrease my security, in order for them to continue harassing me and threatening to kill me, in order for them to illegally evict me from my house for their own profit.

B. SJC Security Incident Report

INCIDENT REPORT BY Phillip Du Plooy (30 December 2021)

NAME OF INVESTIGATOR: Phillip du Plooy, SJC Manager

PERSONS INVOLVED: Mr T Fitchat: 91 Frangipani Rd

Mrs N Xotyeni: 18 Moepel Rd

NATURE OF INCIDENT: Pointing of a firearm

84. I am having difficulty believing that this report was written by SJC Security, since there are a large number of errors in the report, and it has been written in a very biased manner which appears to have been tailored to this application.

85. It has also not been affidavited.
86. The person who allegedly wrote this report is Mr Phillip du Plooy.
87. I have attempted to contact him to determine whether he wrote the report, but he has not replied by the time I am submitting this application.
88. Please see **Annexure U - Whatsapp Mr Du Plooy**
89. Mr Du Plooy's cell phone number is 072 492 1175, if the court wishes to verify with him whether he had written the report.
90. Mr Du Plooy works for SJC Security, and the contact number provided on their website is 086 175 2911.
91. The email address on SJC Security's website is given as info@sjcgroup.co.za, not charl@sjcgroup.co.za, as indicated in the submitted document.
92. Firstly, the report indicates that the nature of the incident on 30 December 2021 was "Pointing of a firearm".
93. I did not own a firearm at the time of the alleged incident.
94. I only owned an airgun, as mentioned before.
95. After the incident on 30 December 2021, I showed my airgun to Mr Phillip du Plooy, SJC's representative who came to my house.
96. He appeared to be a senior member of SJC, and would surely be knowledgeable about which devices are classified as firearms and which are not.
97. Since Mr du Plooy would have known an airgun was not a firearm, it is unlikely that he would have written in his report that it was a firearm, and that the nature of the incident had been "Pointing of a firearm".
98. Mr du Plooy had also not been personally present at the time of the incident itself. He only arrived afterwards.
99. So even if he had written this report, most of it is in any case hearsay.
100. The report indicates that the persons involved in the incident were me and Ms Xotyeni.
101. I query why Mr Johnson has not rather included an affidavit from Ms Xotyeni in his application.

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 victimising and harassing his family and that he needs the assistance of the security guards, because he was threatened by Mrs Xotyeni residing at 18 Moepel street.

102. This statement is false.

103. My wife was the one who called security, not me.

104. I recorded the conversation between SJC Security and me and my wife on 30 December 2022, and as can be heard in the video in **Annexure V** at 19:13, my wife indicates that she had called SJC Security.

a. Mrs Fitchat: Toe ons gesien het hulle kom hier opgehoop, dis toe ek vir SJC gaan bel het. Sodat...

b. SJC guard: Ek het opgetel

c. Mrs Fitchat: O, ok, was dit jy?

105. Please see **Annexure V - 2021.12.30 Bongi Incident**

106. My wife phoned SJC because two people were walking aggressively to our house, and we were worried about what they were planning to do.

107. We initially thought the two people were Ms Xotyeni and her husband or boyfriend, but we later learned it was Ms Xotyeni and her son.

S/O De Klerk immediately informed SJC Control room and management. SJC armed response was despatch to 91 Frangipani Street. SJC Management arrived on site at 18H05 to investigate the incident.

108. It does not make sense for SJC Security to dispatch armed response to a complaint that children were harassing me and that a woman was threatening me.

109. It also does not make sense that SJC Management would respond to such a complaint.

110. The SJC guard who arrived at our house first saw me standing outside my house.

111. I told the guard that two people had come to my house to confront me. The guard indicated that I should go back inside my house and wait for him until he came back. The guard called the armed response and management, and I went into my house.

INCIDENT REPORT:

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

112. This statement is false. Children kept trying to throw things over our wall from the street to where my Rottweiler was (I only had one Rottweiler at the time, I now have two).

113. We had picked up stones in the area before, so it seemed the children were trying to hurt and provoke my dog.

114. We had also had a vandalism incident a few days before (which was why I had gotten the Rottweiller, and which included someone removing part of our pool's safety cover), and there was a child's muddy footprint on my pool pump cover.

115. We assumed children had been involved in the vandalism, and we also suspect our two neighbours, the Johnsons and Frankens had been involved, and that they were using children to harass us, because if we complained about children harassing us, people would think we are illogical and overreacting to mere "kattekwaad".

116. There was an indentation in the ground next to our boundary wall with the Frankens, where it seemed someone had climbed over into our yard, and a muddy footprint on our pool pump cover, where it seemed someone may have climbed over our boundary wall with the Johnsons at the time of the vandalism.

Mr Fitchat came out of his house and was shouting at the children 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.

117. This statement is false. I told the children to stay away from my Rottweiler, and that if they climbed over the wall of my property again, the dog was most likely going to bite them. I warned them to stay out of my yard for their own safety.

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 falls allegations that their children were victimising and harassing his family.

118. Many parts of this statement are false.

119. I did not have my dog at my side when I opened the door.

120. Ms Xotyeni did not confront me while I was standing there "with the dog at (my) site and a firearm in (my) hand". It does not make sense for a single mother with her minor son to confront a man with a "gun" and a "big, black Rottweiler".

121. Ms Xotyeni did not confront me at all.

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 Bracenfell SAP.

122. This statement is false.

123. I did not point my airgun at anyone. Ms Xotyeni had admitted in her affidavit to the police that I had not pointed it at her, which is why the police closed the docket.

124. I had my airgun with me, because I did not know what they were planning to do at my house.

125. I thought at the time that Ms Xotyeni was accompanied by her husband, but I later learned that it was her son

126. I did shoot a warning shot with my airgun, but I was standing on my property, and they were about 50 meters away already.

127. I told them not to come to my property again.

128. Ms Xotyeni appeared to know it was an airgun and not a real firearm, because they just looked around at me after I had fired the warning shot, and then continued walking home at the same speed.

129. Ms Xotyeni and her son would have been visible by the Kleinbron Estate CCTV cameras at the time that I shot the warning shot, so the police who investigated the incident would have been able to see how far away they were from me at the time, and their reaction to the warning shot.

130. At the time I was in the process of applying for a firearm license, and I had received the required training and competency certificate.

131. Please see **Annexure W - Training Certificate**

132. Please see **Annexure X - SAPS Competency Certificate**

133. I knew I was not allowed to point a firearm at anyone, so I also did not point my airgun at them.

134. A detective called me later and told me that the docket of the criminal case against me had been closed because Ms Xotyeni admitted in her affidavit that I had not pointed the airgun at anyone.

Security officers De Klerk and Jacobs and two Armed Response officers S Heineman and S Engelbrecht and SJC Manager P Du Plooy 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 harass 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 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.

135. After I had fired the warning shot, I returned the airgun to its storage place. The first SJC guard to arrive at our house asked to see it, so I fetched it and placed it on the kitchen counter for him to inspect.

136. My wife set up a laptop to record the conversation.

137. An armed response team arrived second, and then later Mr Du Plooy also arrived.

138. The airgun was still lying on the kitchen counter when the armed response team and Mr Du Plooy arrived.

139. One of the SJC guards who had arrived second asked about the airgun, and my wife indicated it was the one lying on the counter.

140. Please see **Annexure V** at 11:54:

a. SJC: Is there any indication of (unclear)?

b. Mrs Fitchat: Sorry? My husband has a gun. He has a BB gun. Yes, that one right there. You're welcome to have a look. Let me call my husband then he can tell you...

141. Please see **Annexure V - 2021.12.30 Bongji Incident**

142. I made no attempt to hide anything from SJC, and I answered all their questions truthfully.

143. I find it unlikely that an experienced SJC security manager would not be able to tell the difference between a real handgun and an airgun just by looking at it.

We arrived at 18H35 at Ms N Xotyeni house (18 Moepel street). We were informed that Ms 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 Ms Xotyeni. Ms 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. Ms 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.

144. The above incident occurred in December 2021.

145. I received my firearm license in May 2022.

146. Surely the police would have intervned and prevented me from obtaining a firearm license if they considered me to be a danger to anyone.

147. It is apparent that the police found that I had not acted in an unreasonable and reckless manner, and therefore I was not prevented from obtaining my firearm license.

148. It is also clear to me that Ms Xotyeni's children are not in the least bit scared of me, despite the above allegations that I am unstable and aggressive, as Ms Xotyeni's daughter was again playing in the public area in front of my house mere days after the alleged incident.

149. Please see **Annexure Y - 2022.01.03 Bongi playing by Mews**

150. Please see **Annexure Z - 2022.01.04 Bongi playing in public area**

151. Please see **Annexure AA - 2022.01.05 [1] Bongi playing in public area**

152. Please see **Annexure BB - 2022.01.05 [2] Bongi playing in public area**

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.

153. This statement is false and has not been written in the neutral and impartial manner that one would expect from a professional member of a security company.

154. This entire alleged report from SJC Security has been written in a very one-sided manner in Ms Xotyeni's favour, which is not in line with SJC's behaviour when they came to my house.

155. When they were at my house, they attempted to impartially determine what had happened. I find it unlikely that SJC would write such a biased report.

Conclusion:

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

Phillipus A Du Plooy

SJC Operational Manager.

156. Why would Mr du Plooy write this sentence in his incident report? I did not own a firearm at the time. It seems completely out of place, and as though it had been written specifically to support Mr Johnson's Protection Order application against me.

157. I understood that Ms Xotyeni had opened a criminal case against me, but I was phoned by a detective that the case docket had been closed since Ms Xotyeni admitted in her affidavit that I had not pointed the airgun at her.

158. Since the people involved in the SJC incident report above are me and Ms Xotyeni, I query why Ms Xotyeni has not provided an affidavit for this case. Is it because she is unwilling to write a new affidavit which is going to contradict her first affidavit, which has been filed with the police, and which caused her case to be dismissed?

159. I also query why Mr Du Plooy would write his name as "Phillip" Du Plooy on the front cover of the incident report, and as "Phillipus" Du Plooy on the last page of the report.

160. He also mixed up the date – in some places it's 29 December 2022, and in other places it's 30 December 2022.

C. THREATS & HARASSMENTS FROM MR THEO FITCHAT ON 21 MARCH 2022

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.

161. This appears to be a document that has been written by Mr Tyrone Johnson, the applicant, himself.

162. It has not been affidavited, so is not acceptable as evidence.

163. It appears to be a letter in which Mr Johnson is informing a Ms Christine Redelinghuys of an alleged incident in which he claims I had threatened to shoot him, and which he claims her minor son had witnessed.

164. He also informs the reader that Ms Redelinghuys's son is willing to give an affidavit.

165. However, there is no affidavit from Ms Redelinghuys attached.

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'.

166. This statement is false.

167. Mr Johnson was standing on my property, refused to leave, and attempted to provoke me by asking me what the social workers had said that he had sent to my house to check if I was abusing children, and he called me a coward.

168. I did not threaten Mr Johnson or his 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,

169. Mr Johnson is a fit 47 year-old man.

170. Since Ms Redelinghuys is apparently Joel Redelinghuys's guardian, I assume Joel is under the age of 18, and therefore, a child.

171. It is extremely unlikely that if one adult male was "shouting abuse" and threatening to shoot and kill another adult male, that a child would approach them, and offer to assist because he was worried someone was going to get killed.

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.

172. There is no affidavit attached.

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.

173. There is no affidavit from the alleged 3 young girls attached, and no evidence that they had reported the matter to security.

174. Security did not arrive.

175. Surely if Mr Johnson had been able to obtain the SJC incident report of 30 December 2021, he would have been able to obtain an incident report of this alleged incident as well.

176. No incident report from SJC is attached because the matter was not reported to them, because it did not happen.

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

177. The letter clearly indicates that I am trying to avoid shooting Mr Johnson in self-defense, but that if Mr Johnson makes an unlawful attempt to take my or my family's lives, as he has verbally indicated he would, I will use my firearm in self-defense or private defense according to the Firearms Control Act.

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.

178. Please provide evidence that I am unstable, other than false allegations.

Kind Regards Christine Redelinghuys (Guardian Joel Redelinghuys)

Tyrone Johnson ID: 6810010014088

19 Kleinbron Road

Brackenfell

179. I contend that Mr Johnson has failed to prove that I have threatened to "shoot him on sight", and he has made a large number of false statements in his application, including possibly faking a report from SJC Security.

180. I believe I am the victim of a real estate harassment gang, who are attempting to harass me out of my house so that I will sell it to them for a low price, so that they can resell it at market value and make a large profit.

181. I believe one of their methods is to use children to harass people, because people are less likely to complain about children, but also because they will sound illogical and oversensitive if they do.

182. I am also being harassed in other ways by Mr Johnson and other people I believe are part of the real estate harassment, but I do not have sufficient evidence of those activities, so I do not include it in this application.

183. I believe Mr Johnson's defamatory Whatsapp, his other actions detailed in my protection order application, and this application by Mr Johnson for my firearm to be confiscated, is part of his attempt to decrease my security in order for him to continue harassing me and to cause me to be unsafe because I am unable to protect myself with my firearm.

184. Mr Johnson's defamatory Whatsapp saying I recorded his child in a towel and Mrs Johnson's CSOS application for me to remove my CCTV cameras is also part of their attempt to coerce me into not recording them or the children they are using to harass me, so that I will not have evidence of their illegal activities.

185. Often when I attempt to record harassment against, me, the harassers call a group of children to stand with them, and accuse me of illegally recording children. This also forms part of my civil case against Mr Johnson.

186. I request that Mr Johnson be arrested.

187. I request that the court release my firearm and airgun to me.

Regarding Mr Johnson's Amendment to his Interim Protection Order against Me

We have interim protection order against each other.

188. I confirm this is correct.

Since then he has been recording me in my house....

Mr Johnson's living room windows are right across from the lowest part of the shared boundary wall between our properties (± 1.4 m high on our side).

If someone stands in Mr Johnson's yard in front of his living room windows, that person can be seen very easily and clearly by us from our backyard.

Mr Johnson's living room windows have horizontal blinds, and Mr Johnson regularly opens them whenever my wife or I go out into our backyard.

After opening his blinds, Mr Johnson often goes out into his backyard and harasses us, often in front of the blinds that he had just opened prior to coming out.

Such an incident occurred on 8 November 2022, which we recorded.

Mr Johnson also seemed to try to get us to record him inside his house during an incident on 16 November 2022.

On 16 November 2022 my brother and I went out to clean my pool.

Mr Johnson put his arm out of a window on his second story, holding a phone, and it seemed as though he was recording us.

My wife came out and we started recording Mr Johnson.

When my wife started recording Mr Johnson, Mr Johnson moved back into the room, so my wife moved closer to him.

Mr Johnson's silhouette is seen inside the room in the recording, and he is seen holding his phone.

As can be confirmed in my recordings, it is not possible to see inside Mr Johnson's house, except for in that one recording.

I contend that Mr Johnson purposefully drew our attention to himself when he put his arm out of his window, and that he purposefully moved back into the room in order for

us to move closer to record him so that he could accuse us of recording inside his house.

I contend that Mr Johnson purposefully opens his living room blinds prior to coming out to harass us, in order for him to firstly, discourage us from recording him when he harasses us, and secondly, so that if we do record him, that he will be able to accuse us of recording inside his house when we record him harassing us.

Since then he has been recording me ... in my backyard ...

Also on 16 November 2022, a short time after the above incident discussed above, my wife and I went out into our backyard to trim the branches of a tree that was blocking our CCTV cameras.

My wife was wearing her swimwear at the time.

Mr Johnson went out in his backyard with his daughter, and he approached us and started recording us.

I only recorded Mr Johnson on his property because he was recording us on our property.

Since then he has been recording me ... in house with children present

I deny the allegation.

Mr Fichart has been filming our family in our backyard over our wall and into our childrens bedroom.

As can be seen in my videos, Mr Johnson brought his children to play outside after he had harassed me, and after he knew I was recording him.

I contend Mr Johnson uses his children to try to prevent me from recording him harassing me.

Magistrate has already ordered all his weapons to be removed.

The Magistrate only ordered my firearms to be temporarily confiscated because Mr Johnson made false statements in his Protection Order application against me.

Mr Fitchart is filming us where ever we go

Mr Johnson only mentions two specific incidents on 14 November 2022 and 16 November 2022, and I am not aware of an incident on 14 November 2022.

As Mr Johnson indicated at the civil trial I am "locked up in my house", so the only time I see Mr Johnson is when he hangs out in front of my house where he knows I can see him, or when Mr Johnson goes out into his backyard when I go outside.

A. Mr Fichart is filing with a cellphone into our house and backyard with our children there

This point has already been addressed above.

Annexure A

This photo is most likely a photo taken after Mr Johnson had been sticking his arm out of a second story room's window with a cellphone on 16 November 2022.

Our children are scared and asking why this is happening

If Mr Johnson's children are scared, it is because they are being used by Mr Johnson to harass me.

They are scared to come outside

The only reason they would be scared is because Mr Johnson scares them.

B. A witness – neighbor saw him and his wife filming over or yard

I confirm that when my wife and I were trimming the tree on 16 November 2022, I saw Mrs Franken standing in her braai room by the sliding door.

Mr Johnson and Mrs Franken are close friends, and they are both involved in harassing me and my wife.

When I saw Mrs Franken watching us, I started recording her.

When Mrs Franken saw me recording her, she went to her daughter's bedroom, and opened the blinds.

Mrs Franken follows the same pattern as Mr Johnson – opening blinds in order to accuse me of recording inside their house, to discourage me from recording them when they harass me.

Mrs Franken was also a witness for Mr Johnson in a civil defamation trial that was held on 28-30 November 2022, in which Mrs Franken committed perjury, by falsely claiming she had seen me recording Mr Johnson's child in a towel.

Mrs Franken had opened a CSOS case against me, alleging that I was recording her daughter's bedroom with my CCTV cameras, but CSOS found in my favour.

To whom it may concern: Harassment Court

On the 23rd of September 2022 we got an interim Protection Order against Mr Fitchart and the Magistrate ordered that all his guns be removed.

This point has already been addressed above.

Mr Fichart also has an Interim Protection Order against me and the Magistrate has set a trial date for the 7th of February 2021 to hear the matter.

I applied for a protection order against Mr Johnson, and on receipt of the interim protection order against him, Mr Johnson applied for a protection order against me.

Ever since then Mr Fichart and his wife Sonet Fichart have been filming us wherever we go, even to the point of filming us on our own property, in our Children's bedroom and holding their cellphones over our 1.8m wall into our backyard. (PLEASE SEE ANNEXURE A & B). This happened on the 14th November and the 16th November. Our children are asking why they are filming us.

These points have already been addressed above.

This letter is to confirm that our neighbour Mrs Marine Franken has also spotted them filming us over our boundary wall by our pool and will give proof that the above is correct.

King regards

Tyrone Johnson



This is a letter written by Mr Johnson, and not by Mrs Franken.

It confirms nothing.

(signed)

Marine Franken

Even though this document has allegedly been signed by Mrs Franken, it has not been affidavited.

I contend that Mr Johnson and Mrs Franken have been hired by Mr Charl Johnsen, the director of SealTek Cape, in order to harass me into settling the lawsuit which Mr Charl Johnson initiated against my wife.

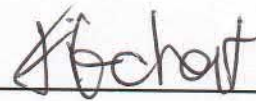
Annexure A

This photo corresponds with the video taken by my wife of Mr Johnson on 16 November 2022.

Annexure B

This photo corresponds with the video taken by me of Mr Johnson on 16 November 2022.

DATED AT BRACKENFELL ON THIS 15th DAY OF JANUARY 2023



RUBEN THEODOR FITCHAT

91 FRANGIPANI STREET

KLEINBRON ESTATE

BRACKENFELL

7560

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Handwritten signature and initials, possibly 'E' and 'Bar', in the bottom right corner.