



## Beyond all (reasonable?) doubt

In his well-known book on evidence, *Be-wysreg* Derde Uitgawe, Schmidt cites (p 82) the following example from the doctoral thesis of a fellow academic in his discussion of the captioned topic:

"There are three containers; the first contains 100 black balls, the second 100 white balls and the third 50 white and 50 black balls; we select randomly 25 balls from one of the containers and all are white. Although the possibility that the balls were taken from the exclusively black container is eliminated, [the author] opines that it is not proved beyond reasonable doubt that the balls were taken from the exclusively white container, since there is a reasonable alternative possibility, namely that they were taken from the mixed container." [My translation]

Possibility theory teaches that the probability of selecting 25 white balls on a random basis from a container with 50 white and 50 black balls is .000 000 000 5! To put it differently, if the likelihood of the accused's innocence is one in 2 000 million, his guilt

has not been proved beyond all reasonable doubt, according to this example!

*Quod emt demonstrandum!*

Willem de Bruyn  
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## Radio quiz

On 23 November 1993 Professor Dennis Davis of the Wits Law Faculty was standing in for one of the Radio 702 presenters. Professor Davis posed the following quiz questions to listeners:

"Who is Michael Corbett

- 1 – The Goalie for Kaiser Chiefs
- 2 – The Minister of Transport
- 3 – The Chief Justice of South Africa
- 4 – The lead guitarist for "Mango Groove".

The first caller opted for "The lead guitarist for 'Mango Groove'", the second for "The Minister of Transport" and the third for "the Kaiser Chiefs' goalie". The fortunate fourth caller eventually gave our learned Chief Justice his due, but upon enquiry by Professor Davis admitted that he had determined the Chief Justice's status by process of elimination.

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Nog 'n paar stories uit Izak Nortje se boek *Stille in die Hof! Shut-up! Voertsek!*:

### Marcus Antonius en Berrange

Konstabel David Strauss (B.Com.) was op universiteit lid van 'n toneelgroep en het onder andere die rol van Marcus Antonius vertolk. Soos alle akteurs en (veral) aktrises wat ek later ontmoet het, kon hy maar nie sy verlede afskud nie. Terwyl ons een môre in die menasie besig was met ontbyt, stap hy in en meld sy teenwoordigheid as volg aan: "Friends, Romans, Countrymen, lend me your ears. I come to bury Caesar not to praise him. The evil that men do lives after them. The good is oft interred with their bones."

Toe wend hy hom na 'n outjie wat met propvol mond probeer om betyds vir diens klaar te eet: "Pickles, wie het so gesê?"

Pickles, wat met sy twee elmboë op die tafel gerus het, vurk in die linker-mes in die regterhand – altwee implemente gerig na die plafon, sluk een van die eiers wat in een van sy kieste bol sodat hy darem effens kon praat, wys met die mes na die persele oorkant die straat en sê: "Berrange."

## Oor Regter AC Malan

'n Sekere advokaat was lief om uit die Bybel aan te haal. Toe hy dit voor Malan doen, vra die regter: "Kan u my nie na meer onlangse gesag verwys nie?" (Toe dieselfde advokaat dit doen voor Greenberg, was die kommentaar: "But wasn't that overruled by the Appellate Division?")

□ □ □

Met sy ken hoog in die lug staar Malan deur die venster terwyl [adv.] Attie van der Spuy hom aanspreek. Naderhand sê Attie: "I notice that your Lordship has not once looked in my direction ever since I started addressing your Lordship."

Malan: "Mr Van der Spuy, I am in duty bound to listen to you. Fortunately, however, the Government had not inflicted upon me the further punishment of having to look at you."

## Oor Regter Ramsbottom

Hy was 'n regsmaatsien, streng korrek, altyd stiptelik op tyd, konsensus tot 'n pynlike graad, nooit 'n glimlag of 'n grappie oor sy lippe op die reg-bank nie.

Met rondgang het hy soms dwarsdeur die nag sitting gehou wanneer dit gelyk het asof hy nie volgens rooster betyds by die volgende sentrum sou wees nie. 'n Kollega vertel my die volgende:

Een nag terwyl die advokaat vir die staat besig was met sy betoog in 'n moordsaak, gaan die ligte uit. Die advokaat stop. "Carry on Mr Usher," sê Ramsbottom. In die donker beskryf die advokaat die grusame moord – "die volmaakte spookstorie atmosfeer" vertel my kollega. Toe die man klaar is, sê die regter weer: "Yes Mr Davidson" en die advokaat vir die verdediging lewer sy betoog – nog steeds in stikdonker. (Dit was egter nie die snaaksste nagtelike sitting waarvan ek weet nie.)

## Die bokser se verklaring

Soos menige oud-bokser weet, kan boks 'n man se grysstof met die jare 'n lelike knou gee. My kantoor het onlangs 'n dossier ontvang wat hierdie stelling onderskryf. Die beskuldigde, 'n polisie onder-offisier en oud-bokser, het na bewering 'n prisoner aangerand nadat laasgenoemde geweier het om sy kar te was. Offisiere het probeer om die vrede te herstel, maar dit het net groter pandemonium veroorsaak.

Die oud-bokser het die volgende waarskuwingsverklaring voorgelê. Name van persone en plekke is om verstaanbare redes verander. Die polisie oorweeg tans om 'n Mediese Raad vir die vuisvoos bokser te belê!

"The day of the alleged offence in this case, the state vehicle of my unit was handed to ABC Garage for repairs. I was driving the Nissan Langley SSS-Turbo. I left my office between 06H30 and 06H45 and proceeded to the Police cells. I was in a happy mood. When I stopped I parked the vehicle. The aim was to get a convicted prisoner to wash it.

I was wearing an expensive imported two piece American suit. I called a tall strong prisoner politely and ask him to wash the car and clean the interior. I was playing international radio cassette music of the Afro-American Top 10.

But the prisoner (now complainant in this case) looked at me, passed some terrible remarks and made a certain report to me that he will not obey my instructions. That he is related to the station commander, and that he is enjoying certain privillages like getting paid when washing members private owned vehicles. I advanced towards the complainant. I shadow boxed and Sgt A saw me making warm-ups and whisper some thing in the ears of the complainant. In a second the complainant ran passing the charge office. I chased the complainant but he was so fast like Mathews Temane and entered the office of the station commander Capt. B.

I followed the complainant, on my arrival in the station commander's office, I found the complainant lying underneath the table. The s/commander tried to push me aside. I then jumped on top of his table by using the Olympic arobics. When I landed on the table of the s/commander the complainant got an opportunity to ran away out of the office while I was still demonstrating to the Capt. what class of an athletic am I.

The following second the s/comman-

der also fled following the complainant to the office of Col. C who is well known as Lucky Lips. I then followed the pair. When entering the office the complainant made a certain report to Col Lucky Lips. The Col did not offer me a chair to sit and explain to him in a professional way what happened. But he threatened me and say he will lock me in his cells.



I then applied my jumping jacks (Judo) and landed on top of his table like black belt Judo expert. After a short demonstration the Col was also frightened. I rested and looked at the complainant, the Captain and the Col.

The three pushed me to the direction of the door of the office and they were able to lock the door. While I was outside Major D saw me and advised me to leave. I also met D/W/Off. E who went to the direction of Col's office. I heard him saying to the three that in future they will not be so lucky.

I did not assault anybody. If I did the complainant would have been admitted to a hospital in an ambulance and the Col will also have arrested me. According to my opinion this case is the most build up story I have ever seen in my life span. I am a part-time priest and it is a shame for fellow officers to lie like this. I will appreciate very much if proper intensive investigation is done in this case. I did not assault any one with fists or object."

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