

CAS#: 69|08|2024

SAPS STATION: KIRSTENHOF

MAGISTRATE COURT: WYNBERG

INSP: WERNER TALJAARD

INSP204491



PREAMBLE TO STATEMENT * AANHEF TOT VERKLARING

Station Stasie	Kilstenhof	CAS no MAS no	69	08	2024			
PERSONAL PARTICULARS * PERSOONLIKE BESONDERHEDE								
Title Titel	MR	Initials Voorletters	WA	Surname Van	TALJAARD			
First names Voornamen	WERNER ALWYN							
Identity number Identiteitsnommer	9 5 0 4 0 5 5 0 5 4 0 8 6				Race Ras	A Br Bl X A Br Sw X		
Passport number Paspoortnommer					Country of issue Land van uitreiking			
Date of Birth Geboortedatum	1 9 9 5 0 4 0 5				Age Ouderdom		Gender Geslag	M X F V
Nationality Nasionaliteit	SOUTH AFRICAN				Citizenship Burgerskap	YES		
I am/am not a member of the SAPS with PERSAL no * Ek is lid/nie lid van die SAPD met PERSAL no								

RESIDENTIAL ADDRESS * WOONADRES

Street name Straatnaam						
Building/farm/plot/place Gebou/plaas/plot/plek	N/A					
Suburb/Extension/Area Voorstad/Uitbreiding/Gebied	N/A					
Town/City Dorp/Stad						
Telephone number Telefoonnommer	Home Huis	Code	No	Work Werk	Code	No
Cellphone number Sellulêre telefoonnommer				Fax Faks	Code	No

ADDRESS--WORK/BUSINESS/INSTITUTION/ORGANISATION * ADRES--WERK/BESIGHEID/INSTANSIE/ORGANISASIE

Name of Institution/Organisation Naam van Instansie/Organisasie	CAPE OF GOOD HOPE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS					
Street name Straatnaam	C/O FIRST ROAD & 1ST AVENUE					
Building/farm/plot/place Gebou/plaas/plot/plek	SPCA BUILDING					
Suburb/Extension/Area Voorstad/Uitbreiding/Gebied	GRASSY PARK					
Town/City Dorp/Stad	CAPE TOWN				Postal Code Poskode	7 9 4 1
Telephone number Telefoonnommer	Home Huis	Code	No	Work Werk	Code	No
Cellphone number Sellulêre telefoonnommer				Fax Faks	Code	No
Would you like to receive information regarding this case via sms? Wil u inligting in verband met die saak ontvang per sms?						
				Yes X Ja	No / Nee	

CONTACT PERSON (IF APPLICABLE) * KONTAK PERSOON (INDIEN VAN TOEPASSING)

Title Titel	MR	Initials Voorletters	J H J	Surname Van	PIETERSE					
Telephone number Telefoonnommer	Home Huis	Code	083	No	6788460	Work Werk	Code	021	No	7004158/9

Date/Datum

Signature/Handtekening



STATEMENT * VERKLARING

Station Kirstenhof CAS no 69 / 08 / 2024
 Stasie

The following particulars in respect of the offence / incident is supplied:
 Die volgende gegewens met betrekking tot die misdryf / voorval word verskrek:

PARTICULARS OF OFFENCE/INCIDENT * BESONDERHEDE VAN MISDRYF/VOORVAL

Date and time of offence/incident 20240806 - 1600 Or Period: Between HHMM on
 Datum en tyd van misdryf/voorval 20240806 Of Tydperk: Tussen HHMM op
CCYYMMDD and HHMM on CCYYMMDD Day of week Su M D W D X S
 en HHMM op CCYYMMDD Dag van week So M D W D X S

Description of Offence/Incident Obstruction in terms of the animal protection act No 71.
 Beskrywing van Misdryf/Voorval ok 1962 sec 8 (4)

Method used/Entrance gained Body.
 Metode gebruik/Toegang verkry

Type of instrument used Body.
 Tipe instrument gebruik

SCENE OF CRIME * TONEEL VAN MISDAAD

Between: Name of place 8-7 Kestrel Close, Westlake
 Tussen: Pleknaam
 and: Name of place Kestrel Close, Westlake
 en: Pleknaam
 Or / Of
 Street name Kestrel Close.
 Straatnaam
 Building/farm/plot/place
 Gebou/plaas/plot/plek
 Suburb/Extension/Area Westlake
 Voorstad/Uitbreiding/Gebied
 Town/City Cape Town Postal Code 7700
 Dorp/Stad Poskode
 Geographical block no 11111111 Type of premises
 Geografiese blok no Tipe perseel

16/08/2024
 Date/Datum

[Signature]
 Signature/Handtekening

In a case of theft of a vehicle the statement must be continued on form SAPS 3M(c).
 In a case of theft of a firearm the statement must be continued on form SAPS 3M(d).
 In all other cases the statement must be continued on blank folio paper.

In die geval van diefstal van 'n motorvoertuig moet die verklaring op vorm SAPD 3M(c) voortgesit word.
 In die geval van diefstal van 'n vuurwapen moet die verklaring op vorm SAPD 3M(d) voortgesit word.
 In alle ander sake moet die verklaring op 'n blanko foliopapier voortgesit word.



SWORN AFFIDAVIT

I, the undersigned

WERNER ALWYN TALJAARD
(ID 9504055054086)

Do hereby make oath in English and state that:

1.

I am an adult male Inspector employed as such by the Cape of Good Hope Society for the Prevention of Cruelty to Animals ("SPCA") at corner of 1st Avenue and First Road, Grassy Park with contact telephone number/s 021 700 4158/9 and email address insp7@spca-ct.co.za.

2.

The facts contained in this affidavit fall within my personal knowledge unless indicated otherwise or unless it appears so from the context. The facts are also, to the best of my knowledge and belief, both true and correct.

3.

On 15 August 2024, I received a complaint regarding three dog that have skin conditions at number 12 kestrel way Westlake. I arrived at the property at approximately 14h49. I called for the attention of the occupants, and a man came out. I introduced myself to the man and informed him of my reason for wanting to conduct an inspection. The man refused me access and refused to provide me with his details. The man informed me that I must do what I need to do to get into his yard, but that he will not allow me access. I was therefore unable to conduct an inspection and examine the conditions under which the dogs are so kept. When I wanted to look at the dogs through the hole in the gate, the man immediately blocked the hole that I could not see the dogs.

4.

On the 16 August 2024, I obtained a court order from Wynberg Magistrates Court and went back to the property number 12 Kestrel Close in Westlake with members of Law Enforcement, being Officer J. Pieterse and Inspector Theunissen.

5.

On my arrival at approximately 14:55, Officer J. Pieterse and Inspector Theunissen and I approached the wall and I saw a unknown female adult person looking over the wall. I introduced myself and informed the adult women that we have a court order and

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I, Werner Alwyn Taljaard, further state under oath and in English that:

that we are here to conduct an inspection on the animals. The same adult man from the previous day came out and asked what we want. I informed the man that we have a court order from the Wynberg Magistrates Court and that we are here to inspect the conditions of the animals. The unknown adult male, who was later identified as Ashley Jacobs, then told myself and Law enforcement officers that we are not coming into the property. The unknown man then walked towards the gate and locked the gate. Officer J. Pieterse then climbed the wall and warned the persons inside the property that they are obstructing us from performing our duties, The lady and the man where shouting at us. I was waiting at the gate for the owners to open the gate, Officer J. Pieterse warned the persons on the property to open the gate or they will be arrested for obstruction. Mr Jacobs then open the gate. We then entered the property and Mr Jacobs was being more obstructive and attempted to pushed me out of the property. I then pushed Mr Jacobs back and told him to back off and that he is obstructing me. I then saw the three dogs and all three dogs appeared to have a skin conditions. I did not see water for the dogs. Shortly after while Mr Jacobs was busy arguing, an elderly man who was later identified as Mr William Martin who claimed to be the owner of the dogs arrived. The man asked what is wrong with the dogs and I told Mr Martin that the dogs appeared to have a skin condition. Mr Marth was in denial and said that there is nothing wrong with the dogs. I then decided to seize all three dogs due to the skin condition. When I informed Mr Martin that I am going to seize the dogs, Mr Jacobs wife then called the dogs inside the house to try and get them away from me. I then told them to stop and Officer J. Pieterse and Inspector Theunissen then assisted me to prevent the owners form taking the dogs into the house. Mr Jacobs and Mr Martin continued to obstructed me, and Officer J Pieterse and Inspector Theunissen placed the suspects under arrest. Mr Martin was resisting arrest and Officer Pieterse struggled to place him under arrest due to him resisting. Officer J. Pieterse then called on the radio for backup as the community members started gathering outside the street. When backup arrived I then loaded two dogs and Officer J. Pieterse then assisted me in loading one dog. Mr Jacobs and Mr Martin were then placed into a SAPS vehicle and taken to Kirstenhof SAPS. The three dogs were taken to the Cape of Good Hope SPCA for Veterinarian examination. Mr Jacobs wife who recorded the altercation and obstruction on Mr Jacobs cell phone. At the SAPS, Mr Jacobs unlocked his cell phone and showed the video to us. Mr Jacobs also sent a copy of the video to Officer Pieterse. The cell phone was taken as evidence. The details of the cell phone is a Samsung A31 and was placed in SAPS 13 bag FSCC= 1018269. The bag was sealed by myself.

6.

I hereby respectfully request that Mr Jacobs and Mr Martin be charged for the following:

1. Section (8)(4) of the Animals Protection Act 71 of 1962 for obstruction and for attempting to conceal the dogs.
2. Section 2(1)(a) of the Animals Protection Act 71 of 1962 for neglecting the dogs
3. Section 2(1)(c) of the Animals Protection Act 71 of 1962 for denying water to the dogs

I, Werner Alwyn Taljaard, further state under oath and in English that:

A1

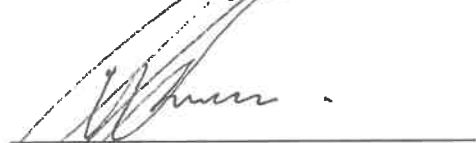
4. Section 2(1)(e) of the Animals Protection Act 71 of 1962 for failing to provide the dogs with adequate veterinary care.

7.

I know and understand the content of this declaration.

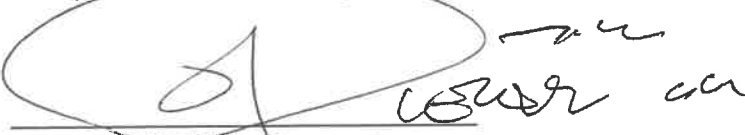
I have no objection to taking the prescribed oath.

I consider the prescribed oath to be binding on my conscience.



DEPONENT

The deponent has acknowledged that he knows and understands the contents of this affidavit/declaration, which was signed and sworn to before me at KIRKENS on this the 16 day of August 2021, the regulations contained in Government Notice No R1258 of 21 July 1972, as amended, and Government Notice No R1648 of 19 August 1977, as amended, having been complied with.



COMMISSIONER OF OATHS

Full names: Egroy Jerome Peteroni

Designation: SC

Business address: 13 Bousook Ben
KIRKENS

SWORN STATEMENT

I, **JAN HENDRIK JACOBUS PIETERSE**, hereby make oath and declare in English as follows:-

1.

I am an adult male employed as a Law Enforcement Officer by the City of Cape Town Law Enforcement with staff number 40006063 situated at the 133 Strand Street in Cape Town and with contact number 072 724 2657.

2.

The facts contained in this affidavit fall within my personal knowledge unless indicated otherwise or unless it appears so from the context. The facts are also, to the best of my knowledge and belief, both true and correct.

3.

On 16 August 2024, I was on duty and dressed in full uniform working with my colleague, Inspector Theunissen and driving a marked Law Enforcement vehicle with registration number CCT31743. Inspector Werner Taljaard of the SPCA requested assistance with the execution of a court order at 12 Kestrel Close in Westlake. We arrived at the property at approximately 14h55.

3.1.

Upon arrival at the property an unknown female appeared over the wall wanting to know what we wanted. We introduced ourselves and Inspector Taljaard explained to the lady that he was in possession of a court order from the Wynberg Magistrates court to enter the property and examine the condition of the dogs. The lady was not being helpful and then a man appeared, who was later identified as Mr Ashley Jacobs. Mr Jacobs also wanted to know what we wanted. Inspector Taljaard explained to Mr Jacobs that he was in possession of a court order to enter the property and examine the condition of the dogs. Mr Jacobs was extremely obstructive and refused to open the gate. I then intervened and explained to Mr Jacobs that there is a court order and he is legally required to open the gate. I informed Mr Jacobs that he is obstructing the Inspector and ourselves from performing our duties. Mr Jacobs refused to comply and continued to obstruct Inspector Taljaard and ourselves, and he refused to comply. I then jumped onto the wall to climb over as he continued to obstruct us. While I was resting on the wall, I cautioned Mr Jacobs that if he is not going to comply, he will be placed under arrest for obstruction, however, he refused to comply. At this stage, the lady started making a video on a cell phone. I again informed Mr Jacobs that if he continues to obstruct us he will be arrested. I then gave him a final opportunity to open the gate and started counting down from 5. Mr Jacobs then unlocked the gate. Inspector Taljaard then entered the property and I followed. Mr Jacobs immediately stormed at Inspector Taljaard and started shouting at him and was blocking him from entering, pointing fingers into Inspector Taljaard's face. Inspector Taljaard tried to explain to them the reason for him being there, but the lady and Mr Jacobs continued to argue and would not listen to reason. After several attempts to calm the situation, I intervened because they did not want to listen. The situation then calmed down, but they continued to argue. At this stage another male arrived, who was later identified as Mr William Mark Martin and claimed to be the owner of the dogs. Mr Martin also started to interfere. Two other women also appeared during our engagement with the suspects. I asked Mr Martin if the dogs were sterilized, and he informed me that the dogs are not sterilized. I asked Mr Martin if he had a permit from the City of Cape Town in term of Section 3 of the Animal Keeping By Law to keep dogs over the age of 6 months of age unsterilized and to breed with the dogs, which he could not produce such permit. This means that the dogs were being kept in contravention of Section 3 of the Animal Keeping By Law, 2021.

3.2.

Inspector Taljaard informed them that he will be seizing the dogs because they were suffering from severe skin conditions. When Inspector Taljaard tried to seize the dogs, both Mr Jacobs and Mr Martin started obstructing him from seizing the dogs. The elderly woman tried to take the dogs into the house so that we could not seize the dogs. I then stopped her from taking the dogs into the house. Mr Jacobs then tried to take the dogs into the house in order to lock them inside so that we cannot take the dogs. I stopped Mr Jacobs from taking the dogs into the house and warned him that he is obstructing us, however he refused to comply and continued to attempt to take the dogs into the house. I then attempted to restrain Mr Jacobs but he resisted. Inspector Theunissen then assisted me to place Mr Jacobs under arrest. I then attempted to assist Inspector Taljaard with loading the dogs. I picked up one of the dogs to carry the dog to the vehicle. Mr Martin then pushed me and attempted to stop me from taking the dog. Mr Martin stood in front of me, blocking my way out. I then warned Mr Martin that he is obstructing me from performing my duties. Mr Martin continued to obstruct me. I then put the dog down and attempted to place Mr Martin under arrest, but he was resisting arrest. Inspector Taljaard then had to assist me to place Mr Martin under arrest as he continued to resist arrest. Both Mr Jacobs and Mr Martin was then placed under arrest. I called our radio control room to send back up to assist us as members of the community were gathering outside the property. Mr Martin continued to resist arrest and would not let us cuff him.

3.3.

Members of the Kirstenhof SAPS arrived to assist, as well as other members of Law Enforcement. Mr Jacobs and Mr Martin were placed into the SAPS vehicle and brought to the Kirstenhof SAPS. Both Mr Jacobs and Mr Martin were free of any injuries when placed under arrest and when they arrived at the Kirstenhof SAPS.

3.4.

At the Kirstenhof SAPS, Mr Jacobs unlocked his phone and showed me the video that was taken by the lady, who he identified as his wife. On the video it can be clearly seen how we were being obstructed and everything else as explained above. Mr Jacobs then agreed to send the video to my cell phone via "Share It" application. I then downloaded the "Share It" application onto my cellphone and he sent me the video.

4.

Mr Jacobs and Mr Martin were placed under arrest for the following reasons:

1. obstructing peace officers, as per Section 40(1)(j) of the Criminals Procedure Act 51 of 1977.
2. obstructing Inspector Taljaard, who is an authorized officer in terms of Section 8(1) of the Animals Protection Act 71 of 1962, and in possession of an order from the magistrate,
3. for attempting to conceal the dogs, which is an offence in terms of Section 8(4) of the Animals Protection Act 71 of 1962.

Both Mr Jacobs and Mr Martin were informed of their rights and the reason for them being arrested. Mr Jacobs were again informed of his rights at the Kirstenhof SAPS and the reason for his arrest, he signed and accepted Notice of Rights in terms of the Constitution with number S2485551 and Mr Martin were also informed of his rights at the Kirstenhof SAPS and the reason for his arrest, he signed and accepted Notice of Rights in terms of the Constitution with number S2485552. Both Mr Jacobs and Mr Martin were handed over to the Kirstenhof SAPS free of any injuries and they had no personal possessions in their possession.

5.

I know and understand the content of this declaration.

I have no objection to taking the prescribed oath.

I consider the prescribed oath to be binding on my conscience.

Pieterson

DEPONENT

The deponent has acknowledged that he knows and understands the contents of this affidavit/declaration, which was signed and sworn to before me at Kirstenhof on this the 16 day of August 2024, the regulations contained in Government Notice No R1258 of 21 July 1972, as amended, and Government Notice No R1648 of 19 August 1977, as amended, having been complied with.

*written
return to*

COMMISSIONER OF OATHS

Full names:

Edgar Theodore Pieterson

Designation:

1/500

Business address:

*13 Poulsmoor Road
Kirstenhof*

SWORN STATEMENT

I, **RUSSELL-JOHN THEUNISSEN**, hereby make oath and declare in English as follows:-

1.

I am an adult male employed as a Law Enforcement Officer by the City of Cape Town Law Enforcement with staff number 40002762 situated at 18 Wellington Road, Wynberg and with contact number 0761177555.

2.

The facts contained in this affidavit fall within my personal knowledge unless indicated otherwise or unless it appears so from the context. The facts are also, to the best of my knowledge and belief, both true and correct.

3.

On 16 August 2024, I was on duty and dressed in full uniform working with my colleague, Officer Jaco Pieterse and driving a marked Law Enforcement vehicle with registration number CCT31743. My colleague informed me that assistance was requested of us, by the SPCA, at 12 Kestrel Close, Westlake. We arrived at the property at approximately 14h55.

3.1.

We met with Inspector Taljaard of SPCA and approached the property at 12 Kestrel Close Westlake to execute a court order, which involved the inspection and then possible seizure of the animals, after the inspection. We first spoke to a lady, but then a Mr Ashley Jacobs. At first, Mr Jacobs refused to let us onto the property, but after explaining the detail to him – he eventually let us onto the property. During our conversation with Mr Jacobs, a Mr William Martin arrived at the property, claiming to be the owner of the dogs. The situation unfortunately escalated when Mr Jacobs became unco-operative regarding the court order and authority of the SPCA inspector to do his job, and attempted to block the SPCA Officer and my colleague, Officer Pieterse, from following the instructions of the court order. Given the aggressive nature of Mr Jacobs and Mr Martin, it became necessary to place them both in restraints for our safety, and theirs. Both men impeded officers, and raised their hands to the officers, to attempt to interfere and stop them from doing their duties. Both Mr Jacobs and Mr Martin were told that they were under arrest, and explained their rights.

3.2.

Given our call for backup, members of Kirstenhof SAPS arrived to assist, as well as other members of Law Enforcement. Mr Jacobs and Mr Martin were placed into the SAPS vehicle and transported to Kirstenhof SAPS. Both Mr Jacobs and Mr Martin were free of any injuries when placed under arrest and when they arrived at the Kirstenhof SAPS.

4.

Mr Jacobs and Mr Martin were placed under arrest for the following reasons:

1. obstructing peace officers, as per Section 40(1)(j) of the Criminals Procedure Act 51 of 1977.
2. obstructing Inspector Taljaard, who is an authorized officer in terms of Section 8(1) of the Animals Protection Act 71 of 1962, and in possession of an order from the magistrate,
3. for attempting to conceal the dogs, which is an offence in terms of Section 8(4) of the Animals Protection Act 71 of 1962.

Both Mr Jacobs and Mr Martin were informed of their rights and the reason for them being arrested. Mr Jacobs were again informed of his rights at the Kirstenhof SAPS and the reason for his arrest, he signed and accepted Notice of Rights in terms of the Constitution with number S2485551 and Mr Martin were also informed of his rights at the Kirstenhof SAPS and the reason for his arrest, he signed and accepted Notice of Rights in terms of the Constitution with number S2485552. Both Mr Jacobs and Mr Martin were handed over to the Kirstenhof SAPS free of any injuries and they had no personal possessions in their possession.

5.

I know and understand the content of this declaration.

I have no objection to taking the prescribed oath.

I consider the prescribed oath to be binding on my conscience.

DEPONENT

The deponent has acknowledged that he knows and understands the contents of this affidavit/declaration, which was signed and sworn to before me at KIRSTENHOF on this the 16 day of June 2024 the regulations contained in Government Notice No R1258 of 21 July 1972, as amended, and Government Notice No R1648 of 19 August 1977, as amended, having been complied with.

COMMISSIONER OF OATHS

Full names:

Eylon Jennifer Pretorius

Designation:

JP

Business address:

12 Hollister, KIRSTENHOF.

ORDER IN TERMS OF SECTION 8(1) OF THE ANIMALS PROTECTION ACT 71 OF 1962, READ TOGETHER (WHERE APPLICABLE) WITH REGULATION 468 ISSUED IN TERMS OF SECTION 10(1)(b) AND (c) OF THE AFORESAID ACT

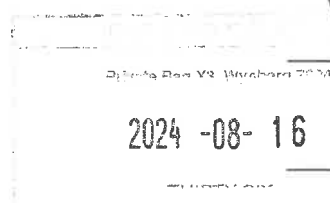
To: INSPECTOR WERNER ALWYN TALJAARD OF THE CAPE OF GOOD HOPE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (SPCA)

WHEREAS it appears to me from information provided on oath that there are reasonable grounds to believe that within the Magisterial District of **WYNBERG** there is / are certain animals in the possession of / under the control of / upon the premises of and / or upon the person of / or any other person designated to care for the animals and / or manage the property known as **12 KESTREL CLOSE** in **WESTLAKE** whose conditions are required to be examined for purposes of determining whether an offence in terms of section 2 of the aforesaid Act has been, is being or is likely to be committed.

This is therefore to authorise you to enter and search the identified premises and direct you to:

1. Examine the animal/s and the conditions in which it/they is/are kept.
2. Take such photographic and/or video footage of such conditions as may be reasonably necessary.
3. Take into custody any and all evidence and/or equipment required for the purposes of a prosecution.
4. If necessary take with you onto the aforesaid property the following persons:
 - a. **Members of the South African Police Service (SAPS)**
 - b. **Members of the City of Cape Town Metropolitan Police**
 - c. **Members of the City of Cape Town Law Enforcement**
 - d. **Members of the Society for the Prevention of Cruelty to Animals (SPCA)**
5. Seize any animal/s and take it/them into your custody if it is reasonably necessary to prevent cruelty to or suffering of such animal/s.
6. Deal with it/them according to law.

GIVEN UNDER my hand at **WYNBERG** on this 16th day of **AUGUST 2024**




Magistrate Signature
Leiloni Plascent
Magistrate Name & Surname

S2485551

English

NOTICE OF RIGHTS IN TERMS OF THE CONSTITUTION

(SECTION 35 OF ACT NO. 108 OF 1996)

- 1) You are being detained for the following reason:
Obstruction in terms of the animals protection no 71 of 1962 sec (84)
- 2) As a person who is detained you have the following rights:
- (a) you have the right to consult with a legal practitioner of your choice or, should you so prefer, to apply to the Legal Aid Board to be provided by the State with the services of a legal practitioner;
 - (b) you have the right to challenge the lawfulness of your detention in person before a court of law and to be released if such detention is unlawful;
 - (c) you have the right to be detained under conditions consonant with human dignity, which shall include at least the provision of adequate accommodation, nutrition, reading material and medical treatment at state expense; and
 - (d) you have the right to be given the opportunity to communicate with, and be visited by, your spouse or partner, next-of-kin, religious counsellor and a medical practitioner of your choice.
- 3) As a person arrested for the alleged commission of an offence, you have the following rights:
- (a) you have the right to remain silent and anything you say may be recorded and may be used as evidence against you;
 - (b) you are not compelled to make a confession or admission which could be used in evidence against you;
 - (c) you have the right to be brought before a court as soon as reasonably possible but not later than 48 hours after your arrest or the end of the first court day after the expiry of the 48 hours, if the 48 hours expire outside ordinary court hours or on a day which is not an ordinary court day;
 - (d) you have the right, at the first court appearance after your arrest, to be informed of the reason for your continued detention, or to be released; and
 - (e) you have the right to be released from detention if the interests of justice permit, subject to reasonable conditions.
- 4) You can exercise all the abovementioned rights at any stage during your detention.

CERTIFICATE BY DETAINEE

I, Ashley Jacobs (name of detainee) hereby certify that I have been informed in English (state language) of my rights in terms of the Constitution as set out above by Wesley Talaad (name of person who informed the detainee) and that I understand the contents thereof.

DATE: 16/08/2024 TIME: 16H00 PLACE: SAPS Kirstenbosch
(Informed) (Informed) (Informed)


SIGNATURE/THUMBPRINT OF DETAINEE


SIGNATURE OF PERSON WHO INFORMED THE DETAINEE

CERTIFICATE BY THIRD PERSON AS WITNESS (if required)

I, _____ (name of person) hereby certify that _____ (name of detainee) has been informed in my presence in _____ (state language) of his/her rights in terms of the Constitution as set out above by _____ (name of person who informed the detainee) and that the contents thereof has been explained to him/her but that he/she refuses to sign the above certificate.

DATE: _____ TIME: _____ PLACE: _____
(Informed) (Informed) (Informed)

SIGNATURE OF THIRD PERSON

S 2485552

English

NOTICE OF RIGHTS IN TERMS OF THE CONSTITUTION

(SECTION 35 OF ACT NO. 108 OF 1996)

- (1) You are being detained for the following reason:
obstruction in terms of the animals protection
act no 71 of 1962 sec (8(4))
- (2) As a person who is detained you have the following rights:
- (a) you have the right to consult with a legal practitioner of your choice or, should you so prefer, to apply to the Legal Aid Board to be provided by the State with the services of a legal practitioner;
 - (b) you have the right to challenge the lawfulness of your detention in person before a court of law and to be released if such detention is unlawful;
 - (c) you have the right to be detained under conditions consonant with human dignity, which shall include at least the provision of adequate accommodation, nutrition, reading material and medical treatment at state expense; and
 - (d) you have the right to be given the opportunity to communicate with, and be visited by, your spouse or partner, next-of-kin, religious counsellor and a medical practitioner of your choice.
- (3) As a person arrested for the alleged commission of an offence, you have the following rights:
- (a) you have the right to remain silent and anything you say may be recorded and may be used as evidence against you;
 - (b) you are not compelled to make a confession or admission which could be used in evidence against you;
 - (c) you have the right to be brought before a court as soon as reasonably possible but not later than 48 hours after your arrest or the end of the first court day after the expiry of the 48 hours, if the 48 hours expire outside ordinary court hours or on a day which is not an ordinary court day;
 - (d) you have the right, at the first court appearance after your arrest, to be informed of the reason for your continued detention, or to be released; and
 - (e) you have the right to be released from detention if the interests of justice permit, subject to reasonable conditions.
- (4) You can exercise all the abovementioned rights at any stage during your detention.

CERTIFICATE BY DETAINEE

I, William Mark Math (name of detainee) hereby certify that I have been informed in English (state language) of my rights in terms of the Constitution as set out above by Werner Tadjard (name of person who informed the detainee) and that I understand the contents thereof.

DATE: 16/08/2024
(Informed)TIME: 16H04
(Informed)PLACE: Saps Kirschenhof
(Informed)

SIGNATURE/THUMBPRINT OF DETAINEE

SIGNATURE OF PERSON WHO INFORMED THE DETAINEE

CERTIFICATE BY THIRD PERSON AS WITNESS (if required)

I, _____ (name of person) hereby certify that _____ (name of detainee) has been informed in my presence in _____ (state language) of his/her rights in terms of the Constitution as set out above by _____ (name of person who informed the detainee) and that the contents thereof has been explained to him/her but that he/she refuses to sign the above certificate.

DATE: _____
(Informed)TIME: _____
(Informed)PLACE: _____
(Informed)

SIGNATURE OF THIRD PERSON



INVESTIGATION DIARY * ONDERSOEKDAGBOEK

Station Stasie	Kirstenhof	CAS no MAS no	69, 08, 2024
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Date and Time Datum en Tyd	Particulars of investigation / Enquiry Besonderhede van ondersoek / Navraag	Reference Verwysing
16/08/2024 16h00	F.I.C AS PER Complainant: Insp. W.A. Taljaard Complaint: Obstruction and animal cruelty Scene: 12 Kestrel close, Westlake Short description: Obstructing an SPCA Inspector and Law Enforcement officers from executing their powers by stopping them and obstructing them from seizing dogs. Animal cruelty for leaving dogs to suffer with skin conditions. Evidence: SAP 13 Suspect details (1) Mr Ashley Jacobs, 12 Kestrel close, Westlake (2) Mr William Martin, 12 Kestrel close, Westlake Arrest OB number: SAP14 SAP14A/S2485551 Constitutional rights read + understood SAP14A/S2485552 Constitutional rights read + understood. Additional information: Video of obstruction on cellphone that is in SAP13. Vets report to be obtained + photos of dogs from SPCA. Docket opened and transferred to CID for further investigation. Date: 16/08/2024	A1