



# SAGA SNIPPETS

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## Self-Defence: After the Attack

***The gun and the perp's body are getting cold—now what?***

By John Welch

Whatever crime was committed must be investigated by the police. In a normal society this does not sound strange, in fact, it is expected. However, in a society riddled with incompetence and corruption, racial hatred and discrimination, you have no certainty what the purpose of the investigation might be and whether it will be objectively done. Accordingly, there is no certainty that all evidential material will be gathered correctly, that witnesses will be interviewed properly and that statements will truly reflect what witnesses observed and stated. And with statements and case dockets disappearing mysteriously and witnesses "created", you have no certainty that justice will be done. Do not be surprised if witnesses disappear, suspects are not traced, evidential material disappears and so forth. Also be prepared for delays in the finalisation of the case.

But let us first look at what might happen immediately after the incident. When the police arrive, they will want to know what happened. What do you tell them?

You will, in all probability, be in a state of shock; you may, in fact, not be in the right state of mind; you may talk incoherently; you may say things that you have not properly considered and even things that you never meant. We often find that on first contact with people, someone who has sur-

vived a violent attack, may suffer from verbal diarrhoea. Do not be surprised if later you discovered that you wet yourself ... or even worse. These are all typical symptoms of you having gone through a traumatic experience - ordinary law-abiding people are not used to this. But just as you had to break tunnel-vision (and remember, it takes physical action to break it), so too, you need to take control over yourself. This is not something that self-defence instructors can teach you, this is something you constantly need to think about and consider for yourself. In fact, this is part of your psychological preparation. By now you should realise why I emphasise that "arming" yourself for personal protection is not merely acquiring and possessing a firearm.

Once you are satisfied that the attack is over and that neither you nor your family or friends have suffered injuries, take careful cognisance of everything around you - the position of the perpetrator (s)'s body; weapons in his/their possession; the location of cartridge cases, bullet holes in walls; and all the people that now are on the crime scene. Since chances are, you may forget detail, make notes. You may, or may not, have time to do all these observations prior to the police's arrival. But, whatever you do, do NOT disturb or interfere with the crime scene.

When the police arrive on the scene, you need to explain what has happened - how else would they know? You

may wish to tell them that there may in fact still be perpetrators hiding since you have not left the house. If you know, show the police where the point of entry was and where the body is. Obviously, had you established that a perp was injured, you would have communicated such information to the police, your security reaction unit and the emergency unit. Although you are not a suspect at this stage, nevertheless, be careful what you say to anyone. What you say to the police (or a neighbour or the security official) may be used as evidence against you in court, should you be prosecuted. However, it may also be used in your favour - as could your conduct, emotional state, demeanour, etc.

Do not say anything more than is asked. If any question is such that the response may possibly incriminate you, do not answer it, rather say that you do not know or that you first wish to obtain legal advice. An American colleague summed it up quite nicely when he said: "... anything can be bent to mean whatever the lawyer (prosecutor) wants it to mean. Speak The Fewest Utterances."

In addition, you will be asked to surrender your firearm to the police. Tell them that you have made it safe (never hand over a



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firearm that is loaded, chances are good that someone else will be shot) and hand them the magazine and ammunition as well. You should not have touched the spent cases – these form part of the crime scene and must be collected by the crime scene investigator.

Should the police consider you to be a suspect on a criminal charge, they will have to warn you in accordance with the Constitution of the RSA. Amongst others, this means that you must be informed that you are a suspect on a charge of murder/attempted murder/assault; that you are being arrested on such charge; have the right to legal representation (either your own or at state expense); you have the right of silence; you have the right to be presumed innocent; and you do not have to do anything to prove your own guilt. These constitutional rules were previously the “Judges’ Rules”. These rules are comprehensive and still apply despite the constitutional rules. You must understand your constitutional rights and you must indicate accordingly. If you do not, let them explain it again or in layman’s terms. You are entitled to a copy of your statement.

Those members who watch American police or detective movies would have heard reference to the Miranda-rules. These rules are basically the same as our constitutional or judges’ rules. Although the American supreme court has changed the Miranda-rules slightly, the principles still remain the same. There is, however, a major difference in SA, in that SAPS will not appoint a lawyer if you cannot afford one. You will have to await your first appearance in court when the magistrate will ask you whether you want a lawyer to be appointed, whereafter a means-test will be conducted and should you meet the criteria, a public



defender or Legal Aid attorney will be appointed to represent you.

What now is the difference between a voluntary and spontaneous statement made to the police when they arrived on the scene (even when asked by them), and a so-called warning statement (the statement you may make after having been warned of your constitutional rights)? The latter is taken only when you are a suspect on a criminal charge. Both statements can be used as evidence. Insist that you are a victim of a serious crime and that you wish to make a sworn witness statement. If you are considered to be a victim or witness, the investigating officer will take a sworn statement from you. If you are a victim or witness, you are compelled to make a statement. I know of instances where the investigating officer refused the presence of an attorney when a witness statement was taken – this is wrong. You could also be compelled to testify in court.

What you probably have not heard in American police movies, is reference to the “Adnarim”-statement. This statement is the reverse of the constitutional rules. Basically, you state that you would like to cooperate with the police but that you first want to consult your attorney. Never be aggressive or “bossy” when you say this. Although the police will respect

this statement, they surely will want to know what happened. Once you feel comfortable that you can coherently communicate, tell them what had happened, however, add that you will have to think carefully and, if necessary, amend your version of events.

Bear in mind that should you confess to the commission of a crime, such confession needs to meet certain legal criteria. A confession is an unequivocal admission of guilt that, if made in a court of law, would be tantamount to a plea of guilty on the charge. This means that you must have admitted to unlawfully and intentionally killing the deceased. To say to someone “I shot the deceased” or “I shot at the robbers” or “I used this gun” or “this is my gun”, is an admission of a particular fact and not a confession to the commission of a crime. A confession is normally admitted as evidence if it was made freely and voluntarily by a person in his sound and sober senses and not having been unduly influenced by anyone, especially the person to whom the confession was made. Even if the confession meets all the legal criteria, but it was made to a police official who, at the time, was not a justice of the peace, such as a commissioned officer in the SAPS, it is regarded as an inadmissible confession which cannot be used against its maker. If, however, you repeat the confession to a magistrate or justice of the peace who reduces it to writing, it becomes admissible, once again, provided certain legal criteria are met.

Also, in this regard our legal system differs from that of the USA, in that in America a confession made to a trooper, patrol officer, detective, in fact any police official, is admissible provided it was not obtained under duress and from a suspect who was not in his sound and sober senses. Bear in mind

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that, on a plea of not guilty, if the state adduces such confession as evidence in court, it still needs to independently prove the commission of the crime or adduce evidence to confirm the confession. Excepting when pleading guilty, a confession on its own is insufficient to prove your guilt.

Bear in mind that you will probably be arrested after you have killed or injured someone, even a perp who violently attacked you, except when the evidence clearly proves the contrary. The police are there to investigate crime – they are not the judge. So, unless it is very clear that you had acted in legitimate self-defence, you will probably be arrested and detained until they have other insight. The police have 48 hours during which to do all preliminary investigations and decide whether to formally charge you with a crime or release you. If they decide to charge you, you need to be arraigned in court before expiry of the 48 hours, or, if that happened to be over a weekend or public holiday, the day following the expiry.

The following summary of this article is adapted from the one provided by Alan Korwin, *After You Shoot*, (Bloomfield Press, ISBN- 10: 1-889632 2-26-0):

- \* Think before you talk and only explain something you are certain about;
- \* Do not get into an argument with the police;
- \* Try to remember what you said and makes notes at your earliest convenience (if you can record the statement, do so);

- \* Do not confront the police with a gun in your hand and keep your hands so the police can see them;

- \* Don't run and do not touch the police official;

- \* Don't resist, even if you are innocent;

- \* Don't threaten the police with complaints or reporting them – later you can lodge complaints and even lay charges;

- \* Merely state the facts as you recall them, do not elaborate;

- \* If you have not done so, ask to call your lawyer at the first opportunity;

- \* Remember the names, ranks and numbers of the police officials;

- \* Try to remember the particulars of "other" persons on the scene – they may have witnessed something or corroborate your version;

- \* While waiting for the police, take photographs of the crime scene (the perp's body, especially the position he was laying, weapons, cartridge cases and their location, bullet holes in walls, broken and disturbed furniture, windows, doors, etc.), however, do NOT disturb the crime scene;

- \* If you or any other person was injured in the attack, take photographs thereof and obtain the medical reports as soon as possible. These reports have a tendency of disappearing;

- \* Lastly, instruct your attorney to bring to the court's attention any matter that you believe your rights had been violated. Also, if you had been ill treated by the police (assaulted, insulted or discriminated against) request your attorney to bring this to the attention of the Independent Investigative Directorate and the Human Rights Commission.

Members are reminded that this article does not constitute legal advice. It is a general overview of what may happen after a serious and violent invasion of your rights, your physical and mental integrity and your property, and certain legal principles. You were the victim, you have rights and an expectation that these rights will be protected.

**Watch this space ...for more interesting firearm snippets**

## Knife Draw for SAGA Members at HuntEx

Two beautiful hand-made custom knives have been presented to SAGA by Dennis Kappetijn, well-known Pretoria knifemaker.

These knives are valued at R1500 each and will be won by two lucky SAGA members.

Members who renew their membership at HuntEx will go into a draw to win the Lock-blade folder, and those who join SAGA at HuntEx will go into a draw for the Drop-point fixed blade.

Winners will be drawn on Sunday 28 April at 2pm and will be notified by telephone. The knives will be sent to the winners within 2 weeks of the draw.

This is a HuntEx initiative and is only open to members who process their memberships at HuntEx before the draw.



The Lock-blade folder has a 95mm 440C stainless steel blade with a hardness of 57Rc, has a back lock, rose wood handle material and comes with a genuine brown leather pouch.



The Drop-point fixed blade is made from 100mm Dennis Kappetijn Damascus forged steel, with a blade hardness of 58Rc, has a stainless steel full tang, rose wood handle slabs and comes with a genuine brown leather sheath.

For more information on other knives see:  
[www.kappetijnknives.com](http://www.kappetijnknives.com)

## HuntEx 2019: 25 to 28 April 2019

HuntEx 2019 is just around the corner and the SAGA team is ready to help you renew your membership, sign up new members, assist with insignia sales, and more.

We have a fantastic lucky draw for two custom knives — see item above.

See above for information on our lucky draw for

Our stand will be in the same position as last year: Stand 253 in Hall 2.

For more information about the show visit [www.huntex.net](http://www.huntex.net)



## Shooting Fundamentals: Hold Control

by Larry Quandahl  
April 10, 2019

What do we mean when we talk about "hold control"? Simply put, "hold" is the relationship of the gun and shooter to the target. Hold control is the way in which you correctly maintain it long enough for the shot to break. Here's how it works.

The shooter uses sight picture to monitor the hold. In stationary target shooting (bullseye rifle and pistol), sight picture consists of sight alignment (relationship of your eye and the rear and front sights), and the relationship of the aligned sights to the stationary target. For beginning shooters, it is as simple as holding still while firing the shot, but the simplicity of hold control is deceptive. Controlling hold is actually the most difficult aspect of accurate shooting. Even world-class shooters experience movement in their sight picture while shooting. The goal—hold control—is to control the combined movement of the shooter and firearm on the target.

The NRA Muzzleloading Rifle Handbook describes hold control as learning to hold the rifle steady, but that's just the beginning of the story. Hold control applies to shooting at stationary targets as well as at quick-reaction targets and moving targets. For simplicity's sake, this article will deal with stationary targets.

When shooting at a stationary target, the shooter has to aim at the target and hold the firearm still as the trigger is pulled. Your hold is the movement of your aligned sights in relation to the target that you see while aiming. The amount and speed of movement shows how well you are controlling your hold. Your task is to hold the firearm as still as possible, which is

best done by relaxing and letting your position and natural point of aim do the work for you. Concentrate on holding your body and the firearm as still as you can.

As a shooter, you need to learn to recognize the period of your steadiest hold. This is because the shot should be fired when hold is steadiest. Your goal is to reduce the amount and the speed of the movement and to release the shot when the hold is at its best.

So how do you do this? Start by establishing a benchmark to measure success at controlling hold. When you look through the sights at the target, you're automatically aware of the amount and speed of the movement of the gun as you hold. Have a mentor or coach look over your shoulder and observe the front sight with relation to an object or area downrange. Now that you and your coach know what kind of "wobble" your current hold is giving you, you can move forward.

There are five elements of a shooting position: consistency, balance, natural point of aim, comfort and, for competitive shooters, the position must be legal. To improve your hold, start by focusing on balance and natural point of aim. If you fire from an off-balance position, or if the natural point of aim does not coincide with the target, hold will be larger. The resulting movement will be like a leaf blowing in a windstorm. And the longer you hold, the stronger the "wind" gets.

To develop good habits, you can use a simple "go/no-go" system to get into and check position. You should always stop and correct any problem, no matter how small. The position checklist can be divided into two categories: external checks and internal



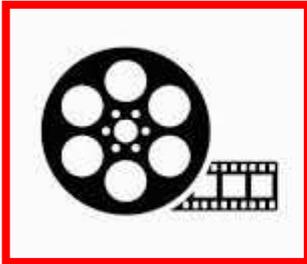
checks. For example, checking to see that the butt of the rifle is placed correctly on the shoulder is an external position check that you can observe. An internal check would be checking the muscles and bones of your body, to ensure that they are in the right position and work together to support the gun. (The internal check is largely a matter of feel reinforced by experience.)

A good coach or trainer will provide a position checklist for you. As you gain experience, you'll create and continually modify a personal checklist to reflect refinements in individual position. Using this method of checking, you can determine whether a change has improved your hold.

Concentration improves hold control. Something as simple as thinking "hold"—or using hold as a key word—can slow and reduce movement. This will allow you to focus on sight alignment and sight picture. Through concentration, you literally reduce the amount of hold and its speed. If the hold is small and slow, your position is good with respect to natural point of aim.

<https://www.nrafamily.org/articles/2019/4/10/shooting-fundamentals-hold-control/>

## 4 Movie Moments That Make Gun Owners LOL



<https://www.nrafamily.org/articles/2019/4/5/4-movie-moments-that-make-gun-owners-lol/>

by Wendy LaFever  
Friday, April 5, 2019

Last year, we ran an article about the movie moments that make gun owners facepalm. Unfortunately, we only managed to scratch the surface of the mistakes Hollywood tends to make when it comes to guns. It's a sad phenomenon, because the glaring errors can take a firearms enthusiast out of the moment, and make it harder to enjoy what would otherwise be good entertainment. Here are four more movie moments that make gun owners laugh out loud (and not in a good way).

### 1. The Magic Magazine

How many times have you seen this one? Our Hero has been cornered by veritable battalion of Bad Guys. It's just him and his trusty handgun. He shoots...and shoots...and shoots. And then he shoots some more. But even though the director has thoughtfully slowed down time to about one-third of its normal speed, Our Hero has never taken a moment or two to reload. And we're not talking about the kind of shooting that would merely exhaust a 17-round magazine. We're talking about a gun battle that occupies 10 minutes of screen time, in which dozens of rounds are fired.

As gun owners, we do try our best to suspend disbelief and just immerse ourselves in the action. But that's pretty hard to do when all we can think is, "Where did he get that magazine, and where can I get one just like it?"

### 2. I Believe I Can Fly

Our Hero and the Nemesis are having their final showdown. Shortly after the Nemesis has revealed the precise details of his evil plan to the Hero, the Hero finally puts a stop to the Nemesis with a single well-placed bullet from his trusty handgun. It knocks the Nemesis off his feet, and sends him flying backwards (preferably through a well-placed plate-glass window several stories up).

To understand why the gun owners in the audience just soured this dramatic moment with a chorus of guffaws, just ask any deer hunter what happens when you shoot a deer. Adult whitetail deer, depending on their sex and age, can weigh anywhere from 90 to 300 pounds. That's roughly equivalent to the weight of a human. When a hunter fires a rifle at the deer—and keep in mind, hunting rifles offer considerably higher muzzle velocity than handguns do—the deer never go flying.

### 3. The Kevlar Car

Our Hero has encountered the Nemesis while driving his (coincidentally brand-new for that summer!) car. He opens the door, conceals himself behind it, and uses the car door as a shield as he trades fire with the bad guy.

Gun owners don't mind this one so much when the car in question has been specifically described as being armored—to be certain, it's possible to engineer cars to be

bullet-resistant. That said, the sheet metal that's used in the vast majority of commercially available cars won't stop a round of virtually any caliber from a pistol, let alone a rifle. What's more, car doors also don't make for great concealment, given that your feet and lower legs are easily visible. For all intents and purposes, Our Hero might as well be fighting from behind a frilly parasol.

### 4. What's a Cartridge Among Enemies?

Our Hero has been taken by surprise at home. He reaches for his trusty shotgun, and to make sure the intruder lurking outside knows that he means business, he racks the pump. Shuck-click—that unmistakable sound comes through loud and clear. The only problem is...if he had a live shell in the chamber, he just ejected it. But we never see or hear a live round being ejected.

Why does this happen? In these cases, we can only guess that the Foley artists responsible for creating the sounds that the audience hears are more interested in their creativity than the reality of self-defense in the home.

And don't get us started on the movie heroes who manage to get shot multiple times and continue to go about their business, running and fighting, as if the Nemesis had done nothing worse than throw a rock at them. We're laughing too hard to keep going.

To read about movies that actually get gun handling right, go to: <https://www.nrafamily.org/articles/2019/1/4/5-movies-that-got-gun-handling-right-for-a-change/>

## SAGA Legal Cover Offer



### Introducing SAGA Legal

In our quest to continuously explore new value propositions for our members, we are proud to announce that we have secured a Legal Insurance product, in association with Legal Ensure (Pty) Ltd as Juristic Representative of Workerslife Insurance Limited.

The cover options are shown here. If you would like to know more about the product, or would like to take up the offering, please contact JP van Emmenis on 010-446-8449, or email him on [jp@legalensure.co.za](mailto:jp@legalensure.co.za) for an application form.

Please take note that we have negotiated a unique benefit for SAGA members to cover legal representation in the event of the use of a firearm.

Plan options available:

#### **SAGA Advice Only** R15 per month

This product includes the following benefits:

- 24/7 Telephonic legal advice for gun related incidents by a qualified legal adviser;
- General Legal advice;
- Drafting of basic agreements (Domestic Worker Employment Agreement, Basic Sale Agreement, Power of Attorney, Rental Agreements, etc);
- A free half hour consultation, should the need arise for an Attorney to deal with the matter further;
- Reduced Attorney fees for the member in the event of litigation.

#### **SAGA Legal Prime** R90 per month

This product includes all the benefits of the SAGA Advice Only, but provides cover for Attorney costs for additional legal matters, including:

- Use of a firearm, which includes pointing and striking
- Incidents at sport shooting events
- Immediate Bail Cover, up to R5 000
- Cover for your family members (Spouse and children up to the age of 21)
- Criminal Matters
- R150 000 cover for legal matters
- This policy will also include assistance for other general legal matters, including family matters, general civil matters, motor vehicle accidents, etc.