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Battle over videos in drunken judge case

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DESPITE the court's ruling to show the video recording of the Pretoria High Court judge's alleged drunken driving case, there was another legal battle between the state and the defence team yesterday.

The court failed to show the video recording in court as expected. Judge Nkola Motata's lawyers lodged an application for the review of the earlier ruling.

Advocate Danie Dorfling, representing Motata (60), challenged the court's decision yesterday to show the video recordings and transcripts in court, and he wants a review for the decision by the High Court.

Prosecutor Ziaas van Zyl argued that he could not understand what the defence wants.

"It is like crying for bread when it is in their arms. They asked for a trial within a trial, and they got it, and now they are not happy," said the prosecutor.

Yesterday the defence team made an application to have the ruling reviewed by the High Court, and at the same time asked for a postponement until the review process is finalised.

Dorfling said: "The refusal to grant the accused the right of review will deprive him of his constitutional right to a fair trial."

"The showing of the video material will impact on the court's ruling on the admissibility of the evidence," he said.

Joburg magistrate Desmond Nair heard both arguments by the state and the defence and will give a ruling next Tuesday.

Motata faces charges of driving under the influence of alcohol, with an alternative charge of reckless and negligent driving, defeating the ends of justice and resisting arrest.

He crashed into a wall of a property in Hurlingham, Joburg. The owner of the property made the video recording on his cellphone.

