

On Friday 23rd March 2018 Hylton stopped at a roadblock just outside Wilderness. Officer Matiwane confiscated private RGH property as well as Hylton's properly de-registered conveyance, he was then taken into police custody and charged with fraud, only based on Matiwane's statement that she simply was "not familiar with the drivers licence and disc". During the encounter, at the roadblock and later at the SAPS station, he repeatedly informed the officers about section 3F(b) (g) & 3I (i) or to issue a receipt for confiscated documents according to section 3F (h) & 3I (j) (n) of the NRTA. All officers laughed and shrugged it off. Later that evening Hylton was released, after his 18 year old son visited the police station, educating the officers on duty about common law. They managed to call the investigating officer back into the station and Hylton was released without bail, which is rather strange considering the severity of the alleged crime. On Monday he visited the court for the usual postponement (further particulars) and returned to SAPS. Here he discovered that the SAPS officers had only booked in his ignition keys but not the vehicle/conveyance itself, probably due to laziness, since booking in a car probably takes a lot longer. He waved his spare keys and asked if it was ok to regain possession of his conveyance. The peace officer on duty said they could not stop him from doing so, so Hylton travelled home in his conveyance. 3 days later he received a frantic call from an officer, asking about the car, suggesting for him to come back to SAPS immediately. He kindly declined, informed them they had 5 days since Friday and only noticed the 'disappearance' now. Also, would they have issued a receipt as per their own legislation, they could provide proof... no slip, no refund... Nevertheless Hylton provided the officer with some photographs to assist in any identification or clearance. His 'vehicle' had been properly scrapped off eNatis before recorded as private conveyance with RGH.

Another 2 postponements followed, now 3 months since initial arrest and no certainty, but in constant fear of harassment and loss of transport, due to some officer's statement, should they see him on the road they will impound the car immediately. Noteworthy here the arbitrariness again, since another RGH member was told to travel without any plates, disc or card until the court makes a decision, although the incident occurred in the Knysna district and not George, and those 2 municipalities don't seem to resonate too much.

In the weeks before 11th July, the allocated trial date, Hylton drafted and put some paperwork together, familiarized himself with the court and its personnel, trying to serve some documents on the relevant prosecutors. On the morning of the 11th, just before court he was taken into Riette Zietsmann's (control prosecutor) office. In her opinion Hylton had not committed any fraud, so the matter was brought before magistrate Erna Grobler who dismissed the fraud charges on record (case no. C389/18), but Hylton was informed that he was now charged with traffic code violation according to the NRTA, i.e. driving without licence and unroadworthy vehicle, he obviously pleaded not guilty. Furthermore the court remanded the case for another 2 weeks, apparently to gain some more information about RGH, whether it is legal, lawful or legitimate. Apparently advocate Theunis van der Vyver was consulted, who, naturally, had no idea about RGH and could only regurgitate the usual statist opinion, i.e. whatever is not authorized by or registered with the government cannot be legal... as well as being unaware of any other options either.

Next trial date, 25th July, and after a lengthy wait, Hylton managed to get Riette Zietsman's attention. His case was obviously no longer on the criminal court's roll. Zietsman, at her office, looked surprised, thought the matter was set down for the 26th. She took more documents from Hylton, said she'd revert back soonest. In the meantime we confirmed with a SAPS officer that George magistrates court no longer deals with traffic related offences, probably due to high volumes of such. These were now adjudicated at the traffic court inside the municipality building. When Riette returned, we asked if Hylton's matter is now transferred to the traffic court as well as informing her about 2 previous cases in Swellendam and Knysna, both with the same alleged charges, both struck off the roll just before trial. She said the magistrate court was capable of dealing with this matter and it certainly would not follow other court's decisions. She also made Hylton the usual 'we can cut the fines in half and you can go' offer. Needless to say, he didn't accept.

15 minutes later, back into Grobler's court, and after some confusion as to whether she could/should deal with the matter, which would require for the traffic court prosecutor to come into her court (as well as the witness aka Matiwane, but that was never mentioned), it was decided that the matter will be transferred to the traffic court. Basically starting all over again, next date 2nd August, on which a trial date will be established, probably sometime in October. That court could then, contrary to Zietman's opinion, conveniently strike the matter off the roll again... leaving us in limbo land again...

2nd August, George traffic/municipal court, this was supposed to be the date for Hylton to obtain a trial date, according to magistrate Erna Grobler on record last week. Not so for the traffic court officials, they informed Hylton that they'd proceed with trial today. The RTMC witness was not present but was spotted by Hylton working yet another roadblock en route. Again Hylton was repeatedly asked and offered to pay and 'make it go away'. He declined, now clearly being ostracized, made to wait until last. During that time he overheard some other cases, it also seemed that the average ticket price is now R2000, very much in line with the RTMC business plan. One gentleman travelled all the way from Cape Town, apparently he stopped on a highway to check a noise on his car. Immediately RTMC spotted him, but instead of assisting him, they issued a fine for parking on a national highway as well as overloading his 'vehicle' with a very large person, potentially an overweight human being aka wo/man. He didn't travel in an old VW beetle, but an Audi sedan. His fine got scrapped, probably too ridiculous and the fact that he showed up in court, which probably cost him just as much... another case was a man who turned left at an amber arrow, to which the traffic corporation replied " we only know green or red ", R2000, ka-ching... Finally, just before lunch, Hylton was informed that the fraud charges would be reinstated because he didn't accept the offer to pay on the 25th July at the magistrates court George. Nothing but outright blackmail and desperation, only consolidating RTMC policies. We're busy trying to establish whether a lower court can simply override another court's ruling. They are both magistrates though. The matter is now remanded for the 3rd September. Furthermore Hylton asked magistrate Amanda Joubert about the receipt for his confiscated RGH property according to section 3F (h) of their act and why he never received one. The answer again boggles the mind, Amanda Joubert told Hylton, that only if it is a legal document, will they provide a receipt or, if they arrest someone for dagga, they would not issue a receipt either. First off, if the document was legal, why would they confiscate it ? And since when is dagga a document and part of NRTA ?

Leading up to the 3rd September, Jan (RGH diplomat) had contacted the George municipal court via facebook and asked for email contacts for magistrate Amanda Joubert, prosecutor Sikolele Magxwalisa and head of legal Johan van Schalkwyk, to cc them into communication pertaining to his own protracted matter. He received all details and sent his mail. During the same week Hylton had called Riette, who initially confirmed that the traffic/municipal court could not reinstate the fraud charges, but later changed her mind, informing Hylton that the prosecutor is in a position to do so. On the 31st Hylton contacted Sikolele via email, explaining why he was unable to make any written representations as well as suggesting to transfer the matter to the director of public prosecution (DPP) if the municipal court's jurisdiction was exceeded or cannot make a determination, Sikolele's reply was as follows :

" Your matter was indeed remanded till the 3rd of September 2018 for you written representations to be submitted to my office. It is best that you appear in n the Municipal Court on the said date. However, representations can be made to the Director of Public Prosecutions but only one I have made a determination in which instance, depending on the outcomes you would then refer the matter to the DPP. "

Arriving at court on 3rd September, Amanda was seemingly upset about the fact that her email address had been handed out (Hylton had also cc'ed her into his communication to Sikolele), something court officials usually dislike, or 'reveal' their names, which are guarded like some cryptic code, although all of them are supposedly public servants. From what Hylton could gather, they didn't seem very confident to continue, so they remanded the matter again for the 27th September, apparently to consult with the traffic department again, which doesn't make the slightest sense, since they are the traffic court of for the traffic department itself...

While all this went down, Jan searched the mighty web and came across the government's own page for George, now apparently aiming to be a metropolis. This entry explains and confirms everything we keep saying for years and why we encourage people to rescind corporate citizenship, declare themselves sovereign and establish common or customary (law) societies.

Some excerpts from :

>>> <http://www.george.org.za/executive-mayor-george-officially-opens-george-municipal-court> <<<

" He said in any democracy the people should uphold values, laws and carry the weight of the individual and corporate responsibilities "

"This will allow the justice system to enhance its infrastructure base and it will allow the municipality to administer its by-laws more effectively and by so doing enhance our revenue base," Naik said

“ She (Mviko) said when an accused person enters a courtroom the persons’ rights needs to be explained because if it is not done, it can be an infringement of the person’s constitutional rights and therefore the case can be taken off the court roll. “ (and revenue lost)

“ It is a known fact that George Municipality is well on its way to becoming a Metropolitan City. He said they are driving to get more investment for the city. Botha said the influx of people to George puts enormous strain on the city’s resources and some of the major issues are to implement and apply the city’s By-Laws “ (secure revenue)

“ At first the court will mainly hear traffic offences but will eventually include cases on the contravention of council by-laws and building regulations. The reason for the Municipal Court is to get more cases onto the court roll. “ (secure revenue)

On 27th September Hylton received a letter from Sikolele Magxwalisa just before court, the fraud charges were now dropped again, but Sikolele decided to proceed with the usual alleged charges, i.e. contravention of NRTA and regulations (section 12 (a) (b) and 18 & 36 of regulations). The matter was once again postponed to the 16th October, after Hylton indicated not to plead guilty or pay any fines. They are playing for time, hoping to exhaust us, but we won’t go away or their way.

The relevant sections are :

18. Motor vehicle to be licensed

Subject to the provisions of regulations 19 and 20, every motor vehicle in the Republic shall, whether or not it is operated on a public road, be licensed by the owner of such motor vehicle, in accordance with the provisions of this Part, with the appropriate registering authority.

RGH comment : RGH conveyances are not in the republic (see interpretations act or similar, republic always refers to RSA), we are not in their republic either.

36. Display of licence disc or licence and roadworthy certificate disc

(1) The owner of a motor vehicle shall display a licence disc or licence and roadworthy certificate disc, whichever the case may be, issued in respect of such motor vehicle—

(a) if the motor vehicle is fitted with a transparent windscreen, by affixing it on the lower left hand corner in such a manner that the print on the

face of the licence disc or licence and roadworthy certificate disc, whichever the case may be, is clearly legible from the outside to a person standing in front or to the left front of such vehicle;

(b) if the motor vehicle is not fitted with a transparent windscreen, by affixing it in a conspicuous position on the left front side of such motor vehicle in such a manner that the print on the face of such a licence disc or licence and roadworthy certificate disc, whichever the case may be, is clearly legible from that side; or

(c) if such licence disc or licence and roadworthy certificate disc, whichever the case may be, is required to be displayed on a motor vehicle in a position where it is exposed to the weather, be protected by affixing such licence disc or licence and roadworthy certificate disc, whichever the case may be, on the inside of the transparent front of a durable watertight holder.

(2) No person shall operate on a public road a motor vehicle on which is displayed a licence disc or a licence and roadworthy certificate disc, whichever the case may be, or anything purporting to be a licence disc or licence and roadworthy certificate disc—

(a) which is not applicable to such motor vehicle;

(b) which is in any way obscured or has become illegible, except if such licence disc or licence and roadworthy certificate disc, whichever the case may be, is temporarily obscured or illegible by reason of a cause beyond the control of the driver of such motor vehicle.

(3) (a) No person shall operate on a public road, a motor vehicle that is not registered and licenced or not licenced, unless such vehicle is exempt from registration and licencing as contemplated in regulation 5.

(b) No person shall operate a motor vehicle on a public road unless a valid licence disc or licence disc and roadworthy certificate is displayed on such motor vehicle as contemplated in subregulation (1).

[Sub-reg. (3) added by r. 18, GNR.1341 w.e.f. 25 September 2003.]

(c) No person shall operate a motor vehicle on a public road unless a valid temporary import permit is displayed on such motor vehicle, if such permit is required in terms of Custom and Excise legislation.

[Para. (c) inserted by GNR.404 of 2007.]

RGH comment : not much to say to that, RGH doesn't do licence discs, not our jurisdiction.

Count 2 refers to chapter IV 'fitness of drivers' (we are not a drivers or persons, but travellers and don't travel in a vehicle but conveyance)

12. Driver of motor vehicle to be licensed

No person shall drive a motor vehicle on a public road -

*(a) except under the authority and in accordance with the conditions of a licence issued to him or her in terms of this Chapter or **of any document deemed to be a licence for the purposes of this Chapter**; and*

*(b) unless he or she keeps such licence or **document or any other prescribed authorisation** with him or her in the vehicle.*

RGH comment : again, their act, although not relevant to us, makes provision for RGH and what we do, similar to section 3F, brilliant !!!

On 16th October, Matiwane (RTMC agent and witness) indicated to the prosecutor Sikolele Magxwalisa and magistrate Amanda Joubert, that she does not feel confident making any testimony in English, her native tongue is Xhosa; unfortunately no interpreter was available and the matter got postponed to 19th November. Note, her written statement after Hylton's arrest, was in English, it wasn't the best of grammar, but definitely readable and no different to any other second language speaker. Also, and probably more important, the NRTA and all other acts and regulations pertaining to traffic, only exist in English (Afrikaans maybe), but not in Xhosa or Zulu; question here is, how can a trained, schooled and sworn in peace officer enforce ca. 1000 pages of English legalese, when they cannot make a simple statement in court ? As we are aware, most, if not all RTMC agents throughout the demographic spectrum have very little knowledge about the acts they enforce every day. Only certain key sections, since the majority of RSA motorists don't have a clue either...

Ironically, the day before, on the 15th October, Jan got arrested in Knysna (see other case) and spent 24h in unlawful detention; he was to testify in Hylton's case.

On 7th November, in preparation of Hylton and Jan's court cases, Jan sent an email addressed to Vukile Oliphant and various other agents involved.

On 19th November everything was finally set, i.e. magistrate, prosecutor, witness and interpreter were all present. Initially Hylton indicated for the matter to be transferred to a higher court should the matter

exceed the court's jurisdiction or alternatively wait for the outcome in Jan's case. Magistrate Amanda Joubert assured Hylton that her court was capable of dealing with the matter and subsequently proceeded with trial. This lasted for an hour (we are still waiting on court transcripts), question mainly revolved around the fact whether Hylton did produce a 'licence' and disc (correlating the details of the car) or not. It wasn't so much about conflicting jurisdictions or if such 'licence' was issued by another authority pertaining to "any other law" as per NRTA. Further Hylton asked during cross examination if there was Xhosa translation of the NRTA and if not, how a traffic officer, who cannot give simple English testimony in court, is supposed to comprehend and enforce 350 pages of legalese statutes. It became evident that Matiwane was no good witness and didn't have her facts straight according to Joubert, who, in her verdict could not see anything wrong with RGH or how RGH contravenes the NRTA. Subsequently the judgement was not guilty according to section 174 of the criminal procedure act :

174 Accused may be discharged at close of case for prosecution

If, at the close of the case for the prosecution at any trial, the court is of the opinion that there is no evidence that the accused committed the offence referred to in the charge or any offence of which he may be convicted on the charge, it may return a verdict of not guilty.

Case C389/18 THE STATE vs. Knowles is now recorded case law in the RSA system and due to the case first enrolling in the magistrates court due to alleged fraud charges, then, after dropped fraud charges, being transferred to the traffic court for alleged NRTA code violations, RGH has proof of both, i.e. no fraud and not in conflict with the NRTA.

Hylton was informed it would take 2-3 weeks for the records to enter the system and to finalize the case, only then would he be able to receive his private RGH property again.